

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0293-19

**DATE:** September 24, 2019

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING GSCAP-12-07 BY APPROVING AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO NATION DIVISION OF ECONOMIC DEVELOPMENT

**PURPOSE:** This resolution, if approved, will approve amend GSCAP-12-07 by approving the amended Plan of Operation for the Navajo Nation Division of Economic Development.

**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: High  
Website Posting Time/Date: 6:24pm 9-26-19  
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Eligible for Action: 10-2-19

PROPOSED STANDING COMMITTEE RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0293-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING  
GSCAP-12-07 BY APPROVING AMENDMENTS TO THE PLAN OF OPERATION  
FOR THE NAVAJO NATION DIVISION OF ECONOMIC DEVELOPMENT

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Resources and Development Committee ("RDC") is established as a standing committee of the Navajo Nation Council with oversight committee for the Division of Natural Resources. 2 N.N.C. § 500(A); 2 N.N.C. § 501(C)(1).
- B. The Resources and Development Committee is empowered to grant final approval for Plans of Operation for the Division of Economic Development. 2 N.N.C. § 501(B)(2)(g).

**SECTION TWO. FINDINGS**

- A. The Plan of Operation for the Navajo Nation Division of Economic Development was last updated through GSCAP-12-07. GSCAP-12-07 is attached as **Exhibit 2**.
- B. The Navajo Nation Division of Economic Development has submitted amendments to their plan of operation and is attached as **Exhibit 1**.
- C. Executive Official Review Document No. 012273 is attached as **Exhibit 3**.

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2     **SECTION THREE. AMENDING GSCAP-12-07 BY APPROVING**  
3     **AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO**  
4     **NATION DIVISION OF ECONOMIC DEVELOPMENT**

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6     The Resources and Development Committee hereby amends GSCAP-12-07 by  
7     approving the amended Plan of Operation for the Navajo Nation Division of Economic  
8     Development as attached in **Exhibit 1**.  
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DIVISION OF ECONOMIC DEVELOPMENT  
MASTER PLAN OF OPERATION

I. Establishment-

The Division of Economic Development (hereinafter "Division") is hereby established within the Executive Branch of the Navajo Nation Government.

II. Purpose-

The Division is established for the purpose of creating an environment within the Navajo Nation that comprehensively promotes economic growth, the development of Navajo businesses and its infrastructure, in all sectors of the Navajo Nation to create a sustainable economy, to improve living standards, and to enhance the creation and retention of jobs and businesses. ~~is conducive to promote and develop businesses in the commercial, tourism, industrial and other sectors of the Navajo Nation economy, to enhance the creation of jobs and business opportunities.~~

III. Objectives

To carry out its purpose, the following Division objectives are established:

- aA. To promote and support an environment that leads to the creation and retention of jobs and business opportunities in the commercial, industrial, tourism and other private sectors of the Navajo Nation economy; and
- bB. To recommend the enactment, amendment, or rescission of laws and promulgation and/or reduction of regulations to enhance economic development on the Navajo Nation and to create a positive business environment; and
- eC. To maintain a decentralized network of business development offices in the primary growth centers of the Navajo Nation that provides individuals and organizations with technical assistance to develop master land use plans, land development processes, business organization structure, business plans, feasibility and marketing studies, financing, planning, loan and grant packaging, business-site lease processing and management, Bbusiness Ppreference Ccertifications, and industrial park management, and economic data collection to community, chapter, region and agency; and



- ~~d~~D. To develop, monitor and manage a comprehensive financing program to expand or develop new economic initiatives and plans for the Navajo Nation; and
- ~~e~~E. Seek and secure financing from the Navajo Nation, state, federal, and other agencies for commercial, ~~and~~ industrial and tourism development projects, monitor and administer grants and loans received for such projects; and
- ~~f~~F. Seek and implement new commercial, industrial, tourism and manufacturing business opportunities and economic development projects for the Navajo Nation; and
- G. Collect, generate and analyze data to enhance economic, strategic and program planning that improve decision-making; and
- H. To provide technical assistance when individuals and entities are applying, accessing, and leveraging grants, private equity, bonds, tax credits, loan guarantees, domestic and foreign equity, and debt investments to expand or develop new economic initiatives and plans for the Navajo Nation; and
- I. To pursue and secure financing from the Navajo owned non-governmental entities to access economies of scale, technical expertise, management experience, financial capacity, required licensing, patents and certifications; and
- J. To seek and implement new business opportunities and economic development projects with a focus on primary, secondary, tertiary and induced multipliers for the Navajo Nation; and
- K. To assume fiduciary responsibilities as they relate to the engagement of leases, business structuring and financing; and
- L. To maintain a network of business development resources derived from federal, state, tribal and private entities; and
- M. To maintain and provide for the development of technical capabilities of staff through application of training, collaboration and personnel evaluations; and
- N. To develop and manage a marketing plan that benefits the Tourism strategies and expand of market research to develop, enhance, and expand on ideas of tourism for regions throughout the Navajo Nation.

#### IV. Personnel and Organization

A. Personnel

The position of ~~Executive~~-Division Director of the Division is hereby established. The ~~Executive~~-Division Director shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council, pursuant to 2 N.N.C. § 102 (F). The ~~Executive~~-Division Director shall serve at the pleasure and under the general direction and guidance of the President of the Navajo Nation and shall coordinate with the ~~Economic~~-Resources and Development Committee of the Navajo Nation Council and Navajo Nation Chapters to promote and encourage economic development on the Navajo Nation. In order to achieve the purposes and objectives of this Plan of Operation, the ~~Executive~~-Division Director shall have the authority to:

1. Recommend, evaluate and plan the creation, merger, separation, amendment or abolishment of programs, or specific functions within the Division, in accordance with Navajo Nation law, budgetary and personnel policies and procedures of the Navajo Nation; and
2. Hire, direct, supervise, and evaluate subordinate Department Managers ~~employees~~ and reclassify positions within the Division in accordance with Navajo Nation personnel policies and procedures ~~of the Navajo Nation~~; and
3. Oversee the management of the Division's programs, including but not limited to management of the Navajo Nation Business and Industrial Development Fund, ~~the Micro-Enterprise Lending Fund~~, Economic Development Sales Tax Fund, Hotel Occupancy Tax, Business License or any other new program or fund established within the Division, in accordance with the rules, regulations, guidelines, policies, procedures and laws of the Navajo Nation; and
4. Negotiate economic development-related agreements under the jurisdiction of the Division on behalf of the Navajo Nation in accordance with and subject to applicable rules, regulations, guidelines, policies, procedures, and laws of the Navajo Nation; and
5. Delegate authority pertaining to the operation of the Division and its program to subordinate ~~directors~~



managers of the Division, to the extent permitted by the laws and policies of the Navajo Nation; and

6. Delegate authority ~~pertaining to~~ implement the Navajo Nation Business Site Leasing Regulations of 2005 ~~the management of business site leases~~ under the jurisdiction of the Division to Chapters, Townships, or other forms of government, to the extent permitted by law and policies of the Navajo Nation conditioned upon approval of a business site leasing management plan by the ~~Economic~~ Resources and Development Committee; and
7. Delegate authority pertaining to the administrative management of business site leases under the jurisdiction of the Division to Chapters, Townships, or other forms of government, to the extent permitted by law and policies of the Navajo Nation conditioned upon approval of an administrative business site lease management plan by the ~~Economic~~ Resources and Development Committee; and
8. Recommend, create, justify, and classify additional professional, technical and clerical positions including the re-classification of existing positions as needed to carry out the Division's organization purposes as stated herein. ~~Additional positions shall be acquired in accordance with Navajo Nation applicable personnel policies and procedures and applicable budget rules established for conducting of the annual Navajo Nation budget process~~; and
9. Oversee the hiring, direction, supervision, evaluation, compensation, termination, task assignments of employees, including career path development plans within the Division in accordance with Navajo Nation personnel policies and procedures; and
10. Execute such directives and authorities as may be directed and/or authorized by the appropriate authority of the Navajo Nation.

B. Organization

~~Seven~~ Nine departments of the Division are hereby established, each with general ~~specific~~ duties and responsibilities as outlined hereinafter (see Organization Chart attached hereto as Exhibit ~~IA~~):

1. Administration Department; and
2. Project Development Department; and
3. Business Regulatory Department; and
4. Support Services Department; and
5. Small Business Development Department; and
6. Tourism Department; and
7. Real Estate Department; and
8. License & Registration Department; and
9. Intellectual Property Department.

V. Authority and Responsibility of the Division

The general authorities and responsibilities of the Division are as follows:

- A. Manage all funds identified for economic development in a fiscally responsible manner and administer the Navajo Nation Business and Industrial Development Fund, Economic Development Tax Fund, Hot Occupancy Tax, Business License, and other new funds ~~and Micro Enterprise Lending Fund~~ pursuant to the approved Fund Management Plans; and
- B. Identify and recommend changes in the laws and regulations of the Navajo Nation or other government agencies to reduce or eliminate barriers to entry and expansion faced by new and growing business enterprises and to eliminate regulatory and jurisdictional conflicts which inhibit the location of major industries within the Navajo Nation; and
- C. Manage and develop industrial parks, business sites, and other land dedicated to economic development; and
- D. Manage and recommend changes to the environmental review as the Environmental Reviewer under the Navajo Nation Business Site Leasing Regulations of 2005; and
- E. Solicit proposals from outside businesses and industries to locate facilities and operations in Navajo Nation industrial parks and to assist ~~them~~ in implementing the proposed projects; and



- F. Collect, maintain, analyze and disseminate information relevant to business, ~~and~~ economic and tourism activities activity on the Navajo Nation (such as socio-economic data, labor market data, land use data, marketing data, tourist data, etc.) and conduct economic feasibility studies and other technical studies to enhance economic development; and
- G. Propose, plan, and undertake economic development projects by investing resources in ventures that adds to Navajo Nation assets and provide opportunities for related business development and employment, including, but not limited to:
1. Eexpand, diversify, and privatize the operations of Navajo Nation Enterprises or other Navajo Nation owned business entities; and
  2. Develop tourism facilities and services to capture a major share of the tourism market of the southwest; and
  3. Improve industrial parks and related infrastructure to increase the attractiveness and suitability of the Navajo Nation as a place to locate business; and
  4. Develop facilities and services to enhance commercial development.
- H. Seek federal, state, and conventional financing for commercial, industrial, and tourism projects and develop other economic programs to enhance economic activity within the Navajo Nation; and
- I. Execute such directives as may be directed or authorized by the appropriate authority of the Navajo Nation consistent with Navajo and federal law; and
- J. Assist Navajo Nation Chapters in the execution of economic development functions and authorities which are properly delegated.

VI. Administration Department

A. Purpose

The purpose of the Administration Department is to provide for overall direction and management of the Division ~~in terms of both for~~ administrative and program functions. ~~The specific duties and responsibilities of the Administration Department are as follows:~~

B. Objectives

To carry out the Department's purpose, the following objectives are established:

- 1A. Provide overall direction to the Division by maintaining short and long range plans, goals, and objectives; and
- 2B. Respond to business opportunities and community needs and plans relating to economic development; and
- 3E. Ensure the implementation of duties and functions, authorities, and responsibilities of the Division; and
- 4D. Work in concert with the ~~Economic~~ Resources and Development Committee of the Navajo Nation Council, other standing committees of the Navajo Nation Council, and the Navajo Nation Council; and
- 5E. Negotiate agreements related to economic development in accordance with applicable policies and laws.

C. Personnel

1. The Division Director shall ensure the Department's purposes and objectives are followed; and
2. The Division Director shall hire, direct, supervise, evaluate, compensate, terminate, task assignments, including career path development plans for all positions in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives.

VII. Project Development Department

A. Purpose

The purpose of the Project Development Department is to plan, develop, retain and expand small to large-scale commercial and industrial projects to improve the Navajo Nation economy.  
~~The duties and responsibilities of the Project Development Department are as follows:~~

B. Objectives

To carry out the Department's purpose, the following objectives are established:



1. Economic Planning: Initiate market feasibility studies, infrastructure analysis, land withdrawal, boundary survey, archaeological survey, due diligence, environmental assessment, economic plans, master plans, i.e., site and utility plans to prepare project sites  
~~Plan commercial and industrial projects throughout the Navajo Nation. Planning activities may include, but are not limited to, conducting surveys, withdrawing land, obtaining feasibility studies, securing financing, conducting site assessments and all other necessary planning activities;~~ and
2. Development Financing: Seek and secure financing from local agencies within the Navajo Nation, State, Federal and other agencies for commercial, industrial and service projects for development. Monitor and administer all funds for development of projects, funds could be in the form of internal Navajo Nation funds, grants, loans and external funds such as grant, matching funds from private businesses or enterprises, etc.  
~~Develop and market commercial and industrial projects throughout the Navajo Nation. Procure and manage architectural and engineering, construction and other professional services contracts. Procure and manage infrastructure, facilities, site improvements and other capital improvement construction contracts;~~ and
3. Implement Development: Implement the development of Commercial and Industrial projects which include site development such as: Infrastructure (roads, on-site and off-site utilities), Commercial and industrial buildings for retail, manufacturing, hotels, office, housing, etc. to promote the development of the Navajo Nation economy  
~~Seek and secure financing from the Navajo Nation, state, federal, and other agencies for commercial and industrial development projects, monitor and administer grants and loans received for such projects;~~ and
4. Leasing: Negotiate lease terms and conditions for commercial projects  
~~Seek, implement, and retain business opportunities and economic development projects for on~~  
behalf of the Navajo Nation, in accordance with applicable rules, regulations, policies and procedures adopted pursuant to the laws of the Navajo Nation, Navajo Nation Business Site Lease Management Plan,

Memorandum of Understanding, Memorandum of Agreements, Joint Powers Agreement, Tribal Infrastructure Funds, Development Agreements, government to government agreements; and

5. Marketing: Develop and implement ~~a marketing plan to promote the Navajo Nation to attract, secure and retain,~~ commercial and industrial ~~businesses~~ plans and site preparation to promote the Navajo Nation as a place to locate new or expanding businesses and industries, which includes all industrial parks; and
6. Procurement and Project Management: Procure and manage architectural and engineering, construction and other professional service contracts. Procure and manage infrastructure, facilities, site improvements and other economic development construction contracts.

