

THE SHINGLE SPRINGS BAND OF INDIANS
OF THE
SHINGLE SPRINGS RANCHERIA
OF
EL DORADO COUNTY, CALIFORNIA
ASSIGNMENT ORDINANCE

THE SHINGLE SPRINGS BAND OF INDIANS
of the
SHINGLE SPRINGS RANCHERIA
of
El Dorado County, California

Assignment Ordinance

AUTHORITY:

Whereas: The Shingle Springs Tribal Band, on June 19, 1976, did adopt the Articles of Association for the management of all Tribal affairs.

Whereas: Article VI, Section 1(d) of the Shingle Springs Rancheria Articles of Association authorizes the Tribal Council to regulate by an Assignment Ordinance, the use of and development of all tribal land, whether assigned or unassigned, and to manage, lease or otherwise operate all unassigned tribal property.

Whereas: It is the desire of the band to establish standards and procedures for the control and use of lands within the Shingle Springs Rancheria.

Now, therefore, be it known, that the Tribal Council of the Shingle Springs Rancheria does ordain as follow:

Section 1: Definitions

Wherever used in this Ordinance, the following terms shall have the following meaning:

- A. **"Assignee"** refers to the holder of an assignment.
- B. **"Assignment"** refers to a formal right to use reservation land subject to the terms of this Ordinance as now set forth or as may be amended from time to time.
- C. **"Tribal Council"** refers to the governing body of the Shingle Springs Band.
- 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.

- E. **"Assignment Committee"** refers to the elected committee that has authority to review and recommend for approval assignment applications for the Shingle Springs Band.
- F. **"Superintendent"** refers to the Superintendent of the Central California Agency of the Bureau of Indian Affairs.

Section 2: Purpose

The purpose of this Ordinance is to provide procedures for the orderly and equitable distribution and management of land assignments on the Shingle Springs Rancheria.

Section 3: Jurisdiction

The provisions of this Ordinance shall apply to the entire territory of the Shingle Springs Rancheria.

Section 4: Administration

The Shingle Springs Tribal Council shall administer the provisions of this Ordinance.

Section 5: Eligibility

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

- A. Certified Membership in the Shingle Springs Band.
- B. Have reached the age of 21, if unmarried, or 18 if married.
- C. Have never received an allotment of land from the Federal Government or is in possession of an assignment of any tribally owned land

Section 6: Types of Assignments

Assignments on the Shingle Springs Rancheria shall be of three types:

- A. Assignments of unimproved tribal land.
- B. Assignments of land on which a home has been provided or built with federal or state allocations of tribal assets.
- C. Assignments of land on which houses or improvements have been constructed with federal or private funds under a Tribal Housing Authority, where the assignee is paying for the house and improvements with private funds by making periodic payment and he is current in those payments.

Section 7: 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, an assignee may designate a member of his or her family to receive the assignment in the event of the death of the assignee. 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, 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. 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 reaches majority and become eligible, and applies for the assignment.
- C. Houses built, modular or mobile homes purchased with Federal or Public funds or Tribal Assets, become the property of the Shingle Springs Band unless a Grant Agreement (Certificate of Ownership) has been issued. If the home is still under a Contract or Agreement with a funding authority the assignee requesting the property or the eligible designated beneficiary must agree to assume the responsibility and conditions of such an agreement.

If the home under an agreement is on leased or rented land and the designated beneficiary does not choose to accept the responsibilities of the agreement, the assignee who leased or rented the property may choose to assume the contractual responsibilities of the former homeowner. If the designated beneficiary and the assignee refuses responsibility, the home becomes the property of the Shingle Springs Band and the Tribe may re-assign the home to any eligible member.

