

LEGISLATIVE SUMMARY SHEET

Tracking No. 0236-21

DATE: November 5, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING CAP-19-16 TO TRANSFER THE RESPONSIBILITY AND PERMANENT TRUST FUND INTEREST FUNDING FOR THE SHIPROCK HOTEL-RESTAURANT PROJECT FROM THE NAVAJO NATION GAMING ENTERPRISE TO THE NAVAJO NATION HOSPITALITY ENTERPRISE; ALLOCATING \$11,400,000 FROM THE SÍHASIN FUND TO THE NAVAJO NATION HOSPITALITY ENTERPRISE FOR THE SHIPROCK HOTEL-RESTAURANT PROJECT AND APPROVING THE PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

PURPOSE: This resolution, if approved, will amend CAP-19-16 to transfer \$8,300,000 in Permanent Trust Fund income from the NNGE to NNHE and allocate \$11,400,000 in Síhasin Funds to NNHE to complete the Shiprock Hotel-Restaurant Project.

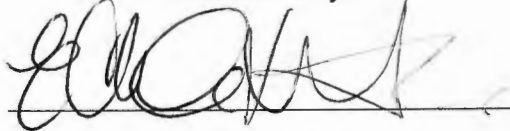
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 4/11/21
Website Posting Time/Date: 3:53pm 11-10-21
Posting End Date: 11-15-21
Eligible for Action: 11-16-21

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year, 2021

Introduced by:



(Prime Sponsor)

Tracking No. 0236-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,
AND NABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL;
AMENDING CAP-19-16 TO TRANSFER THE RESPONSIBILITY AND
PERMANENT TRUST FUND INTEREST FUNDING FOR THE SHIPROCK
HOTEL-RESTAURANT PROJECT FROM THE NAVAJO NATION GAMING
ENTERPRISE TO THE NAVAJO NATION HOSPITALITY ENTERPRISE;
ALLOCATING \$11,400,000 FROM THE SÍHASIN FUND TO THE NAVAJO
NATION HOSPITALITY ENTERPRISE FOR THE SHIPROCK HOTEL-
RESTAURANT PROJECT AND APPROVING THE PROJECT EXPENDITURE
PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council empowered to exercise oversight over the operations of the Navajo Nation enterprises, including the Navajo Nation Gaming Enterprise and the Navajo Nation Hospitality Enterprise. 2 N.N.C. §501(B)(4)(e).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council authorized to “appropriate, allocate, cancel, re-appropriate and review the use

1 of Navajo Nation funds received including but not limited to all grants, contracts, gifts
2 and other funds from all sources.” 2 N.N.C. §301(B)(3).

3 C. The Naabik’íyáti’ Committee is a standing committee of the Navajo Nation Council
4 charged with the responsibility to hear proposed resolution(s) that require final action
5 by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

6 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
7 §102(A).

8 E. The Navajo Nation Code (at 12 N.N.C. §2502, as amended by CJA-03-18) provides
9 that the purpose of the Navajo Nation Síhasin Fund (“Síhasin Fund”) is as follows:

10 §2502 Purpose

11 A. The purposes of this Fund are to provide financial support and/or financing for:

- 12 1. The planning and development of economic development and regional
13 infrastructure supporting economic development and community
14 development, including such infrastructure as, but not limited to, housing,
15 commercial and government buildings, waterline, solid waste management
16 development, powerline projects, and transportation and communication
17 systems, within the Navajo Nation; and

18 2. Education opportunities for members of the Navajo Nation.

19 B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall not
20 be limited by 12 NNC §1310(F) or TCDCJY-77-99.

21 C. Leveraging the Fund by way of guaranteeing loans, match funding, direct
22 funding in part, and other weighted uses of the Fund, including loan financing
23 from the Fund, for the purposes in §2502(A)(1), shall be favored over direct
24 funding in whole.

25 F. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to
26 the Síhasin Fund and that “Fund Income” shall consist of all earnings (interest,
27 dividends, etc.) generated and realized by the Fund Principal, and that Fund Income
28 shall be deposited in and added to Fund Principal until such time as a Fund Expenditure
29 Plan is duly adopted. 12 N.N.C. §2504 and §2505(C).

