

ROUND VALLEY INDIAN TRIBES

A Sovereign Nation of Confederated Tribes

TRIBAL COUNCIL OFFICE
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LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

ORDINANCE

Of the

ROUND VALLEY INDIAN TRIBES

**GOVERNING STANDARD ASSIGNMENTS
OF LAND ON THE
ROUND VALLEY RESERVATION**

APPROVED: Community meeting March 7, 1970

ORDINANCE

GOVERNING STANDARD ASSIGNMENTS OF LAND ON THE ROUND VALLEY RESERVATION

This Ordinance is for the purpose of implementing Article IX-Land of the Constitution and Bylaws of the Covelo Indian Community approved December 16, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984), and to provide procedures for the equitable administration and assignment of the unallotted, tribal trust land of the Pound Valley

Reservation by the Covelo Indian Community council. In view of the fact that tribal land within the Round Valley Reservation constitutes inalienable real property of the Covelo Indian Community not subject to allotment , unless provided for by the Congress of the United States, it is hereby ordained by vote of the Covelo Indian Community, subject to approval by the Area Director of the Sacramento Area Office of the Bureau of Indian Affairs and review by the Secretary of the Interior, that the following rules and procedures shall apply to the granting and holding of assignments on the Round Valley Reservation.

Definitions

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

1. "Standard Assignment" means a formal right to use and occupancy of tribal land subject to the conditions set forth in this ordinance,
2. "Assignee" means the holder of a standard assignment pursuant to the provisions of this ordinance.
3. "Council" means Covelo Indian Community Council, which shall make all assignments of land.
4. "Applicant" means one who has made application to the Council for a standard assignment.
5. "Dependent" means a person who received major support from and who has resided with the applicant for a period of at least one-year immediately preceding the application for assignment.
6. "Enrolled member" is one whose name appears on the current membership roll of the Covelo Indian Community.
7. "Community" means the Covelo Indian Community, which extends to all tribal and trust land within the original boundaries of the Round Valley Reservation.
8. "Family Head" means an enrolled member of the Community eighteen (18) years of age or over with at least one dependent who is living with the member; Provided, that the requirement of having a dependent may be waived by 2/3 majority vote of the Council.

SECTION I

- (A) Assignments granted under this ordinance pursuant to Sections 2 and 3 of Article IX of the Constitution of the Covelo Indian Community shall be standard assignments, which are subject to cancellation under conditions hereinafter set forth.

- (B) Any enrolled member who is a family head and who has resided on the Round Valley Reservation at least one year immediately preceding his application for assignment, shall be entitled to a standard assignment, provided he deeds to the Community any land held in trust, or interest in land held in trust, which he may own at the time of such assignment.
- (C) The council may make assignments in exchange for allotments, provided exchange is of equal value.
- (D) A standard assignment shall be granted by the Council upon application of a qualified member of the Community. Assignments will be limited to one (1) or two (2) acres for homesite at the discretion of the Council, but an assignee may request additional acreage by lease on terms and conditions set forth in Article IX – Land, Section 6 of the Constitution.
- (E) The right of an assignee is not subject to inheritance. However, at the death of an assignee, an heir shall be given preference in the re-assignment of the land provided such person is an enrolled member who would be eligible to receive a standard assignment.
- (F) Timber and minerals, including oil and gas. On the assigned lands are reserved to the Indian community along with the right to explore, lease, or dispose of same. There is also reserved the right to grant easements and rights of way over assigned land for public purposes in accordance with existing laws and regulations prescribed by the Secretary of the Interior and the right to grant rights of ingress and egress to other Tribal lands. The right to grant rights of way and access rights is subject to payment to the assignee for damage to his improvements or to his crops, Compensation for damage to the assignee's improvements or crops will be determined by the Secretary of the Interior or his authorized representative.
- (G) An assignment may be relinquished in exchange for a lieu assignment upon approval of the governing Council.