- D. Assignments may be exchanged for other assignments with the approval of the Assignment Committee.
- E. Assignments may be relinquished upon written notice of relinquishment to the Assignment Committee and upon relinquishment, the Assignment Committee may reassign the premises to another eligible person.
- F. Assignments grant no rights 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 Tribal Council reserves the right to explore for, lease, dispose of and convey any such timber or minerals, or rights thereto, in accordance with the Articles of Association and Land Use Ordinance. 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 Tribal Council.
- H. The Tribal Council reserves the right to request and participate in decisions regarding easement rights of way across any assignments for public purposes, in accordance with the Articles of Association and Land Use Ordinance. The Tribal Council reserves the right of ingress or egress over any assignment for access to other tribal lands.
- I. Assignments may be canceled if the dwelling is not occupied for six (6) months by the assignee or a member of his/her family as their principal residence, unless the assignee has received prior written approval from the Tribal 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 times, and in a neat and sanitary condition. There can be no junk cars or old appliances strewn about and personal garbage must be removed at regular intervals.
- K. An assignee may not divide , lease or rent their assignment or any improvements located thereon, or any part thereof, without the written consent of the Tribal Council.
- L. The assignee must occupy the assignment within twelve (12) months of the date of granting the assignment, unless said time is extended by the consent of the Tribal Council. The assignee must pay, as a condition of receiving the assignment, any assessments approved by the Tribal Council, including but not limited to fees for water, sewer, garbage removal, and insurance, and any failure to pay any part of said assessments within 90 days of written notice to pay, shall be grounds for cancellation of the assignment.

Section 8: Procedures.

- A. An application for an assignment shall be filed with the Assignment Committee on an APPLICATION FOR STANDARD ASSIGNMENT form supplied by the Shingle Springs Rancheria.
- B. The Assignment Committee shall review each application to determine if the applicant is eligible, and inform the applicant within thirty (30) days of receipt of the application whether it is granted or denied. If the applicant is denied, the applicant shall receive written notice of the reasons for the denial; if approved, the applicant shall receive a copy of the Grant of Standard Assignment, as evidence of the assignment.
- C. The Assignment Committee shall retain copies of approved Grant of Standard Assignment and furnish one copy to the Superintendent, one copy to the applicants personell file and one copy to the Tribal office files. Assignments shall be designated by number, and marked on a map of the lands of the Shingle Springs Rancheria.

Section 9: Improvements

- A. Improvements of the following nature placed on an assignment including divided, leased or rented parcels of land are deemed 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, underground water or sewer systems, trees, shrubs and landscaping of a similar nature, shall be considered as part of the real property, and will remain with the land, and pass with the assignments, unless removal is authorized by the Tribal Council.
- C. If the assignment is relinquished, canceled 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 Tribal 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 otherwise, by a person not qualified to hold an assignment under this Ordinance. If not removed or disposed of within the said 180 day period of time after notice to do so, the improvements become the property of the Shingle Springs Band and may be held or disposed of as the Tribal Council may determine.
- D. Additions, alterations or betterments made by the assignee, lessee or renter to homes provided by a Federal Grant or a Tribal Housing Authority with housing improvement funds supplied by public agencies shall become part of the improvements and will become the property of the Shingle Springs Band and shall not be removed by the assignees or their heirs, unless the conditions of the agreement between the assignee and the funding authority have been met and a certificate of ownership has been issued to the assignee by the funding Authority.

- E. Additions, alterations or betterments made by the assignee, lessee or renter to homes built or provided with Tribal Assets shall become part of the improvements and will become the property of the Shingle Springs Band and shall not be removed by the assignees or their heirs, unless a Grant Agreement (certificate of ownership) has been issued to the assignee by the Tribal Council and conditions of the agreement have been met.
- F. Before construction of any improvement on an assignment, the assignee shall submit plans and specifications for such improvements to the Tribal Council for approval.

Section 10: Enforcement

- A. Enforcement of this Ordinance shall be by the Shingle Springs Tribal Council.
- B. Violations of this Ordinance shall be subject to the jurisdiction of the Shingle Springs Rancheria. The Tribal Council shall act on all reported violations of this Ordinance. Wherever possible, the Tribal Council shall grant the alleged violator an opportunity to correct the reported violation within a specified time.
- C. If the alleged violator fails to take corrective action upon being given the opportunity, the Tribal Council shall notify the alleged violator by certified mail, return receipt requested, that his/her assignment may be canceled or he/she may be evicted from the Rancheria.
- D. The alleged violator has thirty (30) days to appear before the Tribal Council to present his/her case.
- E. The Tribal Council shall conduct a hearing at the scheduled time and place and then and there may make its final decision whether or not the alleged violator appears, provided that good cause has not been shown at the time for the non-appearance.
- F. When the Tribal Council upon hearing and after due deliberation has reached its final decision, such decision shall be confirmed in a letter issued by the Tribal Council and directed to the alleged violator by certified mail, return receipt requested.