Provide construction and project management in all aspects of development of a commercial, industrial or service type project beginning from site development to grand opening. Construction management duties may include, but are not limited to development of "Request for Proposal", Request for Qualification", Request for Bids, etc. and bid documents, collaborative efforts with professional entities (Architects, Engineers, Project Inspectors, Certified Appraisers, etc.) beginning with initial planning to full development of a commercial and industrial type project ~~Improve and upgrade commercial sites, industrial parks and related infrastructure to accommodate present and future economic development activities for the Navajo Nation;~~ and

7. Technical Assistance: Provide technical assistance to DED programs, chapters, enterprises, other governmental agencies (Indian Health Service, Department of Housing & Urban Development, Department of Commerce, Rural Development, etc.), Navajo Nation divisions and programs as well as colleges and universities, other tribal and non-tribal entities. Technical services include assisting with planning and development as defined in section VII (B) (1 - 6) ~~Negotiate and finalize business site leases and economic development related agreements on behalf of the Navajo Nation, in accordance with~~



~~applicable rules, regulations, policies and procedures adopted pursuant to the laws of the Navajo Nation; and~~

8. Other Duties: As assigned, development of legislation, policy-funding plans, strategy plans, data and statistics. Serve as a member of business site lease approving committees, business site lease review team, other teams, task force, funding reviewer, within the Division, other Navajo Nation divisions, programs, and enterprises, local, state and federal agencies that provide services related to economic development. Provide technical assistance and support to tribal and non-tribal entities to plan and develop commercial and industrial projects and related infrastructure on the Navajo Nation; and
9. ~~Conduct technical and financial analysis of potential commercial and industrial development projects for the Navajo Nation; and~~
10. ~~Provide construction management duties on commercial and industrial projects that may include; and land withdrawal procedures, site clearances, and preparation of proposal and bid documents, collaborative efforts with professional entities (Architects, Engineers, Project Inspectors, Certified Appraisers, etc.) on development of commercial and industrial projects; and~~
11. ~~Develop and administer the annual operating budget for the Department, which includes day to day accounting activities.~~

#### C. Personnel

1. There shall be a position of Department Manager who shall report directly to the Division Director ~~direct the Department,~~ to ensure the ~~policies, procedures, and guidelines~~ Department's purpose and objectives are followed ~~to the upmost;~~ and
2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department ~~possess the following qualifications: a bachelor's degree and/or a minimum of five years experience in any business or administration field; and~~

3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives. ~~report directly to the Executive Director of the Division; and~~
- ~~4. The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures; and~~
- ~~5. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and~~
- ~~6. The Department Manager shall have the authority to delegate authority to Department staff to carry out the objective and functions of the Department; and~~
- ~~7. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.~~

#### VIII. Business Regulatory Department

##### A. Purpose

The purpose ~~duties and responsibilities~~ of the Business Regulatory Department (hereinafter "BRD") ~~are as follows: is~~ to administer, enforce, implement and uphold the governing laws that regulate and guide business transactions within the boundaries of the Navajo Nation.

##### B. Objectives

To carry out the Department's purpose, the following objectives are established:

1. To ~~Administer~~, implement, and enforce the Navajo Business Opportunity Act, (hereinafter "NBOA") 5 N.N.C. §§ 201 et seq., ~~which provides first preference to certified economic vendors conducting business within the Navajo Nation. In accordance with the NBOA, BRD shall~~ maintain a certification program for the purpose



of determining the eligibility of all Navajo and/or Indian owned ~~economic enterprises~~ and controlled business; and

2. ~~Draft and i~~Implement rules and regulations consistent with the NBOA. BRD may conduct public hearings during the draft phase of the rules and regulations; and
3. To Aadminister, implement and enforce the Navajo Nation Corporation Code, (hereinafter "Code") 5 N.N.C. §§ 3100 et seq., and maintain a record of which requires all legal ~~corporate~~ entities to formally file and register all required documents with BRD; and
4. To Aadminister, implement, and enforce the Navajo Nation Uniform Commercial Code, (hereinafter "Navajo UCC") Title 5A of the N.N.C. and In accordance with the Navajo UCC, BRD shall maintain a file record of all secured transactions entered between buyer and seller; and
5. To Aadminister, and implement, and enforce the Navajo Weights and Measure Program, which enforces the implementation of the National Institute of Standards and Technology (hereinafter "NIST") regulatory standards, inspect, and certify all measuring devices, and maintain intergovernmental agreements with the states of Utah, New Mexico and Arizona. The Weights and Measure Program will inspect and certify all measuring devices used in commercial transactions for legal trade; and
6. ~~Administer and implement policies and procedures for the issuance of business licenses, once delegated from the Oversight Committee; and~~
7. ~~Develop and implement intergovernmental agreements between the Navajo Nation and States of Arizona, New Mexico and Utah to carry out the purpose and goals of the Weights and Measures Program; and~~
8. ~~Reviews and renders decisions on any violation in accordance with the NBOA and Code. Upon BRD's written decision, all decisions may be appealed to the Office of Hearing and Appeals within ten (10 days); and~~
9. To sServe as the filing agent for all corporate, NBOA and Navajo UCC filings; and

- ~~107.~~ To ~~c~~Coordinate regulatory activities with all federal, state, tribal, and local governmental entities that require Navajo and/or Indian preference programs; and
- ~~108.~~ To ~~p~~Provide educational programs, information, and related training sessions to appropriate tribal and non-tribal entities as may be necessary for the continued understanding of the policies, procedures, duties, and responsibilities of BRD~~;~~; and
9. Other duties as assigned.

BC. Personnel

1. There shall be a position of Department Manager who shall report directly to the Division Director to ~~oversee the Department to ensure the policies~~ ~~procedures, and guidelines are followed to the upmost~~ ~~and conduct the following duties:~~ Department's purpose and objectives are followed; and
  - ~~a. The Department Manager shall report directly to the Executive Director of the Division; and~~
  - ~~b. The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures Manual; and~~
  - ~~c. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and~~
  - ~~d. Delegate authority to Department staff to carry out the objective and functions of the Department.~~
2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department ~~There shall be a position of Economic Development Specialist who shall administer, monitor and enforce the regulatory laws and provide technical and administrative assistance to all businesses, commercial and industrial entities; and~~



3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives.  
~~There shall be a position of Weights and Measures Inspectors who shall perform administrative and technical tasks by conducting periodic inspections of all measuring devices and dispensers in accordance with NIST. Recommend corrective actions on any discrepancies, and~~
4. ~~All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures Manual.~~

IX. Support Services Department

A. Purpose

The purpose ~~duties and responsibilities~~ of the Support Services Department ~~are as follows~~ is to:

1. Administer, report, monitor, and analyze the Navajo Nation Business and Industrial Development Fund, hereinafter "BIDF," ~~coordinate management of the BIDF with the Division of Finance, and formulate, develop, and recommend policies, procedures, and guidelines to improve the administration of the BIDF~~ Navajo Nation Economic Development Tax Fund, Business License and other funds allocated to the division; and
2. Administer and coordinate compliance issues with the division departments, programs, management and staff to provide guidance and implementation of DED's goal and objectives, information technology, data retention, human resources, budget formulation, financing and collection, accounting and reporting, and maintenance program operations. ~~oversee the financing of investment opportunities offered under the BIDF in accordance to the Fund Management Plan and coordinate the return of investments due to the BIDF with respective Programs which may include lease modifications, entering into contractual agreements, and maintaining an annual budget; and~~

- ~~3. Administer all loan programs and funds offered under BIDE and coordinate with other departments, programs and agencies pursuant to the applicable financial assistance guidelines, including providing loan application review for all loans, except the Micro-Enterprise Loans, to ensure compliance with loan guidelines; and~~
- ~~4. Develop and oversee the administration of the annual operating budgets, in coordination with the Division and departments. Provide technical assistance on day to day accounting operations for the Division; and~~
- ~~5. Collect data on micro-economics, economic strategy and information for the Navajo Nation to prepare reports that are used for Economic Development Administration Funding and for the Bureau of Indian Affairs, Department of Interior for additional funding; and~~
- ~~6. Coordinate with Credit Services Department, Division of Finance to provide credit and collection reports for loan programs and carry out the quick and orderly disposition of collateral repossessed under business loan programs in accordance with applicable Navajo law; and~~
- ~~7. Provide loan application review for all loans, except the Micro-Enterprise Loans, and to ensure compliance with loan guidelines; and~~
- ~~8. Develop and maintain an efficient central data base to monitor small business, commercial, and industrial activity, and to generate socio-economic and other statistical information; and~~
- ~~9. Provide information technology services, for the managing and processing information, in particular the use of electronic computers and computer software to convert, store, protect, process, transmit and retrieve information for the Division, including maintaining a division wide network (LAN, WAN and MAN); and~~
- ~~10. Administer the maintenance of all the Division facilities, both interior and exterior, including groundwork within the perimeter of the facility, janitorial, HVAC, and elevator upkeep, security, and any other duties necessary for the maintenance of the buildings.~~



B. ~~Personnel~~ Objectives

To carry out the Department's purpose, the following objectives are established:

1. Administer, advise, formulate, develop, recommend and amend regulations, rules, policies, procedures and guidelines, fund management plans to ensure effectiveness of the financing and management in accordance with the Navajo Nation law; and
2. Administer and oversee the financing of investment opportunities and loans offered under division oversight; coordinate with other departments, programs, agencies and financing institutions pursuant to applicable financial assistance guidelines; and
3. Administer, analyze and provide due diligence review of financing applications, business proposals, financial statements, assess business trends, verifying equity requirements, return on investments, prepare valuations to ensure compliance with respective laws and regulations; and
4. Maintain real time data to monitor small business, commercial, economic and industrial activities to generate socio-economic and other statistical information; and
5. Administer, organize, plan, schedule, draft, implement and follow-up of audits and corrective action plans; and
6. Coordinate preparation of BIDF bankruptcy and legal actions hearings by providing information on legal analysis, research, and documentations, and attend and testify under oath for final judgment; and
7. Coordinate BIDF collection activities in compliance with respective laws and regulations; and
8. Coordinate human resources services and guidance; implement delegated changes, policies, procedures, functions, classifications, and the division's personnel records under controlled conditions; and
9. Coordinate comprehensive plan of training needs, budget formulations, accounting and reconciliation support,

periodic reports, and technical support on day-to-day operations; and

10. Coordinate and provide information technology support and troubleshooting services (network, servers, workstations, peripheral devices, data retention, database administration, software administration, web-site development, and internet host); and
11. Administer the maintenance and upkeep of the Karigan Professional Office Complex within safety and health regulations, standard codes, and respective laws, both interior and exterior, including agreements, security, etc.

C. Personnel

1. There shall be a position of Department Manager who shall report directly to the Division Director ~~oversee the Department,~~ to ensure the ~~policies, procedures, and guidelines~~ Department's purpose and objectives are followed ~~to the upmost~~; and
2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department ~~possess the following qualifications: a bachelor's degree and/or a minimum of five years experience in any business or administration field~~; and
3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives ~~report directly to the Executive Director of the Division~~; and
4. There shall be a position of Chief Financial Officer who shall report to the Department Manager to coordinate fund management between DED and the Office of the Controller, provide analytical and technical expertise on loans, investment and other financing opportunities accordance to respective laws and regulations. ~~The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and~~



~~objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures; and~~

- ~~5. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and~~
- ~~6. The Department Manager shall have the authority to delegate authority to Department staff to carry out the objective and functions of the Department; and~~
- ~~7. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.~~

X. Small Business Development Department

A. Purpose

The ~~duties and responsibilities~~ purpose of the Small Business Development Department is to maintain a network of Regional Business Development Offices, hereinafter "RBDO", to serve as a direct link to local communities and to assist and promote Navajo individuals, chapters, and organizations with business and economic development matters and concerns. ~~are as follows:~~

B. Objectives

To carry out the Department's purpose, the following objectives are established:

- ~~1. Maintain a network of Regional Business Development Offices, hereinafter "RBDO," as established to serve as a direct link to local communities and to assist and promote Navajo individuals, chapters, and organizations with business and economic development matters and concerns; and~~
- ~~2. Exercise business site lease, sublease, assignment, encumbrance, permit, and any modification approval authority, as delegated by the Economic Resources and Development Committee of the Navajo Nation Council, pursuant to Navajo Nation Business Site Lease consistent with the Administrative and Management Plan and the Business Site Leasing Regulation of 2005; and~~

