LEGISLATIVE SUMMARY SHEET Tracking No. <u>0106-17</u>

DATE: March 17, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AND RECOMMENDING AMENDMENTS TO THE NAVAJO NATION ECONOMIC DEVELOPMENT FUND AND FUND MANAGEMENT PLAN

PURPOSE: This resolution, if approved, will approve amendments to the Navajo Nation Economic Development Fund and Fund Management Plan and recommend the amendments to the Budget and Finance Committee. The amendments will allow the fund to be used as see monies for a tribal corporation or a Section 17 corporation.

NOTE: the amendment is the first step of a two step process.

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.

OLC No. 17-122-1

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1	PROPOSED STANDING COMMITTEE RESOLUTION	
2	23 RD NAVAJO NATION COUNCIL Third Year, 2017	
3	INTRODUCED BY	
4	Construction of the second sec	
5	Dunght Witherspoon	
6 7	(Prime Sponsor)	
8	TRACKING NO. <u>0106-17</u>	
9		
10	AN ACTION	
11	RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING	
12	AND RECOMMENDING AMENDMENTS TO THE NAVAJO NATION	
13	ECONOMIC DEVELOPMENT FUND AND FUND MANAGEMENT PLAN	
14		
15	BE IT ENACTED:	
16	SECTION ONE. AUTHORITY	
17	A. The Resources and Development Committee is a standing committee of the Navajo	
18	Nation Council. 2 N.N.C. § 500 (A) (2015).	
19	B. The Resources and Development Committee serves as oversight over The Division of	
20	Economic Development. 2 N.N.C § 500 (C)(1) (2015).	
21	C. The Resources and Development Committee makes recommendations for amendments	
22	to the Navajo Nation Economic Development Fund and Fund Management Plan. See	
23	BFD-48-13 attached as Exhibit A.	
24		
25	SECTION TWO. FINDINGS	
26	A. In 2013, the Navajo Nation approved the Navajo Nation Economic Development	
27	Fund and Fund Management Plan (Fund). See Exhibit A.	
28	B. The purpose of the Fund is for the Division of Economic Development to stimulate	
29	economic development activities on the Navajo Nation. The goal of the Fund is to	
30	improve the Navajo Nation economy with the small business, commercial, industrial	

	1	
1		and tourism sectors of the Navajo Nation. These economic development
2		improvements will create jobs, provide marketable lands, establish an economic
3		base and provide for an economic multiplier effect. See Exhibit A.
4	C.	The Division of Economic Development (DED) made recommendations for
5		amendments to the Fund. See Memorandum from Crystal Deschinny, Division
6		Director, DED, attached as Exhibit B.
7	D.	The DED recommendation to the Fund will allow for funds to be used as seed
8		monies for a tribal corporation and/or a Section 17 corporation. See Proposed
9		Amended Navajo Nation Economic Development Fund and Fund Management Plan
10		attached as Exhibit C.
11		
12	SECT	ION THREE. APPROVAL AND RECOMMENDATION
13	A.	The Resources and Development Committee approves the amendments to the Navajo
14		Nation Economic Development Fund and Fund Management Plan.
15	B.	The Resources and Development Committee recommends to the Budget and Finance
16		Committee the amendments to the Navajo Nation Economic Development Fund and
17		Fund.
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RESOLUTION OF THE BUDGET AND FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL

BFD-48-13 EXHIBIT

22ND NAVAJO NATION COUNCIL - Third Year, 2013

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE; APPROVING THE NAVAJO NATION ECONOMIC DEVELOPMENT FUND MANAGEMENT PLAN

BE IT ENACTED:

The Navajo Nation hereby approves the Navajo Nation Economic Fund Management Plan, as set forth in Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, this 17th day of December, 2013.

A S & A

LoRenzo C. Bates, Chairperson Budget and Finance Committee

Motion: Danny Simpson Second: Nelson S. BeGaye

Navajo Nation Economic Development Fund Fund Management Plan

Section I. Establishment

There is hereby established the Navajo Nation Economic Development Fund (hereinafter "Fund") and Fund Management Plan for use by the Division of Economic Development ("DED"); and the Resources and Development Committee of the Navajo Nation Council shall provide legislative oversight.

Section II. Purpose

The purpose of this Fund is for DED to stimulate economic development activities on the Navajo Nation. The goal of the Fund is to improve the Navajo Nation economy within the small

business, commercial, industrial and tourism sectors of the Navajo Nation. These economic development improvements will create jobs, provide marketable lands, establish an economic base and provide for an economic multiplier effect.

