

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT AND
NAABIK'ÍYÁTI'; AMENDING 3 N.N.C. §§ 61-69; AND; ENACTING THE
AMENDMENTS TO THE NAVAJO NATION FARM BOARD PLAN OF OPERATION ACT
OF 2014

BE IT ENACTED:

Section One. Findings

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §601(B)(14), reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code.
- B. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §500(C)(1) and 2 N.N.C. §501(B)(4)(f), reviews and makes recommendations to the Navajo Nation Council on policy with respect to optimum utilization of Navajo Nation resources.
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §164(A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- D. It is in the best interest of the Navajo Nation that the Navajo Nation Farm Board Plan of Operation be amended in the manner described below.

Section Two. Enactment of the Amendments to the Navajo Nation Farm Board Plan of Operation Act of 2014

The Navajo Nation hereby approves the Amendments to the Navajo Nation Plan of Operation Act of 2014.

Section Three. Amendments to Title 3 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 3, §§ 61 et seq., as follows:

TITLE 3. AGRICULTURE AND LIVESTOCK

CHAPTER 1. AGRICULTURAL LEASES, ASSIGNMENTS, AND PERMITS

SUBCHAPTER 4. MAJOR IRRIGATION PROJECTS FARM BOARDS

§ 60. Definitions

- A. "Farm land" means lands set aside with the intention of producing food and/or fiber, including but not limited to dryland farms or fields, lands set aside in crop rotation systems, pastures, lake project farms, miscellaneous project farms, and river project farms, including value adding operations and farm related improvements, such as fencing and farm equipment/produce storage/temporary shelter/marketing buildings and lands not cultivated as a result of natural disasters or man-caused emergencies or circumstances.
- B. "Dryland farming" means farming without support of a river, stream or reservoir, and utilizing only annual precipitation.
- C. "Idle farm land" means unused farm land, unplanted farm land, and those not farmed from year to year, except as noted above.
- D. "Intermittent stream" means streams and gullies that do not flow throughout the year and occur as a result of rainfall and melting snow.
- E. "Lake project farm land" means farm land supported by manmade or natural lake or reservoir.

- F. "Miscellaneous project farm land" means farm land supported by natural precipitation, intermittent stream, or natural spring, and have capacity to sustain viable crops, including but not limited to dryland farms, drip irrigation farms and artesian well farms.
- G. "Perennial stream" means a stream that constantly flows throughout the year.
- H. "River project farm land" means farm land supported by river or perennial stream.

§ 61. Establishment

Farm Boards are hereby established.

- A. There are hereby established Farm Boards within the Executive Branch of the Navajo Nation Government.
- B. Farm Boards shall be established through the ~~Government Services Resources and Development~~ Committee of the Navajo Nation Council ~~upon the recommendation of the Resources Committee,~~ provided the following criteria are met:
 - 1. A ~~proposed~~ local Farm Board Plan of Operation, which will define or designate the farming or irrigation project lands or boundaries, is submitted and approved by the Navajo Nation Department of Agriculture; and
 - 2. ~~A certified~~ The respective Chapter(s) of the Navajo Nation where the farming or irrigation project is situated supports the formation of a Farm Board; and
 - 3. The Farm Board project area is comprised of farm lands which meet one of the following projects: Lake project farm land, River project farm land or miscellaneous project farm land.
 - ~~a. "Lake Projects" means that the farm lands are located near lakes, man made or natural or reservoirs.~~
 - ~~b. "River Projects" means that farm lands are located near rivers, or perennial streams.~~

~~e. "Miscellaneous Projects" means that farm lands are located in areas that receive high amounts of rain fall, from 0-18, more or less, inches per year, and have the capacity to sustain viable crops: or areas that receive run off water from mountains, i.e. intermittent streams, and have capacity to sustain viable crops.~~

4. The Farm Board is responsible for oversight of the farm lands of the farm project.
- C. An individual chapter Farm Board shall consist of three members elected from the chapter. If A a Farm Board may be is comprised of several chapters or districts, but a Chapter shall have no more than one Farm Board representative.
- D. Unless otherwise stated by the Resources and Development Committee, applicable respective District Grazing Committees or District Land Boards shall ~~maintain~~ have authority over farmlands not under the jurisdiction or scope of a Farm Board.

§ 62. Purposes

It is the purpose of the Farm Boards:

1 A. To build ~~up~~ locally ~~the capacity and responsibility to ensure for~~ the proper and full protection, conservation, management, sustainable and economic use and development of local farmland and irrigation water systems.

2 B. To ~~promote coordination among~~ collaborate with the Navajo Nation, private entities organizations, state and federal agencies, local Navajo farmers and farming communities ~~for ensuring~~ to ensure proper operation, maintenance, rehabilitation and improvement of local irrigation systems.