SECTION II

Standard assignments, which are granted pursuant to this ordinance, are granted for the specific purpose of providing a homesite and contribution to the livelihood of the assignee. Assignments so granted are subject to cancellation for violation of any of the following provisions.

- (A) The Assignee shall utilize the assigned tribal land in a husbandlike manner in accordance with local and accepted soil conservation practices.
- (B) The assignee shall commence construction of a home on the assignment within two (2) years from the granting of the assignment, or shall otherwise occupy the assignment within three (3) years from the granting of the assignment.
- (C) Failure of the assignee to use the assignment for a period of twenty-four (24) consecutive months shall be sufficient cause for cancellation.
- (D) Any attempt by the assignee to lease the land either on a cash or share crop basis shall be sufficient cause for cancellation. He may arrange for assistance in the normal operation of his assignment and reasonable latitude is allowed the assignee in the operation and disposal of crops produced upon the assignment. In case of physical disability of the assignee, the Council by a 2/3 majority may grant the assignee permission to lease his assignment, provided such permission shall in no event extend

beyond a total period of two years during the life of the assignment, except upon special dispensation of the Council.

- (E) The assignment and improvements thereon shall be maintained in a neat manner and subject to any sanitation regulations existing at the time of the assignment is made and to any sanitation regulations which may be enacted subsequently by the Council.
- (F) Assignments shall not be used for unlawful purposes.

SECTION III

- (A) Application for standard assignments of tribal land shall be filed in triplicate with the secretary of the Council with as accurate a description of the land desired, as circumstance will permit. The Secretary shall present the application to the Council for a determination of the applicant's eligibility and, if eligible, the acreage to be assigned. The council shall be formal resolution either approve or disapprove the application and the applicant must be informed in writing of the decision of the Council within sixty (60) days after the application is received by the Council.
- (B) The Secretary, upon receipt of a Council resolution of approval, shall prepare a Grant of Standard Assignment of Tribal Land, in triplicate for the Chairman and Secretary of the Council and acceptance by the assignee. The original of the Grant of Standard Assignment of Tribal land, along with copies of the application, tribal resolution and other documents pertaining to the assignment, shall be delivered to the assignee. Copies of each document shall be retained at the Council office and copies of each document shall be furnished the Sacramento Area Office, Bureau of Indian Affairs for recording.
- (C) The forms for applying for standard assignment, for the granting of an assignment and other necessary forms shall be approved by the Area Director. Each assignment of tribal land shall be designated by number, its location plotted on a map prepared for this purpose and individual files maintained at the council office and at the Sacramento Area Office.

SECTION IV

- (A) Improvements of a removable nature placed by an assignee upon assignment tribal land shall be considered as personal property of the assignee and may be removed, sold, transferred, bequeathed, or inherited. When improvements on an assignment come into possession of an individual not qualified to hold an assignment in accordance with the provisions of this ordinance, the individual will have six (6) months to sell or remove the improvements; otherwise the value of said improvements as determined by the Council may be paid to the owner by the Community and said improvements will thereupon become property of the Community.
- (B) An assignee may designate in writing prior to his death an eligible member of his family as beneficiary of his assignment. Subject to the approval of the Council, the assignment may be granted to the named beneficiary.
- (C) In the event of the death of an assignee, temporary use of an assignment by a non-qualified member of the assignee's family may be approved by the Council for the purpose of providing a home for the minor children of the deceased assignee until one of the children becomes eligible for an assignment.

SECTION V

Each assignment existing at the time this ordinance is adopted will be reviewed by the Council and validated provided, the assignment is being utilized by the assignee and the assignee agrees to comply with the provisions of this ordinance.

CERTIFICATION

This is to certify that the foregoing ordinance was enacted by a vote of 29 for and 22 against at a duly called special meeting of the Covelo Indian Community held on March 7, 1970, at which a quorum was present, and further that this ordinance has not been rescinded or amended in any manner.

ATTEST:

Norman W. Whipple

Alberta J. Mc Lane

March 8, 1970

William e. Finale

DATE APPROVED:

March 27, 1970