

**KASHIA BAND OF POMO INDIANS OF THE STEWARTS POINT  
RANCHERIA**

**ORDINANCE #1**

Governing assignments of land on the Stewarts Point Rancheria, revocation of assignments, tribal action on violations, and conduct of hearings.

Preamble

This Ordinance is for the purpose of providing procedures for the orderly and equitable distribution, administration and assignment of lands of the Stewarts Point Rancheria.

IT IS HEREBY ORDAINED by the governing body of the Kashia Band of Pomo Indians, subject to approval of the Area Director of the Sacramento Office of the Bureau of Indian Affairs, that the following rules and procedures shall apply to the granting, holding and revoking of assignments of land or interests therein on the Stewarts Point Rancheria, eviction procedures, other tribal actions respecting violations and this Ordinance and the conduct of hearings.

- I. **Definitions:** Wherever used in this Ordinance, the following terms shall have the following meanings.
  - A. “Assignee” refers to the holder of an assignment.
  - B. “Assignment” refers to a formal right to use Rancheria land subject to the terms of this Ordinance as now set forth or as may be amended from time to time.
  - C. “Council” refers to the governing body of the Stewarts Point Rancheria.
  - D. “Area Director” refers to the Director of the Sacramento office of the Bureau of Indian Affairs, acting as the representative of the United States Secretary of the Interior.
  
11. **Types of Assignments:** Assignments on the Stewart Point Rancheria shall be of three types:
  - A. Assignments of unimproved tribal land.
  - B. Assignments of land on which a house has been built with federal or state allocations or tribal assets.
  - C. Assignments of land on which houses or improvements have been constructed with private funds by making periodic payments and he is current in those payments.
  
111. **Eligibility for Assignments:** To be eligible for an assignment, the applicant must meet the following requirements:

- A. Membership in the Kashia Band Of Pomo Indians of the Stewarts Point Rancheria.
- B. Have reached the age of 21, if unmarried, or 18 if married.

IV. **Nature of Assignment:**

- A. An assignment does not vest title to the assigned land in the assignee, but a right of use only, which right cannot be sold or inherited,, and which right terminates upon cancellation, relinquishment of the assignment, or death of the assignee.
  - B. Although an assignment is not subject to inheritance;
    - 1) An assignee may designate a member of his or her family to receive the assignment in the event of the death of the assignee, subject to the approval of the Council.
    - 2) The premises may then be assigned to the designated beneficiary, provided that he or she is otherwise eligible, and makes application for the assignment.
- If no such designation is made;
- 1) Preference on reassignment shall be given to the surviving spouse or children of the assignee as applicable, provided that they are otherwise eligible to hold the assignment.
  - 2) An ineligible surviving spouse who is responsible for the care of minor children of the deceased assignee, may be granted temporary use of the assignment, until one of the minor children becomes eligible and applies for the assignment.
- C. Houses built, or trailers purchased , with public funds, become the property of the Stewarts Point Rancheria, and shall to be considered as the property of the assignee.
  - D. Assignments may be exchanged for other assignments with the approval of the Council.
  - E. Assignments may be relinquished upon written notice of relinquishment to the council, and upon relinquishment, the Council may reassign the premises to another eligible person.

- F. Assignments grant no right to the user to take or sell timber or minerals from the property, including but not limited to sand, gravel, oil and gas.
- G. The Council reserves the right to explore for, lease, dispose of and convey any such timber or minerals, or rights thereto, in accordance with the Constitution, Bylaws and Regulations prescribed by the Secretary of the Interior.

The assignee shall be entitled to compensation for any damage to improvements or crops, caused by such exploration, lease or disposal, as determined by the Area Director or his authorized representative.

- H. The Council reserves the right to request and participate in decisions regarding easement rights of way across any assignment for public purposes. In accordance with the Constitution, Bylaws and Regulations prescribed by the Secretary of the Interior.

The Council reserves the right to ingress or egress over any assignment for access to other tribal lands.

- I. Assignments may be cancelled if they are not occupied for six months by the assignee or a member of his family as their principal residence, unless the assignee has received prior written approval from the Council to be absent from the assignment.
- J. Assignments shall not be used for any unlawful purpose, the assignee shall maintain the assignment and any improvements thereon in a state of good repair at all time, and in a neat and sanitary condition.
- K. An assignee may not rent his assignment or any improvements located thereon, or any part thereof, without the written consent of the council.
- L. The assignee must occupy the assignment within six months of the date of granting the assignment, unless said time is extended by written consent of the Council.

