

RCN-194-02

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

Approving and Recommending that the Navajo Nation Council Authorize the Office of Hearings and Appeals to Hear and Decide Disputes Concerning Grazing Rights, Land Boundaries and Fences, to Hear Appeals of Administrative Decisions of District Grazing Committees, Eastern Agency Joint Land Board, and Hear Appeals of Administrative Decisions of the Director of the Navajo Land Department Concerning Homesite Lease Applications; and Amending 2 N.N.C. § 695 (B) (1), (B) (4), and 3 N.N.C. §§ 65 (E) & (F), 153, 172 (C), 173 (B), 176, 216, 241 (B) (6), 710 (A) & (B) (2), 832 (B), 852 (B), 875 and 949

WHEREAS:

1. Pursuant to 2 N.N.C. § 691, the Resources Committee was established as a standing committee of the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. § 695 (B) (1), the Resources Committee is empowered to act as the Central Grazing Committee and resolve disputes concerning grazing rights, land boundaries and fences within the Navajo Nation; and
3. Pursuant to 2 N.N.C. § 695 (B) (4), the Resources Committee is empowered to review and decide disputes concerning homesite lease applications; and
4. In addition to the responsibility of hearing disputes and appeals of administrative decisions of District Grazing Committees, Eastern Agency Joint Land Board and the Director of the Navajo Land Department concerning homesite lease applications which are becoming more numerous, the Resources Committee has a number of other responsibilities that consume most of its time; and
5. There is a need, therefore, to transfer the authority for resolving disputes concerning grazing rights, land boundaries and fences to another entity which has the expertise for conducting hearings and provide an expeditious mechanism to resolve said disputes without the need for legal representation; and

6. There is also a need to transfer the authority for deciding appeals of administrative decisions of the District Grazing Committees, Eastern Agency Joint Land Board, and the Director of the Navajo Land Department concerning homesite lease applications and provide an expeditious mechanism to resolve said appeals without the need for legal representation; and

7. Pursuant to 2 N.N.C. § 1051, the Office of Hearings and Appeals was established to serve as an informed, fair and impartial forum for hearing disputes and appeals arising under applicable laws, rules and regulations of the Navajo Nation; and

8. The Resources Committee believes it will be in the best interest of the Navajo Nation to transfer the authority for hearing said disputes and appeals of administrative decisions to the Office of Hearings and Appeals; and

9. In order to carry out the intent of this resolution, amendments to the Navajo Code have been prepared and are attached hereto as Exhibits "A" and "B".

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources Committee approves and recommends that the Navajo Nation Council authorize the Office of Hearings and Appeals to hear and decide disputes concerning grazing rights, land boundaries and fences.

2. The Resources Committee approves and recommends that the Navajo Nation Council authorize the Office of Hearings and Appeals to hear appeals of administrative decisions of District Grazing Committees, Eastern Agency Joint Land Board and administrative decisions of the Director of the Navajo Land Department concerning homesite lease applications.

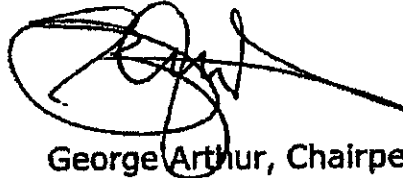
3. In order to minimize the cost/expense of resolving the above referenced disputes and appeals before the Office of Hearings and Appeals, the Resources Committee recommends that legal representation not be required; but interested party should have the opportunity to be represented by legal counsel at their option and own expense.

4. To carry out the intent and purpose of this resolution, the Resources Committee further approves and recommends that the Navajo Nation Council amends 2 N.N.C. § 695 (B) (1) and (B) (4) as provided in Exhibit "A"; 3 N.N.C. §§ 65 (E) & (F), 153, 172 (C), 173 (B), 176, 216, 241 (B) (6), 710 (A) & (B) (2), 832 (B), 875, 949 as provided in Exhibit "B".

5. The Resources Committee further recommends that the Navajo Nation Council authorize the Resource Enforcement Agency to enforce final decisions of the Office of Hearings and Appeals concerning grazing rights, land boundaries and fence disputes as well as final administrative decisions of the Director of the Navajo Land Department concerning homesite lease applications.

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 6 in favor, 0 opposed and 0 abstained, this 14th day of November, 2002.



George Arthur, Chairperson
Resources Committee

Motion : Elmer L. Milford
Second: Norman John, II