

CAHTO INDIAN TRIBE
LAYTONVILLE RANCHERIA
MENDOCINO COUNTY, CALIFORNIA

ORDINANCE

Governing Assignments of Land on the Laytonville Rancheria.

PREAMBLE

This Ordinance is for the purpose of providing procedures for the equitable administration and assignment of the lands of the Laytonville Rancheria.

It is hereby ordained by vote of the adult members of the Laytonville Rancheria, subject to approval by the Area Director of the Sacramento Area Office of the Bureau of Indian Affairs, that the following rules and procedures shall apply to the granting and holding of assignments on the Laytonville Rancheria.

I. DEFINITIONS:

Whenever used in this Ordinance the terms defined in this section shall have the following meaning:

- A. Assignment means a formal right to use Rancheria land subject to the conditions set forth in this Ordinance.
- B. Assignee refers to the holder of an assignment.
- C. Member means all persons whose name appears on the membership roll of the Cahto Indian Tribe of Laytonville Rancheria prepared in accordance with Membership Ordinance #1, approved by the Area Director October 30, 1967.
- D. Executive Committee refers to the Executive Committee of the Laytonville Rancheria.
- E. Area Director means the Area Director, Bureau of Indian Affairs, Sacramento Area Office, Sacramento, California.

II. TYPES OF ASSIGNMENTS:

Assignments on the Laytonville Rancheria shall be of five types.

- A. Assignment to members of unimproved land,

- B. The Executive Committee shall review each application to determine whether the applicant meets the eligibility requirements as set out under Article III and Article IV.
- C. Applications which are approved by the Executive Committee shall be forwarded to the Area Director for approval. Applications which are rejected by the Executive Committee shall be returned to the applicant together with notification of the reason for such rejection.
- D. Where applications are approved by the Executive Committee and the Area Director, the Area Director shall issue a formal assignment to the applicant.
- E. Persons holding formal assignments evidenced by a written document or informal . . . are residing on such assignment on the effective date of this Ordinance shall, in order to continue such residence, file an application for assignment within ninety (90) days after the effective date of this Ordinance. Applications by persons who are not recognized as holding formal or informal assignments shall be accepted after the ninety (90) day period provided for above.
- F. The Executive Committee shall maintain a record of all actions taken on each application and a record of each assignment. The Area Director shall maintain an official record of all formal assignments granted under this Ordinance.
- G. Each assignee shall be furnished one copy of each approved document pertaining to the assignment.
- H. All assignments shall be made in accordance with a plat of assignments prepared by the Area Director and approved by the Executive Committee.
- I. Assignments to non-members shall be issued jointly in the name of the husband and wife, if the applicant is married.

VI. GENERAL ASSIGNMENT POLICY:

- A. An assignment granted under this Ordinance does not vest title to the property to the assignee, but is a use right only, which right cannot be sold or inherited and which terminates upon cancellation, relinquishment of the assignment or upon the death of the assignee, except as otherwise provided herein.
- B. It is anticipated that after adoption of this Ordinance, the Bureau of Indian Affairs will institute a housing improvement program on the Laytonville Rancheria. Houses will be built with housing . . .
- C. Houses built with housing improvement funds, upon completion, will become the property of the members of the Laytonville Rancheria and shall not be considered as the personal property of the assignee.
- D. In the event of the death of an assignee, who is a member, preference in reassignment of the property shall be given to the surviving spouse or children of the assignee, providing they are otherwise eligible to hold an assignment. A surviving spouse of a member who is ineligible to hold an assignment but who is responsible for the care of minor children of the deceased assignee, may be granted temporary occupancy of the assignment until one of the minor children becomes eligible under Section III.
- E. The assignment of a member may be exchanged for another assignment with the approval of the Executive Committee and the Area Director.
- F. Any assignee may relinquish his assignment at any time. Upon relinquishment the assignment may be granted to any eligible member.
- G. An assignment is not subject to inheritance. However, an assignee who is a member of the Laytonville Rancheria may designate a member of his family to receive his assignment in the event of his death. Subject to the approval of the Executive Committee and the Area Director,

the assignment may be granted to the named beneficiary, provided he is eligible to hold an assignment and makes application for the assignment.

