

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL -- Third Year, 2017

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,  
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 3  
N.N.C. §§ 64, 66, 67; ENACTING AMENDMENTS TO SUBCHAPTER 4. MAJOR  
IRRIGATION PROJECTS FARM BOARDS PLAN OF OPERATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- 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 on proposed amendments to and enactments in the Navajo Nation Code.
- B. The Resources and Development Committee of the Navajo Nation Council, among other duties and responsibilities, has oversight authority over matters related to agriculture within the Navajo Nation. 2 N.N.C. §500 (C).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. Pursuant to 2 N.N.C. § 164(A) (9), the committee reviews proposed legislation which requires final action by the Navajo Nation Council.
- D. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2 N.N.C. § 102.

SECTION TWO. FINDINGS

- A. The Navajo Nation Farm Boards were established by the Navajo Nation Council at Title 3, Subchapter 4, Major Irrigation Projects Farm Boards at Sections 66 through 69 in the Navajo Nation Code. 3 N.N.C. §§ 66-69 et seq.
- B. The Navajo Nation Council adopted amendments to the Farm Boards Plan of Operation in December 31, 2014. See Exhibit "A" CD-76-14
- C. The Navajo Nation Council hereby finds it in the best interest of the Navajo People to now enact the following amendments to

the Navajo Nation Code concerning the Plan of Operation for the Navajo Nation Farm Boards.

**SECTION THREE. AMENDING TITLE 3**

The Navajo Nation amends the Navajo Nation Code at 3 N.N.C. §§ 64, 66, 67 as follows:

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**THE NAVAJO NATION CODE ANNOTATED  
TITLE 3. AGRICULTURE AND LIVESTOCK  
SUBCHAPTER 4. MAJOR IRRIGATION PROJECTS FARM BOARDS**

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\* \* \* \*

**§ 64. Meetings**

- A. Monthly meetings. Each Farm Board shall hold two scheduled meetings per month to address issues of farming, land use permits, land use matters, disputes, attend training, joint Farm Board meetings, budget meetings, District or Agency Council meetings, Resources and Development Committee meetings, or other meetings required, sponsored and approved by the Department of Agriculture. Meeting schedules shall comply with the applicable Navajo Nation laws. The following meetings will be compensated: Two monthly meetings.
- B. The meeting payments may be used in place of other meetings as needed—Joint Farm Board Meeting, Reservation Wide Meeting, District Council Meeting, etc., as agreed upon by the Joint Farm Board.
- ~~B-C.~~ Special Meetings. Special meetings may be called by quorum of the Farm Board officials, subject to availability of funds.
- ~~C~~ D. Quorum. A quorum shall consist of a simple majority of the Farm Board officials.
- ~~D~~ E. 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, the first week of March, June, September, December, with additional meetings as needed.

\* \* \* \*

**§ 66. Accountability**

- ~~A. Farm Board members as elected officials shall be accountable to their respective chapters by attending chapter meetings and submitting monthly reports to the chapter.~~
- BA. Farm Boards shall be accountable to the Department of Agriculture, the Executive Director, Division of Natural Resources, or designee Resources and Development Committee of the Navajo Nation Council by submitting ~~monthly~~ quarterly reports.
- B. Farm Boards shall submit two Crop Reports annually to the Navajo Nation Department of Agriculture to document planting activities and harvest activities. The planning Crop Report will be filed by the last working day of June and the harvest Crop Report will be filed by the last working day of November.

**§ 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 by official claim form together with a meeting sign-in sheet, minutes and agenda. Compensation of the Farm Board may be withheld for failure: to cooperate with officials of the Navajo Nation; to submit minutes and reports; to attend ~~chapter meetings~~ or any other officially scheduled meetings; or to complete assignments made by the Department of Agriculture.

\* \* \* \*

**SECTION FOUR. CODIFICATION**

The provisions of the Act 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 FIVE. SAVING CLAUSE**

Should any provision of this Act 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, the remainder of the Act shall remain the law of the Navajo Nation.

**SECTION SIX. EFFECTIVE DATE**

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).

**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 13 in favor and 03 opposed, on this 17<sup>TH</sup> day of October 2017.



LoRenzo C. Bates, Speaker  
Navajo Nation Council

10-27-17

\_\_\_\_\_  
Date

Motion: Honorable Steven Begay  
Second: Honorable Nelson S. BeGaye

Speaker Bates not voting

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 6<sup>th</sup> day of November 2017.

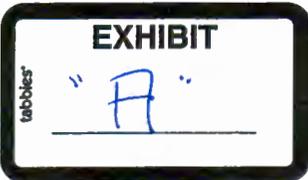


Russell Begaye, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this \_\_\_\_\_ day of \_\_\_\_\_ 2017 for reason(s) expressed in the attached letter to the Speaker

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Russell Begaye, President  
Navajo Nation



CD-76-14

**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:

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TITLE 3. AGRICULTURE AND LIVESTOCK

CHAPTER 1. AGRICULTURAL LEASES, ASSIGNMENTS, AND PERMITS

SUBCHAPTER 4. MAJOR IRRIGATION PROJECTS FARM BOARDS

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§ 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~~ 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.

- 6G. 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.
- 7H. 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~~

- 1I. 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.
- 2J. 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.
- 3K. 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.
- 4L. 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.
- 5M. 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 23<sup>rd</sup> 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



# THE NAVAJO NATION

RUSSELL BEGAYE  
JONATHAN NEZ

December 1, 2016

TO: SAS Reviewers

FROM:

  
Leo Watchman, Jr.  
Departmental Manager, Navajo Nation Department of Agriculture

SUBJECT: **Navajo Nation Farm Board Plan of Operation – SAS 007083**

On behalf of the Navajo Nation Farm Board (NNFB) please accept this request to amend their Plan of Operation to facilitate clear management of farm resources. Please know the Navajo Nation Joint Farm Board did meet on 11.15.2016, Crystal Chapter House, and voted in favor of the following amendments.

The amendments include:

**§64. Meetings**

- Two monthly meeting will be compensated.
- Defines what the two monthly meetings could consist.
- Defines the schedule for the quarterly Joint Farm Board meetings to standardize a meeting schedule which is more conducive to business operations.

**§ 66. Accountability**

- Adds Resources and Development Committee to the parties that quarterly reports require a submittal.
- Establishes Crop Reports be submitted twice a year – to record planting and harvesting. Currently Crop Reports are expected to be submitted monthly and is unrealistic as it does not reflect farming activity on the Navajo Nation.

