

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0226-18

DATE: June 29, 2018

**TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AUTHORIZING THE KAYENTA TOWNSHIP COMMISSION ("KTC") TO FORM WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP UNDER NAVAJO LAW, INCLUDING FOR PARTICIPATION IN THE U.S. SMALL BUSINESS ADMINISTRATION 8(a) BUSINESS DEVELOPMENT PROGRAM; EXTENDING THE NAVAJO NATION'S PRIVILEGES AND IMMUNITIES TO SUCH ENTITIES; AUTHORIZING KTC TO WAIVE SUCH ENTITIES' PRIVILEGES AND IMMUNITIES (INCLUDING THEIR SOVEREIGN IMMUNITY) UPON A FINDING SUCH WAIVER WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP AND UPON PRIOR NOTICE TO THE PRESIDENT OF THE NAVAJO NATION AND THE SPEAKER OF THE NAVAJO NATION COUNCIL; AMENDING 1 N.N.C. § 552(O) OF THE NAVAJO SOVEREIGN IMMUNITY ACT AND 2 N.N.C. §§ 4084 AND 4085 OF THE KAYENTA TOWNSHIP HOME RULE STATUTE**

**PURPOSE:** The purpose of this legislation is to amend 1 N.N.C § 552 (O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 and 4085 of the Kayenta Township Home Rule to permit the Kayenta Township Commission to form wholly owned entities under Navajo Nation law.

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

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 3:54pm 7/3/18  
Posting End Date: 7/8/2018  
Eligible for Action: 7/9/2018

Resources & Development Committee  
Thence  
Law & Order Committee  
Thence  
Naa'bik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>RD</sup> NAVAJO NATION COUNCIL—FOURTH YEAR, 2018

INTRODUCED BY



OTTO TSO  
Primary Sponsor

TRACKING NO. 0224-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND  
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;  
AUTHORIZING THE KAYENTA TOWNSHIP COMMISSION ("KTC") TO FORM  
WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP UNDER NAVAJO  
LAW, INCLUDING FOR PARTICIPATION IN THE U.S. SMALL BUSINESS  
ADMINISTRATION 8(a) BUSINESS DEVELOPMENT PROGRAM; EXTENDING  
THE NAVAJO NATION'S PRIVILEGES AND IMMUNITIES TO SUCH ENTITIES;  
AUTHORIZING KTC TO WAIVE SUCH ENTITIES' PRIVILEGES AND  
IMMUNITIES (INCLUDING THEIR SOVEREIGN IMMUNITY) UPON A FINDING  
SUCH WAIVER WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP AND  
UPON PRIOR NOTICE TO THE PRESIDENT OF THE NAVAJO NATION AND THE  
SPEAKER OF THE NAVAJO NATION COUNCIL; AMENDING 1 N.N.C. § 552(O)  
OF THE NAVAJO SOVEREIGN IMMUNITY ACT AND 2 N.N.C. §§ 4084 AND 4085  
OF THE KAYENTA TOWNSHIP HOME RULE STATUTE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- 1 A. The Navajo Nation established the Resource and Development Committee (“RDC”) as a  
2 Navajo Nation standing committee and as such empowered the RDC to review and  
3 recommend resolutions relating to economic and community development, commerce  
4 and trade and chapters. 2 N.N.C. §§ 500 (A) and 500 (C) (2012). *See also* CO-45-12.
- 5 B. The RDC enumerated powers includes Administrative and Business Site Leasing  
6 Management Plan for Townships, including any proposed amendment in accordance with  
7 the Navajo Nation Business Leasing Regulations of 2005; and to review and make  
8 recommendations to the Navajo Nation Council for final approval the creation,  
9 reorganization, termination or “privatization” of any enterprise, as such the Committee  
10 shall periodically receive reports and review the operations of the Navajo Nation  
11 enterprises, authorities and industries. 2 N.N.C. §§ 501 (B)(2)(f) and 501 (B)(4)(e)  
12 (2012); CO-45-12.
- 13 C. The Navajo Nation established the Law and Order Committee (“LOC”) as a Navajo  
14 Nation standing committee and as such empowered LOC to review and make  
15 recommendations to the Navajo Nation Council on proposed Navajo Nation Code  
16 amendments and enactments. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2012); CO-  
17 45-12.
- 18 D. The Navajo Nation Council established the Naabik’íyáti’ Committee as a Navajo Nation  
19 standing committee and as such proposed legislation that requires final action by the  
20 Navajo Nation Council shall be assigned to the Naabik’íyáti’ Committee. 2 N.N.C. §§  
21 164 (A)(9), 700 (A) (2012); CO-45-12.
- 22 E. The Navajo Nation Council is the governing body of the Navajo Nation and must review  
23 and approve enactments or amendments of positive law. 2 N.N.C. §§ 102(A), 164 (A)  
24 (2012); CO-45-12.

25  
26 **SECTION TWO. FINDINGS**

- 27 A. By Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township (“Township”)  
28 was permanently made a home rule municipality of the Navajo Nation, and the Kayenta  
29 Township Commission (“KTC”), the Township’s governing body was given broad  
30 authority to perform all functions necessary for local self-government consistent with the

1 generally applicable laws of the Navajo Nation and federal government. See 2 N.N.C. §§  
2 4081 and 4083 (A).

3 B. KTC has determined that for economic development reasons, including participation in  
4 the United States Small Business Administration's 8(a) Business Development Program,  
5 it is in the best interest of the Township and in furtherance of the Township's purposes  
6 for the KTC to be able to form wholly-owned entities of the Township ("KTC Entities"),  
7 including for-profit and non-profit corporations and/or limited liability companies under  
8 Navajo Nation law. Such KTC Entities will be treated as tribal enterprises under Navajo  
9 Nation and federal law and clothed with the with the privileges and immunities of the  
10 Navajo Nation, including immunity from federal income tax, and for KTC to have the  
11 ability to waive sovereign immunity of each KTC Entity but not the sovereign immunity  
12 of the Navajo Nation, KTC, Township, or any other division or entity of the Navajo  
13 Nation, upon thirty (30) days prior written notice to the Navajo Nation President and  
14 Speaker of the Navajo Nation Council.

15 C. Under the Navajo Nation Corporation Code ("Corporation Code"), 5 N.N.C. § 3100 *et*  
16 *seq.*, and the Navajo Nation Limited Liability Act ("LLC Act"), 5 N.N.C. § 3600 *et seq.*,  
17 the sovereign immunity of the Navajo Nation cannot be extended to entities organized  
18 under the Corporation Code or the LLC Act, nor can entities organized under the  
19 Nation's Corporation Code or LLC Act be considered a subdivision, entity, or enterprise  
20 of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C.  
21 § 3100 (C), 3600 (C).

22 D. The Navajo Nation Council has determined that it would be in the best interest of the  
23 Township and in furtherance of KTC's authorities and the principles of home rule and  
24 local self-government, as set forth in 2 N.N.C. §§ 4081-4086, to expressly authorize KTC  
25 to form KTC Entities, including for-profit and non-profit corporations and limited  
26 liability companies under Navajo Nation law, that would be treated as tribal enterprises  
27 under Navajo Nation and federal law and clothed with the privileges and immunities of  
28 the Navajo Nation, and for KTC to have the ability to waive the sovereign immunity of  
29 each such KTC Entity, but not the sovereign immunity of the Navajo Nation, KTC,  
30 Township, or any other division or entity of the Navajo Nation, upon thirty (30) days

1 prior written notice to the President of the Navajo Nation and the Speaker of the Navajo  
2 Nation Council.

3 E. The Council has further determined that such authorization should be accomplished by  
4 amending KTC's authorizing legislation at 2 N.N.C. §§ 4081-4086 (the Kayenta  
5 Township Home Rule statute), and by amending 2 N.N.C. § 552(O) of the Navajo  
6 Sovereign Immunity Act.

7 F. The Council has also determined that within two years from the effective date of this  
8 Resolution, KTC should be required to report to the Resources and Development and  
9 Naabik'iyáti Committees, or their successors regarding the activities undertaken pursuant  
10 to the authority provided hereunder, including without limitation any successes, failures,  
11 and lessons learned from implementing such authorization, and to provide the  
12 Committees the financials of any KTC Entities, and that this legislation should sunset on  
13 December 31, 2020 if not extended by the Navajo Nation Council.

14 G. Amendments to Subchapter 9, Kayenta Township Home Rule, require a "two-thirds  
15 majority of the full Navajo Nation Council with recommendations from the KTC and the  
16 Kayenta Chapter." *See* 2 N.N.C. § 4086. Recommendations from the KTC and the  
17 Kayenta Chapter are attached hereto as **Exhibits A and B**.

18 H. Several Navajo Nation Chapters have expressed their support of this legislation and have  
19 supporting chapter resolutions attached hereto as **Exhibit C**.

20  
21 **SECTION THREE. AMENDMENT TO TITLE 1**

22 The Navajo Nation Council amends Title 1 as follows:

23 \_\_\_\_\_  
24 **NAVAJO NATION CODE**  
25 **TITLE 1. GENERAL PROVISIONS**  
26 **CHAPTER 5. NAVAJO NATION**  
27 **Subchapter 2. Navajo Sovereign Immunity Act**

28 \*\*\*

29 **§ 552. Definitions**

30 \*\*\*

1 O. The Kayenta Township and its wholly owned Entities, and the Kayenta Township  
2 Commission;

3 \*\*\*

4  
5 **SECTION FOUR. AMENDMENT TO TITLE 2**

6 The Navajo Nation Council amends Title 2 as follows:

7 \_\_\_\_\_  
8 **NAVAJO NATION CODE**

9 **TITLE 2. NAVAJO NATION GOVERNMENT**

10 **CHAPTER 9. NAVAJO NATION CHAPTERS**

11 **Subchapter 9. Kayenta Township Home Rule**

12  
13 \*\*\*

14  
15 § 4084. Duties, authorities and responsibility of Kayenta Township Commission

16 A. The KTC shall have the duty, authority, and responsibility to perform all  
17 functions necessary for local self-government, consistent with all generally applicable  
18 laws and regulations of the federal government and the Navajo Nation.

19 B. KTC's authority under § 4084(A) shall include, inter alia, authorization to  
20 organize one or more wholly owned entities of the Kayenta Township for any lawful  
21 purpose under Navajo Nation law (each a "KTC Entity" and collectively the "KTC  
22 Entities"), including for-profit and non-profit corporations under the Navajo Nation  
23 Corporation Code, 5 N.N.C. § 3100 et seq., and limited liability companies under the  
24 Navajo Nation Limited Liability Act, 5 N.N.C. § 3600 et seq., and to carry on business  
25 on and off the Navajo Nation, strictly in accordance with the following, and in  
26 conjunction with all applicable Navajo Nation laws:

27 1. Each KTC Entity of the Kayenta Township authorized hereunder  
28 shall, as shall also be expressly stated in its organizational documents, pursue its  
29 purposes solely for the benefit of the Kayenta Township and all dividends and  
30

1 distributions of profit from each such KTC Entity shall be returned to the  
2 Kayenta Township to be devoted to essential governmental functions.

3 2. Notwithstanding any other law, including without limitation 5 N.N.C.  
4 §§ 3100(C) and 3600(C), so long as a KTC Entity of the Kayenta Township  
5 remains wholly owned by the Kayenta Township, the KTC Entity, including its  
6 directors, officers, employees and agents while acting in their official capacities,  
7 shall hereby be entitled to all of the privileges and immunities of the Navajo  
8 Nation under Navajo and federal law, including sovereign immunity, and shall  
9 enjoy the Nation's tax status, and the KTC Entity shall be deemed a Navajo  
10 tribal enterprise for purposes of Navajo and federal law; provided, however, the  
11 activities, transactions, obligations, liabilities and property of each such KTC  
12 Entity of the Kayenta Township shall be solely those of the KTC Entity and  
13 shall not be those of the Navajo Nation, the KTC, the Kayenta Township, or any  
14 other entity or division of the Navajo Nation, such limitation which shall be  
15 expressly set forth in each such KTC Entity's organizational documents.

16 3. On a finding set forth in a duly adopted resolution that it would be in  
17 the best interest of the Kayenta Township, the KTC is authorized to provide a  
18 limited waiver of the sovereign immunity of a KTC Entity upon thirty (30) days  
19 prior written notice to the Navajo Nation President and the Speaker of the  
20 Navajo Nation Council of its intent to authorize such a waiver, including for  
21 participation in the U.S. Small Business Administration's 8(a) Business  
22 Development Program. Any such waiver by the KTC shall be in the form of a  
23 resolution duly adopted by the KTC and identifying the party, parties, or class  
24 of parties, for whose benefit the waiver is granted; the agreement, transaction,  
25 or activity for which the waiver is granted; the claims or classes of claims for  
26 which the waiver is granted; the property of the KTC Entity which may be  
27 subject to execution to satisfy any judgment which may be entered in the claim;  
28 the law applicable to the agreement, transaction, or activity for which the waiver  
29 is granted, e.g., Navajo Nation, federal, and/or state law; and the court or other  
30 tribunal where an action or claim may be brought. Any waiver shall be limited

1 to claims arising from the acts or omissions of the KTC Entity and its directors,  
2 officers, employees or agents acting in their official capacity, and shall be  
3 construed to affect only the enumerated property and income of the KTC Entity.  
4 Any resolution authorized hereunder shall also expressly state that the limited  
5 waiver of sovereign immunity granted thereby shall not constitute a waiver of  
6 the sovereign immunity of the Navajo Nation, the KTC, the Kayenta Township,  
7 or any other entity or division of the Navajo Nation.

8 4. The KTC shall have no authority to waive its own sovereign  
9 immunity or the sovereign immunity of the Kayenta Township.

10 5. No waiver of a KTC Entity's sovereign immunity as authorized  
11 hereunder, and nothing stated herein, shall be construed as a waiver of the  
12 sovereign immunity or any other privilege or immunity of the Navajo Nation,  
13 the KTC, the Kayenta Township, or any other entity or division of the Navajo  
14 Nation. No waiver authorized hereunder shall create any liability on the part of  
15 the Navajo Nation or any other entity or division of the Navajo Nation,  
16 including the KTC and the Kayenta Township, and the only liability under any  
17 such waiver authorized hereunder shall be solely for the debts and obligations of  
18 the KTC Entity that are expressly the subject of such waiver. No waiver  
19 authorized hereunder shall be construed as consent to the attachment or  
20 encumbrance of any property of the Navajo Nation, the KTC, the Kayenta  
21 Township, or any other entity or division of the Navajo Nation, except that of  
22 the KTC Entity expressly the subject of such waiver. The acts or omissions of a  
23 KTC Entity and its directors, officers, employees and agents shall not create any  
24 liability, obligation or indebtedness of the Navajo Nation, the KTC, the Kayenta  
25 Township, or any other division or entity of the Navajo Nation, or be payable  
26 out of assets, revenues, or income of the Navajo Nation, the KTC, the Kayenta  
27 Township, or any other division or entity of the Navajo Nation.

28  
29 § 4085. Code of Ethics  
30

1 Officers and members of the KTC and employees and agents of the Kayenta  
2 Township shall maintain a high standard of conduct in all dealings. This standard of  
3 conduct shall include but is not limited to conducting all KTC and Kayenta Township  
4 business openly without taint of impropriety, serving the KTC, Kayenta Chapter and  
5 the Navajo Nation to the very best of their ability in full compliance with the Navajo  
6 Nation Ethics in Government Law. The directors, officers, managers, employees and  
7 agents of each KTC Entity authorized pursuant to § 4084 above, shall be deemed to be  
8 “public employees” and “public officials” of the Navajo Nation for purposes of the  
9 Navajo Nation Ethics in Government Law.

10  
11 \*\*\*\*\*  
12 \_\_\_\_\_  
13

#### 14 **SECTION FIVE. SUNSET PROVISION**

15 Within two years from the effective date of this Resolution, KTC shall report to  
16 the Resources and Development and Naabik'íyáti Committees, or their successors,  
17 regarding the activities undertaken pursuant to the authority to create KTC Entities as  
18 provided hereunder, including without limitation any successes, failures, and lessons  
19 learned from implementing such authorization, and shall provide the financials of any  
20 KTC Entities to such Committees. Unless extended by resolution of the Navajo Nation  
21 Council, the authority of KTC to organize KTC Entities as provided hereunder shall  
22 terminate on December 31, 2020 (the “Sunset Date”), provided that such termination  
23 shall have no legal effect on a KTC Entity organized prior to the Sunset Date, including  
24 without limitation any privileges and immunities of such KTC Entity, and dissolution  
25 of any such KTC Entity shall be solely in accordance with applicable Navajo law.  
26

#### 27 **SECTION SIX. CODIFICATION**

28 The provision of this Act which amend or adopt new sections of the Navajo Nation  
29 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
30

1 Counsel shall incorporate such amended provisions into the next codification or supplement  
2 of the Navajo Nation Code.

3  
4 **SECTION SEVEN. SAVINGS CLAUSE**

5 Should any provision of this Act be determined invalid by the Navajo Nation Supreme  
6 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Supreme  
7 Court, the remainder of the Act shall remain in the law of the Navajo Nation.

8  
9 **SECTION EIGHT. EFFECTIVE DATE**

10 The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221  
11 (B).



# THE KAYENTA TOWNSHIP

P.O. Box 1490 KAYENTA, AZ 86033 - PHONE: (928) 697-8451 FAX: (928) 697-8461

*Continuing the legacy of brilliant leadership through local empowerment since 1986.*



## Resolution No: KTCA-09-18

### RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

**Approving Proposed Legislation, Attached Hereto As Exhibit "A," That Would Authorize the Organization by the Commission of Wholly-Owned Entities of the Township under Navajo Law That Would Be Clothed with the Privileges and Immunities of the Navajo Nation; Authorizing Management to Seek Appropriate Sponsors for the Proposed Legislation; and Requesting the Navajo Nation Council to Pass the Proposed Legislation**

#### WHEREAS:

1. In 1985, by Navajo Nation Council ("Council") Resolution No. CN-86-85 (Nov. 5, 1985), the Kayenta Township ("Township") was created as a home rule governance pilot project, and, in 1986, by Resolution No. ACN-181-86 (Nov. 13, 1986), the Advisory Committee of the Navajo Nation Council approved the withdrawal of 3,606.43 acres of trust lands for the Township; and
2. In 1996, by Resolution No. CJA-3-96, the Navajo Nation Council designated the Kayenta Township Commission ("Commission") as the governing authority for the Township under its Plan of Operation; and
3. In 2003, after functioning as a governing authority and effective unit of local government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Township was permanently made a home rule municipality and the Commission was given broad authority by the Council to govern for the welfare of the Kayenta Township and its residents and to perform all functions necessary for local self-government consistent with generally applicable laws of the Navajo Nation and federal government, such authority of the Commission which is codified at 2 N.N.C. §§ 4081-4086; and
4. The Township's Management has advised the Commission that for economic development reasons, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, it would be in the best interest of the Township for the Commission to be able to form wholly-owned entities of the Township, including for-profit and non-profit corporations and/or limited liability companies under Navajo Nation law, that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, including immunity from federal income tax and other taxes, and for the Commission to have the ability to waive the sovereign immunity of each such instrumentality (but not the sovereign immunity of the Navajo Nation, Commission, Township, or any other division or instrumentality of the Nation), and to waive any requirement to exhaust tribal remedies, upon prior notice to the Navajo Nation Council; and
5. Under the Navajo Nation Corporation Code ("Corporation Code"), 5 N.N.C. § 3100 *et seq.*, and the Navajo Nation Limited Liability Act ("LLC Act"), 5 N.N.C. § 3600 *et seq.*, the

sovereign immunity of the Navajo Nation cannot be extended to entities organized under the Corporation Code or the LLC Act, nor can entities organized under the Nation's Corporation Code or LLC Act be considered a subdivision, entity or enterprise of the Navajo Nation, without authorization by the Navajo Nation Council, *see* 5 N.N.C. §§ 3100(C), 3600(C), and therefore authority for the Commission to form entities of the Township as contemplated herein would require Council legislation; and

6. Legal counsel for the Commission drafted legislation for consideration by the Navajo Nation Council that would confer such authority on the Commission subject to certain limitations. Such legislation was introduced and considered by the Council and its standing committees but the proposed legislation did not pass; and
7. Based on input from members of the Navajo Nation Council, Legislative Counsel, and the Department of Justice, management and legal counsel for the Commission have revised the proposed legislation, including adding a provision that the authority of the Commission under the legislation would sunset on December 21, 2020, if not further extended by the Council, but that such sunset of the Commission's authority would have no legal effect on a KTC Entity organized prior to the Sunset Date. The revised proposed legislation is attached hereto as Exhibit "A"; and
8. Having been fully advised by Management, the Commission reaffirms its determination that it would be in the best interest of the Township for the Commission to be authorized by the Navajo Nation Council to organize wholly-owned entities of the Township under Navajo law that are clothed with the privileges and immunities of the Navajo Nation, and to also have the authority to waive such instrumentalities' privileges and immunities, when appropriate and in the best interest of the Township, upon prior notice to the Navajo Nation Council; and
9. Having reviewed the revised proposed legislation attached hereto as Exhibit "A," the Commission now desires to approve the revised proposed legislation, authorize its presentation by Management to the Honorable Otto Tso and other appropriate Council delegates for their consideration and sponsorship of the legislation, and to request passage of the proposed legislation by the Navajo Nation Council.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Kayenta Township Commission hereby approves the revised proposed legislation attached hereto as Exhibit "A."
2. The Kayenta Township Commission hereby authorizes and directs Management to present such legislation to the Honorable Otto Tso and other appropriate Navajo Nation Council delegates for their sponsorship of the legislation, and to take such other actions as are prudent and necessary to fulfill the intent of this Resolution.
3. The Kayenta Township Commission hereby requests the Navajo Nation Council to approve the revised proposed legislation attached hereto as Exhibit "A" in the best interest of the

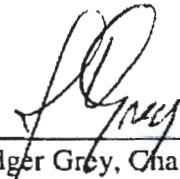
Township, including in furtherance of economic development and local self-government.

### CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (AZ), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, and 1 abstained, this 9<sup>th</sup> day of April, 2018.

Motion: Commissioner E. Seaton

Second: Commissioner G. Sisco, III.

  
\_\_\_\_\_  
Rodger Grey, Chairperson  
Kayenta Township Commission



Navajo Nation Kayenta Chapter  
Post Office Box 1088  
Kayenta Chapter, Navajo Nation, AZ 86033  
Chapter Resolution



Resolution No: KY17-332-05

**KAYENTA CHAPTER'S RECOMMENDATION REGARDING PROPOSED LEGISLATION TO  
AUTHORIZE THE KAYENTA TOWNSHIP COMMISSION TO FORM ENTERPRISES CLOTHED  
WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION.**

**WHEREAS**

1. Kayenta Chapter is a recognized governmental subdivision of the Navajo Nation located with the boundaries of the Navajo Nation with responsibility to advocate for the best interest of the citizens of the Kayenta Chapter ; and
2. The Kayenta Township is a home rule municipality located within the Kayenta Chapter, governed by the Kayenta Township Commission; and
3. To promote economic development in the Kayenta area, the Kayenta Township Commission has proposed Navajo Nation legislation to permit the Commission to form enterprises of the Kayenta Township clothed with the privileges and immunities of the Navajo Nation, a draft of which is attached hereto as Exhibit "A"; and
4. Legislation counsel for the Navajo Nation Council has advised that pursuant to 2 N.N.C. § 4086, the Kayenta Chapter is required to provide its recommendation whether such legislation should be passed by the Navajo Nation Council; and

**NOW, THEREFORE BE IT RESOLVED THAT,**

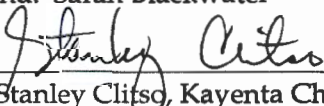
**KAYENTA CHAPTER SUPPORTS AND ENDORSES THE PROPOSED LEGISLATION TO  
AUTHORIZE THE KAYENTA TOWNSHIP COMMISSION TO FORM ENTERPRISES CLOTHED  
WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION**

\*\*\*\*\*  
**CERTIFICATION**  
\*\*\*\*\*

I hereby certify that the foregoing resolution was considered by the KAYENTA Chapter at a duly called meeting at, KAYENTA, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 15 in favor, 00 Opposed, and 06 abstaining, this 12th day of May, 2017.

Motion: Ben Edwards

Second: Sarah Blackwater

  
Mr. Stanley Clitsco, Kayenta Chapter President



# THE NAVAJO NATION TOHATCHI COMMUNITY CHAPTER

Post Office Box 1236 Tohatchi, New Mexico 87325

Tel: (505) 733-2845/2846 FAX: (505) 733-2847

*Julie Badonie, President*

*Larson Manuelito, Vice President*

*Harry "Sonny" Moore, Jr., Secretary/Treasurer*

*Steven Begay, Council Delegate*



## RESOLUTION OF THE TOHATCHI CHAPTER

### SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

#### WHEAREAS:

TOH: 075-05-2018

1. Pursuant to 26 N.N.C., Section 3 (A) the Tohatchi Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B) Tohatchi Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions; and
3. The Tohatchi Chapter understands in 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
4. The Tohatchi Chapter understands for economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
5. The Tohatchi Chapter understands under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
6. The Tohatchi Chapter recognizes and understands the economic development potential can bring business development which can provide employment opportunities and will provide the local governance to develop a business plan to achieve a sustainable economy for the community and region; and
7. The Tohatchi Chapter recognizes and understands the proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law; and

clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

8. The Tohatchi Chapter recognizes and understands The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Tohatchi Chapter hereby express its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Tohatchi Chapter hereby authorizes the Chapter Officials, Administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

We hereby certify the foregoing resolution was duly considered by the Tohatchi Chapter of the Navajo Nation (New Mexico) at a duly called meeting at which a quorum was present and that same was passed by a vote of 22 in favor 0 opposed, and 5 abstained, this 16<sup>th</sup> day of May 2018.

MOTION: Mike Begay

SECOND: Ira Burbank

  
\_\_\_\_\_  
Mrs. Julie Badonie, President

May 17, 2018  
\_\_\_\_\_  
Date

RUSSELL BEGAYE  
President

NAVAJO NATION  
CROWNPOINT CHAPTER

J ONATHAN NEZ  
Vice President

Post Office Box 336  
Crownpoint, New Mexico 87313  
PHONE (505) 786-2130/2131  
FAX (505) 786-2136  
WEBSITE: [www.crownpoint.ndes.org](http://www.crownpoint.ndes.org)  
Email: [crownpoint@navajochapters.org](mailto:crownpoint@navajochapters.org)



CHAPTER ADMINISTRATION  
Aaron Edsitty, Community Services Coordinator  
Email: [aedsitty@navajochapters.org](mailto:aedsitty@navajochapters.org)  
Felicia John, Accounts Maintenance Specialist  
Email: [fjohn@navajochapters.org](mailto:fjohn@navajochapters.org)

RITA CAPITAN  
PRESIDENT

LEONARD PERRY  
VICE PRESIDENT

HELEN MURPHY  
SECRETARY/TREASURER

JONATHAN PERRY  
COUNCIL DELEGATE

HERBERT ENRICO  
LAND BOARD MEMBER

RESOLUTION CPC-18-05-004

**Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes**

**WHEREAS:**

1. The Crownpoint Chapter is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed

with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Crownpoint Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Crownpoint Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Crownpoint Chapter hereby authorizes the Crownpoint Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

**WE, HEREBY CERTIFY, THAT THE FOREGOING RESOLUTION** was duly considered by Crownpoint (Navajo Chapter) New Mexico at duly called Regular Chapter Meeting at which a quorum was present and that the same was passed by a vote of 22 in favor, 0 Opposed, 9 abstained on the 22 day of May 2018.

Motion by: Billy Yazzie Jr. Seconded: Willie Freeland

Rita Capitan  
Rita Capitan, President

Leonard Perry  
Leonard Perry, Vice-President

Helen Murphy  
Helen Murphy, Secretary/Treasurer

Jonathan Perry  
Jonathan Perry, Council Delegate

**RESOLUTION OF COUNSELOR CHAPTER  
COUNSELOR, NEW MEXICO  
#COUN-2018-06-004**

**RESOLUTION OF COUNSELOR CHAPTER SUPPORTING NAVAJO NATION COUNCIL  
LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE  
KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE  
NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED  
CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES.**

**WHEREAS:**

1. Per Resolution CAP-34-98, the Navajo Nation Council adopted Local Governance Act and through the adoption of this Act delegated to the Navajo Nation Chapters governmental authority with respect to all local issues/ matters consistent with Navajo law, customs and tradition; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003) the Kayenta Township ("Township") was permanently made a home rule municipality with board local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission") as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program and in furtherance of self-government, the Commission has proposed Navajo Nation Council Legislation (the "Legislation"), a draft which is attached as Exhibit "A", that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations or as LLCs nor can such entities be considered an enterprise of the Navajo Nation without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100©, 3600©. Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A".

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A".

by submitting this Resolution as part of comments on the proposed Legislation.

### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered at the meeting of the Counselor Chapter, Navajo Nation, New Mexico at which quorum was present and that the same was passed by a vote of 14 in favor, 0 opposing and 6 abstaining this 10 June, 2018.

Motion: Lucy Lopez

Second: Virginia Herrera

Harry Domingo Sr.  
Harry Domingo, Sr., Chapter President

Laura C. Lopez  
Laura C. Lopez, Chapter Vice-President

Damien Augustine  
Damien Augustine, Chapter Secretary/ Treasurer

Leonard Tsosie  
Leonard Tsosie, Council Delegate

Elizabeth Stoney  
Elizabeth Stoney, Land Board Member



## PIÑON CHAPTER

Post Office Box 127 • Piñon, Arizona 86510 • (928) 725-3710/3711 • FAX (928)725-3712

### PIN18-56 RESOLUTION OF PINON CHAPTER

**Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes**

**WHEREAS:**

1. The Pinon Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."


**NOW THEREFORE BE IT RESOLVED THAT:**


1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."


2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

We, the undersigned, do hereby certify that the foregoing resolution was duly considered by the Pinon Chapter at a duly called meeting at which quorum was present, at Pinon, Navajo Nation, ARIZONA, and same was passed by a vote of 28 in favor, 00 opposed, 45 abstained this 7<sup>th</sup> day of May 2018.

  
Bessie S. Allen  
PRESIDENT

  
Bill Yazzie  
VICE-PRESIDENT

  
Ramona Nalwood  
SECRETARY/TREASURER

  
Dwight Witherspoon  
COUNCIL DELEGATE



Bááháálí Chapter  
P.O. Box 6118, Gallup, New Mexico 87305  
PHONE (505) 778-5788 or 778-5796  
FAX (505) 778-5915  
<http://baahaali.navajochapters.org>

Lee C. Jim, Chapter President  
Benjamin Livingston, Chapter Vice President  
David M. Emerson, Chapter Secretary/Treasurer  
Donald Arviso, Land Board Member  
Seth Damon, Council Delegate

Gloria Skeet deCruz, Chapter Manager

Guarena Adeky Skeets, Administrative Assistant

**BHC-05-18-01**

## RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES.

### WHEREAS:

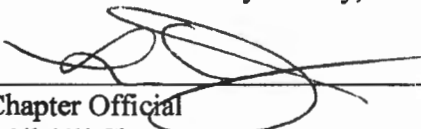
1. The Bááháálí Chapter is a governance certified Chapters of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Bááháálí Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Bááháálí Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Bááháálí Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

We, hereby, certify that the foregoing resolution was duly considered by the Bááháálí Chapter at a duly called meeting in Bááháálí, Navajo Nation, New Mexico at which a quorum of Chapter Members were present and that the same was passed by a vote of 34 in favor, 00 opposed and 13 abstained this 14<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Chapter Official  
Bááháálí Chapter

Motioned by: Gerald Skeets, Sr.  
Second by: Terri Whitman

*gmas*



RSC-05-09-677

## RESOLUTION OF ROCK SPRINGS CHAPTER

### Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

#### WHEREAS:

1. The Rock Springs Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

# ROCK SPRINGS CHAPTER

Tse'chi'izhi

P.O Box 4608 Yahtahey, NM 87375

Phone#: (505) 371-5100 Fax#: (505) 371-5103

E-mail: rocksprings@navajochapters.org

## NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

## CERTIFICATION

WE, HEREBY CERTIFY that the foregoing resolution was duly considered by the Rock Springs Chapter at a duly called community chapter meeting at Rock Springs, of the Navajo Nation, (McKinley County), New Mexico at which a quorum was present and that same was approved by a vote of 17 In Favor 0 Opposed 13 Abstained, on the 09<sup>th</sup> day of May, 2018.

MOTIONED: Jonah Jones

SECONDED: Charlotte Smith



Eleanore Jones, Chapter President  
Rock Springs Chapter



Jasper Long, Vice-President  
Rock Springs Chapter



Ruby H. Brown, Secretary/Treasurer



**Joint Council Officers**  
Tommy Nelson, President  
Lee C. Jim, Vice President  
Ruby Brown, Secretary/Treasurer

**Represented Chapters**  
Bááháálí—Chichíltah—Churchrock—Manuelito  
Rock Springs—Tsayatoh—Tselichii

## **RESOLUTION OF THE DISTRICT 6 JOINT COUNCIL**

### **Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes**

#### **WHEREAS:**

1. The District 6 Joint Council (D6JC) is a group of governance certified Chapters of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

Page 2: Kayenta Township Support

6. The D6JC now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The D6JC hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The D6JC hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

We hereby certify that this resolution was duly considered at a duly called District 6 Chapter Council Meeting in Bááháálí, New Mexico (Navajo Nation) at which a quorum was present and a motion was made by Eleanor Jones and seconded by Gloria M Skeet and the same was passed by a vote of 16 in favor, 00 opposed, and 06 abstained, this 26<sup>th</sup> day of April, 2018.

  
D6JC President

  
D6JC Vice-President

  
D6JC Secretary



THE NAVAJO NATION  
FORT DEFIANCE CHAPTER  
P.O. Box 366 • Ft Defiance, Arizona 86504  
Phone: (928) 729-4352 • Fax (928) 729-4353  
Email: [fdefiance@navajochapters.org](mailto:fdefiance@navajochapters.org)

Wilson Stewart, Jr, *President*  
Aaron Sam, *Vice-President*  
Brenda Wauneka, *Secretary/Treasurer*  
Herman Billie, *Grazing Official*  
Benjamin Bennett *Council Delegate*

RUSSELL BEGAYE  
Navajo Nation President

JONATHAN NEZ  
Navajo Nation Vice President

RESOLUTION OF FORT DEFIANCE CHAPTER  
NAVAJO NATION

FDC-2018-05-06-01

**Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes**

**WHEREAS:**

1. The Fort Defiance Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting In (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of 28 In favor, 1 opposed and 8 abstained on this 6th day of May 2018.

Motioned By: Timothy Begay Jr

Seconded By: George Mitchell

Wilson Stewart Jr  
Wilson Stewart Jr., President

**RESOLUTION OF THE  
DENNEHOTSO CHAPTER  
DCHAPR-80-2018**

**SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE  
CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP  
CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION,  
AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR  
ECONOMIC DEVELOPMENT PURPOSES**

**WHEREAS:**

1. The Dennehotso Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

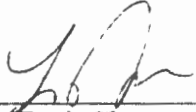
**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

I certify that the foregoing resolution was duly considered by the Dennehotso Chapter, at a duly called meeting, in Dennehotso (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of; 27 in favor 00 opposed, 06 abstained, this 15<sup>th</sup> day of April, 2018

  
\_\_\_\_\_  
Larry Tuni, Chapter President  
Dennehotso Chapter – Western Navajo Agency

Motion by: **Chester Begay, Sr.**

Seconded by: **Isaac Todachine**



## **Lukachukai Chapter**

Nelson E. Begaye, Council Delegate

Samuel Yazzie, President

Philip Sandoval, Jr., Vice-President

Mary Ann Leonard, Secretary/Treasurer

Reederson Dee, Grazing Representative

Vacant, Community Services Coordinator

Rozina Begay, Accounts Maintenance Specialist

**RUSSELL BEGAYE  
PRESIDENT**

**JOHNATHAN NEZ  
VICE-PRESIDENT**

**LUK1804-08**

## **RESOLUTION OF LUKACHUKAI CHAPTER**

**Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township clothed with the privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes.**

### **WHEREAS:**

1. The Lukachukai Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation Local Governance Act (the "IGA"), 26 N.N.C. subsection 1 ET. seq. The IGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998) as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; AND
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. subsection 4081-4086; AND
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-determination, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A", that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; AND

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or a LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. subsection 31000, 36000. Accordingly; the Commission has introduced the proposed Legislation to get such authorization from the Council; AND
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; AND
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Chapter hereby authorizes the Chapter Officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**C E R T I F I C A T I O N**

We hereby certify that the foregoing resolution was considered by the Lukachukai Chapter at a duly called meeting at Lukachukai, Navajo Nation, (Arizona) at which a quorum was present and that the same was passed by a vote of 24 in favor, 0 opposed, 6 abstained on this 19 day of April, 2018.

Motion by: Victoria Blain

Second by: Jennifer Nez

Samuel Yazzie  
Samuel Yazzie, President

Mary Ann Leonard  
Mary Ann Leonard, Sec. / Treas.

RUSSELL BEGAYE  
NAVAJO NATION PRESIDENT

JONATHAN IREZ  
NAVAJO NATION VICE PRESIDENT

WALTER PHILIPS  
COUNCIL DELEGATE



CAMERON CHAPTER

ARLTON TSO  
CHAPTER PRESIDENT

EDMUND MELEY  
CHAPTER VICE PRESIDENT

CHARLE FRANKLIN  
SECRETARY / TREASURER

CAMERON CHAPTER  
RESOLUTION OF CAMERON CHAPTER  
NAVAJO NATION, COCONINO COUNTY, ARIZONA

**CAMMAR-7-18 #10 Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes**

**WHEREAS:**

1. The Cameron Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned

entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

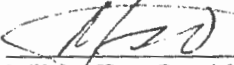
1. The Cameron Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Cameron Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

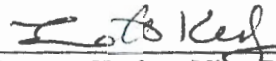
We hereby, certify that the foregoing resolution was duly considered by Cameron Chapter at a duly called meeting in Cameron, Navajo Nation, Arizona, at which a quorum was present and the same was passed by a vote of 39 in favor, 0 opposed and 8 abstained on the 7th day of March, 2018.

Motioned: Candis Yazzie

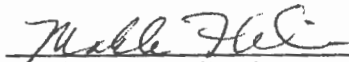


Milton Tso, President

Second: Alicia Chae



Emmett Kerley, Vice-President



Mable H. Franklin, Secretary/Treasurer

James Beard, Grazing Representative

Walter Phelps, Council Delegate



## MEXICAN WATER CHAPTER



Mexican Water Chapter

Red Mesa TP#1019, HC 61 Box 38 • Teec Nos Pos, AZ 86514 • (928) 429-0986

MWCAPR08-083

### RESOLUTION OF MEXICAN WATER CHAPTER

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

#### WHEREAS:

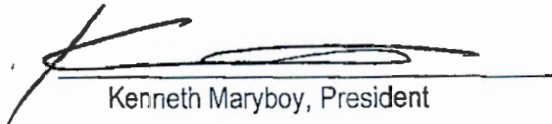
1. The Mexican Water Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 et seq. The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Mexican Water Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

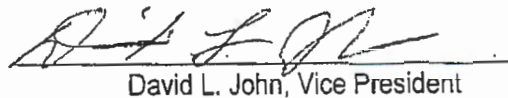
**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Mexican Water Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Mexican Water Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution No. MWCAPR08-083 as part of comments on the proposed Legislation.

