

ORDINANCE
GOVERNING LAND ASSIGNMENTS
ON BISHOP, BIG PINE AND LONE PINE
RESERVATIONS

PREAMBLE

We, the members of the Bishop, Big Pine and Lone Pine Reservations, (Hereinafter referred to as Owens Valley Paiute-Shoshone Bands of Indians), in order to promote the general welfare, safeguard our interest, conserve and develop our lands and resources, do ordain and establish this ordinance.

DEFINITIONS

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

1. "Secretary" means the Secretary of the Interior or his/her authorized representative.
2. "Commissioner" means the Commissioner of Indian Affairs.
3. "Director" means the Area Director, Sacramento Area Office.
- 4 "Local Indian Committee" means:
 - A) For Big Pine, Lone Pine Reservations- the governing body elected by the community to direct and control activities on the reservation.
 - B) For the Bishop Reservation- the five (5) trustees elected by the community to direct and control activities on the reservation and to represent the interest of the reservation on the Owens Valley Board of Trustees.
5. "Voting member" means a person who meets the following requirements:
 - A) Present assignment holder or a family member of an assignee who has resided on an assignment one year or more preceding an election.
 - B) At least twenty-one (21) years of age, and
 - C) A resident within the state for one year or more, county for six months and within the precinct for at least thirty (30) days immediately prior to the election.

6. "A rectangular survey for subdivision purposes" is a survey within the boundaries of an assignment, the lines of which are parallel to the exterior boundary lines of the assignment being subdivided.
7. "Board of Trustees" the Owens Valley Board of Trustees consists of seven (7) members, one (1) each from Big Pine and Lone Pine and five (5) from the Bishop Reservation.

GOVERNING BODY

By the Trust Agreement for Relief and Rehabilitation Grant to Unorganized Bands, , (Hereinafter referred to as the "Trust Agreement), approved April 17, 1939, by the Acting Commissioner of Indian Affairs, the governing body titled Trustees for the Owens Valley Board Paiute-Shoshone Indians, (Hereinafter referred to as the Owens Valley Board of Trustees), was created and recognized. The purpose of creating and recognizing the Owens Valley Board of Trustees was to receive and administer funds appropriated under the Emergency Relief Appropriation Act of 1938 for and on behalf of the Owens Valley Paiute-Shoshone Indians, under the direction and approval of the Commissioner of Indian Affairs. It was to this recognized governing body and their successors in office that the Commissioner granted and conveyed the said funds in Trust, subject to specified conditions stated in the Trust Agreement. Therefore, the recognized governing body of the Owens Valley Indian Bands is the Owens Valley Board of Trustees.

ARTICLE 1 - VALIDATING EXISTING ASSIGNMENTS

SECTION A.

1. All approved assignments on the Big Pine, Bishop and Lone Pine Reservations as of the date of approval of this ordinance are hereby acknowledged as valid assignments.
2. The use and occupancy of all assignments subject to the rules and regulations as set forth in this ordinance.

ARTICLE 2 - PROCEDURES, REGULATIONS AND RULES CONCERNING ASSIGNMENTS

SECTION A. PROCEDURE FOR FILING APPLICATION FOR AN ASSIGNMENT ON TRIBAL LAND AND THE GRANTING THEREOF.

1. Application for an assignment shall be filed with the local Indian Committee.
 - A. The local Indian Committee shall post in a conspicuous place on the reservation all names of

applicants and lots applied for, for a period of *not* less than fifteen (15) days before action *is* taken by the committee. Any voting member of the community wishing to oppose the *granting* of an assignment may do so *in* writing or appear before the committee.

- B. The local Indian Committee shall then review the *eligibility* of the applicant and shall submit *its* recommendation to the Owens Valley Board of Trustees within thirty (30) days after the application *is* received.

SECTION B. ADMINISTRATIVE FUNCTIONS OF THE OWENS VALLEY BOARD OF TRUSTEES

As part of its responsibility for administering tribal assets, the Owens Valley Board of Trustees exercises the following duties and responsibilities concerning assignments.

- 1. Reviews an application and determines the applicant's *eligibility*, within thirty(30) days after *receiving* the application.
- 2. Records by resolution the approval or disapproval of an application.
- 3. Transmits approved applications to the Area Director for his/her review and consideration.
- 4. Notifies the Chairman of respective local Indian Committee of the action taken by the Owens Valley Board of Trustees and the Area Director.
- 5. To bill and collect monies owing the Owens Valley Paiute-Shoshone Bands by the *assignee*.

SECTION C. ELIGIBILITY REQUIREMENTS FOR AN ASSIGNMENT

To be eligible for an assignment an applicant must:

- 1. Be an Owens Valley Paiute- Shoshone Indian, at least twenty-one (21) years old and residing in Owens Valley at the time of making application.
- 2. *Not be in possession* of another assignment or have received an allotment

S E C T I O N D. ASSIGNMENT PROVISIONS

- 1. An assignment granted under this ordinance is for use and occupancy rights only.

2. Improvements of any charter erected by the assignee upon assigned land shall be considered as personal property and may be bequeathed, willed or inherited. An assignee may, during his lifetime, relinquish his right to an assignment and sell the improvements placed on the assignment, or his equity therein to another member of the community. Permission must be granted by the Owens Valley Board of Trustees before permanent improvements can be removed.
3. Unassigned members of the Owens valley Paiute-Shoshone Bands who are occupying former trust lands transferred by the United States to the City of Los Angeles shall have a ninety (90) day period from the adoption of this ordinance to file applications for assignment on the Big Pine, Bishop or Lone Pine Reservation. Applications so submitted shall be given priority and those qualified applicants shall be approved by the Board of Trustees.