30 G. The Síhasin Fund provides that “Fund Principal and Income shall not be expended

except pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502 of this Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council.” 12 N.N.C. §2505(A).

SECTION TWO. FINDINGS

- A. In April of 2016, the Navajo Nation Council passed Resolution No. CAP-19-16, in which the Council approved two payments from the Navajo Nation’s Permanent Trust Fund income to the Navajo Nation Gaming Enterprise (“NNGE”), in the amount of \$5,500,000 in the 2nd Year and \$2,800,000 in the 3rd Year of a “PTF 5-Year Plan.” These payments, totaling \$8,300,000, were intended to allow the NNGE to construct a Hotel and Restaurant in the Shiprock community (“Shiprock Hotel-Restaurant Project”). **Exhibit A.**
- B. Since then, the NNGE has negotiated with the Navajo Nation Hospitality Enterprise (“NNHE”) to take over construction and management of the Shiprock Hotel-Restaurant Project. In May 2021, the NNHE Board of Directors passed a resolution accepting the transfer of the Shiprock Hotel-Restaurant Project. **Exhibit B.** In June 2021, the NNGE Board of Directors also passed a resolution approving the transfer of the Shiprock Hotel-Restaurant Project to the NNHE. **Exhibit C.**
- C. The NNHE has prepared a funding request, dated August 30, 2021, indicating that, after previous allocations of funds and the transfer of the \$8,300,000 as proposed in this Legislation, the Shiprock Hotel-Restaurant Project still needs \$11,400,000 for completion. **Exhibit D.**
- D. The allocation of the \$11,400,000 for the Shiprock Hotel-Restaurant Project meets the criteria for Síhasin expenditures because the Project involves “infrastructure” and “community development” such as “commercial buildings” as mentioned in 12 N.N.C. §2502(A)(1).
- E. The Shiprock community and the Navajo Nation as a whole will greatly benefit from this economic development project, in terms of jobs creation, tourism, tax revenue, and other significant economic benefits.

1 **SECTION THREE. AMENDING CAP-19-16 TO TRANSFER RESPONSIBILITY**
2 **AND FUNDING FOR THE SHIPROCK HOTEL-RESTAURANT PROJECT**
3 **FROM THE NNGE TO THE NNHE**

- 4 A. The Navajo Nation hereby amends Exhibit A of CAP-19-16, attached herein as
5 **Exhibit A**, to transfer responsibility for the construction of the Shiprock Hotel-
6 Restaurant Project to the Navajo Nation Hospitality Enterprise.
- 7 B. The Navajo Nation further amends CAP-19-16 to transfer \$8,300,000 of Permanent
8 Trust Fund income from the Navajo Nation Gaming Enterprise to the Navajo Nation
9 Hospitality Enterprise, for use by the Hospitality Enterprise in the planning and
10 construction of the Shiprock Hotel-Restaurant Project.

11
12 **SECTION FOUR. ALLOCATION OF \$11,400,000 IN SÍHASIN FUNDS TO THE**
13 **NAVAJO NATION HOSPITALITY ENTERPRISE FOR THE SHIPROCK**
14 **HOTEL-RESTAURANT PROJECT**

- 15 A. The Navajo Nation hereby allocates eleven million four hundred thousand dollars
16 (\$11,400,000) in Síhasin Funds to the Navajo Nation Hospitality Enterprise for the
17 planning and construction of the Shiprock Hotel-Restaurant Project.
- 18 B. The Síhasin Funds allocated for the Shiprock Hotel-Restaurant Project may be further
19 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing
20 Act, 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment
21 and financing costs, upon the recommendation of the Budget and Finance Committee
22 and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

23
24 **SECTION FIVE. APPROVAL OF THE SHIPROCK HOTEL-RESTAURANT**
25 **PROJECT EXPENDITURE PLAN AND ITS ADMINISTRATION**

- 26 A. The Navajo Nation hereby approves the Shiprock Hotel-Restaurant Project
27 Expenditure Plan as shown in **Exhibit D**.
- 28 B. The Navajo Nation hereby approves the administration of the Shiprock Hotel-
29 Restaurant Project Expenditure Plan, as follows:
- 30 1. The Navajo Nation Controller shall determine whether the source of the

1 \$11,400,000 allocation from the Síhasin Fund will be from Fund Principal or Fund
2 Income or a combination of both.