**§ 67. Compensation.**

- Strike the language "subject to the availability of funds" as the NNFB accomplishes important work which must be compensated. While the NNFB strongly supports recurring funding at specific amounts and for resources expended in accomplishing work defined within Navajo law, the NNFB is willing to compromise by using the language as stated.
- Attendance to chapter meetings is stricken as no official action is accomplished by NNFB at these meetings and attendance to these meetings are not funded. Due to continuing budget cuts it is uncertain when funding can be provided to the NNFB to attend chapter meetings.

Thank you in advance for your review and favorable consideration. If you have any question or require clarification please do not hesitate to call me at tribal extension 6605.

C: file



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 Resources and Development Committee of the Navajo Nation Council provided the following criteria are met:
  1. A 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. 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.
  4. The Farm Board is responsible for oversight of the farm lands of the farm project.
- C. Unless otherwise stated by the Resources and Development Committee, District Grazing Committees or District Land Boards shall have authority over farmlands not under the jurisdiction or scope of a Farm Board.

§ 62. Purposes

It is the purpose of the Farm Boards:

- A. To build local capacity for the proper and full protection, conservation, management, sustainable and economic use and development of local farmland and irrigation water systems.
- B. To collaborate with the Navajo Nation; private organizations, state and federal agencies, Navajo farmers and farming communities to ensure proper operation, maintenance, rehabilitation and improvement of local irrigations systems.
- C. To promote and implement coordination among the Navajo Nation, private 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.
- D. To ensure full utilization of idle farmlands, including idle farmlands.

§ 63. 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. 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 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 shall hold 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. The following meetings will be compensated; Two monthly meetings.

A+B. The meeting payments may be used in placed of other meetings as needed - Joint Farm Board Meeting, Reservation Wide Meeting, District Council Meeting, etc. - as agreed upon by the Joint Farm Board.

~~B~~-C. Special Meetings. Special meetings may be called by quorum of the Farm Board officials, subject to availability of funds.

~~C~~-D. Quorum. A quorum shall consist of a simple majority of the Farm Board officials.

~~D~~-E. 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~~will be scheduled on a quarterly basis - the first week of March, June, September, December - with additional meetings as needed.

§ 65. Powers

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

- A. To 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 lands use permits, including the transfer or contracting of these functions from the Bureau of Indian Affairs;
- B. To recommend approval to the Resources and Development Committee the granting of agricultural land use permits, the construction of irrigation project boundary fences, irrigation canal rights-of-way, irrigation operation and maintenance assessments or other matters involving agricultural land and/or irrigation water development and management in accordance with applicable laws;
- C. To assess on an annual basis and collect fees for irrigation operation and maintenance assessments, which shall revert directly to the Farm Board collecting such assessments and be

used to improve local irrigations operations and maintenance;

- D. To mediate and maintain official written records of any disputes which may arise among agricultural land use permit holders. And provide copies of such records to the Department of Agriculture. Division of Natural Resources and to the Bureau of Indian Affairs.
- E. To use land, grazing and farm dispute procedures approved by the Resources and Development Committee to mediate 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 assessments or other agricultural related disputes, associated within the Farm Board's project lands.
- 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 Hearings and Appeals, although the Board may submit its own recommendations.
- G. To resolve 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.
- H. To submit to the Resources and Development Committee any written recommendations on any problems which the Farm Board is unable to resolve or beyond its authority.
- 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.

- 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.
- K. To oversee plans, budgets, staffing, decisions and activities of Navajo Nation farmland with the responsibility for management, operations, maintenance and repairs on irrigation projects under the authority of the Farm Board.
- 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.
- M. To conduct investigations, research, education and demonstrations on methods of agricultural production, farm management and crop marketing, irrigation management and other measures and coordinate with appropriate Navajo Nation, private, state and federal agencies.
- N. Subject to the availability of funds to employ administrative, clerical and technical staff personnel.
- O. To acquire, administer, and make available all assets and resources, such as plant materials, supplies, tools, machinery, equipment and other property necessary for implementation of 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.
- P. To perform other agricultural related duties as directed and

funded by the Resources and Development Committee, the President of the Navajo Nation, and the Navajo Nation Council.

- Q. 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 home sites. 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 chapters by attending chapter meetings and submitting monthly reports to the chapter.~~

B.A. Farm Boards shall be accountable to the Department of Agriculture, the Executive Director, Division of Natural Resources, or designee Resources and Development Committee of the Navajo Nation Council by submitting ~~monthly~~ quarterly reports.

C.B. Farm Boards shall submit two Crop Reports annually to the Navajo Nation Department of Agriculture to document planting activities and harvest activities. The planting Crop Report will be filed by

the last working day of June and the harvest Crop Report will be filed by the last working day of November.

§ 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 by an official claim form together with a meeting sign-in sheet, minutes and 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 attend ~~chapter meetings or~~ any other official 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. § 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 of the Navajo Nation Council.

Document No. 007083

Date Issued: 11/23/2016

**SECTION 164 REVIEW FORM**

Title of Document: RevisionPlanofOperations.NN Farm Board Contact Name: JUNE, ROXIE GAYLE

Program/Division: DIVISION OF NATURAL RESOURCES

Email: rjune@navajo-nsn.gov Phone Number: 928 871-6605

Division Director Approval for 164A: *BmBak*

**Check document category; only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.**

**Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council**

<input checked="" type="checkbox"/>	<b>Statement of Policy or Positive Law:</b>		Sufficient	Insufficient
	1. OAG: <u><i>[Signature]</i></u>	Date: <u>12/7/16</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Date: <u>1/30/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)</b>			
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

**Section 164(B) Final approval rests with the President of the Navajo Nation**

<input type="checkbox"/>	<b>Grant/Funding Agreement or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Subcontract/Contract expending or receiving funds or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>M.O.A. or Letter of Assurance expending or receiving funds or amendment:</b>			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ 01-30-17 1029a DATE/TIME 7 Day Deadline DOC # 007083 #4 SAS #: UNIT: NM

RESUBMITTAL (Dec 2016 June 2017 (2))

\*\*\* FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

CLIENT TO COMPLETE

DATE OF REQUEST: 1/30/17 ENTITY/DIVISION: Agriculture - DNR CONTACT NAME: Roxie June DEPARTMENT: Agriculture PHONE NUMBER: 928-871-6605 E-MAIL: June June@navajo-nsn.gov TITLE OF DOCUMENT: Revision Plan of Operation - NN Farm Board Ed no longer @ DOJ

