

LEGISLATIVE SUMMARY SHEET

Tracking No. 0279-19

DATE: September 13, 2019

AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE REAPPOINTMENT OF ANDREW BENALLIE AS A REPRESENTATIVE OF THE BLACK MESA CHAPTER TO THE BLACK MESA REVIEW BOARD

PURPOSE: Confirming reappointment of Andrew Benallie to the Black Mesa Review Board.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: High
Website Posting Time/Date: 5:25pm 9-23-19
Posting End Date: 9-28-19
Eligible for Action: 9-29-19

PROPOSED NAVAJO NATION COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0279-19

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE RE-
APPOINTMENT OF ANDREW BENALLIE AS A REPRESENTATIVE OF THE
BLACK MESA CHAPTER TO THE BLACK MESA REVIEW BOARD

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. 701 (A)(1) the Naabik'iyáti Committee has the authority to grant final confirmation of appointments to boards, commissions and colleges unless otherwise provided in law.
- B. The appointments to the Black Mesa Review Board as made by the respective Chapters require confirmation by the Naabik'iyáti Committee. 2 N.N.C. 903(B)

SECTION TWO. FINDINGS

- A. The purpose of the Black Mesa Review Board shall be to advocate for fair and just compensation for Navajo families within the five Navajo Nation Chapters whose socio-economic and environmental interests are adversely affected or impacted by coal mining and related operations of Peabody Western Coal Company. 2 N.N.C. § 902

- 1 B. The Board shall include one member who shall be appointed by the Black Mesa
2 Chapter. 2 N.N.C. § 903(A)
- 3 C. The Black Mesa Chapter appointed Andrew Benallie as the Chapter member of the
4 Black Mesa Review Board in 2015. See Exhibit A.
- 5 D. The Black Mesa Chapter has reappointed Andrew Benallie as the Chapter member for
6 the Black Mesa Review Board. See Exhibit B.
- 7 E. Within 30 days of appointment, each Board appointee shall be presented to the
8 Naabik'iyátí Committee for confirmation. Such confirmation to be for four years
9 commencing upon administration of oath of office. 2 N.N.C. § 903(B)
- 10 F. Any Board member may be appointed for consecutive terms, but shall be limited to
11 two consecutive terms. 2 N.N.C. §903(H)
- 12 G. The Naabik'iyátí Committee of the Navajo Nation Council finds it to be in the best
13 interest of the Diné to confirm the reappointment of Andrew Benallie as the Black
14 Mesa Chapter representative to the Black Mesa Review Board.

15 **SECTION THREE. CONFIRMING APPOINTMENT**

16 The Naabik'iyátí Committee of the Navajo Nation Council hereby confirms the
17 reappointment of Andrew Benallie as the Black Mesa Chapter representative to the Black
18 Mesa Review Board for a term of four(4) years.
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NABIF-3-15

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE
Of the 23RD Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE
APPOINTMENT OF ANDREW BENALLIE AS A REPRESENTATIVE OF THE BLACK
MESA CHAPTER TO THE BLACK MESA REVIEW BOARD

SECTION ONE. FINDINGS

- A. The purpose of the Black Mesa Review Board shall be to advocate for fair and just compensation for Navajo families within the five Navajo Nation chapters whose socio-economic and environmental interests are adversely affected or impacted by coal mining and related operations of Peabody Western Coal Company. 2 N.N.C. § 902.
- B. The Board shall consist of seven members, one of whom shall be appointed by the Black Mesa Chapter. 2 N.N.C. § 903(A); see also Black Mesa Chapter Resolution attached as Exhibit A.
- C. Within 30 days of their appointment, each Board appointee shall be presented to the Government Services Committee of the Navajo Nation Council for confirmation. 2 N.N.C. § 903(B). References in the Navajo Nation Code to the Government Services Committee shall mean the Naabik'íyáti' Committee, unless the amendments enacted herein or the context of previous law indicates otherwise. See CO-45-12, Section 5(A).
- D. If so confirmed, a Board member's term shall not commence until he or she is administered an oath of office by a judge or justice of the Navajo Nation courts. 2 N.N.C. § 903(B).
- E. The term of appointment for appointment of all Board members shall be four years. 2 N.N.C. § 903(H).
- F. The terms of the Board members shall be staggered. 2 N.N.C. § 903(A).
- G. Any Board member may be appointed for consecutive terms, but shall be limited to two consecutive terms. 2 N.N.C. § 903(H).

