

LEGISLATIVE SUMMARY SHEET

Tracking No. 0066-21

DATE: April 5, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE APPOINTMENT OF MR. PHILLIP ETSITTY AS THE KAYENTA CHAPTER REPRESENTATIVE TO THE BLACK MESA REVIEW BOARD TO SERVE A TERM OF FOUR (4) YEARS

PURPOSE: To appoint Mr. Phillip Etsitty as the Kayenta Chapter Representative to the Black Mesa Review Board to serve a term of four (4) years.

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:

Website Posting Time/Date:

Posting End Date:

Eligible for Action:

Breedhouse
04-06-21 5:17pm
April 11, 2021
April 12, 2021

Naabik'iyáti' Committee

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

INTRODUCED BY


(Sponsor)

TRACKING NO. 0066-21

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE
APPOINTMENT OF MR. PHILLIP ETSITTY AS THE KAYENTA CHAPTER
REPRESENTATIVE TO THE BLACK MESA REVIEW BOARD TO SERVE A TERM
OF FOUR (4) YEARS

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 ("PWCC"). 2 N.N.C. § 902.
- B. The Board shall consist of seven members, one of whom shall be a resident of the PWCC Lease area and shall be appointed by the Kayenta Chapter. 2 N.N.C. § 903(A); *see also* Kayenta 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'iyáti' Committee, unless the amendments enacted

1 herein or the context of previous law indicates otherwise. *See* CO-45-12, Section
2 5(A).

3 D. If so confirmed, a Board member's term shall not commence until he or she is
4 administered an oath of office by a judge or justice of the Navajo Nation courts. 2
5 N.N.C. § 903(B).

6 E. The term of appointment for all Board members shall be four years. 2 N.N.C. §
7 903(H).

8 F. The terms of the Board members shall be staggered. 2 N.N.C. § 903(A).

9 G. Any Board member may be appointed for consecutive terms, but shall be limited to
10 two consecutive terms. 2 N.N.C. § 903(H).

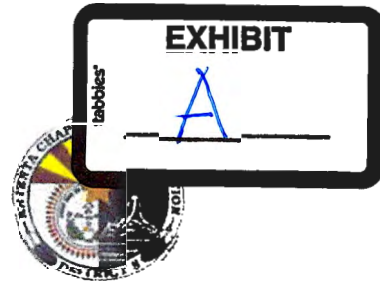
11 H. Mr. Phillip Etsitty has been appointed by the Kayenta Chapter, as referenced by
12 Kayenta Chapter Resolution KY20-035-11, and letter of support authored by Fern
13 Benally as **Exhibit B**.

15 **SECTION TWO. APPROVAL OF APPOINTMENT**

16 The Naabik'íyáti' Committee of the Navajo Nation Council hereby confirms the
17 appointment of Mr. Phillip Etsitty to serve on the Black Mesa Review Board as a
18 representative of the Kayenta Chapter for a term of four (4) years.



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



Resolution No: KY20-035-11

KAYENTA CHAPTER RECOMMENDING TO APPROVE AND APPOINT PHILLIP ETSITTY TO SERVE ON THE BLACK MESA REVIEW BOARD REPRESENTING KAYENTA CHAPTER FOR A LEAST FOUR (4) YEARS DURATION.

Whereas:

1. Kayenta Chapter is recognized by the Navajo Nation pursuant to 26 N.N.C. as a local government subunit of the Navajo Nation and is a government comprised of local citizens and their elected Chapter Officials, and;
2. Black Mesa Review Board authority is located within the Peabody Lease Area and *to advocate for fair and just compensation for Navajo families within the five Navajo Nation Chapters whose soci-economic and environmental interests are adversely affected or impacted by coal mining*; and
3. A person who is from PWCC Lease Area be appointed to represent Kayenta Chapter. Mr. Phillip Etsitty meets this requirement, and
4. Black Mesa, PWCC Leasehold Area residents who reside in or near the lease area of the Peabody Coal Mine recognize the need for appointment of an individual to the Kayenta Chapter who has knowledge, experience and commitment to advocate for the unique needs of those residents; and
5. Black Mesa, PWCC Leasehold Area residents believe that Mr. Phillip Etsitty has personal knowledge of the actual living conditions of these residents; and is personally acquainted with the residents; and
6. Black Mesa, PWCC Leasehold Area residents know that, Mr. Phillip Etsitty, understands the history of the development of the coal mine and the issues and concerns that have arisen from the operations of the mine; and
7. Black Mesa, PWCC Lease hold Area residents have confidence that, Mr. Phillip Etsitty will be an effective advocate on their behalf to advance the needs of the residents before the Navajo Nation, the federal government and Peabody Coal Company; and