- 3 2. The funds allocated for the Shiprock Hotel-Restaurant Project shall be distributed
4 to the Navajo Nation Hospitality Enterprise pursuant to a construction or other
5 schedule agreed to by the Office of the Controller.
- 6 3. The NNHE shall be responsible for the planning and construction of the Shiprock
7 Hotel-Restaurant Project, as well as ongoing operation, maintenance, and repairs
8 for the Project after completion.
- 9 4. The funds allocated for the Shiprock Hotel-Restaurant Project shall be used solely
10 for the planning and construction of the Project, and for the purchase of equipment
11 and facilities as necessary for the Project once construction is completed.
- 12 5. Any and all cost-savings shall be returned to the Síhasin Fund once the Shiprock
13 Hotel-Restaurant Project Expenditure Plan is completed.
- 14 6. The funds allocated for the Shiprock Hotel-Restaurant Project shall revert to the
15 Síhasin Fund principal if not spent or encumbered within one hundred twenty (120)
16 days of distribution to the NNHE, unless recommended otherwise by the Resources
17 and Development Committee and approved by the Naabik'íyáti' Committee.

18 19 **SECTION SIX. DIRECTIVE**

20 The Navajo Nation Hospitality Enterprise shall provide a written and verbal report on the
21 status of its expenditures and progress with the Shiprock Hotel-Restaurant Project, to the
22 Naabik'iyati' Committee, by the end of each Quarter of FY2022.

23 24 **SECTION SEVEN. EFFECTIVE DATE**

25 This Legislation and the Shiprock Hotel-Restaurant Project Expenditure Plan shall become
26 effective pursuant to 2 N.N.C. § 164 (A) (17) and 12 N.N.C. §2505.

27 28 **SECTION EIGHT. SAVING CLAUSE**

29 If any provision(s) of this Legislation is determined invalid by the Navajo Nation Supreme
30 Court or by a District Court of the Navajo Nation without appeal to the Navajo Nation

1 Supreme Court, the remainder of this Legislation shall remain the law of the Navajo
2 Nation.
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RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACTION

RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND
THE NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION PERMANENT
FUND INCOME FIVE YEAR EXPENDITURE PLAN AND WAIVING 12 N.N.C.
§1162(B) FOR A LIMITED TIME PERIOD

BE IT ENACTED.

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A).
- B. 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.
- C. The Budget and Finance Committee is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §300(B)(2).
- D. Pursuant to 2 N.N.C. §300(C)(3), the Budget and Finance Committee of the Navajo Nation Council shall exercise oversight authority, including but not limited to, budget, finance, investment, bonds, contracting, insurance, audits, accounting, taxes, loans, chapter budget and finance for the purpose of recommending to the Navajo Nation Council the adoption of resolution designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation.

Section Two. Findings

- A. The Navajo Nation Permanent fund, established in 1985, made available certain funds after a 20 year period and such funds have been available for use since 2005;

however, the fund income of the Navajo Nation Permanent fund continues to be reinvested in the Permanent Fund.

- B. The Navajo Nation Permanent Fund was established for the purpose of creating reserves for future generations after finding that the Navajo Nation's General Reserve Fund had been declining. See CJY-53-85, Whereas Clause Two and Six.
- C. The Navajo Nation Permanent Fund defines fund income as consisting of all earnings generated by the principal of the Fund. 12 N.N.C. §903(B).
- D. The Navajo Nation Permanent Fund sets out the procedures for expenditure of fund income by stating "[n]o Fund income shall be expended, except as set forth in §§903 and 909 of this Chapter, for a period of 20 years from date of the first Navajo Nation contribution to the Fund. Thereafter, ninety-five percent (95%) of the Fund income may be expended in accordance with a plan for its use covering at least a five-year period adopted by resolution of the Navajo Nation Council provided that the expenditure of income in any fiscal year shall not exceed the income earned during that year. The remaining five percent (5%) of the Fund income shall be reinvested in the Permanent Fund." 12 N.N.C. §905.
- E. As stated above, the permanent fund income has been available for use since 2005 and a prospective plan for the use of the permanent fund income covering a 5-year period, attached as Exhibit A, includes major waterline projects throughout the Navajo Nation and economic development projects in regional centers across the Navajo Nation and is generally described as:
 - 1. Navajo Nation Waterline Projects, Total: \$68,250,000, detailed in Exhibit B;
 - 2. Regional Economic Development Projects, Total: \$81,750,000, detailed in Exhibit C;
- F. The Navajo Nation Local Governance Trust Fund is established with an appropriation that "Beginning in Fiscal Year 2007, the Fund shall annually receive fifty-percent (50%) of the income available from the Navajo Nation

