



PUBLIC NOTICE OF DRAFT ORDINANCE GOVERNING LAND TRANSACTIONS

Pursuant to Resolution No. 2011-076, "Enacting a Public Review and Input Process for Tribal Ordinances," **PUBLIC NOTICE IS HEREBY GIVEN** that the Pueblo of Isleta Tribal Council has determined that the draft Ordinance Governing Land Transactions ("Ordinance") is ready for public review and input.

The Ordinance Governing Land Transactions proposes to:

- create uniform recording of land transactions on the Pueblo;
- have all land transactions recorded in one location; and
- standardize valid conveyances in land.

The draft Ordinance may be downloaded, free of charge, from the official Pueblo of Isleta website at <https://www.isletapueblo.com/government/tribal-council/poi-regulations-ordinances-standards/> or you may request a copy from Tribal Council staff.

Your input on the draft Ordinance is important. Please provide your input in writing to:

Tribal Council Office

RE: "Draft Ordinance Governing Land Transaction"

P.O. Box 850

Isleta, NM 87022

You may also hand-deliver your comments to the Tribal Council office during regular business hours. Comments will be time-stamped and compiled by Tribal Council staff. Should you have any questions please call the Tribal Council office at 505-869-9695 or 505-869-9746.

The public comment period will end at close of business on **March 31, 2020**.

Table of Contents
PUEBLO OF ISLETA ORDINANCE GOVERNING LAND TRANSACTIONS

I. Purpose of Ordinance.....	1
II. Definitions.....	1
III. Authorities	2
IV. Land Transactions	2
V. Effect of Recording.....	2

**PUEBLO OF ISLETA
ORDINANCE GOVERNING LAND TRANSACTIONS**

Drafted October 12, 2018, last revised October 17, 2019

I. Purpose of Ordinance

- A. This Ordinance is enacted for the purpose of recording Pueblo of Isleta practices governing land transactions of tribal lands, and ensuring that land transactions are conducted in a uniform manner and recorded in a uniform and consistent manner for the benefit of the Pueblo of Isleta and its tribal members.
- B. This Ordinance affirms customary authorities of the Governor and Lieutenant Governors and various departments of the Pueblo of Isleta government authorized by the Tribal Council. Specifically, this Ordinance authorizes the Pueblo of Isleta ("POI") Realty Department (also referred to as the Surveying and Mapping Department) to develop policies, processes and forms for land transactions and recording in a uniform manner.
- C. This Ordinance is not intended to supersede customary and traditional powers and authorities of the traditional government of the Pueblo of Isleta, and shall not be interpreted as such.

II. Definitions

As used in this Ordinance, the following definitions shall mean:

- A. Governor – refers to the Governor of the Pueblo of Isleta.
- B. Land Assignment – refers to a transfer of an interest in tribal lands to a tribal member in accordance with the laws of the Tribe. It typically refers to the land conveyance document used by the Tribe to give tribal members an indefinite possessory interest in tribal lands.
- C. Lease – refers to an agreement for the use of land, including Trust Land or Restricted Land, or other real property.
- D. Lieutenant Governors – refers to the first and second Lieutenant Governors of the Pueblo of Isleta.
- E. Realty Department– refers to the Pueblo of Isleta Realty Department, also referred to as the Surveying and Mapping Department, or other departments created to carry out the purposes of this Ordinance.
- F. Restricted Land – refers to land within the jurisdiction of the Tribe that is subject to restrictions against alienation imposed by federal treaty, statute, Executive Order, or the Tribe.
- G. Tribal community property – refers to tribal lands that have not been assigned to a tribal member or tribal entity, or tribal lands that have not been leased to a tribal member or other person or entity, or tribal lands that have reverted back to the Tribe.
- H. Tribal Council – refers to the Tribal Council of the Pueblo of Isleta.
- I. Tribal lands – refers to the lands owned by the Tribe, including Restricted and Trust land.

- J. Tribal member – refers to any person recognized as being an Isleta tribal member by the laws of the Tribe.
- K. Tribe – refers to the Pueblo of Isleta.
- L. Trust Land – refers to land within the jurisdiction of the Pueblo, title to which is held by the United States for the benefit of the Tribe or an individual tribal member.

III. Authorities

- A. The Realty Department is hereby delegated authority to develop land conveyance policies and procedures to ensure that land transactions are governed uniformly and standard practices are adopted for the uniform recording of land transactions.
- B. The Governor and Lieutenant Governors have authority to develop a process for reviewing and approving leases authorized under the POI Leasing Law.
- C. The Governor and Lieutenant Governors have authority to create, establish, and confirm easements, including ditch easements and road easements, through tribal lands to ensure that any land holding is not landlocked, having proper ingress and egress, with coordination with the Realty Department.
- D. The delegation of authorities under this Ordinance shall not be interpreted as a new authority but rather an affirmation of said authorities.

IV. Land Transactions

- A. The Realty Department shall develop policies governing land transactions.
- B. No land transaction of tribal lands, including a Land Assignment, shall be valid unless said document has the signature of the Governor or one of the Lieutenant Governors.
 - 1. Exception – No land transaction of tribal community property shall be valid except with the approval of the Tribal Council and signed by the Governor or one of the Lieutenant Governors.
- C. No land lease from the Tribe shall be valid unless said lease is approved by the Tribal Council and signed by the Governor or one of the Lieutenant Governors.
- D. Tribal lands shall not be transferred to non tribal members.

V. Effect of Recording

The recording of a land transaction at the Realty Department shall be evidence of valid title to a land interest, such as a Lease or Land Assignment.