2. Exercise business site lease, sublease, assignment, encumbrance, and any modification using the Business Site regulations and Navajo Nation Business Site Leasing Act of 1987, or any amendments thereafter with final approval by the Secretary of Interior and using the 25 CFR 162 as it pertains to any existing BIA leases; and
3. Provide technical assistance ~~through the Regional Business Development Offices~~ to individuals, small businesses, chapters and other organizations with ~~in processing land withdrawals,~~ obtaining seeking financing opportunities, negotiating, and processing business site leases, permits, obtaining business preference certifications, administering educational seminars and forums, and processing any other business site leasing activities and addressing other business concerns; ensuring business retention for new and active business site leases; and promoting business enterprise zones in collaboration with private and public entities, local governance, county and state; addressing other business matters; and
4. Provide technical assistance ~~to~~ in collaboration with chapters, communities, business associations, and other organizations ~~in concerning~~ local planning and promotion of business and economic development activities; and
5. ~~RBDO may in coordination with the appropriate department, work~~ Provide and coordinate with tribal and non-tribal entities to plan and develop commercial, industrial and tourism projects and related infrastructure; and
6. ~~RBDO may p~~ Provide technical assistance ~~on~~ with commercial and industrial projects that ~~may include;~~ land withdrawal procedures, site clearances, and preparation of proposal and bid documents, ~~collaborative efforts~~ in coordination with professional entities, including but not limited to, Architects, Engineers, and Certified Appraisers ~~on development of commercial and industrial projects; and~~
7. ~~Administer the Micro Enterprise Loan Fund and approve those~~ Provide recommendations for approval on Micro-Enterprise ~~1~~ Loan documents at the applicable RBDO,



pursuant to all applicable guidelines and the BIDF fund management plan; and

8. Provide technical assistance ~~through the Regional Business Development Offices~~ to individuals, small businesses, chapters and other organizations in with the application and processing of BIDF ~~loan~~ documents in accordance with ~~the~~ all guidelines for the administration of the BIDF; and
9. Complete commercial land use withdrawals, project planning and pre-development for infrastructure and real property construction ~~Provide loan application review for all Micro Enterprise Loan Fund and Navajo Nation Small Business Lending Program for loans \$250,000 or less, originating at the RBDO to ensure compliance with loan guidelines; and~~
10. ~~Produce~~ Develop marketing plans including brochures, strategy, and branding; conduct business management counseling, business training for Navajo individual, entrepreneurs, organizations, chapters; and
11. ~~RBDO shall~~ Maintain records, for all Business Site ~~Leasing~~ activities, which include renewals, modifications, subleases, assignments, encumbrances, amendments and terminations of Business Site Leases and coordinate with the ~~Navajo~~ Real Estate Department in its record-keeping duty; and
12. ~~Develop and administer the annual operating budget for the Department, which includes day to day accounting activities.~~ Collect, gather, and monitor economic data relevant to the health of the local markets and compare to the markets at large within respective industries; and
13. Monitor any and all small business developers, owners and companies by actively engaging in strong professional relationships that reach into the communities, chapters, and surrounding business environments; and
14. Create, develop, and explore economic development opportunities within the Navajo Nation; and

15. Guide, advise, and support the creation and development of corporations, enterprises and business; and
16. Other duties as assigned.

BC. Personnel

1. There shall be a position of Department ~~Director~~ Manager who shall report directly to the Division Director to ensure the Department's purpose and objectives are followed ~~of the Department is hereby established. The director shall have the following authority to;~~ and
  - a. ~~Reports directly to the Executive Director of the Division; and~~
  - b. ~~The Department Manager shall possess the following qualifications: a bachelor's degree and/or a minimum of five years experience in any business or administrative field; and~~
  - c. ~~Recommend, develop, implement and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and~~
  - d. ~~Delegate authority to Department staff to carry out the operations of the Department.~~
2. The Department Manager shall ensure each position within the Department and RBDO are properly classified or reclassified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department ~~be sufficiently staffed to accomplish the purpose and objectives of the Department;~~ and
3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's and RBDO's objectives; and ~~All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.~~



4. The RBDO Program Managers is delegated the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the RBDO's objectives.

## XI. Navajo Tourism Department

### A. ~~Establishment~~

~~The Navajo Tourism Department, Division, (hereinafter referred to as the "Department") is hereby established under the Executive Branch of the Navajo Nation government.~~

### ~~B.~~ Purpose

The purpose of the Navajo Tourism Department is ~~established to promote and develop tourism related business thereby creating jobs and business opportunities~~ to work with the tourism sectors of the tribal, state, and federal governments to sustain and increase the visitor economy by planning and developing visitor services accommodations and facilities. Strategies are to focus on revenue and employment growth within the tourism industry by increasing visitations to various Navajo destinations and locations.

### ~~eB.~~ Objectives

To carry out the Department's purpose, the following objectives are established:

1. To develop projects that will provide accommodations and infrastructure for such projects as resorts, visitor centers, restaurants, roadside rest areas, recreational vehicle parks, and other developments, in collaboration with the Navajo Parks & Recreation Department and all Navajo Regional Business Development offices; and
2. To prevent leakage of tourism dollars off the Navajo reservation, by creating opportunities for Navajo businesses and highlighting attractions to retain tourists, in collaboration with other Navajo Departments; and
3. To develop and implement a tourism development strategy that will increase and promote the number of tourist destinations within the Navajo Nation; and

4. To provide ~~funds for tourism promotion, the Tourism Department's operational funds, and for project development which funds that includes, the following,~~ but is not limited to, the followings: the advertisement of Navajo people, Navajo Nation events, its scenery and facilities; and of the opportunities for acquisition, construction, renovation and maintenance of tourism related attractions and recreational facilities; and
5. To promote economic development opportunities and projects related to tourism through programs including education and training, visitor information, services, sales promotion, publicity, advertising, marketing, research, and travel development; and
6. To initiate, in collaboration ~~and cooperate~~ with the Division's Administration, the amendment, development, and implementation of new and existing tribal, state, and federal legislation, policies, and regulations that benefit ~~on~~ the tourism industry; and
7. To manage and administer the Navajo Nation ~~Tourism-Hotel Occupancy Tax (HOT) Fund Management Plan~~ approved by Resolution BFO-56-93, which includes an annual budget with an expenditure plan and to ensure the increase in expenditure does not exceed the increase in revenue; and
8. In conjunction with the change in the Division's goal and objectives, the Department may develop and recommend to the Budget and Finance Committee of the Navajo Nation Council amendments to the above-mentioned Fund's Management Plan, after review by the ~~Economic Resources and Development Committee~~ of the Navajo Nation Council; and
9. To create and develop matrices that measure and monitor visitor counts, correlation between the HOT and tourism campaign spending, and variances in the quarterly HOT activities; and
10. To create and develop digital and video content and cross media marketing campaigns that align with this strategy; and
11. To work closely with Navajo Parks & Recreation Department and Navajo Regional Business Development



Offices to ensure the review and approval process for development and improvements within established tribal parks, monuments, or recreation areas does not adversely impact the natural, cultural, recreational and scientific resources or Navajo Nation values; and

12. To develop, implement and enforce policies, rules, regulations, standards, executive orders and other management actions to protect, conserve, and preserve the Navajo tourist environment; and
13. To communicate and coordinate any plans with area Chapters and community members on development and improvements which may impact customary and traditional land users; and
14. Other duties as assigned.

DC. Personnel

1. There shall be a position of Department Manager who shall report directly to the Division Director to ensure the Department's purpose and objectives are followed; and

~~The position of Department Director of the Department is hereby established. The director shall have the authority to:~~

- ~~a. Reports directly to the Executive Director of the Division; and~~
- ~~b. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and~~
- ~~c. Delegate authority to Department staff to carry out operations of the Department.~~

2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department~~be sufficiently staffed to accomplish the purpose and objectives of the Department; and~~

3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives  
~~All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.~~

## XII. Real Estate Department

### A. ~~Establishment~~

~~The Navajo Real Estate Department, Division (hereinafter referred to as the "Realty Department") is hereby established under the Executive Branch of the Navajo Nation Government.~~

### ~~B.~~ Purpose

The purpose of the Real Estate Department is to implement administer the Navajo Nation Business Site Leasing Regulation of 2005 ("Tribal Regulations"), as amended, that was approved on July 10, 2006, by assuming the authorities of the Bureau of Indian Affairs on management and enforcement of Business Site Leases.

### ~~C.~~ Objectives

To carry out the Department's purpose, the following objectives are established:

1. Manage Business Site Leases, which includes, ensuring the Lessee provides all required documents (financial statement, site survey, environmental review, archaeological clearances and surveys, and other requirements stated in the negotiated business site lease) and administration fees specified within the  
~~agreed~~business site lease agreement or negotiated time frame, monitor the Lessee's compliance with all the terms and conditions of a Business Site Leases during the term~~throughout the life of the Lease, and any other necessary functions pursuant to the Navajo Business Site Lease Management Plan and coordinate with Office of the Controller~~Division of Finance~~for all accounting matters; and~~



2. ~~Enforcee~~ Review and monitor all terms and conditions of executed Business Site Leases, which include ~~assessing late~~ assessment of delinquent charges, debt collections, obtaining ~~insurance proceeds,~~ proof of required insurance, execution of bonds, and any other activities or remedies allowable under the Navajo Business Site Lease Management Plan; and
3. Negotiate with Lessees, including acting as a mediator for any arising disputes between the Navajo Nation and any aggrieved interested party, as defined and provided in the Tribal Regulations and in the Navajo Business Site Lease Management Plan, as amended; and
4. Recommend relief for business site leases, permits, subleases, assignments and encumbrances in default, if necessary coordinate with the Navajo Department of Justice for further legal actions, remedy and relief; and
5. If necessary, ~~Exercise its~~ authority to terminate any business site lease, permit, sublease, assignment and encumbrances, in default, in accordance with the Navajo Nation Business Site Lease Management Plan and ~~the regulations of the Navajo Nation;~~ and
6. Manage the Navajo Real Estate Records, which includes the ~~disbursement~~ management and distribution of all finalized Business Site Leases to parties as specified in the Business Site Lease Management Plan, assignment of Lease numbers to all Business Site Leases, and ~~cooperate~~ work with the Secretary of Interior in the transfer of records for the goal of establishing a ~~received from the Secretary and with the Navajo Land Department for title recording upon the establishment of a~~ title plant; and
7. Develop and maintain a record of all finalized lease documents ~~leasing activities,~~ which includes executions, renewals, modifications, subleasing, assigning, encumbering, amendments, ~~and~~ terminations, and novation of ~~Bbusiness Ssite Lleases,~~ ~~for all Business Site Leases~~ including Chapters, Townships, other municipal forms of government and entities; and
8. Regarding Revocable Use Permits, Conditional Use Permits, and Emergency Operating Agreements, collect

administrative fee, resolution, letter of intent, proof of insurance, procurement clearance, or any other necessary document as required from appropriate DED office, assign a tracking number, and distribute copies of the permit; upon non-compliance by Permittee, appropriate DED sponsor shall notify Realty Department, within reasonable time, who will then initiate termination of permit; and

98. Provide status reports to the ~~RBDO~~ Small Business Development Department and Project Development Department Managers before any actions, to the extent ~~possible~~ allowable under the Navajo Business Site Management Plan, legal or non-legal taken against any Business Site Lease-Lessee(s) in default; and
109. ~~Provide~~ Obtain annual Accounts Receivable reports from accounting to the Navajo Nation Office of the Controller, for the Navajo Nation and the Secretary and shall coordinate develop government-to-government agreements with all Chapters, Townships, other municipal forms of government and/or entities in obtaining the compilation and reviewing such accounting analysis of annual Accounts Receivable reports; and
1110. Administer, certify and maintain ~~the~~ records of ~~Environmental Review~~ environmental compliance, which includes the review of environmental impacts of ~~certain specific proposed leasing activities~~ lease undertaking and, if necessary, coordinate with the other ~~departments and other Divisions as is required~~ Navajo Nation Divisions, Departments, and/or Programs, in accordance with ~~the environmental review policy~~ Navajo Environmental Protection Agency, and Navajo Fish & Wildlife Department policies and procedures; and
1211. ~~Provide environmental review for all business site leases to ensure compliance with the standard format for the environmental review~~ Review environmental documents regarding proposed business site leases on the Navajo Nation; monitor and enforce prescribed mitigation plans as stated in applicable environmental documents; ensure adherence to environmental directives such as threatened & endangered species compliance, archaeological and traditional cultural properties compliance, EPA compliance, and assure compliance with



other environmental policies, statutes, and procedures; consult with a multiplicity of individuals, communities, departments, and agencies in resolving environmentally relevant complaints and violations; provide public information, presentations, programs, and other informational services; develop and prepare technical reports; and

- ~~1312. Administer the Navajo Nation Appraisal Office, for conducting appraisals for certain proposed leasing and business activities based on requests from departments, which includes developing an appraisal log to report methods of conducting appraisals and providing any technical assistance to departments and interested individuals with respect to economic development projects to determine the fair annual lease value, fair market value and assess property and other assets for collateral assignments of lease~~ Provide technical assistance for compliance with policies and regulations of the Navajo Nation Historic Preservation Department (hereafter, "HPD"), review proposed business site leases for required archaeological documents, conduct field inspections, work with HPD to process new archaeological surveys in a timely manner, assist with ensuring the legal land descriptions on business site leases are the same as the legal land survey plat maps, and assist with providing legal land description training to programs and departments of DED; and
- ~~1413. Provide appraisal review for all appraisals conducted on the Navajo nation to ensure compliance with the appraisal policy and procedures~~ Monitor and enforce terms and conditions of finalized business site leases; initiate and enforce business site lease defaults in accordance to the Business Site Lease Management Plan; conduct annual, and as needed, on-site inspections of all Leases under the jurisdiction of DED; provide annual reports of inspections and submit reports to specified departments; and
15. Regularly notify Lessee(s) of upcoming payment due dates; initiate notice of violation to Lessee(s) in default, including assessing appropriate penalty for late payments; account for revenue received relative to Lease rental payments; provide annual Status Report in

accordance to the Business Site Lease Management Plan on all business site leases; and

16. Maintain geographic information database files, including adding, deleting, correcting, updating, and archiving data from various sources and database information systems such as land parcels, tables, and projects; collect, verify, and organize potential GIS data; create digital images of maps and photographic pictures; inspect graphic and attribute information to find logical inconsistencies with the data and to ensure data validity; produce digital maps; perform spatial analyses using GIS software; respond to inquiries from other DED departments and programs regarding maps, surveys, legal land description, etc.; assist users and user groups in determining and communicating information needs; install, upgrade, and test geographical information system software; assist in the maintenance and administration of Local Area Networks; assist users of GIS database; and
17. Provide appraisal review for business site leases on Navajo Indian trust land to ensure compliance with Navajo Nation regulations and applicable appraisal practices; prepare, review, and manage appraisals for proposed or current business site leases on Navajo Indian trust land based on written requests from DED, including managing and maintaining an appraisal log and file with appraisal methods and trust land value; conduct site inspection of trust land; verify and compare legal and physical descriptions of trust land; research, gather, and analyze records regarding trust land; record and maintain appraisal files; provide public presentations regarding appraisals; maintain professional standard in compliance with Navajo Nation regulations and Uniform Standards of Professional Appraisal Practice; and
18. Manage and administer the Navajo Nation Real Estate Fund Management Plan which ~~must be recommended~~ is reviewed and approved by the ~~Economic Development~~ Resources and Development Committee and approved by the Budget and Finance Committee ~~of~~ as established by the Navajo Nation Council.