The letter shall cover all of these items:

- (1) the nature of the decision,
- (2) whether the alleged violator has been found innocent or guilty,
- (3) in the event of finding of guilty, the exact remedy that is to be carried out by the Tribal Council.
- (4) the period of time allowed for removing or otherwise disposing of personal property, which period shall not be less than six (6) months from the date of the letter. If a person is ordered to leave tribal lands, he/she shall have at least thirty (30) days to do so.

Section 11: Appeals

- A. If a person applies for an assignment and is denied the assignment, the applicant may appeal the Assignment Committee's decision to the Tribal Council within thirty (30) calendar days from the date of such denial.
- B. The Tribal Council shall render a decision based solely upon the provisions of Section 5 of this Ordinance. The decision of the Tribal Council shall be final.
- C. If an assignment is canceled upon a violation of any provisions of Section 7 and the assignee is aggrieved by action of the Tribal Council, he/she may make an appeal by filing a notice of appeal with the Tribal Office within thirty (30) days of the action by the Tribal Council.
- D. The Tribal Council shall consider the appeal based solely upon the provision(s) of Section 7 of this Ordinance.
- E. Within sixty (60) days of the filing of the notice of appeal, the Tribal Council shall render its decision on the matter. Failure of the Tribal Council to render its decision on the matter within sixty (60) days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the previous action.

- F. The decision of the Tribal Council upon an appeal is final and conclusive as to all things involved in the matter.

Section 12: 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.

Section 13: Effective Date

This Ordinance may be amended by a majority vote of the Tribal Council at a duly held meeting, and such amendments shall become effective immediately.

Certification

This is to certify that the foregoing Ordinance was duly enacted by the vote of the Council of the Shingle Springs Band, by a vote of 6 for, and 1 against, and 0 abstaining, at a duly held meeting of the Shingle Springs Band on March 20, 1999.

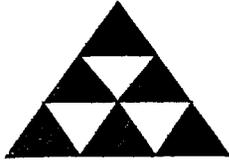
Jim Adams
Chairperson

3/22/99
Date

ATTEST:

Alexandra Fonseca
Secretary

3-22-99
Date



SHINGLE SPRINGS RANCHERIA

P.O. Box 1340

Shingle Springs CA. 95682-1340

Ph.: (530) 676-8010 Fax: (530) 676-8033

Fiscal Fax : (530) 676-3582

RESOLUTION 99-22

Subject: Amendment to the Assignment Ordinance

WHEREAS, the Shingle Springs Rancheria is a Federally-recognized and acknowledged Tribe; and

WHEREAS, the Shingle Springs Tribal Council is a duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribal Council has received two requests for sub-dividing or placing multiple homes on assigned parcels; and

WHEREAS, the Bureau of Indian Affairs requires the requesting assignee grant a 25-year lease to the intended occupants of the additional dwelling; and

WHEREAS, the Articles of Association does not currently address this issue; and

WHEREAS, it has been determined that the Assignment Ordinance needs to be modified in order to address this issue: and

WHEREAS, the Shingle Springs Rancheria Tribal Council has deemed it necessary to amend the Assignment Ordinance at the following Sections:

Section 7: Nature of Assignment

Section 7 paragraph K

Section 9 paragraph A, D, E

THEREFORE LET IT BE RESOLVED, that the Shingle Springs Rancheria Tribal Council has adopted the Assignment Ordinance, as amended; and

LET IT BE FURTHER RESOLVED that the Shingle Springs Rancheria Tribal Council authorizes the Chairperson to execute the amendments thereto; and

LET IT BE FURTHER RESOLVED that in the absence of the Chairperson, the Vice-Chairperson is authorized to negotiate and execute the agreement and any amendments thereto.