Section III. Administration

A. Funding Source

The funding source for this Fund shall be revenue generated by the Navajo Nation Sales Tax in accordance with the "Navajo Nation Sales Tax Distribution Reform Act of 2012," Resolution No. CO-46-12 amending 24 N.N.C. § 620 (B) and (C), and other funds appropriated or allocated by the Navajo Nation Council.

B. Program Management

DED shall have the authority and responsibility to use the funds to stimulate and complete economic development activities in accordance with the Fund Management Plan.

Section IV. Fund Management

A. Planning

The Navajo Nation Overall Economic Development Plan shall serve as the basis for the Fund. The Resources and Development Committee of the Navajo Nation Council under 2 N.N.C. §501 (2) (h) is delegated the authority to approve the Navajo Nation Overall Economic Development Plan.

B. Budgeting

Expenditures from this Fund shall be budgeted annually in accordance with established Navajo Nation budget policies and procedures.

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C. Fund Accounting

The records and books of accounts for the Fund shall be kept separate with its own balance sheet and revenue and expenditure statement. The day-to-day accounting shall be performed by the Office of the Controller, in accordance with Generally Accepted Accounting Principles.

D. Reports

DED Chief Financial Officer shall account for expenditure of funds. Such accounting shall be reported to the Resources and Development Committee of the Navajo Nation Council as a part of the annual Navajo Nation budget process and quarterly to DED Management.

Section V. Project Activities

The Fund shall be used for development of small business, commercial, industrial and tourism related projects <u>equitably among the five agencies</u>. Such expenses to be funded shall include the following phases of development and activities:

- 1. Preliminary planning that may include feasibility studies, technical/engineering site analysis, traffic studies, master plans, other predevelopment planning studies, etc.;
- 2. Preliminary development which may include environmental assessment, appraisals archaeological clearance, boundary surveys, topographic mapping, other predevelopment studies, etc.;
- 3. Architecture/Design services which may include: pre-design services, schematic designs, final construction documents, other architectural services, etc.;
- 4. On-site development which may include: infrastructure, utilities water, sewer, gas, electric, communication, access roads, turnout lanes, etc.;
- 5. Construction (<u>limited to 50% of fund a year</u>), maintenance, renovation and repair that may include: materials testing/quality control, as-built drawings, other construction services, etc.;
- 6. Leveraging/Matching Funds The funds from private, tribal, state and federal funding resources can be used to match, leverage and/or augment this Fund; and
- 7. Other professional services which promote the development and sustainment of Navajo businesses.

Section VI. Effective Date

The effective date of the Fund shall be January 01, 2013 and shall remain in effect until the Budget and Finance Committee of the Navajo Nation Council terminates this Fund.

Section VII. Audit Requirement

The Fund shall be audited annually as part of the overall audit of the Navajo Nation Government by independent auditors.

Section VIII. Amendments

The Navajo Nation Economic Development Fund and Fund Management Plan shall be amended by the Budget and Finance Committee of the Navajo Nation Council, upon recommendation by the Division of Economic Development and Resources and Development Committee of the Navajo Nation Council.



NAVAJO NATION ECONOMIC DEVELOPMENT FUND FUND MANAGEMENT PLAN

EXECUTIVE SUMMARY

Pursuant to the Navajo Nation Sales Tax Distribution Reform Act of 2012, the Fund Management Plan funds 100% pre-development and construction projects and does not allocate any resources to any overhead cost.

As outlined in the Section V. Project Activities, the Fund Management Plan funds predevelopment services. These services are essential in preparing a track of undeveloped land set aside for commercial and/or industrial and making the land marketable for development.

In addition, the Fund Management Plan funds onsite development and construction. These services allow the business site to become equipped with utility and water infrastructure and the construction of pavements, buildings and other structure which businesses can begin to locate.

Lastly, the Fund Management Plan allows for the fund itself to be leveraged with other funds within and outside the Navajo Nation.

No part of the Fund Management Plan stipulates the fund be allocated toward general operations such as travel, advertisement and or personnel. The entire fund is designated toward developing businesses on the Navajo Nation.

To date, with reduced budgets, the Division of Economic Development's Contractual Services and Capital Outlay budget line items for pre-development and construction services to less than \$80,000 for FY2014. The \$80,000 represents funding for these services for the 17.5 million acres of land on the Navajo Nation.

Passage of the Fund Management Plan by end of FY2013 would greatly assist the division in immediately implementing the plan within FY2014.

Your support and passage of the Fund Management Plan is greatly appreciated.