**CERTIFICATION**

We hereby certify the Mexican Water Chapter of the (Navajo Nation), Utah at a duly called Chapter Meeting, considered the foregoing resolution at which a quorum was present, the same approved this resolution by a vote of 15 in favor, 03 opposed, and 03 abstained on this 8th day of April 2018.

  
Kenneth Maryboy, President

  
David L. John, Vice President

  
Clifford L. Sagg, Secretary/Treasurer

# GANADO CHAPTER

Willie Tracey Jr. Manager  
Philandra Nelson Administrative Assistant  
Larry Tsosie Projects Manager  
Ester Kirk Office Assistant



Vince R. James President  
Walter Jones Vice-President  
Richie Nez, Sr. Secretary/Treasurer  
Alton J. Shepherd Council Delegate  
Dickerson Smith Grazing Official

---

Post Office Box 188 Ganado, Arizona 86505    Telephone: (928) 755-5920    Facsimile: (928) 755-5927    Email: [ganado@navajochapters.org](mailto:ganado@navajochapters.org)

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## RESOLUTION No. GAN-076-2018

### RESOLUTION OF THE GANADO CHAPTER

**Respectfully Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes**

#### WHEREAS;

1. The Ganado Chapter is a duly certified local governing entity recognized by the Navajo Nation Council through 11 N.N.C. § 10(A), to advocate and address the needs and development of the local people to interact with other departments of the Navajo Nation, federal and local agencies which serve and affect the Navajo Nation; and

2. The Ganado Chapter is a Governance Certified Chapter of the Navajo Nation vested authority under 26 N.N.C. § 101 et.seq; and

3. The Ganado Chapter highly recognizes in 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

4. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

5. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

6. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development.

**NOW, THEREFORE BE IT RESOLVED THAT;**

The Ganado Chapter is hereby respectfully supporting Navajo Nation Council to authorize the creation of wholly owned entities of the Kayenta Township clothed with the privileges and immunities of the Navajo Nation, as a pilot that could be replicated by LGA certified Chapters for economic development purposes.

**CERTIFICATION**

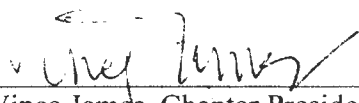
I hereby certify that the foregoing resolution was duly considered by the Ganado Chapter at a duly called meeting at Ganado, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 18 in favor, 00 opposed and 09 abstained on this 12<sup>th</sup> day of April, 2018.

**MOTION** by: Julian Billy

**SECOND** by: Lenora Shirley

**ATTEST:**

  
\_\_\_\_\_  
Richie Nez Sr., Secretary/Treasurer  
GANADO CHAPTER

  
\_\_\_\_\_  
Vince James, Chapter President  
GANADO CHAPTER

President  
**FELIX FULLER**

Vice-President  
**ELIZABETH WHITETHORNE-BENALLY**

Secretary / Treasurer  
**WINNIFRED BRONSTON**

Grazing Representative  
**FRANK LAUGHTER**

Council Delegate  
**HERMAN DANIELS**



SHONTO CHAPTER  
THE NAVAJO NATION

East Representative  
**JONES GRASS**

South Representative  
**STANLEY YAZZIE**

West Representative  
**ROYD LEE**

North Representative  
**ROLAND SMALLCANYON**

Manager  
**ROBERT K. BLACK, JR.**

SH03-33-18

**Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes.**

**WHEREAS:**

1. The Shonto Community Governance ("Governance") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Governance now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Shonto Community Governance hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Shonto Community Governance hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Governance's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was considered at a duly called Shonto Community Governance General Assembly meeting at Shonto, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 22 in favor, 2 opposed and 8 abstained on this 18<sup>th</sup> day of March 2018.

Motioned by: Jones Grass

Seconded by: Cody Johnson

**CONCURRENCE:**



Felix Fuller, President  
Shonto Community Governance



# RESOLUTION OF THE SHIPROCK CHAPTER

## SHIPROCK, NAVAJO NATION

**SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES**

**WHEREAS:**

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B. Purpose which states "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition" the inclusivity provided by the Diné Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws", and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

Motioned by: Lula Jackson

Seconded by: Lester Light

**CERTIFICATION**

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of 40 in favor, 0 opposed and 1 abstentions on this 11<sup>th</sup> day of March, 2018.

Duane H. Yazzie  
Duane H. Yazzie, President

Nevina D. Kinlahcheeny  
Nevina Kinlahcheeny, Vice President

Dr. J. Kaibah Begay  
Dr. J. Kaibah Begay, Secretary/Treasurer

\_\_\_\_\_  
Tom Chee, Council Delegate



**TO'NANEES'DIZI LOCAL  
GOVERNMENT**

*"An Enterprise of the Navajo Nation"*

P.O. Box 727, Tuba City, Arizona 86045  
Telephone: 928-283-3284 Fax: 928-283-3288  
<http://www.tubacity.nndes.org>  
Email: [tonaneesdizi@navajochapters.org](mailto:tonaneesdizi@navajochapters.org)

Gerald Keetso, President  
Joetta Goldtooth, Vice-President  
Velma Maloney-Begaye, Secretary/Treasurer  
Helen Webster, Council Member  
Angelita Williams, Council Member  
Steven Arizana, Grazing Official  
Charlene Manygoats, Acting Executive Manager

Aniidi Legislation # TND-03- 01 -2018

**ANIIDI LEGISLATION OF TONANEESDIZI LOCAL GOVERNMENT**

**SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LOCAL GOVERNANCE ACT (LGA) CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES.**

**WHEREAS:**

1. The To'Nanees'Dizi Council of Naat'aanii pursuant to Resolution No. TCDC# TCDC-18-04, is a certified and recognized Chapter by the Navajo Nation Council, vested with the authority and responsibility to provide and address local planning within its community, and
2. Pursuant to 26 N.N.C., Section 1 (B) is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions, and
3. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
4. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
5. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
6. The proposed Legislation could serve as a Pilot for Local Governance Act (LGA) Certified Chapters so that LGA Certified Chapters could also be authorized by the Navajo Nation Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA Certified Chapters, including for economic development; and
7. The To'Nanees'Dizi Local Government now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The To'Nanees'Dizi Local Government hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The To'Nanees'Dizi Local Government hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**\*\*\*\*\* CERTIFICATION \*\*\*\*\***

We hereby certify that the foregoing resolution was duly considered by the To'Nanees'Dizi Local Government, at a duly called meeting at the To'Nanees'Dizi Local Government of Tuba City (Navajo Nation), Arizona; at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 1 abstained on this 4th day of March 2018.