CERTIFICATION

As a duly-elected official of the Shingle Springs Rancheria, I do hereby certify that, at a meeting duly called, noticed, and convened on the 21 day of April, 1999 at which time a quorum of 6 was present, this resolution was duly adopted by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.

Ray E. Fonseca
Chairperson

4-21-99
Date

ATTEST:

Helen J. Fonseca
Secretary

4-21-99
Date

LAST TRANSACTION REPORT FOR HP FAX-700 SERIES

VERSION: 01.03

FAX NAME: SSRANCHERIA
F NUMBER: 5306768033

DATE: 01-MAY-02
TIME: 13:29

DATE TIME
01-MAY 13:18 S 916

Post-it® Fax Note	7671	Date	5.1.02	# of pages	13
To	BRIGIT	From	NICK F		
Co./Dept.	EYE	Co.			
Phone #		Phone #			
Fax #		Fax #			

RESULT DIAGNOSTIC
OK 66284010016C

TO PRINT THIS REPORT AUTOMATICALLY, SELECT AUTOMATIC REPORTS IN THE SETTINGS MENU.
TO PRINT MANUALLY, PRESS THE REPORT/SPACE BUTTON, THEN PRESS ENTER.



File:M0081598.MEM

August 15, 1998

Mr. James R. Adams, Chairperson
Shingle Springs Rancheria
P.O. Box 1340
Shingle Springs, Ca 95682

Dear Jim,

The proposed changes for the enclosed ordinances were voted on by the Tribal Council. Other cleanup changes are also proposed.

Assignment Ordinance.

Change Section 10, Par f., subpar (3) to read: "in the event of finding of guilty, the exact remedy that is to be carried out by the Tribal Council."

Housing Ordinance.

Add the following to Section 6., as follows: "B. Permission may be granted by the Tribal Council for an Assignee to establish temporary living quarters on their parcel in the form of a building, mobile home or trailer until the construction of a permanent home is completed. Temporary living quarters must provide a safe and sanitary environment for the occupants. An application for such an action must be presented to the Tribal Council for approval."

Rename Section 6., paragraph B. to read paragraph C.

Change Section 7., Par f., subpar (3) to read: "in the event of finding of guilty, the exact remedy that is to be carried out by the Tribal Council."

Land Use Ordinance.

Remove Section 1, par (e) definition for "OEDP"

Section 5., par a., subpar (4)., change to read: "Multiple Residential, parcels 1-4 and 11-40."

Section 5., par a., subpar (6)., change to read: "Note: Parcels 12-15 and 22-24, are unavailable for assignment due to lack of water service, but may be used for future housing development. assignees may determine the use of their parcel for single or multiple dwellings. Multiple dwellings construction will be determined by the available waste disposal capability of the parcel."

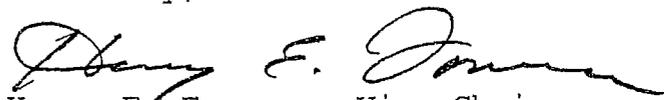
Section 6., par a., add the following noted words: "Any single-family, multiple-family or mobile home newly constructed on the Shingle Springs Rancheria shall be required to adhere to the following set back requirements of such unit:"

Section 8., par b., change to read: " The Tribal Council will designate an Economic Development Committee to review projects on a case by case basis and make recommendations to the Tribal Council as to whether a use permit will be issued."

Section 8., par f., subpar (3) change to read: "in the event of finding of guilty, the exact remedy that is to be carried out by the Tribal Council."

Please make enough copies for distribution to the Council and other interested persons to review before the next Tribal Council Meeting. These changes require approval before we can establish a housing authority.