3 C. To promote and implement coordination among the Navajo Nation, private entities organizations, state and federal agencies to provide Navajo farming communities with adequate research, education and training in all aspects of

agricultural production, irrigation management, marketing and financial mismanagement, and other areas related to agriculture within the Navajo Nation.

4 D. To ~~promote~~ ensure full utilization of idle farmlands, including idle farmlands.

§ 63. Personnel Farm Board Officers

Each Farm Board shall select from its membership, the following officers:

- A. Chairperson. The Chairperson shall preside over Farm Board meetings and ~~±~~ ensure that the business of the Farm Board is conducted in an orderly manner. The Chairperson shall develop monthly meeting agendas, generate reports, prepare annual and supplemental budgets, conduct other duties necessary for the position, and serve as the representative of the Farm Board budget team within the Department of Agriculture. The Chairperson shall serve as the liaison between the Navajo Nation and the community, and coordinate dissemination of information from the Department to the community and other Farm Board members.
- B. Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson as well as other duties ~~that may be delegated to him or her.~~ The Vice-Chairperson shall maintain the Farm Board meeting sign-in sheets and coordinate dissemination of the agenda and all handouts.
- C. Secretary-Treasurer. The Secretary-Treasurer shall be responsible for keeping preparing and maintaining the records of the Farm Board, including meeting minutes and financial records of the Farm Board, and shall prepare financial reports as necessary and required.
- D. The Farm Board Officers and Members shall perform all duties delegated by the Resources and Development Committee of the Navajo Nation Council.

§ 64. Meetings

- A. Monthly meetings. Each Farm Board ~~must~~ shall hold at least two scheduled meetings per month to address issues of farming, land use permits, land use matters, ~~and disputes,~~ attend training, joint Farm Board meetings, budget meetings, District or Agency Council meetings, Resource and Development Committee meetings, or other meetings required, sponsored and approved by the Department of Agriculture. Meeting scheduling shall comply with the applicable Navajo Nation laws.
- B. Special Meetings. Special meetings may be called by ~~over~~ one-half quorum of the Farm Board ~~members~~ officials, subject to availability of funds.
- C. Quorum. A quorum shall consist of a simple majority of the Farm Board ~~members~~ officials.
- D. Joint Farm Board Meetings, Joint Farm Board meetings may be called by a simple majority of Farm Boards or as called by the Department of Agriculture. Joint Farm Board meetings may be scheduled on a quarterly basis.

§ 65. Powers

Subject to applicable laws, each Farm Board shall have the following enumerated powers:

~~A. Enumerated Powers.~~

~~1A. To review and approve~~ recommend to the Resources and Development Committee and Bureau of Indian Affairs the granting, assignment, reassignment, cancellation, relinquishment, transfer, agriculture leasing and subleasing of agricultural land use permits with the concurrence of the Division of Natural Resources and Department of Agriculture, including the transfer or contracting of these functions from the Bureau of Indian Affairs;

~~2B. To review and recommend approval to the Resources and Development Committee of the Navajo Nation Council of the granting of agricultural land use permits, and the construction of irrigation project boundary fences,~~

irrigation canal rights-of-way, water-use irrigation operation and maintenance assessments or other matters involving agricultural land and/or irrigation water development and management in accordance with applicable laws;

3C. To assess on an annual basis and collect fees for water irrigation operation and maintenance assessments, which shall revert directly to the Farm Board collecting such assessments and be used to improve local irrigation operations and maintenance;

4D. To mediate and maintain official written records of any disputes which may arise among agricultural land use permit holders. And provide copies of all such official written records shall be furnished to the Navajo Nation's Department of Agriculture, Division of Natural Resources and to the Bureau of Indian Affairs.

5E. To use land, grazing and farm dispute procedures approved by the Resources and Development Committee to serve as mediators mediate by resolving disputes of land use rights, fences, land boundaries, rights-of-way, weed or pest control, domesticated or wildlife animal trespass, annual irrigation operation and maintenance water-use assessments or other agricultural related disputes, associated within the Navajo Reservation Farm Board's project lands. , except disputes involving divorce, separation, and probate which shall be resolved by the Navajo Nation Courts. The Board may submit recommendations to the Court in agricultural matters regarding divorce, separation, and probate. Unresolved disputes shall be submitted to the Office of Hearings and Appeals, although the Board may submit its own recommendations.

F. Agricultural related disputes involving divorce, separation, and probate shall be resolved by the Navajo Nation Courts. The Farm Board may however submit recommendations to the Court in agricultural matters regarding divorce, separation, and probate. Unresolved disputes shall be submitted to the Office of Hearings and Appeals, although the Board may submit its own recommendations.

