

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0010-20_____

SPONSOR: Rickie Nez

TITLE: An Action Relating to Naabik'iyáti Committee and the Navajo Nation Council; approving the purchase of property known as the Yavapai Ranch, consisting of 18,047.80 acres, more or less, located within Yavapai County,, Arizona; waiving provisions of the Navajo Nation Land Acquisition Rules and Regulations; and, approving the expenditure of Navajo Nation Land Acquisition Trust Fund Principal for the purchase of the Yavapai Ranch property

Date posted: January 15, 2020 at 3:08pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0010-20

DATE: January 15, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING THE PURCHASE OF PROPERTY KNOWN AS THE YAVAPAI RANCH, CONSISTING OF 18,047.80 ACRES, MORE OR LESS, LOCATED WITHIN YAVAPAI COUNTY, ARIZONA; WAIVING PROVISIONS OF THE NAVAJO NATION LAND ACQUISITION RULES AND REGULATIONS; AND, APPROVING THE EXPENDITURE OF NAVAJO NATION LAND ACQUISITION TRUST FUND PRINCIPAL FOR THE PURCHASE OF THE YAVAPAI RANCH PROPERTY

PURPOSE: The purpose of the resolution is to approve the purchase of the Yavapai Ranch property; to waive particular portions of the Navajo Nation Land Acquisition Rules and Regulations; and to approve the expenditure of Navajo Nation Land Acquisition Trust Funds for the purchase of the property. The expenditure of principle of the Navajo Nation Land Acquisition Trust Fund requires a two-thirds (2/3) vote of the full membership of the Navajo Nation Council.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2858
Website Posting Time/Date: _____
Posting End Date: 1/20/20
Eligible for Action: 1/21/20

Naabik'iyáti Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020

3 INTRODUCED BY

4 

5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0010-20

9
10 AN ACTION

11 RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION
12 COUNCIL.; APPROVING THE PURCHASE OF PROPERTY KNOWN AS THE
13 YAVAPAI RANCH, CONSISTING OF 18,047.80 ACRES, MORE OR LESS,
14 LOCATED WITHIN YAVAPAI COUNTY, ARIZONA; WAIVING PROVISIONS
15 OF THE NAVAJO NATION LAND ACQUISITION RULES AND REGULATIONS;
16 AND, APPROVING THE EXPENDITURE OF NAVAJO NATION LAND
17 ACQUISITION TRUST FUND PRINCIPAL FOR THE PURCHASE OF THE
18 YAVAPAI RANCH PROPERTY

19
20 BE IT ENACTED:

21 **Section One. Authority**

- 22 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
23 102 (A).
- 24 B. The Navajo Nation Council by Resolution CJY-54-94 established the Navajo Nation
25 Land Acquisition Trust Fund within the Navajo Land Department for the purchase of
26 lands for the Navajo Nation according to the Navajo Nation Land Acquisition Policy
27 and Procedures and the Navajo Land Consolidation Act of 1988.
- 28 C. Pursuant to 16 N.N.C. § 4 the Naabik'iyáti' Committee grants final approval for
29 [land] acquisitions of property exceeding \$20,000,000.00 per calendar year. CAU-
30 44-16 (August 10, 2016), attached as **Exhibit D**.

1 D. The Naabik'iyáti' Committee shall approve price, acreage and location for the
2 acquisition or disposition of real property exceeding the total expenditure of
3 \$20,000,000 per calendar year and issue a resolution for approval or disapproval of
4 such acquisition or disposition of real property. See Navajo Nation Land
5 Acquisition Rules and Regulations, IV(C)(1)(2), RDCO-78-16 (October 25, 2016),
6 attached as **Exhibit C**.

7 E. The Navajo Nation Land Acquisition Trust Fund principal shall not be expended
8 except by a two-thirds (2/3) vote of the full membership of the Navajo Nation
9 Council. 16 N.N.C. § 204.

10
11 **Section Two. Findings**

12 A. The Navajo Nation Acquisition of Lands Act, 16 N.N.C. §2(A), states "The Navajo
13 Nation's major purposes in acquiring new lands shall be to: (5) Provide land
14 necessary for approved Navajo Nation economic development." See CAU-44-16.

15 B. The Navajo Nation shall acquire and dispose of real property subject to land
16 acquisition regulations as approved by the Resources and Development Committee
17 of the Navajo Nation Council. 16 N.N.C. § 3, CAU-44-16.

18 C. The Resources and Development Committee approved the Navajo Nation Land
19 Acquisition Rules and Regulations. RDCO-78-16.