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 1:30-17 10:55am REVIEWING ATTORNEY/ADVOCATE: 2-8-17

DATE/TIME OUT OF UNIT: 1:30-17 @ 2:50 PM RJ

DOJ ATTORNEY / ADVOCATE COMMENTS

Agriculture to pick up vB 1/30/17 legally sufficient Delete underline in §62(c)

REVIEWED BY: (PRINT) DATE / TIME SURNAMED BY: (PRINT) DATE / TIME VBlackhat 1/30/17 2:25 pm

DOJ Secretary Called: Kim for Document Pick Up on 1-30-17 at 2:35 By: RJ

PICKED UP BY: (PRINT) DATE / TIME:

COMPLETED

### 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 Resources and Development Committee of the Navajo Nation Council provided the following criteria are met:
  - 1. A 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. 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.
  - 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 Farm Board is comprised of several chapters or districts, a chapter shall have no more than one Farm Board representative.

- D. Unless otherwise stated by the Resources and Development Committee, District Grazing Committees or District Land Boards shall have authority over farmlands not under the jurisdiction or scope of a Farm Board.

§ 62. Purposes

It is the purpose of the Farm Boards:

- A. To build local capacity for the proper and full protection, conservation, management, sustainable and economic use and development of local farmland and irrigation water systems.
- B. To collaborate with the Navajo Nation, private organizations, state and federal agencies, Navajo farmers and farming communities to ensure proper operation, maintenance, rehabilitation and improvement of local irrigations systems.
- C. To promote and implement coordination among the Navajo Nation, private 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.
- D. To ensure full utilization of idle farmlands, including idle farmlands.

§ 63. 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. 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 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 shall hold two scheduled meetings per month to address issues of farming, land use permits, land use matters, 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. The following meetings will be compensated; Two monthly meetings.

A-B. The meeting payments may be used in place of other meetings as needed - Joint Farm Board Meeting, Reservation Wide Meeting, District Council Meeting, etc. - as agreed upon by the Joint Farm Board.

B-C. Special Meetings. Special meetings may be called by quorum of the Farm Board officials, subject to availability of funds.

C-D. Quorum. A quorum shall consist of a simple majority of the Farm Board officials.

D-E. 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. To 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, including the transfer or contracting of these functions from the Bureau of Indian Affairs;
- B. To recommend approval to the Resources and Development Committee the granting of agricultural land use permits, construction of irrigation project boundary fences, irrigation canal rights-of-way, irrigation operation and maintenance assessments or other matters involving agricultural land and/or irrigation water development and management in accordance with applicable laws;

- C. To assess on an annual basis and collect fees for 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;
- D. To mediate and maintain official written records of any disputes which may arise among agricultural land use permit holders. And provide copies of such records to the Department of Agriculture. Division of Natural Resources and to the Bureau of Indian Affairs.
- E. To use land, grazing and farm dispute procedures approved by the Resources and Development Committee to mediate 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 assessments or other agricultural related disputes, associated with the Farm Board's project lands.
- 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 Hearings and Appeals, although the Board may submit its own recommendations.
- G. To resolve 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.
- H. To submit to the Resources and Development Committee written recommendations on any problem which the Farm Board is unable to resolve or beyond its authority.

- 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.
- 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.
- K. To oversee plans, budgets, staffing, decisions and activities of Navajo Nation farmland with the responsibility for management, operations, maintenance and repairs on irrigation projects under the authority of the Farm Board.
- 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.
- M. To conduct investigations, research, education and demonstrations on methods of agricultural production, farm management and crop marketing, irrigation management and other measures and coordinate with appropriate Navajo Nation, private, state and federal agencies.
- N. Subject to the availability of funds to employ administrative, clerical and technical staff personnel.
- O. To acquire, administer, and make available all assets and resources, such as plant materials, supplies, tools, machinery, equipment and other property necessary for implementation of 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.

- P. To perform other agricultural related duties as directed and funded by the Resources and Development Committee, the President of the Navajo Nation, and the Navajo Nation Council.
- Q. 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 home sites. 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 chapters by attending chapter meetings and submitting monthly reports to the chapter.~~

A. Farm Boards shall be accountable to the Department of Agriculture, the Executive Director, Division of Natural Resources, or ~~designee~~ Resources and Development Committee of the Navajo Nation Council by submitting ~~monthly~~ quarterly reports.

- B. Farm Boards shall submit two Crop Reports annually to the Navajo Nation Department of Agriculture to document planting activities and harvest activities. The planting Crop Report will be filed by the last working day of June and the harvest Crop Report will be filed by the last working day of November.

§ 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 by an official claim form together with a meeting sign-in sheet, minutes and agenda. Compensation of the Farm Board may be withheld for failure: to cooperate with officials of the Navajo Nation; to submit minutes and reports; to attend ~~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. § 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 of the Navajo Nation Council.



Office of Management and Budget  
 164 Review Tracking Sheet  
 REVIEW SHEET

\_\_\_\_ FMIS  
 \_\_\_\_ OMB  
 \_\_\_\_ LOGOUT

64 Number: 007083 Date Received: 12/12/2016 11:48:41 AM Due Date: 12/21/2016

Assigned Reviewer: Rhonda Johnson Entered By: Vickey Mannie

FMIS Information OMB cannot change.

Department: 775 DEPT OF AGRICULTURE (AGR)  
DIVISION OF NATURAL RESOURCES

Name: JUNE, ROXIE GAYLE Email: rjune@navajo-nsn.gov Phone: 928 871-6605

Title of Document: RevisionPlanofOperations.NN Farm Board

Additional Description:

Comments:

*Reviewed NN Farm Board planing Operation revision, document is sufficient. Forward to D. Begal for signature. Current PoD CD-76-14 is attached for info. Johnson 12/15/16 @ 4:00 pm*

*D. Begal - 12/17/16.*

Picked Up By:

*Kim Johnson*

*Kyssa*  
 PRINT Name

12/28/16  
 Date



**THE NAVAJO NATION**

**RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE-PRESIDENT**

**MEMORANDUM:**

TO : 2 NNC § 164 Reviewers  
Delegates & 2 NNC '164 Reviewers  
Navajo Nation Government

FROM : *Robert Willie*  
Robert Willie, Accounting Manager  
Office of the Controller

DATE : January 12, 2017

SUBJECT : 164 Review-007083-Revision Plan of Operations NN Farm Board

The Office of the Controller has reviewed the above referenced document.

1. This is a revision of Plan of Operations for Navajo Nation Farm Board.
2. Once revision has been approved please provide a copy, electronic copy is sufficient.
3. The 164 document does not seem to have an appropriate section for these revisions but this 164 is sufficient.

If you should have any questions you can contact me at tribal extension X6125.



# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

December 1, 2016

TO: SAS Reviewers

FROM:

  
Leo Watchman, Jr.  
Departmental Manager, Navajo Nation Department of Agriculture

SUBJECT: **Navajo Nation Farm Board Plan of Operation – SAS 007083**

On behalf of the Navajo Nation Farm Board (NNFB) please accept this request to amend their Plan of Operation to facilitate clear management of farm resources. Please know the Navajo Nation Joint Farm Board did meet on 11.15.2016, Crystal Chapter House, and voted in favor of the following amendments.

The amendments include:

§64. Meetings

- Two monthly meeting will be compensated.
- Defines what the two monthly meetings could consist.
- Defines the schedule for the quarterly Joint Farm Board meetings to standardize a meeting schedule which is more conducive to business operations.

§ 66. Accountability

- Adds Resources and Development Committee to the parties that quarterly reports require a submittal.
- Establishes Crop Reports be submitted twice a year – to record planting and harvesting. Currently Crop Reports are expected to be submitted monthly and is unrealistic as it does not reflect farming activity on the Navajo Nation.

§ 67. Compensation.

- Strike the language “subject to the availability of funds” as the NNFB accomplishes important work which must be compensated. While the NNFB strongly supports recurring funding at specific amounts and for resources expended in accomplishing work defined within Navajo law, the NNFB is willing to compromise by using the language as stated.
- Attendance to chapter meetings is stricken as no official action is accomplished by NNFB at these meetings and attendance to these meetings are not funded. Due to continuing budget cuts it is uncertain when funding can be provided to the NNFB to attend chapter meetings.

Thank you in advance for your review and favorable consideration. If you have any question or require clarification please do not hesitate to call me at tribal extension 6605.

C: file



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:

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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.~~

~~c. "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~~ 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.

- 6G. 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.
- 7H. 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~~

~~1I.~~ 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.

2J. 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.

3K. 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.

4L. 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.

5M. 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**

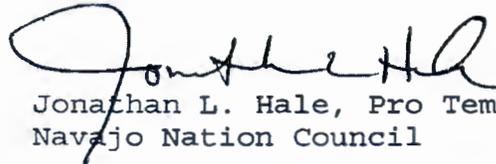
The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**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 23<sup>rd</sup> 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

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'IYATI' ; 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'iyati' 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 Resources and Development Committee of the Navajo Nation Council provided the following criteria are met:
  - 1. A 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. 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.
  - 4. The Farm Board is responsible for oversight of the farm lands of the farm project.

- C. Unless otherwise stated by the Resources and Development Committee, District Grazing Committees or District Land Boards shall have authority over farmlands not under the jurisdiction or scope of a Farm Board.

§ 62. Purposes

It is the purpose of the Farm Boards:

A. To build local capacity for the proper and full protection, conservation, management, sustainable and economic use and development of local farmland and irrigation water systems.

B. To collaborate with the Navajo Nation, private organizations, state and federal agencies, Navajo farmers and farming communities to ensure proper operation, maintenance, rehabilitation and improvement of local irrigation systems.

C. To promote and implement coordination among the Navajo Nation, private 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.

D. To ensure full utilization of idle farmlands, including idle farmlands.

## § 63. 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. 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 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 shall hold 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 quorum of the Farm Board officials, subject to availability of funds.
- C. Quorum. A quorum shall consist of a simple majority of the Farm Board 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. To 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, including the transfer or contracting of these functions from the Bureau of Indian Affairs;
- B. To recommend approval to the Resources and Development Committee the granting of agricultural land use permits, the construction of irrigation project boundary fences, irrigation canal rights-of-way, irrigation operation and maintenance assessments or other matters involving agricultural land and/or irrigation water development and management in accordance with applicable laws;

C. To assess on an annual basis and collect fees for 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;

D. To mediate and maintain official written records of any disputes which may arise among agricultural land use permit holders. And provide copies of such records to the Department of Agriculture. Division of Natural Resources and to the Bureau of Indian Affairs.

E. To use land, grazing and farm dispute procedures approved by the Resources and Development Committee to mediate 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 assessments or other agricultural related disputes, associated within the Farm Board's project lands.

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.

G. To resolve 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.

H. To submit to the Resources and Development Committee any written recommendations on any problem which the Farm Board is unable to resolve or beyond its authority.

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.

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.

K. To oversee plans, budgets, staffing, decisions and activities of Navajo Nation farmland with the responsibility for management, operations, maintenance and repairs on irrigation projects under the authority of the Farm Board.

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.

M. To conduct investigations, research, education and demonstrations on methods of agricultural production, farm management and crop marketing, irrigation management and other measures and coordinate with appropriate Navajo Nation, private, state and federal agencies.

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

O. To acquire, administer, and make available all assets and resources, such as plant materials, supplies, tools, machinery, equipment and other property necessary for implementation of 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.

P. To perform other agricultural related duties as directed and funded by the Resources and Development Committee, the President of the Navajo Nation, and the Navajo Nation Council.  
Q. 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 home sites. 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 chapters by attending chapter meetings and submitting monthly reports to the chapter.

B. Farm Boards shall be accountable to the Department of Agriculture, the Executive Director, Division of Natural Resources, or 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

by an official claim form together with a meeting sign-in sheet, minutes and 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 attend chapter meetings or any other official 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. § 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 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

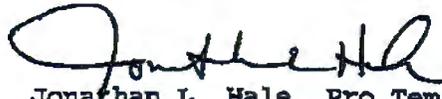
The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

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 23<sup>rd</sup> 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

**RESOLUTION OF THE  
NAVAJO NATION COUNCIL**

**Amending 3 N.N.C. §§61-69 Plans of Operation for  
Farm Boards and the Central Farm Board**

**WHEREAS:**

1. Pursuant to 2 N.N.C. §102(A), the Navajo Nation Council is the governing body of the Navajo Nation; and

2. The Department of Agriculture has determined the need to update the Farm Boards and Central Farm Board Plans of Operation contained in 3 N.N.C. §§61-69; therefore, amendments to the Farm Boards Plan of Operation is attached hereto as Exhibit "A-1" and the Central Farm Board Plan of Operation is attached hereto as Exhibit "A-2"; and