After the expiration of the ninety (90) day period all applications for assignments from such members shall be processed in accordance with the procedure of this ordinance.

4. The minerals, including oil and gas, are reserved to the Owens Valley Paiute - Shoshone Band of Indians with the right to explore and lease. There is also reserved from any assignment, subject to the payment of reasonable damages to the assignee for his improvements and damages to crops, the right to grant easements and rights of way for public purposes in accordance with existing laws and regulations prescribed by the Secretary of the Interior.
5. An assignment may be exchanged by the assignee for another assignment with the approval of the Board of Trustees and the Area Director.
6. An assignment may be relinquished by the assignee and made available for reassignment by the Owens Valley Board of Trustees.
7. Assignments may be leased for a term not to exceed two (2) years with prior consent of the Board of Trustees and the approval of the Area Director. Subject to the approval of the Owens Valley Board of Trustees, the assignee may issue a temporary use permit on his assignment or part thereof for a period not to exceed one (1) year.
8. The assignee along with dependent members of his "family shall establish residence upon the assignment within two (2) years from the date assignment was

granted. If the assignee during this period not made a reasonable attempt to settle on the assignment, the Board of Trustees shall notify the assignee of cancellation of the assignment.

9. An assignment is not subject to inheritance. The assignee may designate a person to receive the assignment in the event of his death. However, it *is* the responsibility of the designated individual to file an application for the assignment and if he *is eligible*, the Board of Trustees shall give him preference in granting the assignment.
 - A. Surviving spouse not a member of the Owens Valley Tribes, without surviving children by the deceased assignee is not eligible for the assignment and must vacate the premises within *six* (6) months after notification by the Board of Trustees.
 - B. Surviving spouse not eligible for an assignment, with surviving children by the deceased assignee, may file an application for continued use of the assignment, for reasons of providing a home for the minor children. The Board of Trustees may issue to the surviving spouse a temporary use permit until one of the minor children becomes eligible for the assignment.
10.
 - A. In the past, the size of the assignments on the Bishop, *Big pine* and Lone *Pine* Reservations generally were determined by the size of the assignee's family. The assignments were granted for the purpose of providing a home and acreage to aid in supporting a family. The increased demand for assignments and the limited unassigned areas make it necessary to revise the procedure to allow as many as possible to share the unassigned tribal lands. Effective with the adoption of this ordinance, the following will apply:
 1. Assignments on the Big Pine Reservation will be limited to two (2) lots per assignment, according to the subdivision map of the Big Pine Indian Reservation, prepared by the Bureau of Indian Affairs, dated July 1955.
 2. Assignments on the Bishop Reservation will be limited to two (2) lots per assignment as designated on the subdivision map of the Bishop Indian Reservation, prepared by the Bureau of Indian Affairs, dated January 1960.
 3. Assignments on the Lone Pine Reservation will be

limited to, one (1) acre until a subdivision survey has been completed and thereafter assignments shall be limited to two (2) lots.

- B. Assignments validated or granted under the terms of this ordinance may be subdivided with the consent of the Owens Valley Board of Trustees into parcels which conform to rectangular survey. The subdivided parcels may be relinquished by the assignee and reassigned to qualified family members who are represented in the original assignment.
- C. When a family member represented in an assignment becomes eligible for an assignment in his own right, he may apply for and receive an assignment of available tribal lands. Upon receiving such an assignment, rights to the original assignment in which the assignee was represented terminate.
- D. Upon the death of assignee, the assignment becomes available for reassignment to any qualified applicant. Preference rights shall be acknowledged by the Owens Valley Board of Trustees for any qualified members represented in the original assignment or those named as beneficiaries by the assignee. The surviving spouse, if she so elects, shall receive the one-acre homesite, house, along with the adjacent two-acre parcels.

SECTION E. - CANCELLATION OF ASSIGNMENTS

Assignments will be subject to cancellation by the Board of Trustees for the following reasons:

1. Use of an assignment for purposes other than to provide a homesite and contribute to the livelihood of the assignee and members of his family.
2. Continuous non-use of an assignment for a period longer than two (2) years.
3. Leasing or permitting of an assignment without the prior consent of the Board of Trustees and the approval of the Area Director.
4. Use of an assignment for any unlawful purpose.

THE FOREGOING ORDINANCE WAS ON:

BISHOP, FEBRUARY 10, 1962, , 1962.
BIG PINE, FEBRUARY 26, 1962,
LONE PINE, APRIL 4, 1962,

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DULY ADOPTED BY A REFERENDUM VOTE OF 79 "FOR" AND 66 "AGAINST" BY THE MEMBERS, OF THE BISHOP, BIG PINE AND LONE PINE RESERVATIONS.

THIS ORDINANCE IS EFFECTIVE AS OF THE DATE OF ITS ADOPTION. APRIL 5, 1962. . .

BISHOP	49 YES	64 NO
BIG PINE	8 YES	2 NO
LONE PINE	22 YES	0 NO
	<u>79 YES</u>	<u>66 NO</u>

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Chairman, Owens Valley Board of Trustees