

RCN-255-95

**RESOLUTION OF THE
RESOURCES COMMITTEE OF THE
NAVAJO NATION COUNCIL**

Amending the Homesite Lease Policies and Procedures Approved by
Resolution No. RCD-289-93

WHEREAS:

1. Pursuant to 2 N.T.C. § 695 (b) (4) (1992) the Resources Committee of the Navajo Nation Council is empowered to approve homesite leases and certificate procedures, and to promulgate rules and regulations therefore; and

2. The Resources Committee previously delegated homesite lease approval authority directly to the Director of the Navajo Land Department, and

3. Since that time, it has come to the attention of the Committee that many homesite lease applicants complained that Local Grazing Officials refused, without legitimate reasons or any reasons at all, to execute and certify field clearances; and

4. Most of these complaints assert that the Local Grazing Official refuses to act because of a conflict of interest: the official either won't act or refuses to act because they cannot disregard their personal bias against the applicant and proceed as an unbiased governmental official; and

5. The Resources Committee cannot allow this practice to continue, and takes corrective action by amending its regulations.

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NOW, THEREFORE, BE IT RESOLVED THAT:

The Resources Committee of the Navajo Nation Council hereby approves of an amendment to the homesite lease policies and regulations by inserting the following text in place of the existing regulations:

SECTION I. DEFINITIONS

B. "Conflict of Interest" shall mean the reasonable foreseeability that any personal or economic interest of a public official, or employee will be affected in any materially different manner from the interest of the general public, by any decision, enactment, agreement, award or other official action or function of any governmental body or political subdivision of the Navajo Nation.

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SECTION VI. LOCAL GRAZING OFFICIAL

G Where the designated LGO cannot perform his or her duty because of a conflict of interest or for any other reason, the HLA may request that a LGO from the neighboring Grazing District be designated as LGO for purposes of that particular homesite lease application. The HLA shall submit a written petition or request to the Department Director to recuse the designated LGO and appoint a substitute LGO. Such substituted LGO shall be authorized to execute and certify the homesite lease application under these regulations. The Department Director shall have ten (10) working days to review the petition and appoint a substitute LGO.

GH The LGO's tasks are complete when he/she has identified those grazing permittees that are directly affected by the proposed development.

SECTION XIII. OBJECTION

A. Applicant

A HLA may request that a LGO from a neighboring grazing district be appointed by the Department Director to execute and certify a homesite lease application. Provided, that the designated LGO is unable to perform his or her duty because of a conflict of interest, or fails to perform his or her duty for any other reason. Upon written petition from the HLA and good cause appearing therefore, the Department Director shall designate an LGO from a neighboring grazing district to certify and execute the homesite lease application.

A.B. Affected Permittee.

* * * *

Note: the underscored text is new language, while the interlined text is deleted language.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council in Window Rock, Navajo Nation(Arizona), at which a quorum was present and that same was

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passed by a vote of 5 in favor, 0 opposed, and 1 abstained, this 9th day of November 1995.


Elmer L. Milford, Chairperson
Resources Committee

Motion: Sylvester Chee
Second: Harold Tunney

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