- H. Non-member assignees will not have the privilege of designating a member of his family to receive his assignment in the event of his death. The assignment will terminate upon the death of the named assignee or assignees.
- I. All timber and minerals, including sand, gravel, oil, gas, etc., are reserved to the Cahto Indian Tribe with the right to explore, lease or dispose of same.
- J. The Executive Committee reserves the right to grant easements and rights of way over an assignment for public purposes in accordance with existing laws and regulations prescribed by the Secretary of the Interior. The Executive Committee further reserves the right of ingress and egress over any assignment to other members of the Tribe. Granting of these rights of way of ingress and egress are subject to payment to the assignee for any damage to the assignee's improvements or crops, compensation for the damage to the assignee's improvements or crops to be determined by the Secretary of the Interior or his authorized representative.
- K. Assignments shall be considered null and void if for twelve (12) continuous months they are not occupied by the assignee or his family unless the assignee has received prior written approval of the Executive Committee and the Area Director.
- L. Assignments shall not be used for unlawful purposes.
- M. The assignment and all improvements thereon shall be maintained in a neat and orderly manner.
- N. And assignee may not rent his assignment or any portion thereof without the prior written . . .

VII. IMPROVEMENTS:

- A. Improvements of the following character placed on assigned land by any assignee shall be considered as personal property which may be removed, sold, bequeathed and willed at the discretion of the assignee; houses, garages, barns, sheds, interior fences, crops, household items and personal belongings. These same improvements may be inherited. Other improvements such as exterior fences, underground water and sewage systems, trees, shrubs and betterments of a similar nature attached to the land and placed on the property by the assignee, shall be considered part of the real property belonging with the land and shall remain on the assignment.
- B. If the assignment is relinquished, cancelled or vacated for any cause, the removable improvements of the assignee as defined in "A" above must be removed or otherwise disposed of within one hundred and eighty (180) days after formal notice by the Executive Committee; otherwise they become a part of the real property and title to the improvements vest with the land, and they become available for assignment along with the land.
- C. When removable improvements on an assignment come into ownership of an individual, either through inheritance or otherwise, who is not qualified to hold an assignment in accordance with the provisions of this Ordinance, the individual will have one hundred (180) days after receiving due notice from the Executive Committee to sell, remove, or otherwise dispose of the improvements. If the improvements are not sold, removed or otherwise disposed of, ownership of the improvements shall revert to the Laytonville Rancheria effective immediately upon expiration of the one hundred and eighty (180) day period, and the Executive Committee may hold or dispose of said improvements in any manner.
- D. Additions, alterations or betterments made by assignee to houses constructed with housing improvement funds shall

become part of the house and will become the property of the Laytonville Rancheria and shall not be removed by the assignee or his heirs.

- E. Any houses constructed on the Laytonville Rancheria with private funds, subsequent to the adoption of this Ordinance shall be reasonably comparable in quality and architectural appeal to those houses built with housing improvement funds. Before commencement of construction of any improvement on an assignment, the assignee shall submit plans and specifications or such improvement to the Area Director for approval.
- F. Assignments to members and to non-members of land on which improvements have been built with housing improvement funds shall contain a provision requiring the assignee to maintain the improvements in good repair at all times.

VIII. CANCELLATION OF ASSIGNMENTS:

- A. All assignments granted under this Ordinance are subject to cancellation by the Executive Committee after due notice and opportunity by the assignee to be heard for violation of any of the following provisions.
 - 1. The assignee shall occupy or make use of the land assigned within one year from the date the assignment is approved by the Area Director.
 - 2. The assignment shall not be used for any unlawful purpose.
 - 3. The assignee shall not lease or rent the assignment or any part thereof without prior approval of the Executive Committee.
 - 4. The assignee shall maintain the assignment and all improvements thereon in a neat and sanitary condition at all times.
 - 5. The assignee shall not interfere in the personal affairs of other assignees or residents of the Rancheria.

IX. EFFECTIVE DATE:

This Ordinance will be effective from and after the date it is approved by the Area Director.

X. AMENDMENTS:

This Ordinance may be amended by a majority vote of the members of the Laytonville Rancheria. Such amendments shall become effective upon approval of the Area Director.

CERTIFICATION

The foregoing Ordinance was duly adopted by a referendum vote of a majority of the members of the Cahto Indian Tribe, Laytonville Rancheria, by a vote of 15 for and 3 against on 1/10/68.

EXECUTIVE COMMITTEE

Chairman _____	signed _____	Date <u>1/18/68</u>
Vice Chairman _____	signed _____	Date <u>1/18/68</u>
Secretary-Treasurer _____	signed _____	Date <u>1/17/68</u>
Approval _____	signed _____	Date <u>Jan 24, 1968</u>

ACTING AREA DIRECTOR