

Blue Lake Rancheria of California
Assignment Ordinance
00-12

I. PREAMBLE

The Tribal Business Council hereby enacts this assignment ordinance in accordance with Article V, Section 6(g) of the Constitution of the Blue Lake Rancheria, Humboldt County, California, approved by the Secretary of the Interior on March 7, 1994.

II. DEFINITIONS

Wherever used in this assignment ordinance the terms defined in this Article shall have the following meaning:

- A. Assignment means a formal right to use Rancheria land subject to the conditions set forth in this assignment ordinance
- B. Assignee refers to the holder of an assignment.

III. GENERAL ASSIGNMENT POLICY

- A. An assignment does not vest title to assigned land in the assignee but is a use right granted to him or her by the Tribal Business Council, which may be inherited and which terminates upon relinquishment or cancellation of the assignment for non-use/abandonment for the period of six months.
- B. An assignment may not be sold, transferred, assigned, or exchanged without the approval of the Tribal Business Council.
- C. In the event of an assignee's death, the assigned property can be inherited by a member of the immediate family, but the Tribal Business Council reserves the expressed right to grant preference in the reassignment of the property to the surviving spouse or children provided they are otherwise eligible to receive an assignment under the provisions of this assignment ordinance. A surviving spouse who is ineligible for an assignment under the provision of this assignment ordinance but who is responsible for the care of minor children may be granted the privilege of occupancy of the property for such period of time as determined proper by the Tribal Business Council.
- D. An assignee may relinquish his or her assignment at any time by giving written notice to the Tribal Business Council.
- E. Leases, easements, or rights-of-way of Tribally Owned and Assignable Lands are subject to Federal laws and regulations and may be granted only with the consent of the Tribal Business Council and the approval of the Secretary of the Interior or his authorized representative.

- F. Improvements of the following character placed on the assigned land by the assignee shall be considered as personal property which may be removed, sold, bequeathed, willed, or inherited at the discretion of the assignee: owner purchased houses, garages, barns, sheds, crops, household items and personal belongings. Other improvements such as Tribally purchased houses, fences, underground water and sewage systems, trees, shrubs, and betterments of similar nature attached to the land, even though 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 unless their removal is authorized by the Tribal Business Council.
- G. Houses originally constructed by the Government and located on assignment do not become a part of the personal property belonging to the assignee living in these houses.
- H. If the assignment is relinquished or canceled, the removable improvements of the assignee defined in paragraphs F of this Article must be removed or otherwise disposed of within 30 days after formal written notice to him or her by the Tribal Business Council; otherwise said improvements become a part of the real property, title in them vest with the land, and they become available for assignment along with the land.
- I. During the absence of the assignee, said assignee may with the prior approval of the Tribal Business Council allow another Indian who is eligible to receive assignment under the provisions of this ordinance to occupy the vacated premises for a period not to exceed one year; provided, that the Tribal Business Council may grant successive extensions of like duration. The Tribal Business Council at their discretion may charge the approved occupant rent for the use of the premises under terms mutually agreed upon between the parties involved; the original assignee may not charge or receive rent of any kind.
- J. The Tribal Business Council may at its discretion grant privileges of temporary occupancy to Indians not having a valid assignment or to such other classes of persons as may be defined by the Tribal Business Council. Terms of such temporary occupancy shall be as mutually agreed upon between the tribal business Council and the improved occupation; provided, that said terms shall be reduced to writing and shall include the following covenants:
1. That the approved occupant agrees to pay a certain monthly rental to the accounting office for deposit in the Rancheria account.
 2. That the approved occupant agrees not to commit any of the violations set forth in paragraphs A., Article VI (Procedure for canceling assignment and removing persons from Rancheria), of this assignment ordinance.
 3. That any violations of the foregoing two covenants shall be grounds for removal of the approved occupant in accordance with provisions of this assignment ordinance.
 4. That the approved occupant may attend all meetings of the Tribal Business Council as a guest and without voting privileges.
- K. Except for those persons who are qualified under Paragraph C, I, J of this Article or who are in residence with an assignee as one of the members of that assignee's household, no person shall reside on Tribally owned and assignable land who is

not eligible for assignment under provisions of this assignment ordinance. All persons in residence on tribally owned and assignable land in violation of this prohibition are hereby declared trespassers.

IV. ELIGIBILITY REQUIREMENTS FOR ASSIGNMENT

To be eligible for an assignment an applicant must meet all of the following requirements:

- A. Be a lineal descendent of a base roll member of the Blue Lake Rancheria or 1/16 or more degree of Indian blood.
- B. Be without land or interest in land, except where such holdings are not of sufficient size to provide a suitable income or home site, not have received an allotment in his or her own right, and not have inherited a trust allotment in its entirety.
- C. Be at least eighteen (18) years of age.
- D. Be the head of a household or the spouse of the head of a household.
- E. Not be a person allotted on another reservation or Rancheria nor officially enrolled with or a recognized member of some other tribe or band, it being understood that as used herein the words "recognized member of another tribe or band" shall denote a person who has received a land-use assignment or has otherwise received benefits on another reservation or Rancheria, except through inheritance.