20 D. The Navajo Nation Land Acquisition Rules and Regulations, V. REAL PROPERTY
21 PURCHASE REQUIREMENTS state:

22 *A. The land must be desired for acquisition or disposition by the Navajo Nation.*

23 *1. Land must conform to the Major Purposes requirements set forth in 16 N.N.C.*
24 *§2; or*

25 *2. Other lands that will benefit the Navajo Nation.*

26 *B. The Navajo Nation must purchase land with insurable title.*

27 *1. The Navajo Nation should purchase fee simple title to real property that is*
28 *insurable.*

29 *2. All steps should be taken to obtain clear and marketable title that is free of*
30 *questions of fact, free of questions of law, free of any clouds on title, not subject to*

1 *any liens, and vested in the seller of the property, except in special circumstances*
2 *that are deemed to benefit the Navajo Nation.*

3 *C. The purchase price for the land must be fair and reasonable.*

- 4 1. *The purchase price may be determined by a certified real estate appraisal; or*
5 2. *Other standards of valuation used to determine a fair and reasonable price.*

6 E. The Navajo Nation Land Acquisition Rules and Regulations, VI. GENERAL
7 PROCEDURE FOR PURCHASE OF REAL PROPERTY provide general
8 procedures for the purchase of real property:

9 *B. Identification of Real Property.*

10 ***

- 11 2. *Real property, with or without improvements, shall be identified by certified*
12 *legal survey.*

13 ***

14 *C. Preliminary Inspection.*

- 15 1. *The Navajo Land Department shall conduct an on-site inspection of the*
16 *property to identify the land, any title issues, inventory, readily identifiable*
17 *environmental concerns, or any other issue that may exist."*
18 2. *The Navajo Land Department shall review preliminary title documents, if*
19 *available, for identification of any liens, encumbrances, or title issues.*

20 *D. Purchase Approval*

- 21 1. *Upon completion of the preliminary inspection, the Navajo Land*
22 *Department shall:*
23 a. *Prepare a recommendation to the appropriate approving authority; and*
24 b. *Verify that funds are available for purchase.*

25 ***

- 26 2. *The approving authority shall take action to approve or disapprove the*
27 *Navajo Land Department's recommendation.*

28 ***

- 29 c. *Naabik'iyati' will act through the resolution process set forth in Title II*
30 *of the Navajo Nation Code.*

1 ****

2 *F. Due Diligence Investigations*

- 3 1. *During the due diligence period, the Navajo Land Department may hire*
4 *contractors through the contracted agent, or obtain the assistance of Navajo*
5 *Nation Departments or Programs, to assist the Department in determining if*
6 *the property is suitable for purchase.*
- 7 2. *Due diligence investigations shall include building or improvement*
8 *inspections and appraisals.*
- 9 3. *To the extent possible, the due diligence investigations should include*
10 *environmental audits, Phase I environmental site assessment, surveys, and*
11 *engineering inspections.*

12

13 F. The Navajo Nation Division of Natural Resources Executive Director, through
14 memorandum dated October 16, 2019, does not recommend the purchase of the
15 Yavapai Ranch. Memorandum dated October 16, 2019 is attached as a
16 **CONFIDENTIAL Exhibit E.** (Confidential pursuant to 2 N.N.C.
17 §85(A)(7)(Negotiating position of the Navajo Nation before an agreement is entered
18 into is a protected record).

19 G. The October 16, 2019 memorandum states that a new appraisal of the property must
20 be obtained; and that pursuant to Navajo Nation Land Acquisition Rules and
21 Regulations the recommendation for purchase and inspection report from the
22 Navajo Land Department must be obtained.

23 H. The Department Director of the Navajo Land Department acknowledges that no
24 certified legal survey, no preliminary inspection including examination of title
25 issues, inventory readily indefinable environmental concern, and preliminary title
26 documents have been obtained by the Navajo Land Department. The Navajo Land
27 Department is not recommending the purchase of the Yavapai Ranch.

28 I. Funds are available from the FY2020 Land Acquisition Trust Fund Budget Business
29 Unit 415000 to purchase the property. A copy of the funds availability is attached
30 as **Exhibit A.**

1
2 **Section Three. Waiver of Navajo Nation Land Acquisition Rules and Regulations,**
3 **V. Real Property Purchase Requirements (B) and (C) and VI. General**
4 **Procedure for Purchase of Real Property, (B)(2), (C)(1)(2), (D)(1)(a), and (F)**

5 A. The Navajo Nation Council hereby waives Navajo Nation Land Acquisition Rules and
6 Regulations, V. Real Property Purchase Requirements (B) and (C).

7 B. The Navajo Nation Council hereby waives Navajo Nation Land Acquisition Rules and
8 Regulations, VI. General Procedure for Purchase of Real Property, (B)(2), (C)(1)(2),
9 (D)(1)(a), and (F).

10
11 **Section Four. Approval Price, Acreage and Location for the Acquisition of Real**
12 **Property**

13 The Navajo Nation hereby approves of the purchase of the 18,047.80 acres, more or
14 less, the location as described in identified by attached **Exhibit B**, at \$41,510,000 plus
15 any closing costs and expenses.

16
17 **Section Five. Approval of the Expenditure of Principle and Income of the Navajo**
18 **Nation Land Acquisition Trust Fund**

19 The Navajo Nation hereby approves the expenditure of the principle and income of
20 the Land Acquisition Trust Fund in the amount approved to purchase the property to
21 benefit the Navajo Nation.

22
23 **Section Six. Directive to the Division of Natural Resources Executive Director and**
24 **the Navajo Land Department, Department Director**

25 The Navajo Nation directs the Division of Natural Resources Executive Director
26 and the Department Director of the Navajo Land Department to initiate and
27 complete the requirements as described in the Navajo Nation Land Acquisition
28 Rules and Regulations, VI. General Procedure for Purchase of Real Property, E.
29 Purchase Agreement and Opening Escrow.