- M. The assignee must pay, as a condition of receiving the assignment, any assessments approved by the Council, including but not limited to fees for water, sewer, garbage
- N. Removal, and insurance, and any failure to pay any part of said assessments within 90 day of written notice to pay, shall be sufficient grounds for cancellation of the assignment

V. **Assignment Procedures:**

- A. An application for an assignment shall be filed with the Council on forms supplied by the Council or the Area Director.
- B. The Council shall review each application to determine if the applicant is eligible, and inform the applicant within 30 days of receipt of the application whether it is granted or denied. If the application is denied, the applicant shall receive written notice of the reasons for the denial. If approved the applicant shall receive a copy of the application stamped "approved", as evidence of the assignment.
- C. The council shall retain copies of the approved assignments and furnish one copy to the Area Director. Assignments shall be designated by number, and marked on a map of the lands of the Stewarts Point Rancheria.
- D. The Council has previously made assignments to certain members. Attached hereto and made a part hereof is a list of the members and the numbered assignments hitherto granted to each, indicated on a map to the Stewarts Point Rancheria. The assignments so made are hereby validated and ratified. Each member so named shall be issued written evidence of his or her assignment.

VI. **Improvements made with Private Funds:**

- A. Improvements of the following nature placed on an assignment by the assignee are deemed to be personal property for the purposes of this Ordinance and may be transferred by gift, devise or inheritance or removed, sold, or exchanged: houses, garages, barns, sheds, and interior fences.

- B. All other improvements , such as exterior fences, under ground water or sewage systems, trees, shrubs and landscaping of a similar nature, shall be considered as part of the real property, and shall remain with the land, and pass with the assignments, unless removal is authorized by the Council.
- C. If the assignment is relinquished, cancelled or vacated for any cause, the removable improvements, as defined in this Ordinance, must be removed or disposed of within 180 days of written notice to do so by the Council. If not removed or otherwise disposed of, the property becomes part of the assignment, and becomes available for assignment to a new assignee. The same procedure governs, where improvements are owned, through inheritance or other wise, by a person not qualified to hold a assignment under this Ordinance. If not removed or deposed of within the said 180 day period of written notice.
- D. Additions, alterations or betterment's made by the assignee to houses constructed with housing improvement funds supplied by public agencies shall become part of the improvements and will become the property of the Kashia Band of Pomo Indians, and shall not be removed by the assignee or his/her heirs.
- E. Before construction of any improvement upon an assignment, the assignee shall submit plans and specifications for such improvements to the Council for approval.

VII. **Cancellation of Assignments:**

- A. If the assignee, or his/her guests, invitees, or members of his household violate any provisions of the Ordinance, the assignment may be subject to cancellation upon written notice and opportunity to be heard. The Council shall review all uses of tribal lands on a continuing basis to determine is any violation of this Ordinance are occurring.
- B. Wherever possible, time shall be granted to an assignee to correct a violation, relating to the repair or neat and sanitary condition of the assigned area and its improvements.

- C. Where a violation is not corrected, or is of such a nature that correction is not a means of removing the violation, the council may recommend cancellation of an assignment or removal of any person from tribal lands or both. Any alleged violator or member of his family may not vote on such recommendation.
- D. If such a recommendation is made, the council shall meet to consider whether there has been a violation, and whether cancellation of the assignment, or removal of any persons from tribal lands, or both should be ordered. The alleged violator shall be served written notice by certified mail, of the time and place of the hearing, the nature of all alleged violations stated in reasonable detail, the remedy proposed, and the right of such alleged violator to appear with a legal representative at such hearing. The hearing shall be not less than 30 days from the date of the written notice. The alleged violator may request a continuance of the hearing for good cause shown, if such request is made at least 10 days before the date scheduled for the hearing.
- E. Following the hearing, the council shall make a final decision in writing, stating its reasons therefor, and shall send a copy of such decision to the violator by certified mail. Upon cancellation of an assignment, the assignee shall be allowed at least 180 days to remove or dispose of any property regarded as personal property under the provisions of this Ordinance. If a person is ordered to leave tribal lands, he shall have at least 30 days to do. Decisions will be rendered within 30 days.

VIII. **Severability:**

If any part of this Ordinance is found to be void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

IX. **Effective Date:**

This Ordinance may be amended by a majority vote of a quorum of the council present at duly held meeting of the said Council. Such amendments shall be effective upon approval by the Area director.

## CERTIFICATION

This is to certify that the foregoing Ordinance was duly enacted by the vote of the membership of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria by a vote of 24 for, 0 against, 0 abstaining, at a duly held general meeting on the 8<sup>th</sup> day of April, 1979, and that this Ordinance has not been amended in any manner.

Date: April 8, 1979

Original signature of Weldon Smith Sr. on file  
Weldon C. Smith Sr.  
Chairman

ATTEST: Original Signature of Anita Silva on file  
Anita Silva  
Secretary

APPROVED:

Date: 4-26-79 \_\_\_\_\_

Original signature of Harold Brafford on file  
Harold Brafford  
Bureau Of Indian Affairs  
Acting Superintendent  
Central California Agency