Sincerely,



Henry E. Fonseca, Vice Chair
Tribal Council

PROPOSED CHANGES TO THE
THE SHINGLE SPRINGS BAND OF INDIANS
OF THE
SHINGLE SPRINGS RANCHERIA
OF
EL DORADO COUNTY, CALIFORNIA
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See page 7, Section 10, Par F. Subpar (3) add the words
"by the Tribal Council"

Shingle Springs Band
El Dorado County, California

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Assignment Ordinance

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- C. "Tribal Council" refers to the governing body of the Shingle Springs Band.
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Shingle Springs Band
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- E. "Assignment Committee" refers to the elected committee that has authority to review and recommend for approval assignment applications for the Shingle Springs Band.
- F. "Superintendent" refers to the Superintendent of the Central California Agency of the Bureau of Indian Affairs.

Section 2: Purpose

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Assignments on the Shingle Springs Rancheria shall be of three types:

Shingle Springs Band
El Dorado County, California

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- B. Assignments of land on which a home has been provided or built with federal or state allocations of tribal assets.
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- C. Houses built, modular or mobile homes purchased, with Tribal Assets, become the property of the Shingle Springs Band unless a Grant Agreement has been issued to the assignee by the Tribal Council.
- D. Assignments may be exchanged for other assignments with the approval of the Assignment Committee.

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- E. Assignments may be relinquished upon written notice of relinquishment to the Assignment Committee and upon relinquishment, the Assignment Committee may reassign the premises to another eligible person.
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- G. The Tribal Council reserves the right to explore for, lease, dispose of and convey any such timber or minerals, or rights thereto, in accordance with the Articles of Association and Land Use Ordinance. 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 Tribal Council.
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- K. An assignee may not rent his assignment or any improvements located thereon, or any part thereof, without the written consent of the Tribal Council.

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- L. The assignee must occupy the assignment within twelve (12) months of the date of granting the assignment, unless said time is extended by the consent of the Tribal Council. The assignee must pay, as a condition of receiving the assignment, any assessments approved by the Tribal Council, including but not limited to fees for water, sewer, garbage removal, and insurance, and any failure to pay any part of said assessments within 90 days of written notice to pay, shall be grounds for cancellation of the assignment.

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- A. An application for an assignment shall be filed with the Assignment Committee on an APPLICATION FOR STANDARD ASSIGNMENT form supplied by the Shingle Springs Rancheria.
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Section 9: Improvements

- A. Improvements of the following nature placed on an assignment by the assignee are deemed 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.

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- B. All other improvements, such as exterior fences, underground water or sewer systems, trees, shrubs and landscaping of a similar nature, shall be considered as part of the real property, and will remain with the land, and pass with the assignments, unless removal is authorized by the Tribal Council.
- C. If the assignment is relinquished, canceled 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 Tribal 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 otherwise, by a person not qualified to hold an assignment under this Ordinance. If not removed or disposed of within the said 180 day period of time after notice to do so, the improvements become the property of the Shingle Springs Band and may be held or disposed of as the Tribal Council may determine.
- D. Additions, alterations or betterments made by the assignee to houses constructed by a Tribal Housing Authority with housing improvement funds supplied by public agencies shall become part of the improvements and will become the property of the Shingle Springs Band and shall not be removed by the assignee or his/her heirs, unless a certificate of ownership has been issued to the assignee by the Tribal Housing Authority.
- E. Additions, alterations or betterments made by the assignee to homes built or provided with Tribal Assets shall become part of the improvements and will become the property of the Shingle Springs Band and shall not be removed by the assignee or his/her heirs, unless a Grant Agreement (certificate of ownership) has been issued to the assignee by the Tribal Council and conditions of the agreement have been met.
- F. Before construction of any improvement on an assignment, the assignee shall submit plans and specifications for such improvements to the Tribal Council for approval.