CD. Personnel



1. There shall be a position of Department Manager who shall report directly to the Division Director to ~~oversee the Department and ensure the sound real estate management practice are followed~~ Department's purpose and objectives are followed; and
2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department ~~possess the following qualifications: a bachelor's degree, and a minimum of five years experience in business, real estate and/or finance; and~~
3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives. ~~report directly to the Executive Director of the Division; and~~
4. ~~The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures and division policies and plan, which must include:~~
  - a. ~~Licensed Appraiser; and~~
  - b. ~~a position for an Environmental Reviewer who must possess the following qualifications: five (5) years of experience in an environmental field of law.~~
5. ~~Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and~~
6. ~~The Department Manager shall have the authority to delegate authority to Department staff to carry out the objective and functions of the Department; and~~

~~7. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.~~

### XIII. License & Registration Department

#### A. Establishment

The License & Registration Department is hereby established within the Division of Economic Development.

#### B. Purpose

The purpose of the Department is to ensure Persons conducting business with the Navajo Nation register for a business license.

#### C. Objectives

To carry out the Department's purpose, the following objectives are established:

1. To implement and administer the Business Licensing Act, regulations, rules, and fund management plan; and
2. To provide a mechanism that allows the Navajo Nation to register and monitor commercial activity for goods and services that are sold by the Navajo Nation government, Navajo Nation enterprises and other entities that are wholly or partially owned by Navajo Nation, federal and state agencies, entrepreneurs, sole proprietors, private entities, etc.; and
3. To enable the Navajo Nation to secure, monitor, and analyze data concerning economic activity within the Navajo Nation for purposes of economic development planning and Navajo Nation policy development; and
4. To provide for development of an income source for the division through the business license fees to implement the development of Navajo-owned businesses within the Navajo Nation; and
5. To provide educational programs, information, and related training as may be necessary for the continued understanding of the business license regulation, rules, policies, procedures, duties, and responsibilities; and



6. Other duties as assigned.

D. Personnel

1. There shall be a position of Department Manager who shall report directly to the Division Director to ensure the Department's purpose and objectives are followed; and
2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department; and
3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives.

XIV. Intellectual Property Department

A. Establishment

The Intellectual Property Department is hereby established within the Division of Economic Development.

B. Purpose

The purpose of the Department is to maximize and protect the value of the Navajo Nation trademarks.

C. Objectives

To carry out the Department's purpose, the following objectives are established:

1. Develop and maintain a comprehensive understanding of trademark law and related policies, with an emphasis on infringement and unfair competition; and
2. Assume central management of all trademarks associated with the Navajo Nation, including those used by entities owned by the Navajo Nation in whole or in part; and
3. Manage and protect the existing portfolio of trademarks registered by the Navajo Nation with the United States Patent and Trademark Office (USPTO); and

4. Review submissions and the ideas for trademarks proposed by Navajo Nation entities, and conduct due diligence on potential conflicts for those trademarks; and
5. Develop trademark rights by selecting new trademarks eligible for legal protection under the Lanham Act, 15 U.S.C. s 1051 et seq., conduct a research and clearance of those trademarks, and file new trademark applications to seek registration from the USPTO; and
6. Solicit proposals from outside entities to develop positive licensing partnerships for the Navajo Nation; and
7. Review requests for licensing from third parties. Investigate, prior to granting approval for licensing, to determine the third party's financial status, reputation, manufacturing, and distribution capabilities in relation to commercializing the proposed product; and
8. Develop a licensing system that will allow for a diverse selection of Navajo Nation approved goods to get licensed in order to increase trademark awareness and increase potential protection; and
9. Negotiate, draft, and execute licensing agreements on behalf of the Navajo Nation which include provisions on a licensee's right to use a trademark, whether on an exclusive or nonexclusive basis, royalty payments, geographic area of use, the nature of the licensed product or services, and the term of the agreements; and
10. Ensure inclusion in all licensing agreements a provision indicating that the Navajo Nation holds federally registered trademarks for the benefit of Navajo members and reserves the right for tribal members' use of Navajo trademarks; and
11. Negotiate a special product service enhancement provision where the Navajo Nation must adopt the quality of the product or service of the third party, and ensure in the licensing agreement that the Navajo Nation will have the ability to assist in improving the overall quality of the product or service bearing the Navajo Nation's trademarks; and



12. Ensure that all licensing agreements specify the products and/or services that the trademark will be used in connection with, while expressly prohibiting the licensee from using the Navajo Nation's trademarks on products or services other than those specified; and
13. Periodically review each licensee's use of the Navajo Nation's trademarks to ensure compliance with the license agreement; and
14. Research the applicability of state law to the protection of Navajo Nation trademarks and take whatever steps necessary to protect Navajo Nation trademarks under state law; and
15. Ensure proper and consistent use of existing trademarks to guard against dilution and abandonment; and
16. Police trademark infringement and enforce the rights of the Navajo Nation; and
17. Determine the appropriate cause of action against identified infringements and misuse, including monitoring the infringer's activities for expansion, sending cease and desist letters, commencing an infringement action, and commencing an opposition or cancellation proceeding before the USPTO Trademark Trial and Appeal Board; and
18. Ensure Navajo Nation tribal members' use of trademarks is consistent with the values of the Navajo Nation, including monitoring the products and services offered by the Navajo tribal members under any such trademarks so that the Navajo Nation's trademarks are not associated with illegal or derogatory products or services; and
19. Manage the stream of revenue generated from licensing the authorized use of trademarks, including regular auditing of financial reporting by each licensee, and directing all generated revenue as specified by the approved Fund Management Plan; and
20. Other duties as assigned.

D. Personnel

1. There shall be a position of Department Manager who shall report directly to the Division Director to ensure the Department's purpose and objectives are followed; and
2. The Department Manager shall ensure each position within the Department are properly classified or re-classified in accordance to Navajo Nation personnel policies and procedures to accomplish the purpose and objectives of the Department; and
3. The Department Manager shall have the authority to hire, direct, supervise, delegate, evaluate, compensate, terminate, tasks, including career path development plans in accordance to Navajo Nation personnel policies and procedures to carry out the Department's objectives.

#### XV. Legislative Oversight

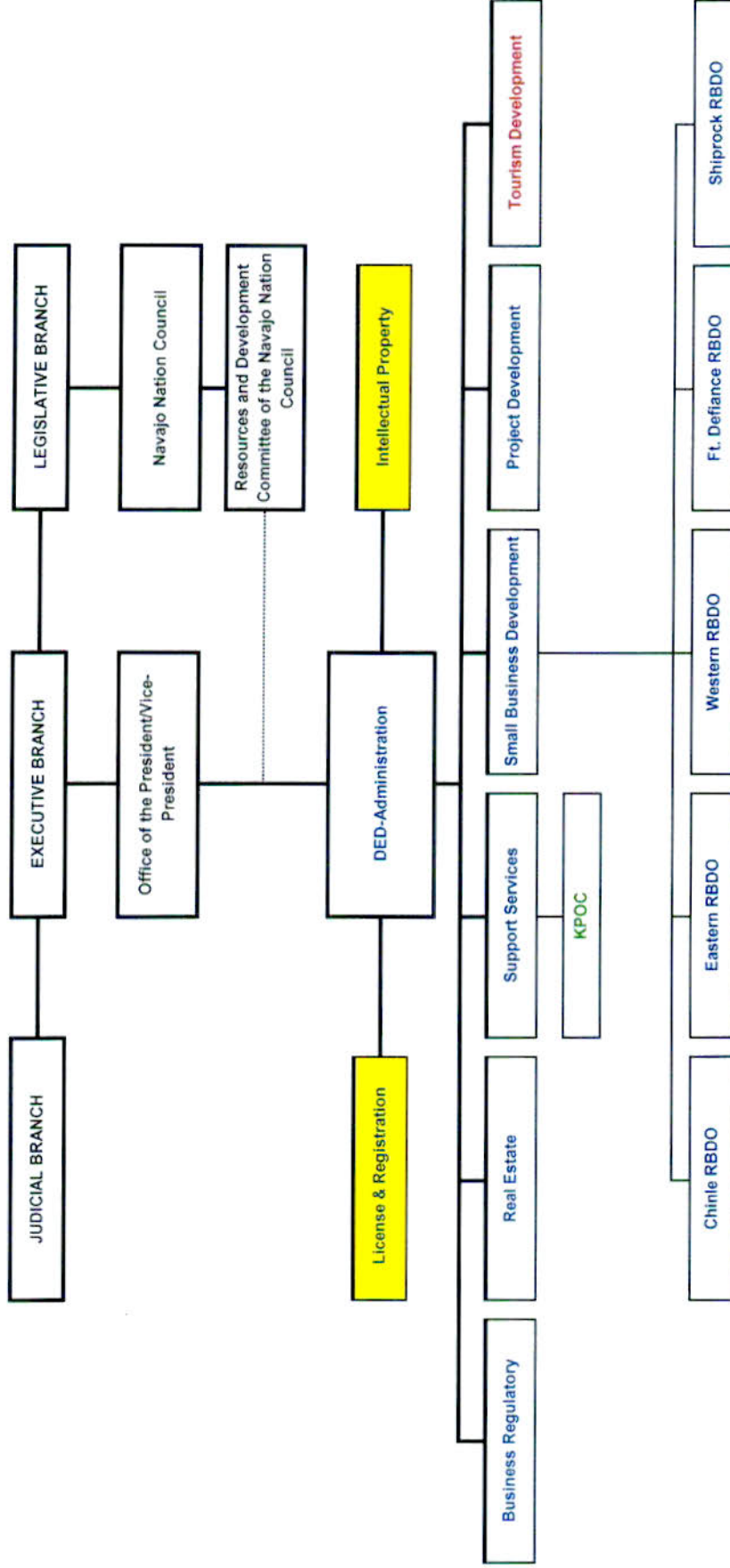
Pursuant to 2 N.N.C. § 724 (G), the ~~Economic~~ Resources and Development Committee of the Navajo Nation Council is the oversight committee for the Division.

#### XVI. Amendments

This Plan of Operation may be amended from time to time upon recommendation of the Division of Economic Development ~~Committee of the Navajo Nation Council~~ and approval by the ~~Government Services~~ Resources and Development Committee of the Navajo Nation Council.



DIVISION OF ECONOMIC DEVELOPMENT  
Document No. 012273 - Organizational Chart



Fund Type
General Fund
Special Revenue Internal
Proprietary



GSCAP-12-07

RESOLUTION OF THE  
GOVERNMENT SERVICES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

21<sup>ST</sup> NAVAJO NATION COUNCIL - First Year, 2007

Legislation No.: 0213-07  
Sponsored by Roy Dempsey, Council Delegate

AN ACTION

RELATING TO ECONOMIC DEVELOPMENT AND GOVERNMENT SERVICES;  
AMENDING THE MASTER PLAN OF OPERATION FOR THE DIVISION OF  
ECONOMIC DEVELOPMENT

BE IT ENACTED:

The Navajo Nation hereby amends the Master Plan of Operation for the Division of Economic Development, which was last amended by Resolution GSCF-13-96. The amended Master Plan of Operation for the Division of Economic Development is set forth in the attached Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of 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 7 in favor and 0 opposed, this 10<sup>th</sup> day of April, 2007.

A handwritten signature in black ink, appearing to read "L. Teller".

Leonard Teller, Vice-Chairperson  
Government Services Committee

Motion: Roy Laughter  
Second: Lee Jack, Sr.



DIVISION OF ECONOMIC DEVELOPMENT  
MASTER PLAN OF OPERATION

I. Establishment.

The Division of Economic Development (hereinafter "Division") is hereby established within the Executive Branch of the Navajo Nation Government.

II. Purpose.

The Division is established for the purpose of creating an environment that is conducive to promote and develop businesses in the commercial, tourism, industrial and other sectors of the Navajo Nation economy, to enhance the creation of jobs and business opportunities.

III. Objectives

To carry out its purpose, the following Division objectives are established:

- a. To promote and support an environment that leads to the creation and retention of jobs and business opportunities in the commercial, industrial, tourism and other private sectors of the Navajo economy; and
- b. To recommend the enactment, amendment, or rescission of laws and promulgation and/or reduction of regulations to enhance economic development on the Navajo Nation and to create a positive business environment; and
- c. To maintain a decentralized network of business development offices in the primary growth centers of the Navajo Nation that provides individuals and organizations with technical assistance to develop business plans, feasibility studies, financing, planning, loan and grant packaging, business site lease processing, Business Preference Certification, and industrial park management; and
- d. To develop and manage a comprehensive financing program to expand or develop new economic initiatives and plans for the Navajo Nation; and
- e. Seek and secure financing from the Navajo Nation, state, federal, and other agencies for commercial and

industrial development projects, monitor and administer grants and loans received for such projects; and

- f. Seek and implement new business opportunities and economic development projects for the Navajo Nation.