- ~~6~~G. To resolve ~~inter~~-district agricultural-related disputes by holding joint meetings with the adjoining Farm Boards and/or District Grazing Committees. Unresolved matters shall be submitted with recommendations to the Office of Hearings and Appeals.
- ~~7~~H. To submit ~~in writing~~ to the Resources and Development Committee of the Navajo Nation Council, any written recommendations and suggestions of general interest and on any problem which the Farm Board is unable to resolve or beyond its authority.

~~B. Management Functions~~

- ~~1~~I. To develop and recommend for Resources and Development Committee approval, such policies, procedures, rules and regulations as may be required to implement the provisions of this plan of operation.
- ~~2~~J. To develop, review and implement standard procedures manuals and short and long-range plans for the rehabilitation, improvement, operation and maintenance of irrigation systems, in coordination with appropriate Navajo Nation, private, state and federal agencies.
- ~~3~~K. To oversee plans, budgets, staffing, decisions and activities of Navajo Nation agriculture farmland with the responsibility for management, operations, maintenance and repairs on irrigation projects under the authority of the ~~local~~ Farm Board.
- ~~4~~L. To cooperate, negotiate and enter into agreements, consistent with applicable Navajo Nation laws, with Navajo Nation, private, state, and federal agencies to carry out programs for the construction, rehabilitation, improvement, operation and maintenance of any irrigation structures or systems.
- ~~5~~M. To conduct ~~surveys~~, investigations, research, education and demonstrations ~~relating to~~ on methods and ~~results~~ of agricultural production, farm management and crop marketing, irrigation management and other measures ~~as well~~

~~as aiding agricultural productivity and irrigation water management, in coordination and cooperation and coordinate with appropriate Navajo Nation, private, state and federal agencies.~~

6N. Subject to the availability of funds to employ administrative, clerical and technical staff personnel.

7O. To acquire, administer, and make available on such terms as the Farm Board may prescribe, all assets and resources, such as plant materials, supplies, tools, machinery, equipment and other property necessary for the implementation of proper economic sustainable agriculture and irrigation system rehabilitation, improvement, operations and maintenance, in coordination with appropriate Navajo Nation and federal agencies and consistent with applicable Navajo Nation laws.

8P. To perform other agricultural related duties as may be directed and funded by the Resources and Development Committee of the Navajo Nation Council, the President of the Navajo Nation, and the Navajo Nation Council.

9Q. To sign Homesite applications pursuant to rules and regulations adopted by the Resources and Development Committee of the Navajo Nation Council and Navajo Nation laws.

R. To protect land use permits and farmlands from encroachment from home sites, burial sites, church sites, business sites, advertisement sites, real estate development and urban development. Farm Boards and District Grazing Committees shall consult with each other on such developments.

S. To modify and adjust land use permits to take into consideration existing homes, established roads and one acre, more or less, officially withdrawn homesites. Farm Boards shall cooperate with utility companies and like interests in developing utility services on farmlands and adjacent farmlands.

§ 66. Accountability

A. Farm Board members as elected officials shall be accountable to their respective ~~local~~ chapters by attending chapter meetings and submitting monthly reports to the chapter.

B. Farm Boards ~~members~~ shall be accountable to the Department of Agriculture, the Executive Director, Division of Natural Resources, or his/her designee by submitting monthly reports.

§ 67. Compensation

A. Farm Board members shall be paid from funds provided annually in the Navajo Nation budget for that purpose, subject to the availability of funds.

B. Farm Board members shall be compensated at a rate determined by the Navajo Nation Council for per diem for attending official meetings. Farm Board member claims for meeting stipends and per diem shall be made pursuant to the submittal of by an official claim form together with a meeting sign-in roll sheet, minutes and meeting agenda. Compensation of the Farm Board may be withheld for failure: to cooperate with officials of the Navajo Nation; to submit minutes and reports; or to attending chapter meetings or any other officially scheduled meetings; or to complete assignments made by the Department of Agriculture.

§ 68. Legislative Oversight

Farm Boards shall operate under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § ~~695(B)-(15)~~ 501(C)(1).

§ 69. Amendments

The Plan of Operation of the Farm Boards may be amended from time to time by the Navajo Nation Council upon the recommendation of the Resources and Development Committee ~~and the Government Services Committee~~ of the Navajo Nation Council.

Section Four. Effective Date

The Act is effective upon its approval pursuant to 2 N.N.C. §221.

Section Five. Codification

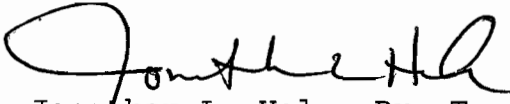
The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section Six. Saving Clause

Should any provisions of this ordinance be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 11 in favor and 2 opposed, this 23rd day of December 2014.


Jonathan L. Hale, Pro Tem Speaker
Navajo Nation Council

12/29/14
Date

Motion: Honorable Nelson BeGaye
Second: Honorable Roland Tso

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of DEC 31 2014 2014.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2014 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation