

LEGISLATIVE SUMMARY SHEET

Tracking No. 0228-12

DATE: July 12, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CONFIRMING THE APPOINTMENT OF MR. ELPHONZO NEPHEW TO SERVE ON THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY BOARD OF DIRECTORS FOR A TERM OF THREE YEARS

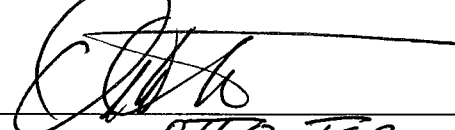
PURPOSE: This resolution if approved will approve the confirmation of Mr. Elphonzo Nephew to the Navajo Agricultural Products Industry Board of Directors.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 3:52pm 7/14/16
Posting End Date: 7/19/2016
Eligible for Action: 7/20/2016

PROPOSED STANDING COMMITTEE RESOLUTION
23RD NAVAJO NATION COUNCIL – Second Year, 2016

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0228-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; CONFIRMING THE
APPOINTMENT OF MR. ELPHONZO NEPHEW TO SERVE ON THE NAVAJO
AGRICULTURAL PRODUCTS INDUSTRY BOARD OF DIRECTORS FOR A
TERM OF THREE YEARS

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council. *See* 2 N.N.C. §500 (A).
- B. The President of the Navajo Nation appoints and the Resources and Development Committee confirms the directors to the Navajo Agricultural Products Industry. *See* 2 N.N.C. §501(B)(9); *See also* 5 N.N.C. §1601(A).

SECTION TWO. FINDINGS

- A. In the event of a vacancy on the Board of Directors, pursuant to Navajo Nation Council Resolution CJA-05-10: "... the President of the Navajo Nation shall appoint a qualified candidate on or before thirty (30) working days. The Economic Development Committee of the Navajo Nation Council shall fill vacancies where the President has not made an appointment within thirty (30) working days by appointing and confirming a candidate that meets the qualifications stated above."

- 1 B. The Resources and Development Committee is the successor committee to the
2 Economic Development Committee of the Navajo Nation Council. CO-45-12.
- 3 C. The President of the Navajo Nation has submitted an appointee for confirmation to the
4 Resources and Development Committee within the thirty day requirement. *See* Exhibit
5 A (Appointment Letter to Honorable Otto Tso).
- 6 D. The President has appointed Mr. Elphonozo Nephew to serve on the Board of Directors
7 for the Navajo Agricultural Products Industry for a term of three years starting on June
8 3, 2014 and to expire on June 3, 2017. *See* Exhibit B (Letter from President to Mr.
9 Elphonozo Nephew).
- 10 E. Mr. Elphonozo Nephew has submitted his letter of interest as well as his resume. *See*
11 Exhibit C (Letter of Interest); *See also* Exhibit D (Resume).
- 12

13 **SECTION THREE. CONFIRMING APPOINTMENT**

- 14 A. The Resources and Development Committee hereby confirms the Presidential
15 appointment of Mr. Elphonozo Nephew to the Navajo Agricultural Products Industry
16 Board of Directors for a term of three years to commence on June 3, 2014 and expire
17 on June 3, 2017, pursuant to 5 N.N.C. § 1603 (A).
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THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



July 7, 2016

Honorable Otto Tso
23rd Navajo Nation Council
P.O. Box 3390
Window Rock, AZ 86515


Dear Honorable Council Delegate Otto Tso:

We respectfully request that you sponsor the legislation to confirm the Presidential appointment of Mr. Elphonzo Nephew, to the Board of Directors for the Navajo Agricultural Products Industry. After a considerable search and interview process, this Administration selected Mr. Elphonzo Nephew, based on his extensive experience and knowledge, he possesses the qualifications and experience to best represent the Navajo Nation in this prestigious position.

Attached is Mr. Nephew's appointment letter and resume. If you have any further questions, please contact Perry Shirley, Executive Staff Assistant at (928) 871-7000. Thank you.