3. Pursuant to 2 N.N.C. §695(B)(14), the Resources Committee of the Navajo Nation Council serves as legislative oversight for the Division of Natural Resources, District Grazing Officers, Eastern Navajo Land Board and Farm Boards, and overall matters affecting Navajo resources. By Resolution RCAP-62-97, attached hereto as Exhibit "B", the Resources Committee of the Navajo Nation Council recommends the amendment of Farm Boards and Central Farm Board Plans of Operation; and

4. Pursuant to 2 N.N.C. §341(B)(1), the Government Services Committee of the Navajo Nation Council is authorized to recommend to the Navajo Nation Council amendments to legislation of governmental entities of the Navajo Nation. By Resolution GSCJN-36-97, attached hereto as Exhibit "C", the Government Services Committee of the Navajo Nation Council recommends the amendment of Farm Boards and Central Farm Board Plans of Operation; and

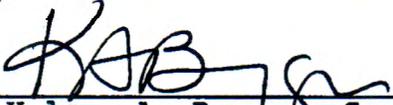
5. The Navajo Nation Council deems the amendments of the Farm Boards and Central Farm Board Plans of Operation contained at 3 N.N.C. §§61-69 to be in the best interest of the Navajo Nation.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Navajo Nation Council hereby amends 3 N.N.C. §§61-69, the Farm Boards Plan of Operation, attached hereto as Exhibit "A-1" and the Central Farm Board Plan of Operation, attached hereto as Exhibit "A-2".

## CERTIFICATION

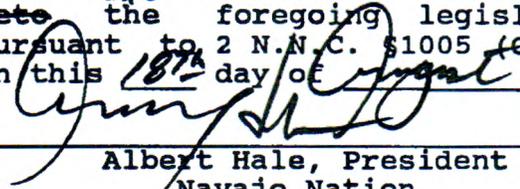
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 50 in favor, 8 opposed and 0 abstained, this 7th day of August 1997.

  
 \_\_\_\_\_  
 Kelsey A. Begaye, Speaker  
 Navajo Nation Council  
 8-8-97  
 \_\_\_\_\_  
 Date Signed

Motion: Jones Begay  
 Second: Thomas Notah

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby <sup>sign into law</sup> ~~give notice that I will not veto~~ the foregoing legislation, pursuant to 2 N.N.C. §1005 (e) (10), on this 18<sup>th</sup> day of August 1997.

  
 \_\_\_\_\_  
 Albert Hale, President  
 Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), this \_\_\_ day of \_\_\_\_\_, 1997 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
 Albert Hale, President  
 Navajo Nation

**PROPOSED AMENDMENTS  
TO THE PLAN OF OPERATION OF THE FARM BOARDS, TITLE 3 N.N.C. § 61-69**

**§ 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 Committee of the Navajo Nation Council upon the recommendation of the Resources Committee, provided the following criteria are met:

1. A proposed Plan of Operation is submitted and approved by the Navajo Nation Department of Agriculture;

2. A certified Chapters(s) of the Navajo Nation supports the formation of a Farm Board; and

3. The Farm Board is comprised of farm lands which meet one of the following projects:

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.

c. "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.

**C.** A Farm Board may be comprised of several chapters or districts, but a Chapter shall have no more than one Farm Board.

**D.** Unless otherwise stated, applicable District Grazing Committees or District Land Boards shall maintain authority over farmlands not under the jurisdiction of a Farm Board.

**§62. Purposes**

**A.** It is the purpose of the Major-Irrigation-Projects Farm Boards:

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

~~A. To encourage proper farming practices, water use, farmland use and water availability and needs assessments in coordination with the Division of Natural Resources, at the major irrigation projects.~~

2. To promote coordination among the Navajo Nation, private entities, state and federal agencies, local Navajo farmers and farm communities for ensuring proper operation, maintenance, rehabilitation and improvement of local irrigation systems.

~~B. To promote close coordination, cooperation and correspondence between the Navajo farmers and the Division of Natural Resources.~~

3. To promote coordination among the Navajo Nation, private entities, state and federal agencies to provide Navajo farmers and farming communities with adequate research, education and training in all aspects of agricultural production, irrigation management, marketing and financial management, and other areas related to agriculture within the Navajo Nation.

~~C. To improve the economic standards of Navajo agricultural farming communities and to help other farming communities by working closely for the planning and realization of better farming programs.~~

~~D. To help resolve local questions of farming land and water use in coordination with the Resources Committee and the Division of Natural Resources.~~

~~E. To promote the implementation of modern irrigation methods including sprinkler, drip irrigation and flood, while at the same time retaining the traditional Navajo concepts of farming.~~

~~F. To help promote a mutual education program between experts in farming and irrigation practices, Navajo Nation administration officials and the Navajo farmers.~~

~~G. To assist in the coordination of irrigation among all Navajo Nation entities dealing with the subject, to promote the beneficial use of available water resources.~~

~~H. To promote full utilization of agricultural expertise available from the Soil Conservation Service, the BIA Branch of Land Operations, Navajo Nation Departments and State Extension Services.~~

4. To promote full utilization of idle farmland.

§ 63. ~~Personnel Officers—Farm Board membership and selection~~

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

A. Chairperson. The Chairperson shall preside over Farm Board meetings and

insure that the business of the Farm Board is conducted in an orderly manner.

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.

C. Secretary. The Secretary shall be responsible for keeping the records of the Farm Board.

~~1. Lake Projects. The Farm Boards for the lake projects, Many Farms, Red Lake and Ganado shall consist of three representatives for each project.~~

~~2. River Projects. The Farm Boards for the river projects, Cudei, Hogback, Fruitland, and San Juan shall consist of one member from each chapter with land within the river projects, to wit: Upper Fruitland, Nenahmezad, Hogback, Shiprock, Cudei and San Juan.~~

~~3. Miscellaneous Projects. Upon sufficient information being presented to the Resources Committee of the Navajo Nation Council to show that the amount of irrigated land with a miscellaneous project warrants a Farm Board, the Resources Committee shall approve the formation of a three-member Farm Board for the designated miscellaneous project, to be governed by this Plan of Operation. Paid positions on these Farm Boards shall be subject to appropriations by the Navajo Nation Council.~~

~~B. Only agricultural land use permit holders will be eligible for membership. Farm Board members cannot be members of the Navajo Nation Council, or selected Chapter officials.~~

~~C. Selection shall be made pursuant to the Navajo Nation Election Code, 11 N.N.C., Part I, and properly documented and submitted to the Division of Natural Resources for recordation.~~

~~D. The Chairperson and Vice-Chairperson of the Farm Boards shall be elected by the membership of each of the Farm Boards.~~

~~E. The term of office for all members of the Farm Boards shall coincide with the terms of the District Grazing Committee members (4 years). The number of terms any member may serve is unlimited.~~

#### § 64 Powers Meetings

A. Monthly meetings. Each Farm Board must hold at least two scheduled meetings per month to address issues of farming, land use permits, land use matters, and disputes.

