

Washoe Tribe of Nevada and California

Law & Order Code

**TITLE 26 — STANDARD ASSIGNMENTS & LAND LEASES
ORDINANCE**

[Last Amended 11/18/05. Issue Date: 7/21/06.]

BE IT ENACTED BY THE Washoe Tribal Council pursuant to Article VI Section 1(f) and Article VIII of the constitution that the following provisions and conditions shall define and regulate the land use of all Washoe Tribal lands. This ordinance shall supersede all prior ordinances relating to the use of tribal land, and any land use customs heretofore observed.

The unallotted lands of the Washoe Tribe as well as lands which may hereafter be acquired by the Washoe Tribe or by the United States in trust for the Washoe Tribe shall be held as tribal lands. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Washoe Tribe, or leased, or exchanged for other lands of equal value, or otherwise used by the tribe. Effective as of the date of approval of this ordinance, all assignments of Washoe tribal land granted prior to the date of the approval, shall be null and void.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 on 11/18/05, Resolution No. 107-WTC-2005.]

SECTION I – STANDARD ASSIGNMENTS

- (a) Assignment of tribal land shall be for the primary purpose of establishing homes for landless Washoe Indians, and shall be known as Standard Assignments. All Washoes who were holders of assignments on the date of the approval of this ordinance shall be given preference in the reassignment of those same lands. Preference in all assignments shall be given to heads of families who are entirely landless. (The term “landless” shall include those persons whose only interest in land is in trust lands.) A member of the Washoe Tribe shall hold no more than one assignment.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 and amended on 11/18/05, Resolution No. 107-WTC-2005.]

- (b) Any member of the Washoe Tribe, twenty-one years of age or older, or who regardless of age is married, shall be eligible to apply for a standard assignment. An application for an assignment shall be made by the head of a family, and, if granted, the assignment shall be in the name of the applicant as the head of a family. A member of the Washoe Tribe married to a person who is not a member of the tribe shall be considered the head of the family, and shall be entitled to apply for an assignment.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 on 11/18/05, Resolution No. 107-WTC-2005.]

- (c) Applications for Standard Assignments shall be filed with the Secretary of the Washoe Tribal Council on standard forms.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 and amended on 11/18/05, Resolution No. 107-WTC-2005.]

- (d) If any member of the Washoe Tribe who holds a Standard Assignment shall, for a period of one year, fail to use the land so assigned, or shall fail to abide by the terms of the assignment application, the assignment may be cancelled by the Washoe Tribal Council after due notice and an opportunity to be heard, as described in paragraph (e), and the said land may be reassigned. When a Standard Assignment is given to a member, it is because that member, in his application, has shown a need for the area for which he is asking, and because he intends to establish a home upon the assignment. If any person holding an assignment desires to temporarily leave the assignment for a justifiable reason, such as educational, military service, or medical treatment, they shall contact the Washoe Tribal Council and request permission to vacate or lease the assignment until their return. Such an arrangement shall not exceed five (5) years.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 and amended on 11/18/05, Resolution No. 107-WTC-2005.]

- (e) Petition, Notice, and Hearing. Any Washoe Tribal member, including a Washoe Tribal Council member, or a community council may petition the Washoe Tribal Council to cancel an assignment by filing a petition with the Secretary-Treasurer of the Washoe Tribal Council. The Secretary-Treasurer shall issue a notice to the assignment holder and the petitioner to inform the assignment holder of a hearing regarding cancellation of the assignment. The hearing shall provide both the petitioner and the assignment holder with the opportunity to present evidence, including witnesses, with regard to the merits of the petition. The assignment holder shall have the right to be represented at the hearing by any person whom the assignment holder may choose, at the assignment holder's expense. The filing of the petition, the notice issued, and the hearings held shall all be in accordance with procedures established by the Washoe Tribal Council.

[Enacted 11/18/05, Resolution No. 107-WTC-2005.]

- (f) Upon the death of any member holding a Standard Assignment, his heirs, or other individuals designated by him, by will or written request, shall have preference in the re-assignment of the land, provided such persons are members of the Washoe Tribe who would be eligible to receive an assignment. Where no will or written request has been made by the holder of an assignment, in which is designated the person to whom he wishes the land reassigned, the Washoe Tribal Council may give preference in the reassignment to persons determined to be heirs. When a deceased holder of a Standard Assignment has willed that the land be reassigned to a person under 21, or where the heirs are determined to be persons under 21, the assignment may be granted to and be administered by the parents or guardians. If the spouse of a deceased assignment holder is not an eligible member of

the Washoe Tribe, but the children are, then the assignment may be granted to him or her until the minor children either marry or reach twenty-one years of age.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 and amended on 11/18/05, Resolution No. 107-WTC-2005.]

- (g) Improvements of any character made upon assigned lands may be bequeathed to and inherited by members of the tribe or otherwise disposed of under such regulations as the council shall provide. No permanent improvements shall be removed from the land without the consent of the Washoe Tribal Council. When personal property, including houses located on the standard Home-Site Assignment, is inherited, either by will or by natural inheritance, or is purchased by a person or persons who cannot make use of it on the assignment where it is located, the party so inheriting, or purchasing it, may dispose of it in one or more of the following ways: (1) by removing it at their own expense; (2) by sale to a person who can use it where it is located, with approval of the Washoe Tribal Council; or (3) by sale to the Tribe on such terms as may be agreed upon; provided that any such property that is to be removed from the land shall have passed to other heirs or have been reassigned, and provided further that the land from which the improvements are removed shall be left in the same good condition as before the improvements were placed upon it, except in the case of a well, or of foundations which may be left by agreement with the new assignee.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 and amended on 11/18/05, Resolution No. 107-WTC-2005.]

SECTION II – LAND LEASES

- (a) Washoe Tribal lands may be leased by the Washoe Tribal Council with the approval of the Secretary of the Interior, for such periods of time as are permitted by law and for a consideration acceptable to the Tribal Council. In the leasing of tribal lands, preference shall be give first to Indian cooperative associations, and secondly, to individual Indians who are members of the Washoe Tribe.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 on 11/18/05, Resolution No. 107-WTC-2005.]

- (b) Non-members who were enjoying tenure on Washoe lands on June 20, 1966, shall be given the opportunity to lease the land they presently occupy and use for homesite purposes for a period not to exceed 25 years. This privilege shall be extended to those persons in this category who are the heads of a household and shall not necessarily apply to the lessee's heirs.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 on 11/18/05, Resolution No. 107-WTC-2005.]

- (c) With the exception of those persons provided for in (b) above, no lease of tribal land to non-members shall be made by the Washoe Tribal Council unless, it shall appear that no

Indian cooperative or association or individual member of the Washoe Tribe is able and willing to use the land and to pay a reasonable fee for such use. The Washoe Tribal Council, in considering any such lease of tribal land upon a Washoe Colony, shall consider the recommendations of the respective community council.

[Ordinance No. V enacted 2/10/67; Codified as Title 26 on 11/18/05, Resolution No. 107-WTC-2005.]