Respectfully,

THE NAVAJO NATION


Russell Begaye, President


Jonathan Nez, Vice President



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



July 7, 2016

Mr. Elphonzo Nephew

RE: Official Appointment to the Navajo Agricultural Products Industry Board of Directors

Dear Mr Elphonzo Nephew,

We are pleased to appoint you to the Navajo Agricultural Products Industry (NAPI) Board of Directors. We are confident you have the background, experience and education to represent the interest of this Administration on this Board.

Pursuant to the NAPI Board of Directors' Plan of Operations, this appointment is for a period of three years and is subject to confirmation by the 23rd Navajo Nation Council Resources and Development Committee. The Plan of Operations also states that the terms of appointment are on a set and staggered schedule; therefore, it is important to note that the term you are being appointed to began on June 3, 2014 and it will end on June 3, 2017. This appointment represents the Navajo people of Western Agency of the Navajo Nation and requires a bachelor degree.

We appreciate your desire to serve the Navajo Nation and the Navajo People. If there are any questions, please contact Ms. Nina Chester, Executive Staff Assistant at (928) 871-7000.

Sincerely,

THE NAVAJO NATION

Russell Begaye, President

Jonathan Nez, Vice President



Elfonzo Nephew

June 29, 2016

Office of President and Vice-President
Navajo Nation
P.O. Box 3390
Window Rock, AZ 86515

Dear President Begaye and/or Vice President Nez,

Please accept my letter of interest and resume' to serve the Navajo Nation and to fill the Board of Director position for the Navajo Agricultural Products Industry (NAPI). Previously, I have served as Vice Chairman of NAPI and have enjoyed my time serving NAPI and the Navajo Nation. I would like to again serve as Board of Director of NAPI as I helped the enterprise to successive profitable years. Thank you for the opportunity to discuss this Board of Director position.

Please contact me at if you have any questions. I look forward to hearing from you soon.

Sincerely,

Elfonzo Nephew

Elfonzo Nephew



EXPERIENCE

- October 2013
President
- Nephew & Associates, Kayenta, AZ**
Provides financial, accounting, leasing, economic development and banking consultation to Tribes, Tribal Enterprises and Native owned business. Developing financial models and analyzing financial information to produce forecasts of business, industry, and economic conditions for use in making sound investment decisions. Using statistical software and spreadsheets to analyze and determine the valuation of acquisition and mergers. Interpreting data affecting investment programs, such as price, yield, stability, future trends in investment risks, and economic influences. Maintaining knowledge and stay abreast of developments in the fields of industrial technology, business, finance, and economic theory. Monitoring fundamental economic, industrial, and corporate developments through the analysis of information obtained from financial publications and services, investment banking firms, government agencies, trade publications. Underwriting and developing loan packages for clients to access public and private markets through investors, banks and governmental sources. Using varied capital sources to fund economic projects in Indian Country.
- October 2009
August 2013
- Chief Financial Officer, NOVA Corporation, Window Rock, AZ.**
As the Chief Financial Officer, I am a corporate officer primarily responsible for overseeing all company accounting practices, preparing budgets, financial reports, tax and audit functions. Furthermore, I direct financial strategy, planning and forecasts; conferring with Board of Directors, CEO, COO and department heads. I supervise investment strategy and the raising of funds for business, managing the financial risks of the corporation. I study, analyze, and report on trends, opportunities of expansion and future growth for NOVA. NOVA Corporation, is a Navajo Nation owned 8(a) Small Disadvantaged Business providing Information Technology services to the federal government.
- March 2007
May 2009
- Vice President Commercial Banking, KeyBank, NA, Phoenix, AZ.**
As a **Senior Relationship Manager** for the Native American Financial Services, I am the point person in establishing relationships with Native American tribes and their respective business enterprises while providing trusted financial expertise. The Senior Relationship Manager provides banking expertise and establishes scenarios with bank products to facilitate the Tribes respective needs. As the Senior Relationship Manager, I oversee and manage a \$85MM loan portfolio covering the Southwest with \$1,000,000 in annual revenues. The Senior Relationship Manager works with complex credit transactions for many different Native American clientele including gaming facility operators, agri-business enterprises, real estate development companies, and tribal governmental entities.
- May 2006
March 2007
- Assistant Vice President Commercial Banking, KeyBank, NA, Phoenix, AZ.**
As a **Senior Underwriter** for the Native American Financial Services, I assist Native American tribes, their respective business enterprises and tribal members in accessing capital. As the Senior Underwriter I oversee and manage a \$65MM loan portfolio covering the Southwest. As the Senior Underwriter I preserve the bank's capital by establishing adequate risk profiles of a borrower and identify banking opportunities. The Senior Underwriter works with complex credit transactions for Native American clients to identify key risks in each credit transaction as well as appropriate mitigants such as loan guarantees.
- October 2003
May 2006
- Assistant Vice President Commercial Banking, JP Morgan Chase Bank, NA, Phoenix, AZ.**
As an **Underwriter** for the Native American Banking Group, I assist Native American tribes and their respective business enterprises in accessing capital to fund governmental projects. An Underwriter is charged with preserving the bank's capital and thus properly establishes risk profiles of a borrower and identifies repayment sources. I have underwritten taxable and non-taxable debt obligations totaling \$365MM with 24 Native American Borrowers. The following is a breakdown of funding: Tribal General Obligation - \$200MM; Native American Gaming - \$100MM; Tribal housing - \$5MM; Energy/Oil and Gas - \$100MM; Tribally owned Middle Market companies - \$60MM.