#### IV. Personnel and Organization

##### A. Personnel

The position of Executive Director of the Division is hereby established. The Executive Director shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council, pursuant to 2 N.N.C. § 102 (F). The Executive Director shall serve at the pleasure and under the general direction and guidance of the President of the Navajo Nation and shall coordinate with the Economic Development Committee of the Navajo Nation Council and Navajo Nation Chapters to promote and encourage economic development on the Navajo Nation. In order to achieve the purposes and objectives of this Plan of Operation, the Executive Director shall have the authority to:

1. Recommend the creation, merger, separation, amendment or abolishment of programs, or specific functions within the Division, in accordance with Navajo Nation law, budgetary and personnel policies and procedures of the Navajo Nation; and
2. Hire, direct, supervise, and evaluate employees and reclassify positions within the Division in accordance with personnel policies and procedures of the Navajo Nation; and
3. Oversee the management of the Division's programs, including but not limited to management of the Navajo Nation Business and Industrial Development Fund, the Micro-Enterprise Lending Fund, or any other new program established within the Division, in accordance with the rules, regulations, guidelines, policies, procedures and laws of the Navajo Nation; and
4. Negotiate economic development-related agreements under the jurisdiction of the Division on behalf of the Navajo Nation in accordance with and subject to applicable rules, regulations,



guidelines, policies, procedures, and laws of the Navajo Nation; and

5. Delegate authority pertaining to the operation of the Division and its programs to subordinate directors of the Division, to the extent permitted by the laws and policies of the Navajo Nation; and
6. Delegate authority pertaining to the management of business site leases under the jurisdiction of the Division to Chapters, Townships, or other forms of government, to the extent permitted by law and policies of the Navajo Nation conditioned upon approval of a business site leasing management plan by the Economic Development Committee; and
7. Delegate authority pertaining to the administrative management of business site leases under the jurisdiction of the Division to Chapters, Townships, or other forms of government, to the extent permitted by law and policies of the Navajo Nation conditioned upon approval of an administrative business site lease management plan by the Economic Development Committee; and
8. Recommend additional professional, technical and clerical positions as needed to carry out the organization purposes as stated herein. Additional positions shall be acquired in accordance with applicable Personnel Policies and Procedures and applicable budget rules established for conducting the annual Navajo Nation budget process; and
9. Execute such directives and authorities as may be directed and/or authorized by the appropriate authority of the Navajo Nation.

#### B. Organization

Seven departments of the Division are hereby established, each with specific duties and responsibilities as outlined hereinafter (see Organization Chart attached hereto as Exhibit I):

1. Administrative Department; and
2. Project Development Department; and
3. Business Regulatory Department; and
4. Support Services Department; and
5. Small Business Development Department; and

6. Tourism Department; and
7. Real Estate Department.

V. Authority and Responsibility of the Division

The general authorities and responsibilities of the Division are as follows:

- A. Manage all funds identified for economic development in a fiscally responsible manner and administer the Navajo Nation Business and Industrial Development Fund and Micro-Enterprise Lending Fund pursuant to the approved Fund Management Plans; and
- B. Identify and recommend changes in the laws and regulations of the Navajo Nation or other government agencies to reduce or eliminate barriers to entry and expansion faced by new and growing business enterprises and to eliminate regulatory and jurisdictional conflicts which inhibit the location of major industries within the Navajo Nation; and
- C. Manage and develop industrial parks, business sites, and other lands dedicated to economic development; and
- D. Manage and recommend changes to the environmental review as the Environmental Reviewer under the Navajo Nation Business Site Leasing Regulations of 2005; and
- E. Solicit proposals from outside businesses and industries to locate facilities and operations in Navajo Nation industrial parks and to assist them in implementing proposed projects; and
- F. Collect, maintain, analyze and disseminate information relevant to business and economic activity on the Navajo Nation (such as socio-economic data, labor market data, land use data, etc.) and conduct economic feasibility studies and other technical studies to enhance economic development; and
- G. Propose, plan, and undertake economic development projects by investing resources in ventures that adds to Navajo Nation assets and provide opportunities for related business development and employment, including, but not limited to:



1. expand, diversify, and privatize the operations of Navajo Nation Enterprises or other Navajo Nation owned business entities; and
  2. develop tourism facilities and services to capture a major share of the tourism market of the southwest; and
  3. improve industrial parks and related infrastructure to increase the attractiveness and suitability of the Navajo Nation as a place to locate business; and
  4. develop facilities and services to enhance commercial development.
- H. Seek federal, state, and conventional financing for commercial, industrial, and tourism projects and develop other economic programs to enhance economic activity within the Navajo Nation; and
- I. Execute such directives as may be directed or authorized by the appropriate authority of the Navajo Nation consistent with Navajo and federal law; and
- J. Assist Navajo Nation Chapters in the execution of economic development functions and authorities which are properly delegated.

#### VI. Administration Department

The purpose of the Administration Department is to provide for overall management of the Division in terms of both administrative and program functions. The specific duties and responsibilities of the Administration Department are as follows:

- A. Provide overall direction to the Division by maintaining short and long range plans, goals, and objectives; and
- B. Respond to community needs and plans relating to economic development; and
- C. Ensure the implementation of duties and functions, authorities, and responsibilities of the Division; and
- D. Work in concert with the Economic Development Committee of the Navajo Nation Council, other standing committees

of the Navajo Nation Council, and the Navajo Nation Council; and

- E. Negotiate agreements related to economic development in accordance with applicable policies and laws.

## VII. Project Development Department

- A. The duties and responsibilities of the Project Development Department are as follows:

1. Plan commercial and industrial projects throughout the Navajo Nation. Planning activities may include, but are not limited to, conducting surveys, withdrawing land, obtaining feasibility studies, securing financing, conducting site assessments and all other necessary planning activities; and
2. Develop and market commercial and industrial projects throughout the Navajo Nation. Procure and manage architectural and engineering, construction and other professional services contracts. Procure and manage infrastructure, facilities, site improvements and other capital improvement construction contracts; and
3. Seek and secure financing from the Navajo Nation, state, federal, and other agencies for commercial and industrial development projects, monitor and administer grants and loans received for such projects; and
4. Seek, implement, and retain business opportunities and economic development projects for the Navajo Nation; and
5. Develop and implement a marketing plan to promote the Navajo Nation to attract, secure and retain, commercial and industrial businesses; and
6. Improve and upgrade commercial sites, industrial parks and related infrastructure to accommodate present and future economic development activities for the Navajo Nation; and
7. Negotiate and finalize business site leases and economic development-related agreements on behalf of the Navajo Nation, in accordance with



applicable rules, regulations, policies and procedures adopted pursuant to the laws of the Navajo Nation; and

8. Provide technical assistance and support to tribal and non-tribal entities to plan and develop commercial and industrial projects and related infrastructure on the Navajo Nation; and
9. Conduct technical and financial analysis of potential commercial and industrial development projects for the Navajo Nation; and
10. Provide construction management duties on commercial and industrial projects that may include; and land withdrawal procedures, site clearances, and preparation of proposal and bid documents, collaborative efforts with professional entities (Architects, Engineers, Project Inspectors, Certified Appraisers, etc.) on development of commercial and industrial projects; and
11. Develop and administer the annual operating budget for the Department, which includes day to day accounting activities.

B. Personnel

1. There shall be a position of Department Manager who shall direct the Department, to ensure the policies, procedures, and guidelines are followed to the utmost; and
2. The Department Manager shall possess the following qualifications: a bachelor's degree and/or a minimum of five years experience in any business or administration field; and
3. The Department Manager shall report directly to the Executive Director of the Division; and
4. The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures; and

5. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and
6. The Department Manager shall have the authority to delegate authority to Department staff to carry out the objective and functions of the Department; and
7. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.

#### VIII. Business Regulatory Department

A. The duties and responsibilities of the Business Regulatory Department (hereinafter "BRD") are as follows:

1. Administer, implement, and enforce the Navajo Business Opportunity Act, (hereinafter "NBOA") 5 N.N.C. §§ 201 et seq., which provides first preference to certified economic vendors conducting business within the Navajo Nation. In accordance with the NBOA, BRD shall maintain a certification program for the purposes of determining the eligibility of all Navajo and/or Indian owned economic enterprises; and
2. Draft and implement rules and regulations consistent with the NBOA. BRD may conduct public hearings during the draft phase of the rules and regulations; and
3. Administer, implement and enforce the Navajo Nation Corporation Code, (hereinafter "Code") 5 N.N.C. §§ 3100 et seq., which requires all legal corporate entities to formally file and register all required documents with BRD; and
4. Administer, implement and enforce the Navajo Nation Uniform Commercial Code, (hereinafter "Navajo UCC") Title 5A of the N.N.C. In accordance with the Navajo UCC, BRD shall maintain a file of all secured transactions entered between buyer and seller; and



5. Administer and implement the Navajo Weights and Measure Program, which enforces the implementation of the National Institute of Standards and Technology (hereinafter "NIST"). The Weights and Measure Program will inspect and certify all measuring devices used in commercial transactions for legal trade; and
6. Administer and implement policies and procedures for the issuance of business licenses, once delegated from the Oversight Committee; and
7. Develop and implement intergovernmental agreements between the Navajo Nation and States of Arizona, New Mexico and Utah to carry out the purpose and goals of the Weights and Measures Program; and
8. Reviews and renders decisions on any violation in accordance with the NBOA and Code. Upon BRD's written decision, all decisions may be appealed to the Office of Hearing and Appeals within ten (10 days); and
9. Serve as the filing agent for all corporate, NBOA and Navajo UCC filings; and
10. Coordinate regulatory activities with all federal, state, tribal, and local governmental entities that require Navajo and/or Indian preference programs; and
11. Provide educational programs, information, and related training sessions to appropriate tribal and non-tribal entities as may be necessary for the continued understanding of the policies, procedures, duties, and responsibilities of BRD.

B. Personnel

1. There shall be a position of Department Manager who shall oversee the Department to ensure the policies procedures, and guidelines are followed to the upmost and conduct the following duties:
  - a. The Department Manager shall report directly to the Executive Director of the Division; and

- b. The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures Manual; and
  - c. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and
  - d. Delegate authority to Department staff to carry out the objective and functions of the Department.
- 2. There shall be a position of Economic Development Specialist who shall administer, monitor and enforce the regulatory laws and provide technical and administrative assistance to all businesses, commercial and industrial entities; and
  - 3. There shall be a position of Weights and Measures Inspectors who shall perform administrative and technical tasks by conducting periodic inspections of all measuring devices and dispensers in accordance with NIST. Recommend corrective actions on any discrepancies; and
  - 4. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures Manual.

#### IX. Support Services Department

- A. The duties and responsibilities of the Support Services Department are as follows:
  - 1. Administer the Navajo Nation Business and Industrial Development Fund, hereinafter "BIDF," coordinate management of the BIDF with the Division of Finance, and formulate, develop, and recommend policies, procedures, and guidelines to improve the administration of the BIDF; and
  - 2. Administer and oversee the financing of investment opportunities offered under the BIDF in accordance to the Fund Management Plan and coordinate the



return of investments due to the BIDE with respective Programs which may include lease modifications, entering into contractual agreements, and maintaining an annual budget; and

3. Administer all loan programs and funds offered under BIDE and coordinate with other departments, programs and agencies pursuant to the applicable financial assistance guidelines, including providing loan application review for all loans, except the Micro-Enterprise Loans, to ensure compliance with loan guidelines; and
4. Develop and oversee the administration of the annual operating budgets, in coordination with the Division and departments. Provide technical assistance on day to day accounting operations for the Division; and
5. Collect data on micro-economics, economic strategy and information for the Navajo Nation to prepare reports that are used for Economic Development Administration Funding and for the Bureau of Indian Affairs, Department of Interior for additional funding; and
6. Coordinate with Credit Services Department, Division of Finance to provide credit and collection reports for loan programs and carry out the quick and orderly disposition of collateral repossessed under business loan programs in accordance with applicable Navajo law; and
7. Provide loan application review for all loans, except the Micro-Enterprise Loans, and to ensure compliance with loan guidelines; and
8. Develop and maintain an efficient central data base to monitor small business, commercial, and industrial activity, and to generate socio-economic and other statistical information; and
9. Provide information technology services, for the managing and processing information, in particular the use of electronic computers and computer software to convert, store, protect, process, transmit and retrieve information for the Division, including maintaining a division-wide network (LAN, WAN and MAN); and

10. Administer the maintenance of all the Division facilities, both interior and exterior, including groundwork within the perimeter of the facility, janitorial, HVAC, and elevator upkeep, security, and any other duties necessary for the maintenance of the buildings.

B. Personnel

1. There shall be a position of Department Manager who shall oversee the Department, to ensure the policies, procedures, and guidelines are followed to the upmost; and
2. The Department Manager shall possess the following qualifications: a bachelor's degree and/or a minimum of five years experience in any business or administration field; and
3. The Department Manager shall report directly to the Executive Director of the Division; and
4. The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Policies and Procedures; and
5. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and
6. The Department Manager shall have the authority to delegate authority to Department staff to carry out the objective and functions of the Department; and
7. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.

X. Small Business Development Department

- A. The duties and responsibilities of the Small Business Development Department are as follows:



1. Maintain a network of Regional Business Development Offices, hereinafter "RBDO," as established to serve as a direct link to local communities and to assist and promote Navajo individuals, chapters, and organizations with business and economic development matters and concerns; and
2. Exercise business site lease, sublease, assignment, encumbrance, permit and any modification approval authority as delegated by the Economic Development Committee of the Navajo Nation Council, pursuant to Navajo Nation Business Site Lease Administrative and Management Plan; and
3. Provide technical assistance through the Regional Business Development Offices to individuals, small businesses, chapters and other organizations in processing land withdrawals, developing business plans, obtaining financing, negotiating, and processing business site leases, permits, obtaining business preference certifications, administering educational seminars, and processing any other business site leasing activities and addressing other business concerns; and
4. Provide technical assistance to chapters, communities, business associations, and other organizations in local planning and promotion of business and economic development activities; and
5. RBDO may in coordination with the appropriate department, work with tribal and non-tribal entities to plan and develop commercial, industrial and tourism projects and related infrastructure; and
6. RBDO may provide technical assistance on commercial and industrial projects that may include, land withdrawal procedures, site clearances, and preparation of proposal and bid documents, collaborative efforts with professional entities, including but not limited to, Architects, Engineers, and Certified Appraisers on development of commercial and industrial projects; and
7. Administer the Micro-Enterprise Loan Fund and approve those loan documents at the applicable

RBDO, pursuant to applicable guidelines and the fund management plan; and

8. Provide technical assistance through the Regional Business Development Offices to individuals, small businesses, chapters and other organizations in the application and processing of BIDF loan documents in accordance with the guidelines for the administration of the BIDF; and
9. Provide loan application review for all Micro-Enterprise Loan Fund and Navajo Nation Small Business Lending Program for loans \$250,000 or less, originating at the RBDO to ensure compliance with loan guidelines; and
10. Produce brochures, conduct management counseling, business training for Navajo individual entrepreneurs, organizations, chapters; and
11. RBDO shall maintain records, for all leasing activities, which include renewals, modifications, subleases, assignments, encumbrances, amendments and terminations of Business Site Leases and coordinate with the Navajo Real Estate Department in its record-keeping duty; and
12. Develop and administer the annual operating budget for the Department, which includes day to day accounting activities.