V. PROCEDURE FOR GRANTING ASSIGNMENTS

- A. All applicants must file a written application for assignment with the Tribal Business Council.
- B. The Tribal Business Council shall review all applications in the order in which they are received to determine whether they are properly prepared and to check whether the applicants meet all eligibility requirements of this assignment ordinance.
- C. The Tribal Business Council will send receipt of application and a letter of determination within 30 days from receipt of the application by the Tribal Mail Clerk.

VI. PROCEDURE FOR CANCELING ASSIGNMENTS AND REMOVING PERSONS FROM TRIBALLY OWNED AND ALLOTABLE LAND

- A. An assignment may be subject to cancellation by the Tribal Business Council in the event the assignee, his or her guests, invitees, or members of his or her household commit any of the following violations:
 1. Transferring, assigning, or exchanging an assignment without the approval of the Tribal Business Council.
 2. Illegally granting leases, easements, or rights-of-way.
 3. Removing improvements, which are part of the real property without authority from the Tribal Business Council.

4. Allowing vacated premises to be occupied by other without the prior approval of the Tribal Business Council.
 5. Failing to occupy the premises for six (6) consecutive months.
 6. Using the premises for unlawful purposes.
 7. Disturbing the peace by engaging in excessive drinking or use of drugs or other obnoxious behavior anywhere within the territory of the Blue Lake Rancheria.
 8. Failing to comply with any of the duly approved ordinances of the Blue Lake Rancheria.
- B. The Tribal Business Council shall review the use of all tribally owned and assignable lands on a continuing basis and shall have the Secretary-Treasurer report any violation to the Tribal Business Council. In any event, it shall be the Secretary-Treasurer's duty to report to the Tribal Business Council at intervals not more than one year apart as to whether or not there are any instances of failure to occupy assigned lands for six (6) months.
- C. The Tribal Business Council shall act on each reported violation of this assignment ordinance. With respect to assigned lands, the Tribal Business Council may grant the assignee a specified period in which to take corrective action in lieu of cancellation. If the Tribal Business Council deems a violation sufficiently serious, it may order as its remedy the cancellation of an assignment or removal (temporary or permanent) of any person from the territory of the Blue Lake Rancheria, or both, but in so ordering must adhere to the following procedure:
1. The Tribal Business Council shall use certified mail, return receipt requested, to serve written notice upon the alleged violator of the remedy proposed. Said notice shall cover all of these items:
 - a. The nature of all alleged violations in reasonable detail;
 - b. The remedy proposed, whether cancellation, removal, or both;
 - c. Advice that the alleged violator has not less than thirty (30) days in which to show cause to the Tribal Business Council why the remedy proposed should not be carried out;
 - d. Invitation to the alleged violator to attend a hearing before the General Council at a specified place and date scheduled not less than thirty (30) days from the date of the notice;
 - e. Advice that the alleged violator has the right to be represented by legal counsel of his or her choice at his sole expense.
 2. The General Council shall conduct a hearing at the scheduled time and place and immediately, may make its final decision whether or not the alleged violator or his or her representative appears, if the good cause has not been shown at the time for the non-appearance.
 3. When the General Council upon hearing and after due deliberation has reached its final decision, such decision shall be confirmed in a letter issued by the Tribal Business Council and directed to the alleged violator by certified mail, return receipt requested. The letter shall cover

all of these items: The nature of the decision, setting out whether the alleged violator has been found innocent or guilty, and in the event of a finding of guilty, the exact remedy that is to be carried out, and the period of time allowed for removing or otherwise disposing of personal property, which period shall be not less than 90 days from the date of the letter for assignees and not less than 30 days for all other persons.

VII. EFFECTIVE DATE


This Ordinance, when enacted by a simple majority vote of convened Tribal Business Council, shall become effective on the date of its approval.

VIII. AMENDMENTS

This Ordinance may be amended by a simple majority vote of convened Tribal Business Council, and such amendments will become effective on the date of approval by the Tribal Business Council.

CERTIFICATION

As the Chairperson of the Business Council for the Blue Lake Rancheria, I hereby certify that the Business Council adopted this Ordinance at a duly called meeting at which a quorum was present by a vote of 5 for, with 0 against, with 0 abstaining, with 0 absent, on this 28th day of August, 2000.



Claudia Brundin, Chairperson

8/28/00
Date



Melanie Shelanskey, Tribal Secretary

8/28/00
Date