THE NAVAJO NATION



MEMORANDUM

то	:	Mr. Russell Begaye, President Navajo Nation Council
FROM	:	Crystal Deschinny, Division Director Division of Economic Development
DT:		December 23, 2017
Subject	:	Proposed Amendment to the Economic Development Fund Management Plan

I respectfully ask for your consideration of a proposed amendment to the Economic Development Fund Management Plan. The proposed amendment would assist in providing much needed capital utilizing the Sales Tax fund to assist with the development of a much needed Section 17 Corporation.

The proposed amendment is:

8. Initial seed funding to start a tribal corporation and/or Section 17 corporation owned by the Navajo Nation

One of the challenges faced by the Division of Economic Development (DED) is that despite well planned and well formulated business ideas, the ideas will remain as such until an appropriate business vehicle, such as the Section 17 Corporation is in place. The Corporation will accommodate, promote and help grow economic development opportunities.

The Section 17 Corporation will:

- Provide a structured vehicle to promote business development;
- Serve as a protective umbrella thereby reducing risk to Navajo Nation while preserving its assets;
- Separate business from politics;
- Encourage entrepreneurship and business development with divided expertise;
- Allow DED and NN to capitalize on and participate in the Tronox fund settlement;
- Promote development of Navajo businesses that will brand and market operating companies built on the strength and reputation of NN;
- Establish the opportunity for issuance of tax exempt bonds to finance projects; and
- Create federal tax savings.

NN has the potential to create businesses that will begin to impact the NN's economic climate. A Section 17 Corporation is what is needed to allow this change to happen.

Respectfully,

Crystal Desding)

Crystal Deschinny, Division Director Division of Economic Development

Navajo Nation Economic Development Fund Fund Management Plan

Section I. Establishment

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Section III. Administration

A. Funding Source

The funding source for this Fund shall be revenue generated by the Navajo nation Sales Tax in accordance with the "Navajo Nation Sales Tax Distribution Reform Act of 2012," Resolution No. CO-46-12 amending 24 N.N.C. § 620 (B) and (C), and other funds appropriated or allocated by the Navajo Nation Council.

B. Program Management

DED shall have the authority and responsibility to use the funds to stimulate and complete economic development activities in accordance with the Fund Management Plan.

Section IV. Fund Management

A. Planning

The Navajo Nation Overall Economic Development Plan shall serve as the basis for the Fund. The Resources and Development Committee of the Navajo Nation Council under 2 N.N.C. §501 (2)(h) is delegated the authority to approve the Navajo Nation Overall Economic Development Plan.

B. Budgeting

Expenditures from this Fund shall be budgeted annually in accordance with established Navajo Nation budget policies and procedures.

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The records and books of accounts for the Fund shall be kept separate with its own balance sheet and revenue and expenditure statement. The day-to-day accounting shall be performed by the Office of the Controller, in accordance with Generally Accepted Accounting Principles.

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The Fund shall be used for development of small business, commercial, industrial and tourism related projects equitably among the five agencies. Such expenses to be funded shall include the following phases of development and activities:

- 1. Preliminary planning that may include feasibility studies, technical/engineering site analysis, traffic studies, master plans, other predevelopment planning studies, etc.;
- 2. Preliminary development which may include environmental assessment, appraisals, archaeological clearance, boundary surveys, topographic mapping, other predevelopment studies, etc.;
- 3. Architecture/Design services which may include: pre-design services, schematic designs, final construction documents, other architectural services, etc.;
- 4. On-site development which may include: infrastructure, utilities water, sewer, gas, electric, communication, access roads, turnout lanes, etc.;
- 5. Construction (limited to 50% of fund a year), maintenance, renovation and repair that may include: materials testing/quality control, as-built drawings, other construction services, etc.;
- 6. Leveraging/Matching Funds Funds from private, tribal, state and federal funding resources can be used to match, leverage and/or augment this Fund; and
- 7. Other professional services which promote the development and sustainment of Navajo businesses.
- 8. Initial seed funding to start a tribal corporation and/or a Section 17 corporation that is fully owned by the Navajo Nation and that allocates a portion of its dividends to supporting the Navajo Nation Economic Development Fund.

Section VI. Effective Date

The effective date of the Fund shall be January 01, 2013 and shall remain in effect until the Budget and Finance Committee of the Navajo Nation Council terminates this Fund.

Section VII. Audit Requirement

The Fund shall be audited annually as part of the overall audit of the Navajo Nation Government by independent auditors.

Section VIII. Amendments

The Navajo Nation Economic Development Fund Management Plan shall be amended by the Budget and Finance Committee of the Navajo Nation Council, upon recommendation by the Division of Economic Development and Resources and Development Committee of the Navajo Nation Council. *Office of Legislative Counsel Telephone: (928) 871-7166 Fax # (928) 871-7576*



Honorable LoRenzo Bates Speaker 23rd Navajo Nation Council

MEMORANDUM

TO: Hon. Dwight Witherspoon 23rd Navajo Nation Council

FROM:

Levon B. Henry, Chief Legislative Counsel Office of Legislative Counsel

DATE: March 17, 2017

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AND RECOMMENDING AMENDMENTS TO THE NAVAJO NATION ECONOMIC DEVELOPMENT FUND AND FUND MANAGEMENT PLAN

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge. **NOTE: the legislation is the first step of a two step process.**

The Office of Legislative Council confirms the appropriate standing committee review based on the standing committees powers outlined in 2 N.N.C. § 500. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0106-17____

SPONSOR: Dwight Witherspoon

TITLE: An Action Relating to Resources and Development Committee; Approving and Recommending Amendments to the Navajo Nation Economic Development Fund and Fund Management Plan.

Date posted: March 24, 2017 at 4:55pm

Digital comments may be e-mailed to <u>comments@navajo-nsn.gov</u>

Written comments may be mailed to:

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

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

Please note: This digital copy is being provided for the benefit of the Nav, ajo 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.

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0106-17

SPONSOR: <u>Honorable Dwight Witherspoon</u>

<u>TITLE: An Action Relating to Resources and Development Committee; Approving and Recommending Amendments to the Navajo Nation Economic Development Fund and Fund Management Plan.</u>

Posted: March 24, 2017 at 4:55 PM

5 DAY Comment Period Ended: March 30, 2017

Digital Comments received:

Comments Supporting	None
Comments Opposing	None
Inclusive Comments	None

Policy Analyst Office of Legislative Services

3/30/17 11:42m

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0106-17

SPONSOR: Honorable Dwight Witherspoon

<u>TITLE: An Action Relating to Resources and Development Committee; Approving</u> and Recommending Amendments to the Navajo Nation Economic Development Fund and Fund Management Plan.

Posted: March 24, 2017 at 4:55 PM

5 DAY Comment Period Ended: March 30, 2017

Digital Comments received:

Comments Supporting	None
Comments Opposing	Sharlene Begay- Platero
Inclusive Comments	None

Policy Analyst Office of Legislative Services

4/3/17 9:45am

Date/Time

srbp@navajoadvantage.com

Thu 3/30/2017 5:22 PM

To: comments < comments@navajo-nsn.gov>;

Cc:Anthony Perry <tperrynnded12@gmail.com>;

Importance: High

2 attachments

Copy of DED 5Yr List-Revised 2-17.17 Check List.xlsx; Copy of NN Industrial Parks Funding Need 8.25.16.xlsx;

RDC Members;

Vote NO on this legislation, please. At the Division of Economic Development we finally have a source of funds via the Sales Tax to help us with funding our long list of projects for our Navajo communities. This is through the Five Year Plan. Attached is the latest listing. (This listing however has not been approved by the RDC since the new administration has taken office. This puts our work on hold until this task is complete.)

This fund is for the DED projects not for creation of another tribal enterprise. I believe this is a disservice to the communities who await for this projects to be done by the Nation.

My list of industrial needs which is attached are within this listing. As the landlords for the NN, we need to help our industrial parks become more attractive and help our tenants in the industrial parks.

We could use this money that its true intent was for DED projects.

Thank you.

Sharlene Begay-Platero Project Development Department/DED

DIVISION OF ECONOMIC DEVELOPMENT PROJECT DEVELOPMENT DEPARTMENT Industrial Parks

The Navajo Nation is the landlord of the Navajo Nation Industrial Parks and is responsible for the operation and maintenance of the Parks to support the existing tenants and for leasing to new tenants.

The Navajo Nation Industrial Parks contributes to the Navajo Nation's effort to promote busineses, create jobs and to generate revenue.

INDUSTRIAL PARKS	Project	Cost Estimate					
Chinle, AZ	Construct flood drainage system	\$ 236,000					
Dennehotso, AZ	Master Plan, Lot and Utility Designation	200,000					
Fort Defiance, AZ	Pave internal roads(upgrade); Access Road Improvements	200,000					
Leupp, AZ	eupp, AZ Master Plan, Lot and Utility Designation						
Church Rock, NM	Drainage clean-up at Food Program Maintenance Shop	18,000					
	Parking lot paving at former Cabinets Southwest Building	15,000					
	New Roof at the former Cabinets Southwest building	100,000					
	Clean-up from two floods in the Summer of 2015 at the former Cabinets SW Warehouse	50,000					
	Install street lights	150,000					
	Parking Lot paving at the Food Program	15,000					
Shiprock, NM	New Heating, Ventilation & Cooling System in the 1965	65,000					
	Renovate Industrial Building	300,000					
	Install street lights;	150,000					
1. S.	(A) TOTAL COST ESTIMATE:	1,699,000					

FUNDING NEED:

Thoreau, NM	Railhead Development & Construction	32,000,000	
	BioFuel Plant	72,000,000	
Navajo, NM	Environmental Remediation, rehabilitation	4,000,000	
	(B) TOTAL COST ESTIMATE: \$	108,000,000	

TOTAL COST ESTIMATE: (A) + (B) \$ 109,699,000

Division of Economic Development Proposed 5 Year Projects List

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<i>8</i> 2	Owner's Equity (\$) A		o																100,000
	Funding Request	3,500,000	1,500,000	500,000	500,000	250,000	1,500,000	80,000	2,500,000	5,000,000	1,500,000	200,000	350,000	150,000	250,000	200,000	200,000	300,000	2,738,000
Cost	Project Total	3,500,000	1,500,000	500,000	500,000	250,000	1,500,000	80,000 ##	2,500,000	5,000,000	1,500,000	200,000	350,000	150,000	250,000	200,000	200,000	000'005	6,845,000
語でいる	Brief Description	Develop Museum & Cultural Canter, Visitor	information, Develop & Construct Mfg Facility	Feasibility Study for Port Application	Tribel benking & Pre- Development	Window Rock Master	Development - Feasibility. Consultine.	Planning, Design and Construct	Develop & Construct Mfg Facility	Site Development/ Preparation	Market Feasibility Studies for the entire	Infrastructure	Demolition, Business Site Cleanup of existing site.	Demoktian, Business Site Channes Badavalonmant	Demolition, Redevelopment	Tract I, Redevelopment	Demoittion, Clean Up, Redevelopment	Demolition, Site Clean Up, Radevelopment	Shopping/Retail Cantar Development, A/E canica
ACTIVE PROJECTS	Title	Museum/ Cultural Conter	Adv Mfg Plant	Inland Port	Navajo Nation Bank	Window Rock		Window Rock Veterans Park	Adv Mfg Plant	Agricultural Cooperative Farm	Giobal Master Plen	Hotel Development	Church's Chicken Business Site	Former Jim Draper (lardware and er	Baldwin Business Site Tract I, Redevelopment	Valerie Allen Business Stre	Ben Smith Business site	Deer Point Commercial Navabrumant
States -	Task Location	Cameron	0 Crownpoint	5 lyanbito	D Saint Michaels	D Saint Michaels	5 Saint Michaels	D Window Rock	D Crownpoint	District 5	5 NN Agencies	Chinle	to Chinke	1 RD Chinle	RD Chinle	1 RD Chinle	1 RD Chinie	1 RD Chinle	1 D Comfields
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23rd NAVAJO NATION COUNCIL RESOURCES AND DEVELOPMENT COMMITTEE REPORT Third Year 2017

The **RESOURCES AND DEVELOMENT COMMITTEE** to whom has been assigned:

NAVAJO NATION LEGISLATION #0106-17

An Action Relating to Resources and Development and Naabik'íyáti' Committees; Approving the Recommendations by the Navajo Housing Authority Board of Commissioner's Nominations to the United States Department of Housing and Urban Development Tribal Intergovernmental Advisory Committee

SPONSOR: Honorable Dwight Witherspoon CO-SPONSOR: Honorable Lee Jack, Sr.

Has had it under consideration and reports the same WAS RULED OUT OF ORDER AND REMAINS WITH THE RESOURCES AND DEVELOPMENT COMMITTEE

Respectfully Submitted,

Honorable Benjamin Bennett, Vice Chairman NAABIK'ÍYÁTI' COMMITTEE

04 APRIL 2017

LEGISLATION RULED OUT OF ORDER BY PRESIDING CHAIRMAN BENNETT DUE TO QUESTIONS ON COMMITTEE ASSIGNMENT AND LETTER DRAFTED BY CHIEF LEGISLATIVE COUNSEL HENRY

MAIN MOTION:

Motioned by: Honorable Davis Filfred Seconded by: Honorable Leonard Pete

Vote: in Favor, Opposed