B. Special Meetings. Special meetings may be called by over one-half of the Farm Board members, subject to availability of funds.

C. Quorum. A quorum shall consist of a simple majority of the Farm Board members.

~~A. Generally. The Boards shall have all powers necessary and proper to carry out their purposes as set forth in § 62 of this Plan of Operation.~~

~~\_\_\_\_\_ B. Enumerated Powers:~~

~~\_\_\_\_\_ 1. Land Use Review Functions:~~

~~a. To thoroughly review all new applications for agricultural use permits and transfers. Every effort should be made to assign tracts of no less than 20 acres. No land user may give or transfer any part of his/her land assignment to another person without the recommendation of the Farm Board and the approval of the Agency Superintendent.~~

~~b. To make recommendations, either negative or positive, to the Agency Superintendents for their consideration in the granting or denial of all agricultural use permit applications. Such recommendations are to be made based upon the relative qualifications of the applicants.~~

~~\_\_\_\_\_ c. To recommend to the Agency Superintendents cancellation of agricultural use permits in situations where the agricultural permits have not been used properly, whether for non-use for at least two years, failure to pay water use assessments, or for any other valid reason.~~

~~\_\_\_\_\_ d. To approve or reject, with the concurrence of the BIA-BLO Natural Resources Manager, all applications for home site leases in project areas.~~

~~e. To review all applications for the leasing of agricultural permits for terms of no more than five years, and forward to the Agency Superintendents, with recommendations for approval or denial.~~

~~f. To accept relinquishments of land use assignments.~~

~~\_\_\_\_\_ g. Upon the death of an assignee, his/her permit shall be transferred to his/her logical heir as determined by the Navajo Nation Courts. The courts should make every effort to keep the land assignment in one tract and not subdivide it. Disposition of personal property and improvements placed by the deceased upon an agricultural use permit area must be determined by the Navajo Nation Courts.~~

~~h. To concur on all farm boundary fence modifications by each assignee, including adequate land for rights-of-way for canal maintenance.~~

~~i. To concur with Division of Natural Resources personnel on all lateral ditch realignments, including sufficient rights-of-way for canal maintenance, to insure they will not cause future disputes.~~

~~j. To make the initial decisions as to any boundary disputes, right-of-way disputes, weed, plant and disease control disputes, etc., All complaints and disputes shall be made in writing to the Farm Boards:~~

~~1. To document, record and file all records of dispute meetings in assignee's folder maintained at the local BLO office and O & M office, with the assistance of the Division of Natural Resources.~~

~~2. Management Functions:~~

~~a. To make every effort and advocate to minimize the idle farm lands.~~

~~b. To encourage assignees with idle land to lease and/or lease on cropshare basis for certain terms. To request assistance from BIA-BLO on devising lease term agreements.~~

~~c. To work with farmers equipped and capable for leasing additional idle land from fellow farmers.~~

~~d. To encourage elderly or incapable farmers to keep their farmland in one economic unit of at least 20 acres rather than splitting it among their heirs.~~

~~e. To promote reclamation of the farm plots that are effected by hardpan or other~~

adverse conditions.

**3. Liaison Functions:**

**a. To act as corresponding and liaison entity between the Navajo farmers and the Division of Natural Resources on the maintenance of the water delivery systems and other problems that may be encountered in connection with irrigation canal maintenance.**

**b. To thoroughly orient and explain to new assignees the rules and regulations on governing the irrigation projects, including the jurisdiction of the Farm Boards, the Division of Natural Resources and the Resources Committee. Regulations stated on the face and back of the permits will be explained to all new assignees and be periodically explained to all agricultural permit use assignees at bi-monthly public Farm Board Meetings. Grounds for cancellation will be thoroughly explained to the permittees.**

**c. To serve as arbitrators on water assessment cases, in the event farmers question the assessments.**

**d. To work with canal patrolman on the annual crop reports and assist in the determination of water assessments for the year.**

**e. To encourage farmers to keep their water assessment dues current, to inform farmers that all water assessment bills are due on the 30th of October, each year, and to assist in arranging payment by cash, by in-kind contributions, or through labor on the delivery systems.**

**f. Where appropriate and needed, to assist in devising irrigation water schedules.**

**g. To notify the chapter if a vacancy occurs within a Farm Board, for chapter action in filling the vacancy.**

**h. To assist in the planning of and to serve as a liaison to the people in the implementation of crop dusting, spraying or weed control programs for the control of pests, weeds and disease.**

**i. To work in cooperation with other agencies within the Navajo Nation, including the BIA Branch of Land Operations, the Soil Conservation Districts, the Division of Natural Resources and the Resources Committee on all irrigation related matters.**

**j. To hold joint meetings with other agencies as needed to exchange ideas on dispute solving and other irrigation matters.**

**§ 65 Meetings; procedures Powers**

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

Enumerated Powers.

A. To review and approve 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;

B. To review and recommend approval to the Resources Committee of the Navajo Nation Council of the granting of agricultural land use permits, and the construction of irrigation project boundary fences, irrigation canal right-of-ways, water use assessments or other matters



involving agricultural land or irrigation water management in accordance with applicable laws:

C. To assess and collect fees for water assessments, which shall be revert directly to the Farm board collecting such assessments and be used to improve local irrigation operations and maintenance;

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

E. To serve as mediators by resolving disputes of land use rights, fences, land boundaries, rights-of-way, weed or pest control, water use assessments or other agricultural related disputes, within the Navajo Reservation, 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 Resources Committee of the Navajo Nation Council, although the Board may submit its own recommendations.

F. To resolve inter-district agricultural-related disputes by holding joint meetings with the adjoining Farm Boards. Unresolved matters shall be submitted to the Resources Committee of the Navajo Nation Council.

G. To submit in writing to the Resources Committee of the Navajo Nation Council, any recommendations and suggestions of general interest and any problem which the Farm Board is unable to resolve or beyond it authority.