H. Mr. Andrew Benallie has been appointed by the Black Mesa Chapter based on his qualifications, and is replacing Mr. Jones Begay as the representative of the Chapter. See Mr. Benallie's Resume attached as Exhibit B.

SECTION TWO. APPROVAL OF APPOINTMENT

The Naabik'iyáti' Committee of the Navajo Nation Council hereby confirms the appointment of Mr. Andrew Benallie to serve on the Black Mesa Review Board as a representative of the Black Mesa Chapter for a term of four (4) years.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in favor, 0 oppose, 0 Abstain this 4th Day of February, 2015.



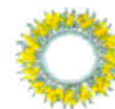
Honorable LoRenzo C. Bates, Chairperson
Naabik'iyáti' Committee

Motion: Honorable Nelson BeGaye
Second: Honorable Davis Filfred



BLACK MESA CHAPTER

P. O. Box 189 * Pinon, Arizona 86510



RESOLUTION OF THE BLACK MESA (Kits'iili) CHAPTER



BMC-19-02-038

REQUESTING THE NAVAJO NATION COUNCIL TO REAPPOINT ANDREW BENALLIE TO SERVE ON THE BLACK MESA REVIEW BOARD AS REPRESENTATIVE OF BLACK MESA CHAPTER FOR ANOTHER FOUR YEAR TERM.

WHEREAS:

1. The Navajo Nation Council Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. The Black Mesa Chapter is aware of multiple adverse impacts created by Peabody Western Coal Company's mining activities. Andrew Benallie has served on the Black Mesa Review Board for the previous four (4) years. He is actively involved member of Black Mesa Review Board in addressing issues and concerns related to environmental impact affecting the people such as land reclamation, employment, and the potential economic impact as result of imminent Peabody mine closure; and
3. For decades, the Peabody's mining operations had incurred multiple adverse impacts on the people with immediate mining area and beyond. Thus, based on studies and factual findings the primary impact area included Black Mesa community along with other communities. As part of verification, Andrew Benallie submitted written testimony to Bureau of Reclamation concerning the disappearance of natural springs that were once critical for wildlife and livestock water.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Black Mesa Chapter hereby requests the Navajo Nation Council to reappoint Andrew Benallie to Black Mesa Review Board for another (4) term based on the foregoing reasons in the above Whereas sections.

BMC-19-02-038

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 17 in favor, 00 opposed, and 01 abstained, on this 10th day of February 2019..

Motioned by: Elouise Yellowhair

Seconded by: Kathy Terry


Marvin Yellowhair, President


Edbert S. Little, Vice -President


Marlene Biltah, Secretary/Treasurer


Jimmy Yellowhair, Council Delegate

BLACK MESA (KITSTILI) CHAPTER

P.O. Box 189 • Pinon, AZ 86610

(928) 675-0009

EXHIBIT

A

RESOLUTION OF THE BLACK MESA (Kits'illi) CHAPTER

RESOLUTION NO. BLAC-15-12-038

APPOINTING ANDREW BENALLIE SR. TO FILL THE VACANT BLACK MESA REVIEW BOARD POSITION.