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- A. Enforcement of this Ordinance shall be by the Shingle Springs Tribal Council.
- B. Violations of this Ordinance shall be subject to the jurisdiction of the Shingle Springs Rancheria. The Tribal Council shall act on all reported violations of this Ordinance. Wherever possible, the Tribal Council shall grant the alleged violator an opportunity to correct the reported violation within a specified time.
- C. If the alleged violator fails to take corrective action upon being given the opportunity, the Tribal Council shall notify the alleged violator by certified mail, return receipt requested, that his/her assignment may be canceled or he/she may be evicted from the Rancheria.
- D. The alleged violator has thirty (30) days to appear before the Tribal Council to present his/her case.
- E. The Tribal Council shall conduct a hearing at the scheduled time and place and then and there may make its final decision whether or not the alleged violator appears, provided that good cause has not been shown at the time for the non-appearance.
- F. When the Tribal Council upon hearing and after due deliberation has reached its final decision, such decision shall be confirmed in a letter issued by the Tribal Council and directed to the alleged violator by certified mail, return receipt requested.

The letter shall cover all of these items:

- (1) the nature of the decision,
- (2) whether the alleged violator has been found innocent or guilty,
- (3) in the event of finding of guilty, the exact remedy that is to be carried out by the Tribal Council.

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- (4) the period of time allowed for removing or otherwise disposing of personal property, which period shall not be less than six (6) months from the date of the letter. If a person is ordered to leave tribal lands, he/she shall have at least thirty (30) days to do so.

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- A. If a person applies for an assignment and is denied the assignment, the applicant may appeal the Assignment Committee's decision to the Tribal Council within thirty (30) calendar days from the date of such denial.
- B. The Tribal Council shall render a decision based solely upon the provisions of Section 5 of this Ordinance. The decision of the Tribal Council shall be final.
- C. If an assignment is canceled upon a violation of any provisions of Section 7 and the assignee is aggrieved by action of the Tribal Council, he/she may make an appeal by filing a notice of appeal with the Tribal Office within thirty (30) days of the action by the Tribal Council.
- D. The Tribal Council shall consider the appeal based solely upon the provision(s) of Section 7 of this Ordinance.
- E. Within sixty (60) days of the filing of the notice of appeal, the Tribal Council shall render its decision on the matter. Failure of the Tribal Council to render its decision on the matter within sixty (60) days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the previous action.
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El Dorado County, California

Section 12: 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.

Section 13: Effective Date

This Ordinance may be amended by a majority vote of the Tribal Council at a duly held meeting, and such amendments shall become effective immediately.

Shingle Springs Band
El Dorado County, California

Certification

This is to certify that the foregoing Ordinance was duly enacted by the vote of the Council of the Shingle Springs Band, by a vote of 7 for, and 0 against, and 0 abstaining, at a duly held meeting of the Shingle Springs Band on Sept. 19, 1998.

Date: 12-30-98

Jim Adams
Chairperson

ATTEST:

Annem Stevens 12-30-98
Secretary

1996

THE SHINGLE SPRINGS BAND
of the
SHINGLE SPRINGS RAN
of
El Dorado County, Ca

Assignment Ordinance

AUTHORITY:

Whereas: The Shingle Springs Tribal Band, on June 19, 1976, did adopt the Articles of Association for the management of all Tribal affairs.

Whereas: Article VI, Section 1(d) of the Shingle Springs Rancheria Articles of Association authorizes the Tribal Council to regulate by an Assignment Ordinance, the use of and development of all tribal land, whether assigned or unassigned, and to manage, lease or otherwise operate all unassigned tribal property.

Whereas: It is the desire of the band to establish standards and procedures for the control and use of lands within the Shingle Springs Rancheria.

Now, therefore, be it known, that the Tribal Council of the Shingle Springs Rancheria does ordain as follow:

Section 1: Definitions

Wherever used in this Ordinance, the following terms shall have the following meaning:

- A. "Assignee" refers to the holder of an assignment.
- B. "Assignment" refers to a formal right to use reservation land subject to the terms of this Ordinance as now set forth or as may be amended from time to time.
- C. "Tribal Council" refers to the governing body of the Shingle Springs Band.
- 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.

- E. "Assignment Committee" refers to the elected committee that has authority to review and recommend for approval assignment applications for the Shingle Springs Band.
- F. "Superintendent" refers to the Superintendent of the Central California Agency of the Bureau of Indian Affairs.

Section 2: Purpose

The purpose of this Ordinance is to provide procedures for the orderly and equitable distribution and management of land assignments on the Shingle Springs Rancheria.