Management Functions:

H. To develop and recommend for Resources Committee approval such policies, procedures, rules and regulations as may be required to implement the provisions of this plan of operation.

I. To develop, review and implement standard operating 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.

J. To oversee plans, budgets, staffing, decisions and activities of Navajo Nation agriculture land with responsibility for management, operations, maintenance and repairs on irrigation projects under the authority of the local Farm Board.

K. To cooperate 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.

L. To conduct surveys, investigation, research, education and demonstrations relating to 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 with appropriate Navajo Nation, private, state and federal agencies.

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

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

O. To perform other duties as may be directed by the Resources Committee of the Navajo Nation Council, the President of the Navajo Nation, and the Navajo Nation Council.

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

A. Meetings:

1. Meetings shall be held on the call of the Chairperson of a Farm Board, or upon request of a majority of the farmers in the Chapters. At any meeting a quorum shall consist of a simple majority of the Farm Board members.

2. The Farm Boards shall meet twice monthly.

3. All monthly meetings will be open door meetings. Executive sessions can be called upon a vote of the Farm Board members present.

B. Procedures. The Boards are empowered to develop their own procedures for the conduct of meetings. Minutes will be taken and filed and a copy of the minutes will be submitted to the Division of Natural Resources with claim sheets for compensation.

§ 66. Accountability—Central Farm Board

A. Farm Board members shall be accountable to their respective local Chapters by attending Chapter meetings and submitting monthly reports.

B. Farm Board members shall be accountable to the Executive Director, Division of

Natural Resources, or his/her designee by submitting monthly reports.

~~The Resources committee of the Navajo Nation Council is the Central Farm Board. All appeals from decisions of the Farm Board or as to interpretation of this Plan of Operation shall be taken to the Resources Committee within 60 days of the decision being appeals from.~~

**§ 67. Navajo Water Code 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. Per diem shall be made pursuant to the submittal of an official claim form together with a roll sheet and meeting agenda. Compensation of the Farm Board may be withheld for failure to cooperate with officials of the Navajo Nation or attending chapter meetings or any other official scheduled meetings.**

~~The powers, duties and responsibilities of the Farm Boards and the rights and authority of the Navajo farmers are subject to the provisions of the Navajo Water Code.~~

**§ 68. Amendments Legislative Oversight**

Farm Boards shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 695 (B)(14).

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

**§ 69 Compensation 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 Committee and the Government Services Committee of the Navajo Nation Council.

~~Each Farm Board member will be compensated at \$250.00 per meeting, subject to the availability of annual appropriations of funds by the Navajo Nation Council. All claims will be accompanied by a copy of the minutes of the meeting.~~

RESOLUTION  
OF THE RESOURCES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Approving and Recommending that the Government Services Committee and the Navajo Nation Council Rescind the Plans of Operation of the Farm Boards and Central Farm Board Contained within 3 N.N.C. §§ 61-69, and Approve of the New Plans of Operation of the Farm Boards and Central Farm Board

WHEREAS:

1. Pursuant to 2 N.N.C. § 691, the Resources Committee is a standing committee of the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. § 695 (B) (14), the Resources Committee is the oversight committee for the Farm Boards and the Central Farm Board of the Navajo Nation; and

3. Pursuant to 2 N.N.C. § 341 (B) (1), the Government Services Committee is authorized to recommend to the Navajo Nation Council amendments to legislation of governmental entities of the Navajo Nation; and

4. The Department of Agriculture has determined that salvaging the Plans of Operation of the Farm Boards and Central Farm Board is useless. Therefore, the Department of Agriculture has redrafted a new Plan of Operation for the Farm Boards and Central Farm Board, attached hereto as Exhibits "A-1" and "A-2"; and

5. There is a need to rescind the Plans of Operation of the Farm Boards and Central Farm Board contained within 3 N.N.C. §§ 61-69, attached hereto as Exhibit "B"; and

6. The Resources Committee of the Navajo Nation Council believes that amending the Plans of Operation of the Farm Boards and Central Farm Board is in the best interest of the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

The Resources Committee of the Navajo Nation Council hereby approves and recommends that the Government Services Committee and the Navajo Nation Council rescind of the Plans of Operation of the Farm Boards and Central Farm Board contained within 3 N.N.C. §§ 61-69, attached hereto as Exhibit "B", and approve the new Plans of Operation of the Farm Boards and Central Farm Board, attached hereto as Exhibits "A-1" and "A-2".

PROPOSED AMENDMENTS TO THE  
PLAN OF OPERATION OF THE CENTRAL FARM BOARD

I. ESTABLISHMENT

There is hereby established the Central Farm Board of the Navajo Nation.

II. PURPOSE

A. It is the purpose of the Central Farm Board:

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

2. To promote coordination among the Navajo Nation, private entities, state and federal agencies, local Navajo farmers and farm communities for ensuring proper operations, maintenance, rehabilitation and improvements of local irrigation systems.

3. To promote coordination among the Navajo Nation, private entities, state and federal agencies to provide Navajo farmers and farming communities with adequate research, education and training in all aspects of agricultural production, irrigation management, marketing and financial management, and other areas related to agriculture within the Navajo Nation.

4. To promote full utilization of idle farmlands.

III. ORGANIZATION

The Central Farm Board shall be the Resources Committee of the Navajo Nation Council.

IV. AUTHORITY

The Central Farm Board shall have the following authorities:

A. To furnish all Farm Boards with information, instructions, and materials necessary for them to carry out their responsibilities. Advise and direct the Farm Boards in proper performance of their assignments.

B. To review recommendations, suggestions, and problems submitted by the Farm

Boards. Appeals of individual or groups from the Farm Boards shall be submitted in writing to the Central Farm Board.

C. To take appropriate action within the authority of the central Farm Board.

D. To submit matters to the appropriate committees or board of the Navajo Nation in areas beyond the authority of the Central Farm Board.

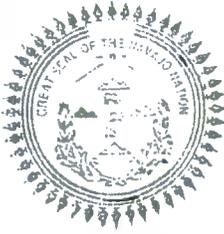
E. To provide leadership and coordination between the Navajo farmers, the Bureau of Indian Affairs and other entities on all matters pertaining to agricultural or irrigation activities within the Navajo Nation.

#### V. LEGISLATIVE OVERSIGHT

The Central Farm Board shall operate under the legislative oversight of the Resources Committee of the Navajo Nation Council, pursuant to 2 N.N.C. (B) (14).