March 2002 **Assistant Vice President Commercial Lending**, Native American Bank, Denver, CO.

September 2003 As a **Commercial Lender**, I develop relationship with Native American Tribes, their respective business enterprises and small businesses owned by Native Americans. Bankers for the Native American Bank, a de novo bank, provided lending, investment opportunities and equity ownership in the Native American Bank. I have arranged financing totaling \$10MM with five Native American Borrowers. Additionally, secured \$2MM in interest bearing deposits. Portfolio consisted largely of economic development projects and tribal housing. I largely focused on tribes in the Midwest, Northern Plains, Southern Plains, Southwestern tribes and pueblos and the Navajo Nation.

April 2000 **Assistant Vice President Commercial Lending**, Western Bank, Gallup, NM.

February 2002 As a **Junior Commercial Lender**, I designate and develop relationship with small businesses with sales less than \$1MM and an emphasis on minority business owners. I have arranged financing totaling \$2.5MM. I also continue as the credit analyst for lending staff. Furthermore, I review loans to properly identify and risk rate the portfolio.

April 2000 **Asset Quality Specialist**, Commercial Lending, Western Bank, Gallup, NM.

February 2002 As an **Asset Quality Specialist**, I review loans to properly identify and risk rate the lending portfolio. Furthermore, I initiated the loan process with implementing a customer call program and continue with underwriting and analysis of the credit. I held this position concurrently with my responsibilities as a junior commercial lender.

September 1999 **Loan Review Specialist**, Commercial Lending, First Place Financial Corp., Farmington, NM.

March 2000 As a **Loan Review Specialist**, I evaluated the lending practices of a \$1billion bank holding company's commercial loan portfolios that encompasses four banks, consult with management on ways to improve lending operations and properly identify, risk rate, and manage commercial loans.

May 1995 **Credit Analyst II**, Commercial Lending, First Place Financial Corp., Farmington, NM.

September 1999 As a **Credit Analyst** my responsibilities were to analyze financial statements to provide written financial analyses on all commercial loan customers, evaluate risk, analyze area industries, assist and prepare loan packages for lenders, and to provide support throughout the loan process for a \$1billion bank holding company. I also trained credit analysts from newly acquired banks.

June 1994 **Loan Administration Specialist**, First National Bank, Farmington, NM.