Section 3: Jurisdiction

The provisions of this Ordinance shall apply to the entire territory of the Shingle Springs Rancheria.

Section 4: Administration

The Shingle Springs Tribal Council shall administer the provisions of this Ordinance.

Section 5: Eligibility

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

- A. Certified Membership in the Shingle Springs Band.
- B. Have reached the age of 21, if unmarried, or 18 if married.
- C. Have never received an allotment of land from the Federal Government or is in possession of an assignment of any tribally owned land

Section 6: Types of Assignments

Assignments on the Shingle Springs Rancheria shall be of three types:

- A. Assignments of unimproved tribal land.
- B. Assignments of land on which a home has been provided or built with federal or state allocations of tribal assets.
- C. Assignments of land on which houses or improvements have been constructed with federal or private funds under a Tribal Housing Authority, where the assignee is paying for the house and improvements with private funds by making periodic payment and he is current in those payments.

Section 7: 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, an assignee may designate a member of his or her family to receive the assignment in the event of the death of the assignee. 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, 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. 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 reaches majority and become eligible, and applies for the assignment.
- C. Houses built, modular or mobile homes purchased, with Tribal Assets, become the property of the Shingle Springs Band unless a Grant Agreement has been issued to the assignee by the Tribal Council.
- D. Assignments may be exchanged for other assignments with the approval of the Assignment Committee.

- E. Assignments may be relinquished upon written notice of relinquishment to the Assignment Committee and upon relinquishment, the Assignment Committee may reassign the premises to another eligible person.
- F. Assignments grant no rights 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 Tribal Council reserves the right to explore for, lease, dispose of and convey any such timber or minerals, or rights thereto, in accordance with the Articles of Association and Land Use Ordinance. 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 Tribal Council.
- H. The Tribal Council reserves the right to request and participate in decisions regarding easement rights of way across any assignments for public purposes, in accordance with the Articles of Association and Land Use Ordinance. The Tribal Council reserves the right of ingress or egress over any assignment for access to other tribal lands.
- I. Assignments may be canceled if the dwelling is not occupied for six (6) months by the assignee or a member of his/her family as their principal residence, unless the assignee has received prior written approval from the Tribal 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 times, and in a neat and sanitary condition. There can be no junk cars or old appliances strewn about and personal garbage must be removed at regular intervals.
- K. An assignee may not rent his assignment or any improvements located thereon, or any part thereof, without the written consent of the Tribal Council.

- L. The assignee must occupy the assignment within twelve (12) months of the date of granting the assignment, unless said time is extended by the consent of the Tribal Council. The assignee must pay, as a condition of receiving the assignment, any assessments approved by the Tribal Council, including but not limited to fees for water, sewer, garbage removal, and insurance, and any failure to pay any part of said assessments within 90 days of written notice to pay, shall be grounds for cancellation of the assignment.

Section 8: Procedures.

- A. An application for an assignment shall be filed with the Assignment Committee on an APPLICATION FOR STANDARD ASSIGNMENT form supplied by the Shingle Springs Rancheria.
- B. The Assignment Committee shall review each application to determine if the applicant is eligible, and inform the applicant within thirty (30) days of receipt of the application whether it is granted or denied. If the applicant is denied, the applicant shall receive written notice of the reasons for the denial; if approved, the applicant shall receive a copy of the Grant of Standard Assignment, as evidence of the assignment.
- C. The Assignment Committee shall retain copies of approved Grant of Standard Assignment and furnish one copy to the Superintendent, one copy to the applicants personell file and one copy to the Tribal office files. Assignments shall be designated by number, and marked on a map of the lands of the Shingle Springs Rancheria.