8. Black Mesa, PWCC Lease hold Area residents and its non-profit organization, Black Mesa United-Dzilijiin Bee Ahota' Incorporated (BMU Inc.) supports the appointment of Mr. Phillip Etsitty to the Black Mesa Review Board; and
9. Black Mesa, PWCC Leasehold Area residents considers Mr. Phillip Etsitty as the most appropriate person to represent the Kayenta Chapter and its members on the Black Mesa Review Board.

THEREFORE, BE IT RESOLVED,

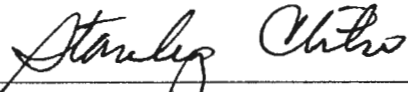
1. The Kayenta Chapter membership HEREBY approves and appoints Mr. Phillip Etsitty to serve on Black Mesa Review Board representing Kayenta Chapter for at least four(4) years duration.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Kayenta Chapter, Kayenta, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 04 in favor, 00 opposed, and 01 abstaining, this 18th day of November, 2020.

Motion: Rosie Begay

Second: James Parrish



Stanley Clitso, Kayenta Chapter President

From: F.A. Benally dinehtah.007@gmail.com

Subject: Kayenta BMRB Rep

Date: Mar 31, 2021 at 8:37:42 PM

To: Jimmy Yellowhair jyellowhair@navajo-nsn.gov, Jimmy Yellowhair jimyell53@gmail.com

Dear Honorable Yellowhair,

Please download and copy the attached Resolution for BMRB Rep for Kayenta Area. The individual, Philip Etsitty lives on Black Mesa inside the Peabody Lease boundary.

The document is PDF and I am unable to convert it on my computer at this time. BMRB appreciates your assistance in this matter. The legislation needs to be expedited because there has not been a BMRB meeting for the general public since last October 2020 due to lack of quorum. Please help BMRB continue their mission.

Thank you so much,

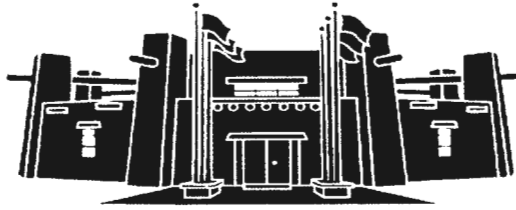
Fern Benally

BMRB



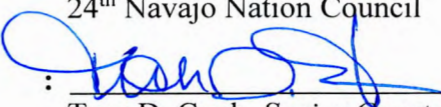
2021 Jan B...031 (1).pdf

125 KB



MEMORANDUM

TO : Jimmy Yellowhair, Delegate
24th Navajo Nation Council

FROM : 
Troy D. Cook, Senior Court Advocate
Office of Legislative Council

DATE : April 5, 2021

**SUBJECT : AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE;
CONFIRMING THE APPOINTMENT OF MR. PHILLIP ETSITTY AS
THE KAYENTA CHAPTER REPRESENTATIVE TO THE BLACK MESA
REVIEW BOARD TO SERVE A TERM OF FOUR (4) YEARS**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Also, understand that the Speaker is authorized to refer this proposed resolution to other committees that those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

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 made to the proposed resolution. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0066-21__

SPONSOR: Jimmy Yellowhair

TITLE: An Action Relating to the Naabik'iyáti Committee; Confirming the Appointment of Mr. Phillip Etsitty as the Kayenta Chapter Representative to the Black Mesa Review Board to Serve a Term of Four (4) Years

Date posted: April 6, 2021 at 5:17PM

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

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

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