



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

FOR IMMEDIATE RELEASE

March 9, 2017

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Resources and Development Committee approves lease between the Navajo Nation and Pumpkin Patch Fundraisers and Upland Desert Popcorn

TSE BONITO, N.M. – On Tuesday, the Resources and Development Committee approved Legislation No. 0044-17, authorizing a lease between the Navajo Nation and Pumpkin Patch Fundraisers, Inc. and Upland Desert Popcorn for agricultural use of lands which includes water supply and electricity usage.

The PPF and UDP operate on the lands within the area used by the Navajo Agricultural Products Industry, Inc., located six-miles south of Farmington, N.M. PPF and UDP are engaged in growing, packaging, transporting, and selling popcorn, pumpkins, and other agricultural products.

On Feb. 14, the RDC tabled the legislation and recommended PPF, UDP, and NAPI to seek mediation on issues and concerns that were raised during the meeting.

Legislative sponsor Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) stated that the parties sought mediation and reached solutions and consensus.

“We had two mediation meetings and discussed the concerns outlined in the legislation. The mediations were a success and we reached an agreement. The new proposed lease is presented to you today. For 24 years, PPF and UDP leased with NAPI but this new lease will be directly with the Nation and both parties have consensus with this decision,” stated Delegate Tsosie.

“Therefore, I request an amendment for the legislation to address the agreements that were reached during the mediations.”

The lease outlines the relationship between the parties, governing law, term, lease property, rates, rentals, payments, rights and duties of lessee and lessor, workplace safety, improvements, subleases, and encumbrances, indemnification, dispute resolution, and notices.

Navajo Nation Department of Justice attorney Latonia Becenti-Johnson requested the committee for an executive session to discuss outstanding issues with the lease and to decide if the lease was legally sufficient.

RDC member Council Delegate Davis Filfred (Mexican Water, Aneth, Teecnospos, Tólikan, Red Mesa) questioned which sections of the lease were changed during the mediations.

“I attended the second mediation and several agreements were made. We need a clear presentation on all the changes that were made and why. I don’t think an executive session is needed. I feel that it’s important to have an open discussion because the committee will be negatively criticized,” stated Delegate Filfred.

RDC chair Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat) requested for modifications on the amendments made based on the executive session discussion.

The modification included the lease term, which stated that the agreement will remain effective to Dec. 31, 2032 or until a mater agricultural lease between PPF and UDP and NAPI is approved. Once NAPI’s agriculture lease is executed, the agricultural lease shall govern any and all future leasing. No waiver of sovereignty immunity was also included in the modifications.

Delegate Filfred added, “There is currently a lawsuit between PPF, UDP, and NAPI. I think language should be inserted in the legislation to dismiss that case.”

The committee recommended that no language regarding the lawsuit should be included in the legislation because the RDC does not have oversight over the Judicial Branch and that issue can be handled separately.

“I want to thank the committee and NAPI for working with PPF and UDP. This has been a long ordeal. The mediation was a success and we found better solutions among the parities. I also trust NAPI will dismiss the court case and honor our mutual agreements,” stated Delegate Tsošie, following the committee’s vote.

The Resources and Development Committee approved Legislation No. 0044-17 with a 3-1 vote with one amendment and serves as the final authority for the bill.

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