Section 9: Improvements

- A. Improvements of the following nature placed on an assignment by the assignee are deemed 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, underground water or sewer systems, trees, shrubs and landscaping of a similar nature, shall be considered as part of the real property, and will remain with the land, and pass with the assignments, unless removal is authorized by the Tribal Council.
- C. If the assignment is relinquished, canceled 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 Tribal 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 otherwise, by a person not qualified to hold an assignment under this Ordinance. If not removed or disposed of within the said 180 day period of time after notice to do so, the improvements become the property of the Shingle Springs Band and may be held or disposed of as the Tribal Council may determine.
- D. Additions, alterations or betterments made by the assignee to houses constructed by a Tribal Housing Authority with housing improvement funds supplied by public agencies shall become part of the improvements and will become the property of the Shingle Springs Band and shall not be removed by the assignee or his/her heirs, unless a certificate of ownership has been issued to the assignee by the Tribal Housing Authority.
- E. Additions, alterations or betterments made by the assignee to homes built or provided with Tribal Assets shall become part of the improvements and will become the property of the Shingle Springs Band and shall not be removed by the assignee or his/her heirs, unless a Grant Agreement (certificate of ownership) has been issued to the assignee by the Tribal Council and conditions of the agreement have been met.
- F. Before construction of any improvement on an assignment, the assignee shall submit plans and specifications for such improvements to the Tribal Council for approval.

Section 10: Enforcement

- A. Enforcement of this Ordinance shall be by the Shingle Springs Tribal Council.
- B. Violations of this Ordinance shall be subject to the jurisdiction of the Shingle Springs Rancheria. The Tribal Council shall act on all reported violations of this Ordinance. Wherever possible, the Tribal Council shall grant the alleged violator an opportunity to correct the reported violation within a specified time.
- C. If the alleged violator fails to take corrective action upon being given the opportunity, the Tribal Council shall notify the alleged violator by certified mail, return receipt requested, that his/her assignment may be canceled or he/she may be evicted from the Rancheria.
- D. The alleged violator has thirty (30) days to appear before the Tribal Council to present his/her case.
- E. The Tribal Council shall conduct a hearing at the scheduled time and place and then and there may make its final decision whether or not the alleged violator appears, provided that good cause has not been shown at the time for the non-appearance.
- F. When the Tribal Council upon hearing and after due deliberation has reached its final decision, such decision shall be confirmed in a letter issued by the Tribal Council and directed to the alleged violator by certified mail, return receipt requested.

The letter shall cover all of these items:

- (1) the nature of the decision,
- (2) whether the alleged violator has been found innocent or guilty,
- (3) in the event of finding of guilty, the exact remedy that is to be carried out,

- (4) the period of time allowed for removing or otherwise disposing of personal property, which period shall not be less than six (6) months from the date of the letter. If a person is ordered to leave tribal lands, he/she shall have at least thirty (30) days to do so.

Section 11: Appeals

- A. If a person applies for an assignment and is denied the assignment, the applicant may appeal the Assignment Committee's decision to the Tribal Council within thirty (30) calendar days from the date of such denial.
- B. The Tribal Council shall render a decision based solely upon the provisions of Section 5 of this Ordinance. The decision of the Tribal Council shall be final.
- C. If an assignment is canceled upon a violation of any provisions of Section 7 and the assignee is aggrieved by action of the Tribal Council, he/she may make an appeal by filing a notice of appeal with the Tribal Office within thirty (30) days of the action by the Tribal Council.
- D. The Tribal Council shall consider the appeal based solely upon the provision(s) of Section 7 of this Ordinance.
- E. Within sixty (60) days of the filing of the notice of appeal, the Tribal Council shall render its decision on the matter. Failure of the Tribal Council to render its decision on the matter within sixty (60) days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the previous action.
- F. The decision of the Tribal Council upon an appeal is final and conclusive as to all things involved in the matter.

Section 12: 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.

Section 13: Effective Date

This Ordinance may be amended by a majority vote of the Tribal Council at a duly held meeting, and such amendments shall become effective immediately.

Certification

This is to certify that the foregoing Ordinance was duly enacted by the vote of the Council of the Shingle Springs Band, by a vote of 7 for, and 0 against, and 0 abstaining, at a duly held meeting of the Shingle Springs Band on June 29, 1996.

Date: 6-29-96

William O. M ^{SR}
Chairperson

ATTEST:

Robert Fonseca
Secretary