

TITLE 19 – LAND

CHAPTER 2 - NONMEMBER LAND LEASES

Legislative History: Ordinance No. 15, “To Regulate the Use and Occupancy of Tribal Lands by Non-members of the Papago Tribe,” was enacted by the Papago Council on June 20, 1947 and approved by Sells Indian Agency on June 29, 1947, and amended by Resolution No. 351 (replacing the word “assignment” with “lease” throughout Ordinance No. 15), which was enacted by the Papago Council on February 6, 1948 and approved by the Sells Agency Superintendent on February 13, 1948; amended by Resolution No. 26-196 (approving conforming amendments), effective June 26, 2026.

Note: In an unsigned letter dated August 8, 1947 from the Sells Agency Superintendent to the Commissioner of Indian Affairs, the Superintendent stated that his approval of Ordinance No. 15 was subject to changing the word “assignment” to “lease” whenever it refers to non-members of the tribe.” As noted above, Ordinance No. 15 was subsequently amended by the Papago Council to make this substitution.

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CHAPTER 2 - NONMEMBER LAND LEASES

ORDINANCE OF THE TOHONO O’ODHAM LEGISLATIVE COUNCIL

Ordinance No. 15

To Regulate the Use and Occupancy of Nation’s Lands by Nonmembers of the Tohono O’odham Nation:

Section I – Lease Required

It shall be unlawful for any person who is not a member of the Nation (nonmember) to use or occupy unallotted land within the exterior boundaries of the Nation without a lease, right-of-way, tribal land assignment, or other authorization approved by the Legislative Council or explicitly authorized by a Nation’s law; provided that a district council may enter a lease with a nonmember as provided by Article XVI, Section 5 of the Constitution of the Tohono O’odham Nation and subject to the approval of the Legislative Council.

Section II – Application for Lease

Any person desiring a lease of Nation’s Land under this Ordinance, and any person desiring to use or occupy the lease of a member of the Tohono O’odham Nation under this Ordinance, shall make written application therefor to the Legislative Council. Applications for leases must state the use to which the land is to be put, must contain an accurate description of the land for which lease is sought, and must be accompanied by four copies of an accurate plot plan of that land.

Section III – District Council Review

Applications for leases or for the use of leases under this Ordinance shall be transmitted to the District Council of the District in which the land is located, and the District Council shall return the application to the Legislative Council within one month with its recommendation. If the District Council does not submit its recommendation within one month, the Legislative Council may act without the District Council recommendation.

Section IV – Valid period of Leases

Leases of land under this ordinance shall be valid until revoked by the Legislative Council, but shall become invalid immediately.

- A) If the rental fee becomes delinquent,
- B) If the use for which the lease was granted ceases,
- C) If the ownership of the improvements upon the lease is transferred, or
- D) If the regulations governing the conduct of non-Indians or Indian land are violated by the lessee, a member of his family, or his employee.

Section V – Size of Leases

Leases of Nation's Land under this Ordinance shall be made only for the amount of land actually necessary for the use and occupancy intended, but shall consist of one contiguous piece, except where broken by highway rights-of-way.

Section VI – Disposition of Revenues

One-half of all revenues accruing under this Ordinance shall be paid into the General Fund of the Tohono O'odham Nation, and the remaining one-half shall be paid into the General Fund of the District in which the land is located.

Section VII – Definitions

The term person as used in this Ordinance shall include, without limitation, a firm, company, association, partnership, government agency, or corporation.

The term Nation's Land shall mean reservation lands under the control of the Legislative Council to which use and occupancy assignments have not been made to members of the Tohono O'odham Nation.