Permanent Fund pursuant to 12 N.N.C. §905; However to accomplish the essential Navajo Nation waterline and regional economic development projects it is necessary to lessen the appropriation to the Local Governance Trust Fund for the five year period of the expenditure plan. See 12 N.N.C. §1162 regarding annual appropriation and Exhibit A for Fund appropriation over the five year period.

- G. The Navajo Nation finds it in the best interest of the Nation to approve the Permanent Fund Income Five Year Expenditure Plan.

Section Three. Waiving 12 N.N.C. §1162(B)

The Navajo Nation hereby waives 12 N.N.C. §1162(B) for the period of the Permanent Income Five Year Expenditure Plan and approves the reduced annual appropriation to the Navajo Nation Local Governance Trust Fund to Confirm with the Permanent Income Five Year Expenditure Plan.

Section Four. Recommending and Approving

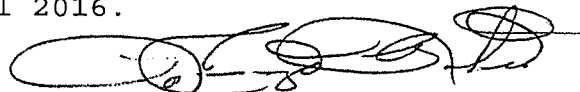
The Navajo Nation hereby recommends and approves the expenditure of the permanent fund income pursuant to the Permanent Income Five Year Expenditure Plan described as:

A. Navajo Nation Waterline Projects, Total: \$68,250,000;

B. Regional Economic Development Projects, Total:
\$81,750,000

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 18 in favor and 4 opposed, this 19th day of April 2016.



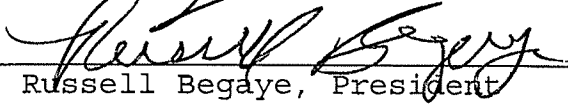
LoRenzo Bates, Speaker
Navajo Nation Council

April 27, 2016
Date

Motion: Honorable Jonathan Perry
Second: Honorable Amber Kanazbah Crotty

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 7th day of May 2016.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010 certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this _____ day of _____, 2016.