May 1995 As a **Loan Administration Specialist**, I performed documentation of commercial and consumer loans including lien searches, collateral documentation, insurance evaluation, perfection of collateral, and provide support to commercial and consumer lenders.

September 1993 **Bank Teller**, First National Bank, Farmington, NM.

May 1994 As a **Bank Teller** my functions were a paying and receiving agent, application of loan payments, and balancing of application and disbursement of cash.

EDUCATION

University of Phoenix

Degree: 5/2010 – Bachelors of Science – Business Administration

Western States School of Banking, University of New Mexico; Albuquerque, New Mexico

Certificate: 05/99

San Juan College; Farmington, New Mexico

Degree: 05/95 - Associates of Applied Science in Banking

Navajo Academy High School; Farmington, New Mexico

Diploma: 06/90

BOARD REPRESENTATIONS

Treasurer, Phoenix Dine, Inc. **March 2005 to May 2006.**

Phoenix Dine', Inc. is a 501(C)(3) non-profit organization established in Phoenix, Arizona for the purpose of serving the needs and improving the lives of an estimated 25,000 Navajos (Dine') residing in the greater Phoenix metropolitan area.

Vice Chairman, Navajo Agricultural Products Industry. November 2009 to June 2014.

Navajo Agricultural Products Industry (NAPI) is an agri-business enterprise of the Navajo Nation. NAPI operates a 70,000 acre fully integrated farm with many different crop lines. The farm serves as a for profit business development opportunity for the tribe and an economic and jobs engine for the community.

Loan Committee Member, First Nations Oweesta Corporation. October 2011 to August 2013.

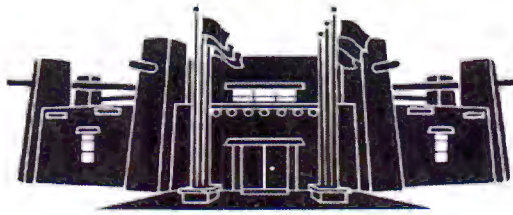
Oweesta is a funding agency that provides capitalization and direct loans to Native American Community Development Financial Institutions (CDFI).

MEMBERSHIPS

National Center of American Indian Enterprise Development. Resource Council Member.


REFERENCES

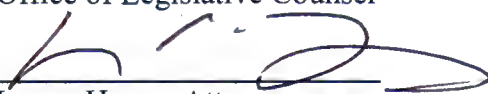
Available upon request



MEMORANDUM

TO: Honorable Otto Tso
Navajo Nation Council

FROM: 
Rhonda L. Tuni
Office of Legislative Counsel

THRU: 
Levon Henry, Attorney
Office of Legislative Counsel

DATE: July 12, 2016

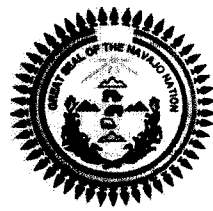
SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
CONFIRMING THE APPOINTMENT OF MR. ELPHONZO NEPHEW
TO SERVE ON THE NAVAJO AGRICULTURAL PRODUCTS
INDUSTRY BOARD OF DIRECTORS FOR A TERM OF THREE
YEARS

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. §§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).

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: _0228-16_____ SPONSOR: Otto Tso

TITLE: An Action Relating to Resources And Development; Confirming The Appointment Of Mr. Elphonzo Nephew To Serve On The Navajo Agricultural Products Industry Board Of Directors For A Term Of Three Years

Date posted: July 14, 2016 at 3:15pm

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

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

LEGISLATION NO.: 0228-16

SPONSOR: Honorable Otto Tso

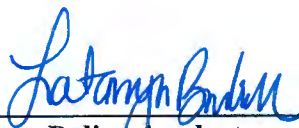
TITLE: An Action Relating to Resources And Development; Confirming The Appointment Of Mr. Elphonzo Nephew To Serve On The Navajo Agricultural Products Industry Board Of Directors For A Term Of Three Years.

Posted: July 14, 2016 3:15 PM

5 DAY Comment Period Ended: July 19, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**



Date/Time