WHEREAS:

1. Pursuant to the Navajo Nation Council Resolution CAP-34-98, Navajo Nation Code Title 26, Navajo Nation Local Governance Act, the Black Mesa Chapter Government is officially certified; thereby delegated governmental authority with respect to local matters; and
2. Unfortunate passing of Jones Begay left a vacancy on the Black Mesa Review Board that must be immediately filled to continue the representation of Black Mesa Chapter; and
3. Andrew Benallie Sr., former Council Delegate and Chapter Officer of Black Mesa Chapter, has a heap of experience gained through working with Minerals Department of the Navajo Nation and as a chairman of the Resource Committee of the Navajo Nation Council that makes him a perfect candidate to fill the position vacated by Jones Begay; and
4. This recommendation and Chapter approval to fill the vacancy is in the best interest of Black Mesa Chapter and residence in mining affected area.

NOW THEREFORE BE IT RESOLVED THAT:

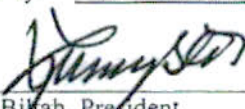
The Black Mesa Chapter hereby appoints Andrew Benallie Sr. to fill the vacant Black Mesa Review Board Position.

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 23 in favor, 00 opposed, and 09 abstained, on this 12th day of December, 2014.

Motioned by: Daisy Kiyaani

Seconded by: Jane Baloo


Larry Biltah, President


Caroline Bemore, Vice President


Marlene Biltah, Secretary/Treasurer


Dwight Witherspoon, Council Delegate



Resume of Andrew Benallie

Education:

12th grade diploma: Holbrook High School, Holbrook, AZ

1959-1961: Arizona State University, Tempe, AZ

1962-1963: Oklahoma State University- Graduated: Aug. 1963, Electronic Technology/Electrical Engineering

1963-1965: attended part-times- Arizona State University: Computer Science

1980-(3 months) Colorado School of Mine: non-degree (Coal & Uranium Geology, Petroleum Geology, Investment Analysis)

2014 to Present: Retired on November 2013- (worked 23 years *with or for* disabled population)

1990 to 2013: Chinle Valley School, Chinle, Az: *A not-for-profit Corporation established for Spec Ed & Residential Facilities to serve disabled children and young adults. 80 employees, \$2.5 million budget per year.* Position: Executive Director; Duties: CEO, developed Personnel Policy, fiscal policies, budget format, wrote funding proposals to: DES State of Arizona, Navajo Nation Division of Social Services, AzDOT, NNDOT, NHA, Navajo AML, AzDofED, BIA, etc.

1977 to 1994: Business Owner, Chinle & Kayenta, Chinle, Az: (1). El Capitan Capitan Café- 20 employees, (2). Video and electronic equipment distributorship- repairs & technical assistance- 5 employees

1987 to 1988: : Division of Community Development, Navajo Nation, Window Rock, Az. 280 employees \$22.5 million budget per year.

Position: Executive Director; Duties: Supervised departments and programs including design & engineering, transportation planning, housing, power line extensions, waterlines, weatherization, community block grants, chapter based developments. Major Accomplishment: Organized and coordinated major tax-free bond which was finalized and authorized by bond issuer for \$200 million rated at AAA. The \$200 million was slated as capital moneys for new tribal office buildings, infrastructure constructions such as waterlines, power line extensions, house wirings, etc. The bond was authorized and approved and ready for transaction at NY Wall Street when the 1988 chaos of political disaster completely destroyed Navajo Nation credibility. As political appointee, I was outlawed out of my position.

1982 to 1986: Navajo Nation Tribal Council Delegate: Duties: (1). Chairman, Resource Committee, (2). Chairman, Negotiation Team for Minerals Re-negotiations, (3). Coordinated the original Navajo Water Code for NNC adoption, (4). Chairman, Black Mesa Review Board for Peabody Mine operations, (5). Member, Navajo-Hopi Relocation Committee.

1979 to 1982: Minerals Department, Navajo Nation, Window Rock, Az.

Position: Assistant Director; **Duties:** developed Navajo Geological Information System to automate gas, coal, uranium activities. Devised formula for coal quality index for comparative analysis of Navajo coal against other western coals for reference as negotiation tool.

1972 to 1979: Office of the Chairman and Vice Chairman of Navajo Tribal Council:

Position: Administrative Assistant; **Duties:** Mostly provided technical assistance and summarized reports for Chairman and other leaders; reviewed mineral leases, right-of-ways, water study reports, EIS, translated coal burning generating stations, high voltage power lines, underground pipelines, etc. Worked with tribal departments and Navajo Tribal Council, help draft Navajo position papers for presentations to congressional leaders. Personally, interacted and communicated with U.S. Senators and other Congressional leaders.

1972 to 1976: University of Arizona, Tucson, Az. Position: Consulting Electrical

Engineer; **Duties:** Provided engineering assistance in designing TeleMedical Communication System in consultation with Boston General Hospital. It was originally planned for Arizona tribes. Since all tribal hospitals and communities in Arizona (except one in Grand Canyon) are land road accessible the technology was transferred to where it is most needed, it is presently in full use in Alaska. Commuted between Tucson and Boston. In 1999, the Alaskan natives awarded me numerous gifts of appreciation at their Health Conference in Anchorage, Alaska.

1968 to 1972: Ariresearch Garratt Corporation; Phoenix, Az. Position: Senior Electrical Engineer; **Duties:** Conducted engineering designs for instruments to test and monitor environmental controls in high altitude supersonic aircrafts. Too many other engineering related tasks to mention.

1969 to 1972: General Semi-conductors; Tempe, Az. Position: Consulting Electrical Engineer; **Duties:** Supervised engineering designs of production line test instruments for newly invented semiconductors.

1963 to 1968: Dickson Electronics, Inc., Scottsdale, Az. Position: Electronic Engineer;
Duties: Supervised engineering designs of production line test instruments for quality control of power transistors, diodes, integrated circuits pursuant to military specifications. The company manufactured electronics components for U.S. Department of Defense, compliance and security were strict.

Board, Committees, Commission, etc.

Vice President, Diné Cooperative, Incorporated; 1999 to present

Secretary, Chinle Land Use Planning Committee, Chinle Chapter; 2000 to 2003

Chairman, Black Mesa Chapter Land Use Planning Committee; 2000 to 2012

Chairman, Navajo Civil Rights Commission; 1973-1977

Secretary, Board of Directors, Southwest Indian PolyTech Institute, Albq., NM; 1975-1983

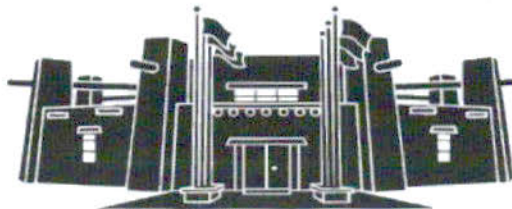
Chairman, Black Mesa Review Board, Navajo Nation – Peabody Coal; 1972-1988

Chairman, Navajo Scholarship Committee; 1972-1979

Vice President, Black Mesa Chapter (Kitsilli); 1982 -1983 (resigned due to job)

Secretary, Utah Navajo Development Council; Blanding, Utah; 1973 - 1983

Secretary, Utah Navajo Industries, Salt Lake City, Utah; 1975 - 1983



MEMORANDUM

TO: Honorable Jimmy Yellowhair
24th Navajo Nation Council

FROM: 
Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

DATE: September 13, 2019

AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE RE-APPOINTMENT OF ANDREW BENALLIE AS A REPRESENTATIVE OF THE BLACK MESA CHAPTER TO THE BLACK MESA REVIEW BOARD

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0279-19_____

SPONSOR: Jimmy Yellowhair

TITLE: An Action Relating to Naabik'iyáti' Committee; confirming the re-appointment of Andrew Benallie as a Representative of the Black Mesa Chapter to the Black Mesa Review Board

Date posted: September 23, 2019 at 5:25pm

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

Written comments may be mailed to:

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

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

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