B. Personnel

1. The position of Department Director of the Department is hereby established. The director shall have the authority to:
  - a. Reports directly to the Executive Director of the Division; and
  - b. The Department Manager shall possess the following qualifications: a bachelor's degree and/or a minimum of five years experience in any business or administration field; and
  - c. Recommend, develop, implement and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and



- d. Delegate authority to Department staff to carry out operations of the Department.
2. The Department shall be sufficiently staffed to accomplish the purpose and objectives of the Department; and
3. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.

#### XI. Navajo Tourism Department

##### A. Establishment

The Navajo Tourism Department, Division (hereinafter referred to as the "Department") is hereby established under the Executive Branch of the Navajo Nation government.

##### B. Purpose

The Department is established to promote and develop tourism related business thereby creating jobs and business opportunities.

##### C. Objectives

To carry out the Department's purpose, the following objectives are established:

1. To develop projects that will provide accommodations and infrastructure for such projects as resorts, visitor centers, restaurants, roadside rest areas, recreational vehicle parks, and other developments; and
2. To prevent leakage of tourism dollars off the Navajo reservation by creating Navajo businesses; and
3. To develop and implement a tourism development strategy that will increase the number of tourist destinations within the Navajo Nation; and
4. To provide funds for tourism promotion, tourism department operational funds, and for project development which includes the following, but is

not limited to the advertisement of Navajo people, scenery and facilities and for acquisition, construction, renovation and maintenance of tourism related attractions and recreational facilities; and

5. To promote economic development opportunities and projects related to tourism through programs including education and training, visitor information, services, sales promotion, publicity, advertising, marketing, research, and travel development; and
6. To initiate and cooperate with the Division Administration, the amendment, development, and implementation of new and existing tribal, state, and federal legislation, policies, and regulations that benefit on the tourism industry; and
7. To manage and administer the Navajo Nation Tourism Fund Management Plan approved by Resolution BFO-56-93, which includes an annual budget with an expenditure plan; and
8. In conjunction with the Division, the Department may develop and recommend to the Budget and Finance Committee of the Navajo Nation Council the fund's management plan, after review by the Economic Development Committee.

D. Personnel

1. The position of Department Director of the Department is hereby established. The director shall have the authority to:
  - a. Reports directly to the Executive Director of the Division; and
  - b. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and
  - c. Delegate authority to Department staff to carry out operations of the Department.



2. The Department shall be sufficiently staffed to accomplish the purpose and objectives of the Department; and
3. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.

## XII. Navajo Real Estate Department

### A. Establishment

The Navajo Real Estate Department, Division (hereinafter referred to as the "Realty Department") is hereby established under the Executive Branch of the Navajo Nation Government.

### B. Purpose

To implement the Navajo Nation Business Site Leasing Regulations of 2005 ("Tribal Regulations"), as amended, that was approved on July 10, 2006, by assuming the authorities of the Bureau of Indian Affairs on management and enforcement of Business Site Leases.

### C. Objectives

1. Manage Business Site Leases, which includes, ensuring the Lessee provides all required documents within the agreed time frame, monitor the Lessee's compliance with all the terms and conditions of Business Site Leases during the term of the Lease, and any other necessary functions pursuant to the Navajo Business Site Lease Management Plan and coordinate with Division of Finance for all accounting matters; and
2. Enforce all terms and conditions of Business Site Leases, which include assessing late charges, debt collections, obtaining insurance proceeds, execution of bonds, and any other activities or remedies allowable under the Navajo Business Site Lease Management Plan; and
3. Negotiate with Lessees, including acting as a mediator for any arising disputes between the Navajo Nation and any aggrieved interested party, as defined and provided in the Tribal Regulations

and in the Navajo Business Site Lease Management Plan, as amended; and

4. Recommend relief for business site leases, permits, subleases, assignments and encumbrances in default, if necessary coordinate with the Navajo Department of Justice for further legal actions, remedy and relief; and
5. Exercise its authority to terminate any business site lease, permit, sublease, assignment and encumbrances, in default, in accordance with the Navajo Business Site Lease Management Plan and the regulations of the Navajo Nation; and
6. Manage the Navajo Real Estate Records, which includes the disbursement of all Business Site Leases, assignment of Lease numbers to all Business Site Leases, and cooperate with the Secretary of Interior in the transfer of records received from the Secretary and with the Navajo Land Department for title recording upon the establishment of a title plant; and
7. Develop and maintain a record of all leasing activities, which includes executions, renewals, modifications, subleasing, assigning, encumbering, amendments and terminations of Business Site Leases, for all Business Site Leases including Chapters, Townships, other municipal forms of government and entities; and
8. Provide status reports to the RBDO and Project Development Department before any actions, to the extent possible, legal or non-legal taken against any Business Site Lease in default; and
9. Provide annual accounting to the Office of the Controller for the Navajo Nation and the Secretary and shall coordinate with all Chapters, Townships, other municipal forms of government and entities in obtaining and reviewing such accounting; and
10. Administer, certify and maintain the record of Environmental Review, which includes the review of environmental impacts of certain proposed leasing activities and coordinate with the other departments and other Divisions as is required, in



accordance with the environmental review policy and procedures; and

11. Provide environmental review for all business site leases to ensure compliance with the standard format for the environmental review; and
12. Administer the Navajo Nation Appraisal Office, for conducting appraisals for certain proposed leasing and business activities based on requests from departments, which includes developing an appraisal log to report methods of conducting appraisals and providing any technical assistance to departments and interested individuals with respect to economic development projects to determine the fair annual lease value, fair market value and assess property and other assets for collateral assignments of lease; and
13. Provide appraisal review for all appraisals conducted on the Navajo nation to ensure compliance with the appraisal policy and procedures; and
10. Manage and administer the Navajo Nation Real Estate Fund Management Plan which must be recommended by the Economic Development Committee and approved by the Budget and Finance Committee of the Navajo Nation Council.

D. Personnel

1. There shall be a position of Department Manager who shall oversee the Department and ensure sound real estate management practices are followed; and
2. The Department Manager shall possess the following qualifications: a bachelor's degree, and a minimum of five years of experience in business, real estate and/or finance; and
3. The Department Manager shall report directly to the Executive Director of the Division; and
4. The Department Manager shall have the authority to hire staff as is necessary to carry out the purposes and objectives set forth herein and as is provided in the program budget, in accordance with the Navajo Nation Personnel Policies and

Procedures and division policies and plans, which must include:

- a. Licensed Appraiser; and
  - b. a position for an Environmental Reviewer who must possess the following qualifications:  
five (5) years of experience in an environmental field of law.
5. Recommend, develop, implement, and administer programs in accordance with the laws, budgetary and personnel policies and procedures of the Navajo Nation; and
  6. The Department Manager shall have the authority to delegate authority to Department staff to carry out the objectives and functions of the Department; and
  7. All personnel shall be employed, supervised and compensated including evaluation and reclassification in accordance with Navajo Nation Personnel Policies and Procedures.

#### XIII. Legislative Oversight

Pursuant to 2 N.N.C. § 724 (G), the Economic Development Committee of the Navajo Nation Council is the oversight committee for the Division.

#### XIV. Amendments

This Plan of Operation may be amended from time to time upon recommendation of the Economic Development Committee of the Navajo Nation Council and approval by the Government Services Committee of the Navajo Nation Council.



ORGANIZATION CHART  
NAVAJO NATION DIVISION OF ECONOMIC DEVELOPMENT

New

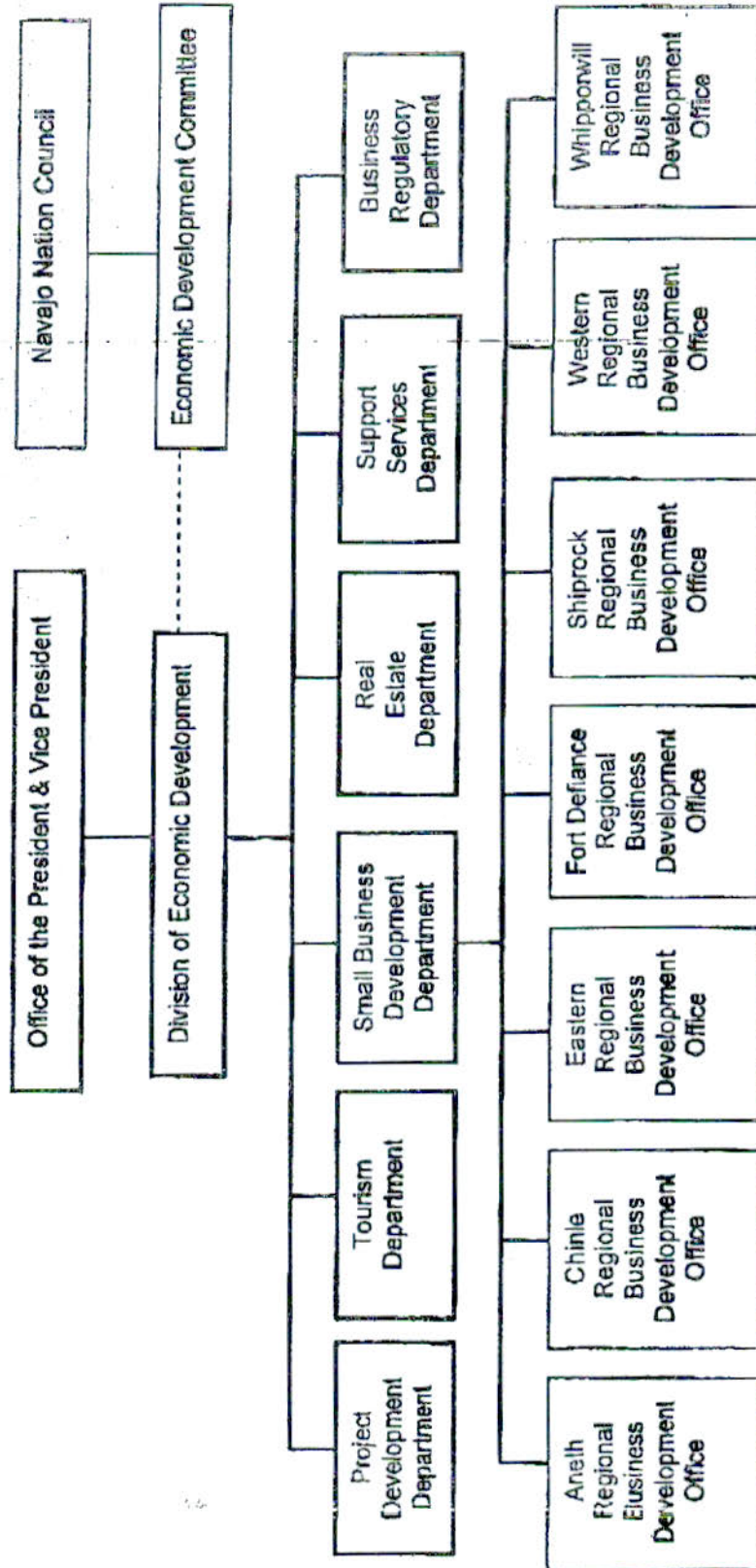


EXHIBIT "A"