Russell Begaye, President
Navajo Nation

PTF – 5 Year Plan = \$150m Over 5 Years

Exhibit A

New

Modification

\$150 m

\$68.25m

\$81.75m

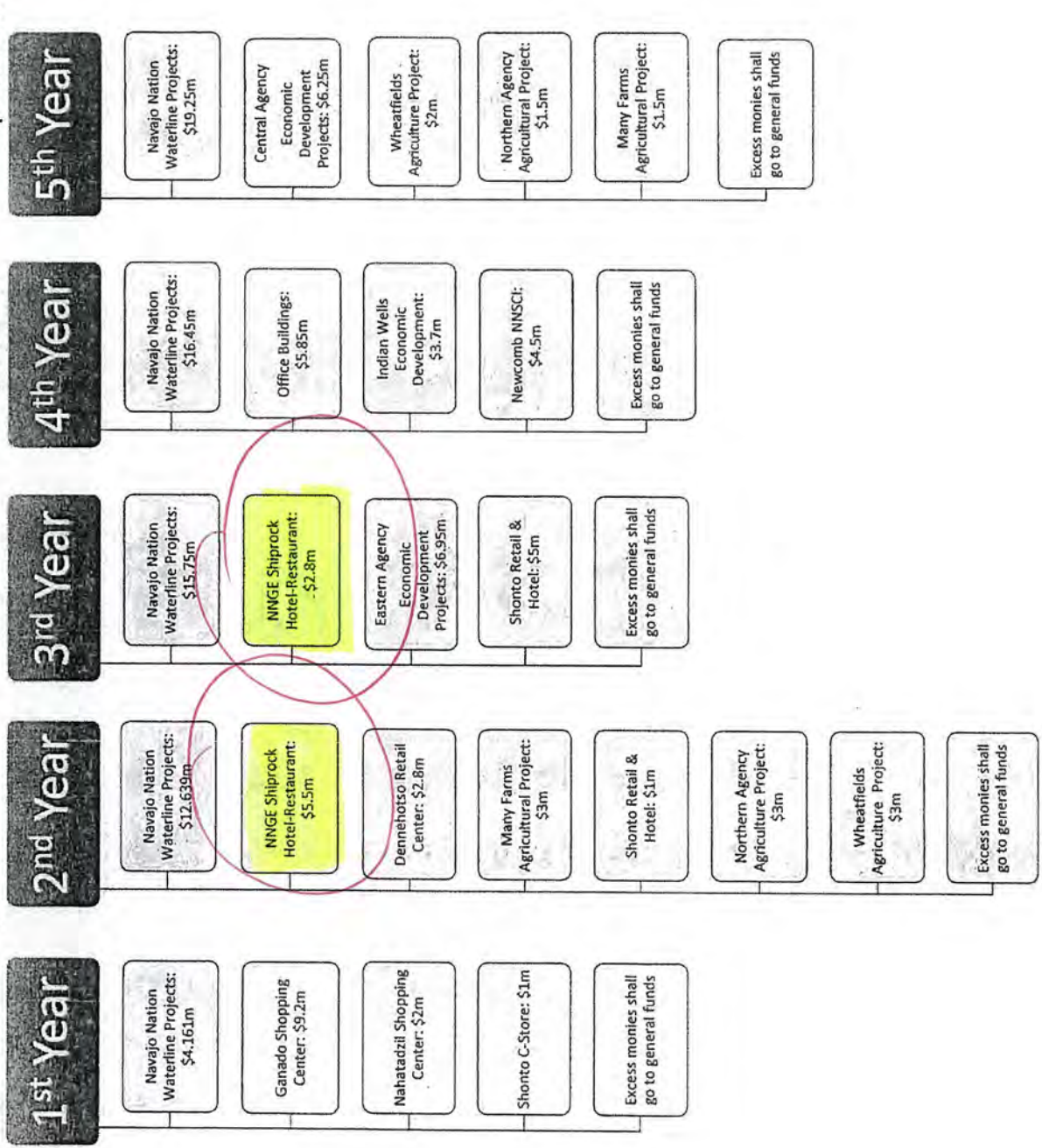
\$30m

\$30.939m

\$30.5m

\$30.5m

\$30.5m



**RESOLUTION OF THE
MANAGEMENT BOARD OF THE
NAVAJO NATION HOSPITALITY ENTERPRISE**

Resolution No. 2021-4

Supporting Transfer of Funds from the Permanent Trust Fund of 8.3 Million to the Navajo Nation Hospitality Enterprise. The Funds would only be used for the Development and Construction of a Shiprock Hotel. Additional Funding of Approximately 12 Million from the Navajo Nation to the Navajo Nation Hospitality Enterprise is Required to Complete Construction of the Shiprock Hotel.

WHEREAS, The Navajo Nation Council is considering a transfer of funding and responsibility for development and construction of a Hotel and Restaurant in Shiprock, NM. The funding and responsibility for development and construction currently resides with the Navajo Nation Gaming Enterprise. That funding and responsibility would be transferred to the Navajo Nation Hospitality Enterprise.

WHEREAS, The Navajo Nation Hospitality Enterprise ("NNHE") is an enterprise organized and duly formed pursuant to Title 5, Subchapter 9 of the Navajo Nation Code, is owned entirely and exclusively by the Navajo Nation and is in good standing; and

WHEREAS, Pursuant to NNHE's Plan of Operation, as amended, which has been authorized by the Navajo Nation Tribal Council by Resolution CD-79-02 dated December 30, 2002, all in accordance with applicable law, NNHE's Management Board is empowered to act on behalf of NNHE; and

WHEREAS, The Navajo Nation Hospitality Enterprise has the experience and expertise to undertake the development and construction of the Shiprock Hotel Project. Additional funds of approximately 12 Million are estimated to be needed in order to complete the Project. NNHE does not sufficient funds to complete the Project and these additional funds would have to be granted by the Navajo Nation.