#### VI. AMENDMENTS

This Plan of Operation of the Central Farm Board may be amended from time to time by the Navajo Nation Council upon the recommendation of the Resources Committee and the Government Services Committee of the Navajo Nation Council.



**THE  
NAVAJO  
NATION**

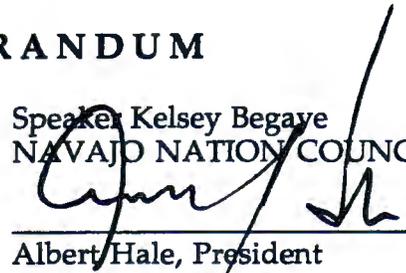
**ALBERT A. HALE  
PRESIDENT**

**THOMAS E. ATCITY  
VICE PRESIDENT**

August 18, 1997

**MEMORANDUM**

**TO:** Speaker Kelsey Begaye  
NAVAJO NATION COUNCIL

**FROM:**   
Albert Hale, President  
THE NAVAJO NATION

**SUBJECT: Resolution CAU-67-97**

I have reviewed and hereby sign into law Resolution CAU-67-97 which amends 3 N.N.C. §§61-69, the Plans of Operation for Farm Boards and the Central Farm Board.

Section 67 (A) provides that farm board members shall be paid from funds provided annually in the Navajo Nation budget for that purpose, subject to the availability of funds. Section 67 (B) further provides that, farm board members shall be compensated at a rate determined by the Navajo Nation Council for per diem for attending official meetings. I, therefore, urge the Navajo Nation Council to set the rate and plan for the farm board compensation in accordance with the Plan of Operation, as amended.

Attachment: Resolution CAU-67-97

c: Mark Maryboy, Chairman Budget and Finance Committee  
Cordell Shortey, Executive Director, Office of Management and Budgets  
Elmer Milford, Chairman, Resources Committee, NNC  
Robert Whitehorse, Vice-Chairman, Resources Committee, NNC

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 10th day of April, 1997.

  
Elmer L. Milford, Chairperson  
Resources Committee

Motion: Sylvester Chee  
Second: Harold Tunney

RESOLUTION OF THE  
GOVERNMENT SERVICES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Approving and Recommending That the Navajo Nation  
Council Rescind the Plans Of Operation Of the  
Farm Boards Contained Within 3 N.N.C. §§61-69, and  
Approve the New Plan Of Operation Of the Farm Boards

WHEREAS:

1. Pursuant to 2 N.N.C. §341(A), the Government Services Committee is a standing committee of the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. §341(B)(1), the Government Services Committee is authorized to recommend to the Navajo Nation Council amendments to legislation of governmental entities of the Navajo Nation; and
3. Pursuant to 2 N.N.C. §695(B)(14), the Resources Committee of the Navajo Nation Council serves as the oversight authority over the Farm Boards and Central Farm Board; and
4. The Department of Agriculture has determined that salvaging the current Plans of Operation of the Farm Boards contained within 3 N.N.C. §§61-69 is useless. Therefore, the Department of Agriculture has redrafted new Plan of Operation of the Farm Boards, attached hereto as Exhibits "A-1" and "A-2"; and
5. There is a need to rescind the Plans of Operation of the Farm Boards and Central Farm Board contained within 3 N.N.C. §§61-69, attached hereto as Exhibit "B"; and
6. The Resources Committee of the Navajo Nation Council by Resolution RCAP-62-97, attached hereto as Exhibit "C", approved and recommended that the Government Services Committee of the Navajo Nation Council rescind the Plans of Operation of the Farm Boards and Central Farm Board contained within 3 N.N.C. §§61-69, and approve the new Plans of Operation of the Farm Boards and Central Farm Board; and
7. The Government Services Committee of the Navajo Nation Council believes that approving the new Plans of Operation of the Farm Boards and Central Farm Board is in the best interest of the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

The Government Services Committee of the Navajo Nation Council hereby approves and recommends that the Navajo Nation Council rescind the Plan of Operation of the Farm Boards contained within 3 N.N.C. §§61-69, and approve of the new Plan of Operation of the Farm Boards.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 10th day of June 1997.



Ervin M. Keeswood, Sr., Chairperson  
Government Services Committee

Motion: LeNora Fulton  
Second: Harrison Plummer

514



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ 01-30-17 1029a DATE / TIME 7 Day Deadline DOC # 007083 #4 SAS #: UNIT: NM

RESUBMITTAL (Dec 2016, Jan 2017)

\*\*\* FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

CLIENT TO COMPLETE

DATE OF REQUEST: 11/30/17 ENTITY/DIVISION: Agriculture - DNR CONTACT NAME: Roxie June DEPARTMENT: Agriculture PHONE NUMBER: 928-876-6605 E-MAIL: June June@navajo-nsn.gov TITLE OF DOCUMENT: Revision Plan of Operation - NN Farm Board Ed no longer @ DOJ

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 1.30.17 10:55am REVIEWING ATTORNEY/ADVOCATE: 2.8.17

DATE/TIME OUT OF UNIT: 1.30.17 @ 2:50 PM RJ

DOJ ATTORNEY/ADVOCATE COMMENTS

Agriculture to pick up VB 1/30/17 legally sufficient Delete underline in §62(c)

REVIEWED BY: (PRINT) DATE / TIME SURNAMED BY: (PRINT) DATE / TIME VIBlackhat 1/30/17 2:25 PM

DOJ Secretary Called: Kim for Document Pick Up on 1.30.17 at 2:35 By: RJ

PICKED UP BY: (PRINT) DATE / TIME:

NNDJ/DRRF-July 2013

COMPLETED

Dept. of Agriculture's COPY

NAVAJO NATION

RCS# 850

10/17/2017

NNC Fall Session

06:53:52 PM

Amd# to Amd#

Legislation No. 0103-17

PASSED

MOT Begay, S

Amending 3 N.N.C. Section

SEC BeGaye, N

64, 66, 67; Enacting Amendments  
to Subchapter

**Yea : 13**

**Nay : 3**

**Not Voting : 7**

**Yea : 13**

Begay, K

Jack

Shepherd

Tso

Begay, S

Perry

Slim

Witherspoon

BeGaye, N

Phelps

Smith

Yazzie

Chee

**Nay : 3**

Brown

Crotty

Damon

**Not Voting : 7**

Bates

Bennett

Filfred

Pete

Begay, NM

Daniels

Hale

Tsosie