# DED - Administration Department

September 27, 2005

Executive Branch  
Office of the President/Vice-President

## Division of Economic Development

Division Director  
201271 S/M

Administrative  
Assistant  
209761 S/M

Senior Economic  
Development Specialist  
999999 (new) S/M



OLD

Administration Department  
Division of Economic Development

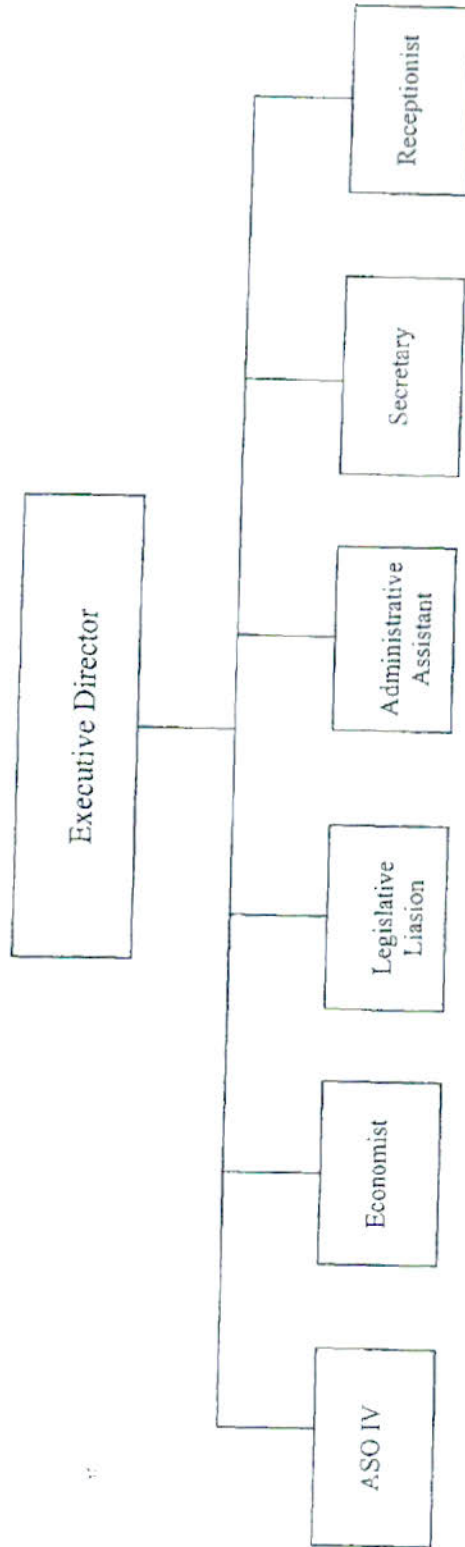
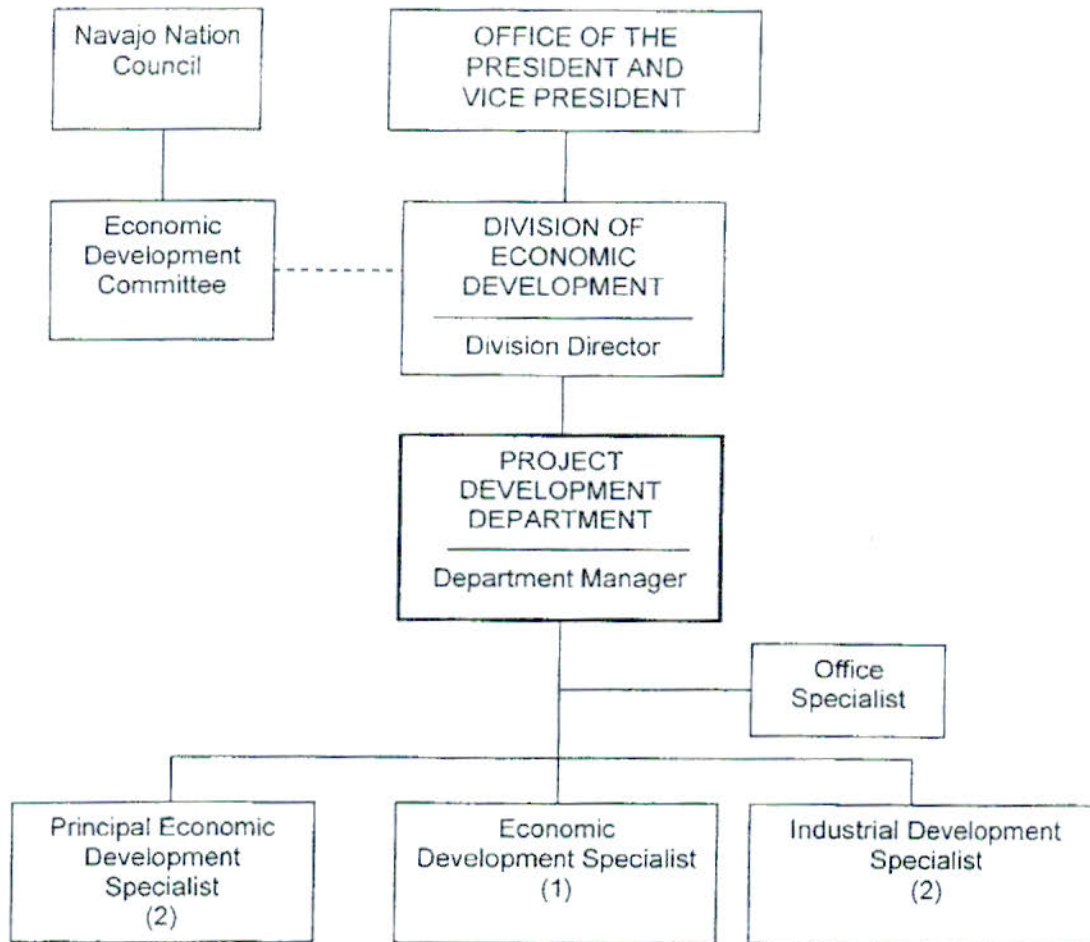


EXHIBIT "A"

ORGANIZATION CHART  
PROJECT DEVELOPMENT DEPARTMENT  
DIVISION OF ECONOMIC DEVELOPMENT

New





Same  
No Change

# DIVISION OF ECONOMIC DEVELOPMENT

## Business Regulatory Department ORGANIZATION CHART

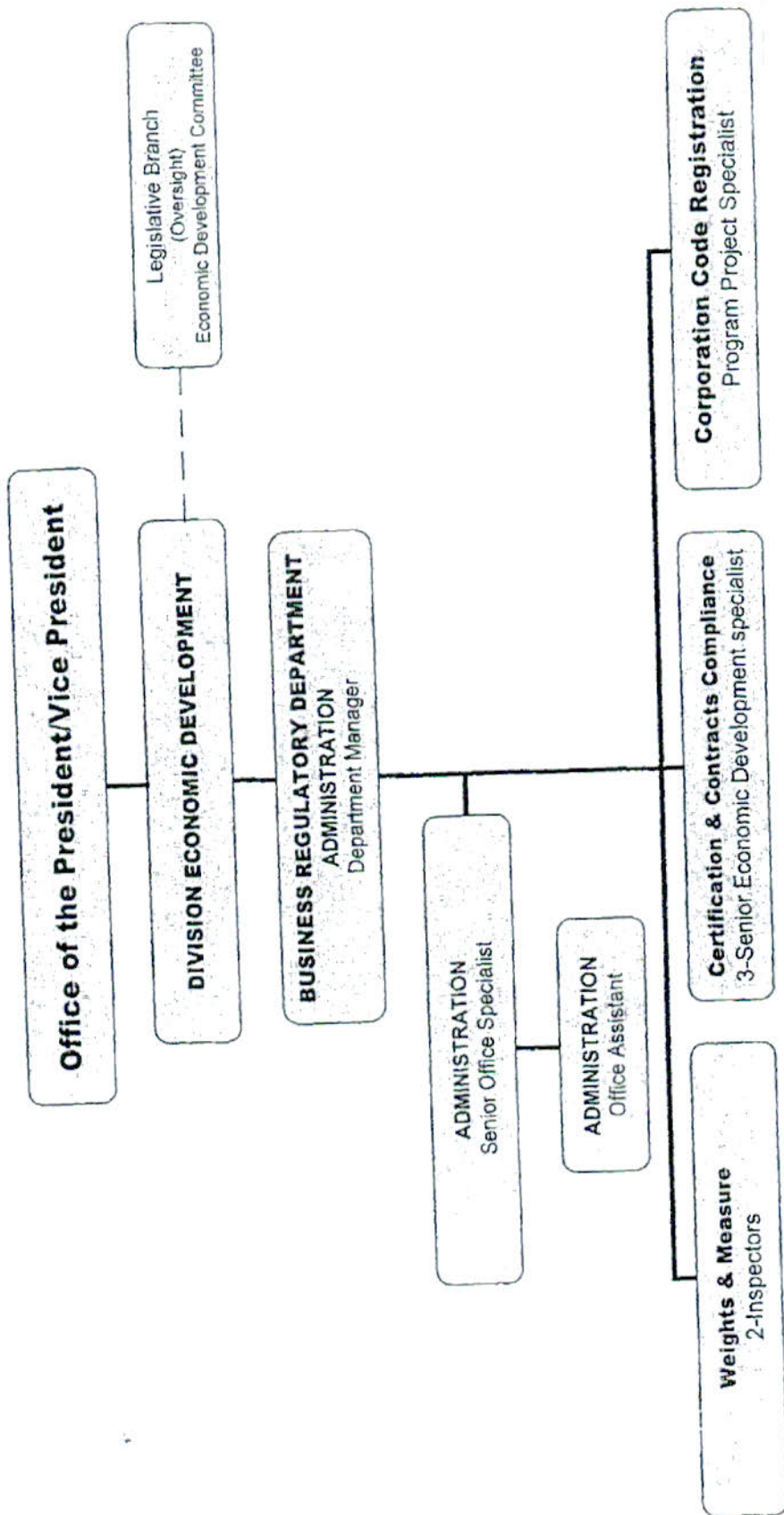
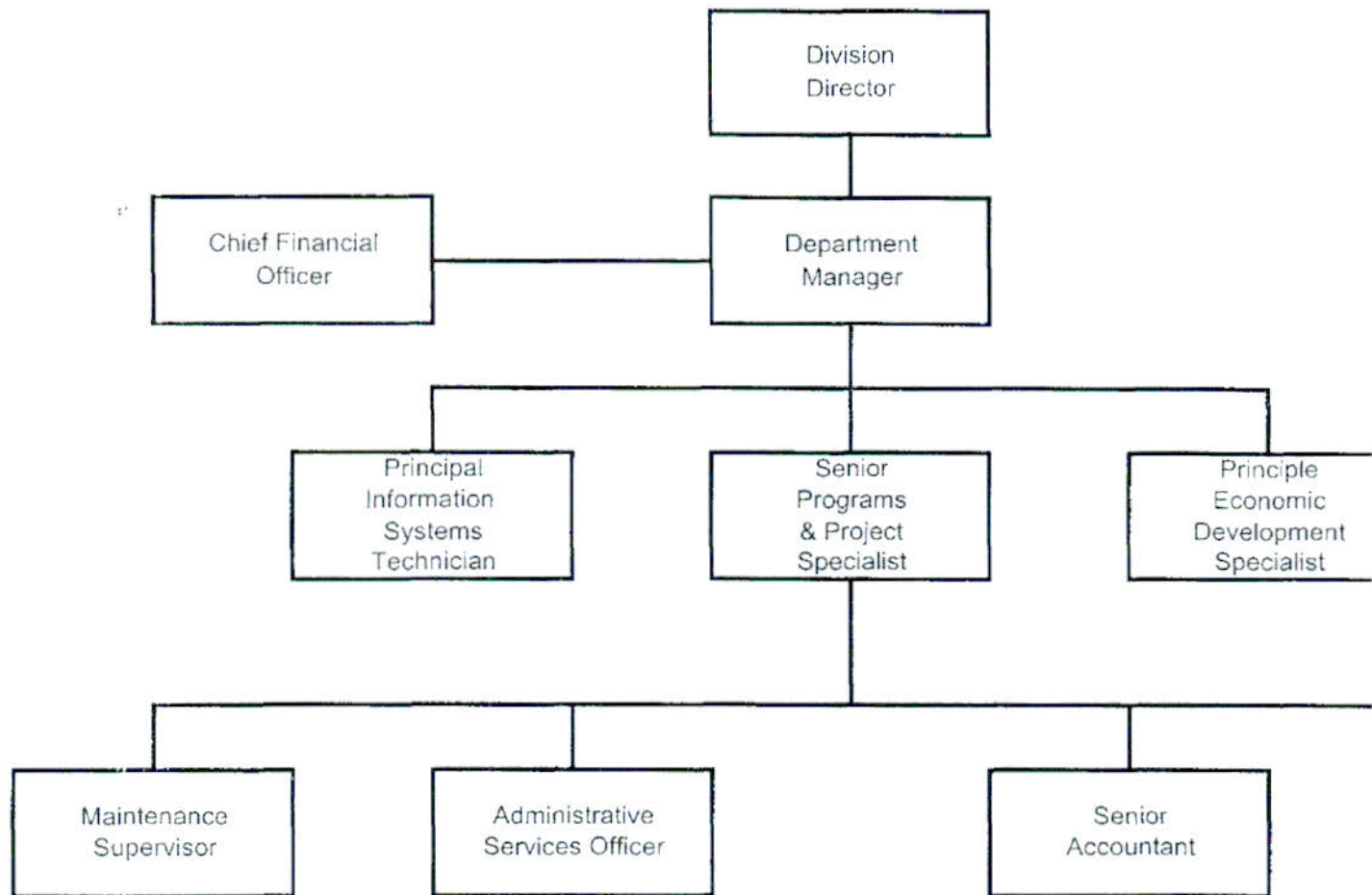


EXHIBIT "A"