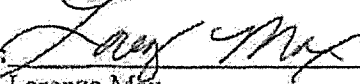
NOW THEREFORE BE IT RESOLVED, that the Management Board hereby supports the transfer of funds from the Permanent Trust Fund and assignment of responsibility for development and construction of the Shiprock Hotel Project subject to receipt of additional funds from the Navajo Nation of approximately 12 Million, which is necessary to complete the Project.

BE IT FURTHER RESOLVED,

That any funds received are to be used solely for the development and construction of the Shiprock Hotel Project and that if the additional funding of approximately 12 Million is not made available within the next 12 months then

any unexpended funds directly related to the Project shall be returned to the Permanent Trust Fund.

**NAVAJO NATION HOSPITALITY ENTERPRISE
MANAGEMENT BOARD**

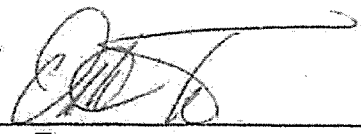
By: 
Lorenzo Max
Chairman, Management Board

CERTIFICATION

The above resolution was duly adopted by the Management Board of the Navajo Nation Hospitality Enterprise by vote conducted on the 11th day of May, 2021, at a meeting of the Management Board at which a quorum voted:

4 FOR, -0- AGAINST, -0- ABSTAIN.

Certified by:


Otto Tso
Secretary, Management Board

NNGEJUN-002-21

RESOLUTION OF THE NAVAJO NATION GAMING ENTERPRISE
BOARD OF DIRECTORS

**APPROVING THE TRANSFER OF THE SHIPROCK HOTEL AND RESTAURANT
DEVELOPMENT PROJECT AUTHORIZED PURSUANT TO NO. CAP-19-16 TO THE
NAVAJO NATION HOSPITALITY ENTERPRISE**

WHEREAS, the Navajo Nation Gaming Enterprise ("Enterprise") is a wholly-owned enterprise of the Navajo Nation established pursuant to 5 N.N.C. § 1701 *et seq.*; and

WHEREAS, pursuant to 5 N.N.C. § 1707(A), the Board of Directors ("Board") of the Enterprise is the governing body of the Enterprise responsible for establishing the overall policies and objectives for the management of the Enterprise, and for overseeing the business and affairs of the Enterprise; and

WHEREAS, pursuant to 5 N.N.C. § 1708, the Chief Executive Officer ("CEO") of the Enterprise executes the general policies formulated by the Board and is the active, operating executive of the Enterprise; and

WHEREAS, pursuant to 5 N.N.C. § 1705(E), the Enterprise has the power and authority to enter into, make, assign, and take assignments of any and all forms of contracts for any purpose that is reasonably related to the lawful purposes of the Enterprise; and

WHEREAS, pursuant to Navajo Nation Council Resolution No. CAP-19-16, the Navajo Nation approved the Navajo Nation Permanent Fund Income Five-Year Expenditure Plan that authorizes expenditures for water and economic development projects, including a total of \$8,305,000 to the Enterprise to develop, design, construct, start-up and operate a hotel and restaurant in Shiprock, New Mexico; and

WHEREAS, the Navajo Nation allocated an additional \$2,805,000 of Navajo Nation Sales Tax revenues for this project pursuant to the Resources and Development Committee's, (Resolution No. RDCJY-79-17) approval of the Navajo Nation Division of Economic Development Five Year Plan for 2016-2021. The Plan authorizes \$2,805,000 to design, develop and construct the infrastructure for the Shiprock Hotel and Restaurant development; and

WHEREAS, on June 23, 2021, the Budget and Finance Committee of the Navajo Nation Council convened a Permanent Trust Fund meeting to discuss the transfer of the Shiprock Hotel and Restaurant project from the NNGE to the Navajo Nation Hospitality Enterprise (NNGE). Attached hereto and incorporated for reference is the June 23, 2021 agenda – see EXHIBIT A; and

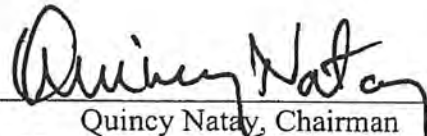
WHEREAS, although no formal action was taken, the general consensus of the meeting participants and several others who spoke on the record, support the transfer of the project from NNGE to NNHE.