Motioned By:

Helen Webster

Seconded By:

Angi Williams

Gerald Keetso  
Gerald Keetso, Chapter President

Helen Webster  
Helen Webster, Council Member

Joetta Goldtooth  
Joetta Goldtooth, Vice President

Angelita Williams  
Angelita Williams, Council Member

Velma Maloney-Begaye  
Velma Maloney-Begaye, Secretary/Treasurer

# Chinle Chapter Government

THE NAVAJO NATION

**Myron McLaughlin**  
PRESIDENT

**David Yazzie, Jr.**  
VICE PRESIDENT

**Cynthia Hunter**  
SECRETARY/TREASURER

**Leonard H. Pete**  
COUNCIL DELEGATE

**Eugene Tso**  
GRAZING COMMITTEE MEMBER

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## RESOLUTION OF THE CHINLE CHAPTER GOVERNMENT NAVAJO NATION CHIN-MAR-18-017

### SUPPORTING THE NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

#### WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

Page Two

**CHIN-MAR-18-017: SUPPORTING THE NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES**

**NOW THEREFORE BE IT RESOLVED THAT:**

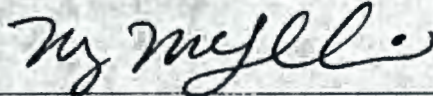
1. The Chinle Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Chinle Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council by submitting this resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor, 01 opposed, and 07 abstained, this 19<sup>th</sup> day of March 2018.

Motioned by: Francis Draper

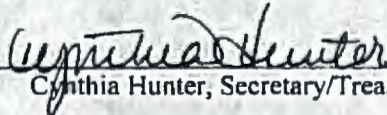
Seconded by: Leonard Pete



Myron McLaughlin, President



David X. Fazzie, Vice President



Cynthia Hunter, Secretary/Treasurer

# NAHATA DZIIL COMMISSION GOVERNANCE

Darrell Tso – President  
Wayne Lynch – Vice President  
Jamez Horseson – Secretary  
Margaret Bodonie – Treasurer

Darryl Ahasteen – Member  
Corrina Chatter – Manager  
Shyn Clark, Administrative Assistant  
Eunice Yesslith – Account Maintenance Specialist

## RESOLUTION OF NAHATA DZIIL COMMISSION GOVERNANCE

### NDCG-2018-03-045

Resolution Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

#### WHEREAS:

1. The Nahata Dził Commission Governance is certified by the Navajo Nation Council Resolution CAP-36-91 as a local governmental entity of the Navajo Nation government which has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community, programs, and property, etc.; and
2. Transportation and Community Development Committee of the Navajo Nation, by Resolution TCDCAU-66-02, approved governance certification of the Nahata Dził Commission Governance Five Management Policies and Procedures pursuant to 26 N.N.C. Section 102 (B), which permits the Nahata Dził Commission Governance to exercise local governance authorities contained within 26 N.N.C. Section 103 (D)(1); and
3. The Nahata Dził Commission Governance is further certified by the Navajo Nation in accordance with its Community Based Land Use Plan, pursuant to Resolution of the Transportation and Community Development Committee of the Navajo Nation Council, to administer its community lands within the New Lands boundaries and to decide on the best options for its land use; and
4. On January 20, 2008, the Nahata Dził Chapter converted its Governmental entity into the Nahata Dził Commission Governance; and
5. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (August 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in may respect to authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 NNC 4081-4086; and
6. For economic development purpose, including participation in the US Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the Legislation"), a draft which is attached as Exhibit "A", that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
7. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 NNC 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
8. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
9. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

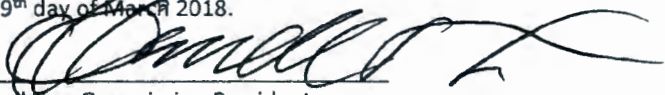
**NOW, THEREFORE BE IT RESOLVED THAT:**

Resolution Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

1. Nahata Dziil Commission Governance hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. Nahata Dziil Commission Governance hereby authorizes the Chapter Officials and Administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by Nahata Dziil Commission Governance at a duly called meeting at Nahata Dziil Commission Governance Meeting Hall, NAVAJO NATION, Sanders, (Arizona), at which a quorum was present and that same was passed by a vote of 04 in favor 00 opposed and 01 abstained, on this 9<sup>th</sup> day of March 2018.

  
\_\_\_\_\_  
Darrell Tso, Commission President  
Nahata Dziil Commission Governance

Motion by: Wayne Lynch  
Second by: Darryl Ahasteen



## MEMORANDUM

TO: Honorable Otto Tso  
23<sup>rd</sup> Navajo Nation Council Delegate

FROM:   
Candace French, Attorney  
Office of Legislative Counsel

DATE: June 29, 2018

RE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AUTHORIZING THE KAYENTA TOWNSHIP COMMISSION ("KTC") TO FORM WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP UNDER NAVAJO LAW, INCLUDING FOR PARTICIPATION IN THE U.S. SMALL BUSINESS ADMINISTRATION 8(a) BUSINESS DEVELOPMENT PROGRAM; EXTENDING THE NAVAJO NATION'S PRIVILEGES AND IMMUNITIES TO SUCH ENTITIES; AUTHORIZING KTC TO WAIVE SUCH ENTITIES' PRIVILEGES AND IMMUNITIES (INCLUDING THEIR SOVEREIGN IMMUNITY) UPON A FINDING SUCH WAIVER WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP AND UPON PRIOR NOTICE TO THE PRESIDENT OF THE NAVAJO NATION AND THE SPEAKER OF THE NAVAJO NATION COUNCIL; AMENDING 1 N.N.C. § 552(O) OF THE NAVAJO SOVEREIGN IMMUNITY ACT AND 2 N.N.C. §§ 4084 AND 4085 OF THE KAYENTA TOWNSHIP HOME RULE STATUTE

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and the available information, the resolution as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

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

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as “Primary Sponsor” and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0226-18\_\_\_\_\_ SPONSOR: Otto Tso

**TITLE: An Action Relating to Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and Immunities (Including their Sovereign Immunity) Upon a Finding such Waiver would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation and the Speaker of the Navajo Nation Council; Amending 1 N.N.C. § 552(O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 And 4085 of the Kayenta Township Home Rule Statute**

***Date posted: July 3, 2018 at 3:54pm***

**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) 871-7590**

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

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

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0226-18**

**SPONSOR: Honorable Otto Tso**

**TITLE: An Action Relating to Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and Immunities (Including their Sovereign Immunity) Upon a Finding such Waiver would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation and the Speaker of the Navajo Nation Council; Amending 1 N.N.C. § 552(O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 And 4085 of the Kayenta Township Home Rule Statute**

**Posted: July 3, 2018 at 3:54pm**

**5 DAY Comment Period Ended: July 8, 2018**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comments</b>	<i>None</i>

  
 \_\_\_\_\_  
**Legislative Secretary II**  
**Office of Legislative Services**

7/9/2018 8:12am  
 \_\_\_\_\_  
**Date/Time**