# DIVISION OF ECONOMIC DEVELOPMENT

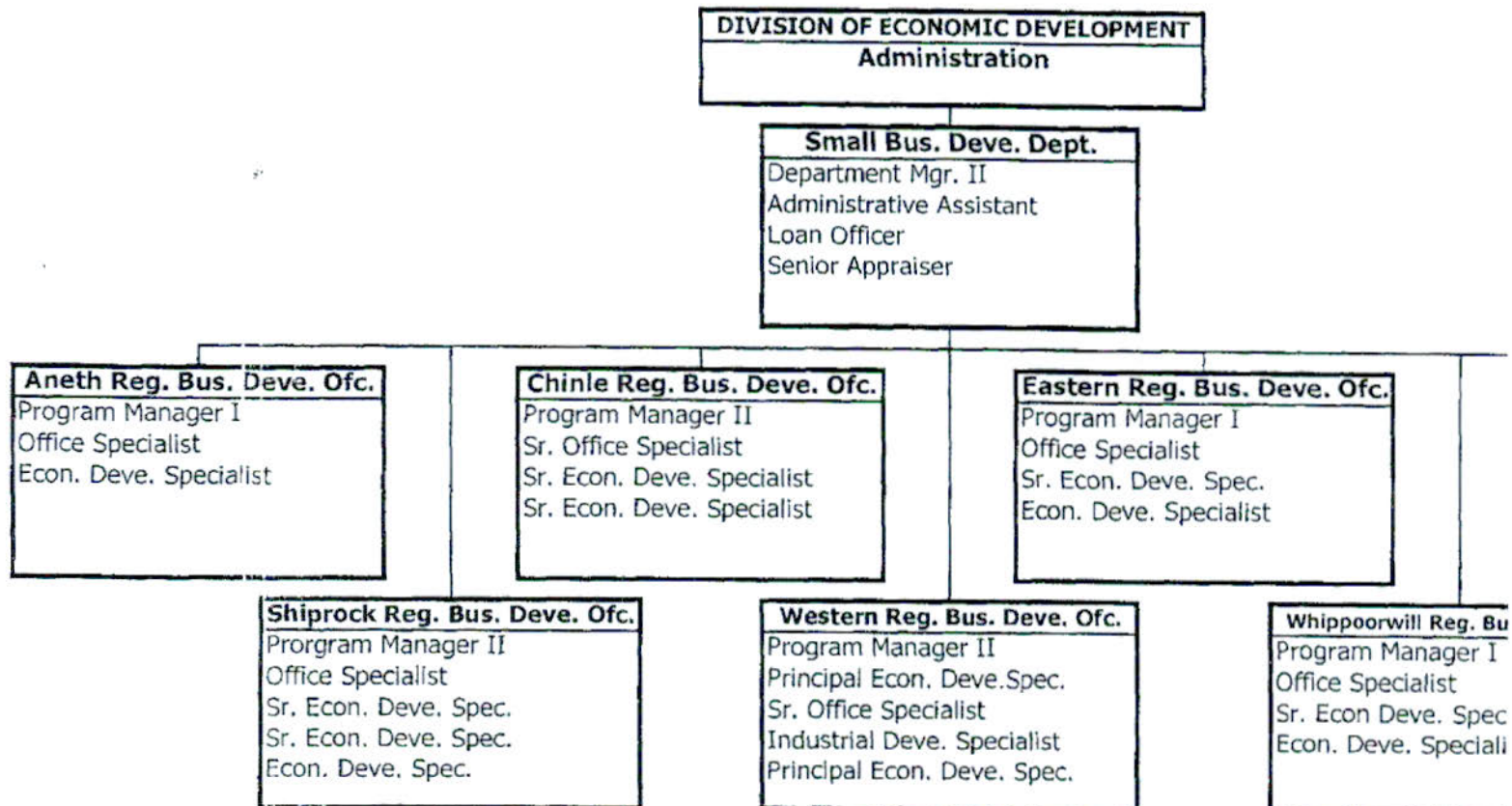
## Support Services Department Proposed Organizational Chart



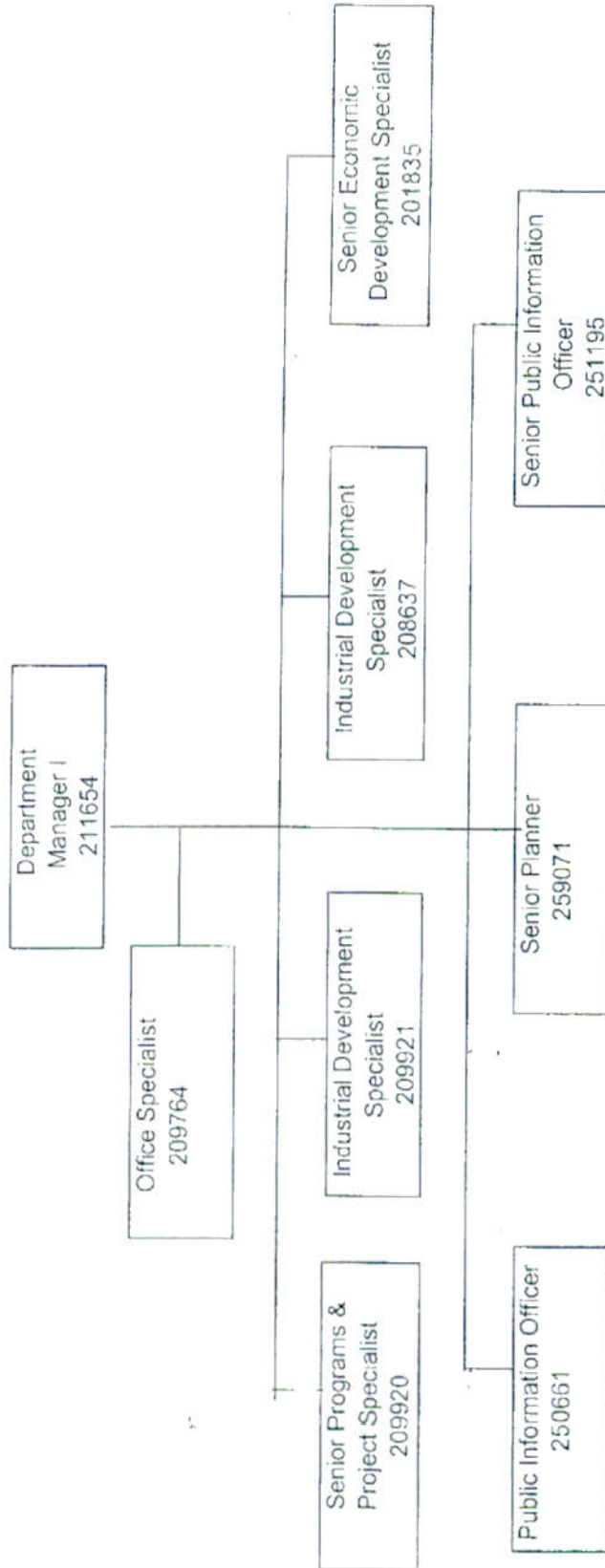


# DIVISION OF ECONOMIC DEVELOPMENT SMALL BUSINESS DEVELOPMENT DEPARTMENT and REGIONAL BUSINESS DEVELOPMENT OFFICES

Fiscal Year 2007  
Position Organizational Chart

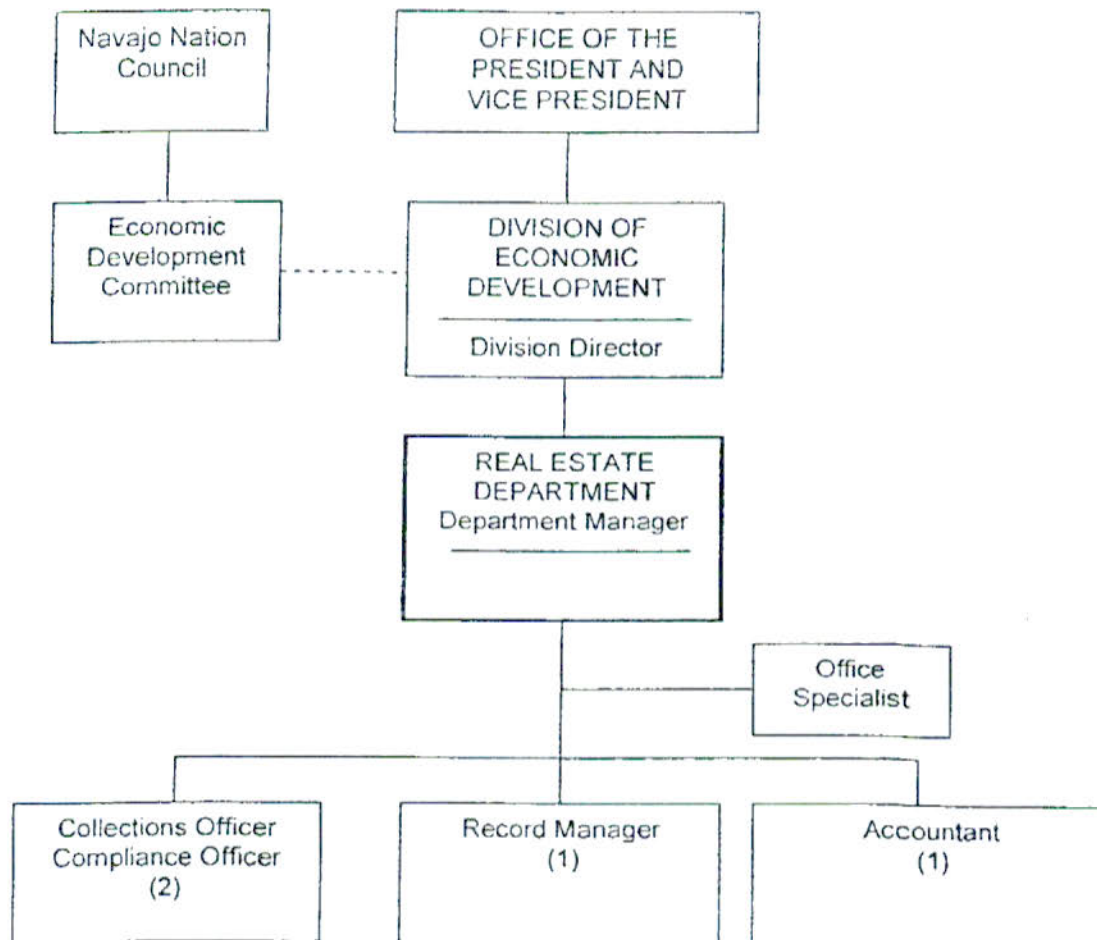


NAVAJO TOURISM DEPARTMENT





ORGANIZATION CHART  
REAL ESTATE DEPARTMENT  
DIVISION OF ECONOMIC DEVELOPMENT



Document No. 012273Date Issued: 03/28/2019**EXHIBIT**  
**3**  
**EXECUTIVE OFFICIAL REVIEW**Title of Document: DED Master Plan of Operation Amendment Contact Name: WILLIE, JT JULIANProgram/Division: DIV. OF ECONOMIC DEVELOPMENTEmail: jtwillie@navajo-nsn.gov Phone Number: 928.871.6544☐ **Business Site Lease** Sufficient    Insufficient

- |   |             |                          |                          |
|---|-------------|--------------------------|--------------------------|
| 1. Division: _____  | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: _____  | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review) |             |                          |                          |
| 3. Office of the Attorney General: _____  | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

- |  |             |                          |                          |
|--|-------------|--------------------------|--------------------------|
| 1. Division: _____                       | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

- |   |             |                          |                          |
|---|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: _____        | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: _____  | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Navajo Housing Authority Request for Release of Funds**

- |  |             |                          |                          |
|--|-------------|--------------------------|--------------------------|
| 1. NNEPA: _____                          | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Lease Purchase Agreements**

- |  |             |                          |                          |
|--|-------------|--------------------------|--------------------------|
| 1. Office of the Controller: _____       | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (recommendation only)                    |             |                          |                          |
| 2. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Grant Applications**

- |   |             |                          |                          |
|---|-------------|--------------------------|--------------------------|
| 1. Office of Management and Budget: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: _____        | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: _____  | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☒ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

- |  |                      |                                     |                                     |
|--|----------------------|-------------------------------------|-------------------------------------|
| 1. Division: _____                       | Date: <u>3/24/19</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Office of the Attorney General: _____ | Date: <u>4/8/19</u>  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

☐ **Relinquishment of Navajo Membership**

- |  |             |                          |                          |
|--|-------------|--------------------------|--------------------------|
| 1. Land Department: _____                | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Elections: _____                      | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient    Insufficient

1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

1. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>





**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General


KIMBERLY A. DUTCHER  
Acting Deputy Attorney General

**ATTORNEY-CLIENT PRIVILEGED**  
**CONFIDENTIAL**

**MEMORANDUM**

TO: JT Willie, Executive Director  
Division of Economic Development

FROM:

  
LaTonia B. Johnson, Assistant Attorney General  
Economic/Community Development Unit  
Department of Justice

DATE: August 26, 2019

SUBJECT: **Doc. No. 012273#3: Amendments to the Division of Economic Development  
Master Plan of Operation**

The Navajo Nation Department of Justice (DOJ) has reviewed the re-submitted above-mentioned document dated August 23, 2019 and finds its sufficient.

If you have any questions or require additional information, please contact me at 928-871-6933. Thank you.

LBJ/ah/240





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
8/23/19 @ 420
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 012273#3
SAS #:
UNIT: ECU

☒ RESUBMITTAL

\*\*\* FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

### CLIENT TO COMPLETE

DATE OF REQUEST: 8/23/19 ENTITY/DIVISION: DED  
CONTACT NAME: TYRONE CHEE DEPARTMENT: SUPPORT SERVICES  
PHONE NUMBER: 871-6706 E-MAIL: t.chee@navajonsh.gov

TITLE OF DOCUMENT: DOC.# 012273: AMENDMENTS TO DED MASTER PLAN  
OF OPERATION (DRAFT #3)

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: AUG 23 2019 4:25 pm REVIEWING ATTORNEY/ADVOCATE: Latonia Johnson  
DATE/TIME OUT OF UNIT:

### DOJ ATTORNEY / ADVOCATE COMMENTS

Sufficient. See memo

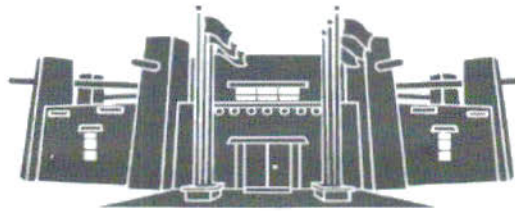
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
UBJ	1232 pm 8/26/19	UBJ	1232 pm 8/26/19

DOJ Secretary Called: EM Tyrone Chee for Document Pick Up on AUG 26 2019 at 211 pm By: ah

PICKED UP BY: (PRINT) DATE / TIME:







## MEMORANDUM

TO: Honorable Rickie Nez  
Tiistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan Chapters

FROM: Mariana Kahn  
Mariana Kahn, Attorney  
Office of Legislative Counsel

DATE: September 23, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING GSCAP-12-07 BY APPROVING AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO NATION DIVISION OF ECONOMIC DEVELOPMENT

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

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.

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).



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0293-19

SPONSOR: Rickie Nez

TITLE: An Action Relating To Resources And Development Committee; Amending  
GSCAP-12-07 By Approving Amendments To The Plan Of Operation For The  
Navajo Nation Division Of Economic Development

*Date posted:* September 26, 2019 at 6:24 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.*