NOW THEREFORE BE IT RESOLVED, the Navajo Nation Gaming Enterprise hereby approves the transfer of the Shiprock Hotel and Restaurant project to the Navajo Nation Hospitality Enterprise.

NOW THEREFORE BE IT FINALLY RESOLVED, the Navajo Nation Gaming Enterprise Board of Directors hereby directs the Interim Chief Executive Officer to submit all required documents related to this approval, including transfer of initial funds back to the Navajo Nation and termination of any and all related agreements between the Navajo Nation and the NNGE.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Gaming Enterprise Board of Directors, at a duly called meeting, at which a quorum was present, and the same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 27th day of June 2021


Quincy Nataf, Chairman
Navajo Nation Gaming Enterprise
Board of Directors

Motion: Kristina Haskell
Second: Robert Winter



NAVAJO NATION HOSPITALITY ENTERPRISE



August 30, 2021

Honorable Eugenia Charles-Newton
Via Electronic Mail: echarles-newton@navajo-nsn.gov

RE: Shiprock Hotel: Additional Funds Request

Dear Honorable Charles-Newton:

We have completed a review of the estimated current cost to complete the construction of the hotel and restaurant in Shiprock, NM. Our construction cost estimates are based on known costs for similar types of construction and development projects.

Total Estimated Construction and Development Costs \$21,700,000

Utility upgrade needed; (by NTUA) 800,000

Total Estimated Costs to Complete 22,500,000

Less: Funds Previously Authorized:

Permanent Trust Fund 8,300,000

Sales Tax Fund – Division of Economic Development 2,805,000

Total Previously Authorized 11,105,000

Additional Funds Requested (Rounded) **\$11,400,000**

per EXH A +
Reso. No.
CAP-19-16
\$5.5 m
+
\$2.8 m
= \$8.3 m

Please let us know if you need additional information as part of requesting the additional funding to complete the Shiprock Hotel Project.

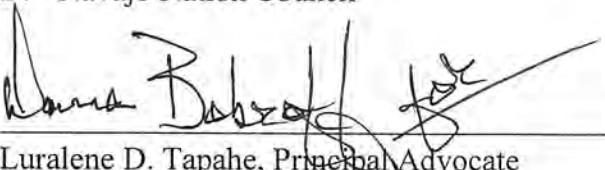
Sincerely,

Stan M. Sapp
Chief Executive Officer



MEMORANDUM

TO: Honorable Eugenia Charles-Newton
24th Navajo Nation Council

FROM: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

DATE: November 5, 2021

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING CAP-19-16 TO TRANSFER THE RESPONSIBILITY AND PERMANENT TRUST FUND INTEREST FUNDING FOR THE SHIPROCK HOTEL-RESTAURANT PROJECT FROM THE NAVAJO NATION GAMING ENTERPRISE TO THE NAVAJO NATION HOSPITALITY ENTERPRISE; ALLOCATING \$11,400,000 FROM THE SÍHASIN FUND TO THE NAVAJO NATION HOSPITALITY ENTERPRISE FOR THE SHIPROCK HOTEL-RESTAURANT PROJECT AND APPROVING THE PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration.” 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0236-21_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Amending CAP-19-16 to Transfer the Responsibility and Permanent Trust Fund Interest Funding for the Shiprock Hotel-Restaurant Project from the Navajo Nation Gaming Enterprise to the Navajo Nation Hospitality Enterprise; Allocating \$11,400,000 from the Síhasin Fund to the Navajo Nation Hospitality Enterprise for the Shiprock Hotel-Restaurant Project and Approving the Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501-2508

Date posted: November 10, 2021 at 3:53 PM

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) 871-7586**

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.*