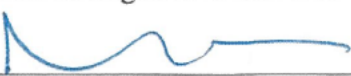




## MEMORANDUM

**TO :** Julissa M. Johnson, Policy Analyst  
Office of Legislative Services

**FROM :**   
Manuel Rico, Jr., Executive Director  
Office of Legislative Services

**DATE :** January 04, 2023

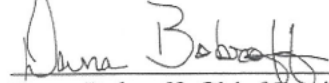
**SUBJECT :** 24<sup>th</sup> Navajo Nation Council Expired Legislation

Pursuant to 2 N.N.C. § 164(A)(1), "The last day for consideration of resolutions shall be December 31<sup>st</sup> of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out as soon as possible and labeled as "Expired":

|         |         |         |         |         |         |
|---------|---------|---------|---------|---------|---------|
| 0079-19 | 0116-19 | 0182-19 | 0207-19 | 0265-19 | 0285-19 |
| 0308-19 | 0320-19 | 0011-20 | 0138-20 | 0209-20 | 0221-20 |
| 0234-20 | 0271-20 | 0292-20 | 0315-20 | 0013-21 | 0109-21 |
| 0111-21 | 0112-21 | 0114-21 | 0158-21 | 0161-21 | 0167-21 |
| 0192-21 | 0229-21 | 0259-21 | 0261-21 | 0267-21 | 0020-22 |
| 0035-22 | 0040-22 | 0052-22 | 0064-22 | 0076-22 | 0101-22 |
| 0108-22 | 0149-22 | 0157-22 | 0158-22 | 0168-22 | 0180-22 |
| 0190-22 | 0191-22 | 0224-22 | 0227-22 | 0228-22 | 0232-22 |
| 0233-22 | 0236-22 | 0238-22 | 0243-22 | 0245-22 |         |
| 0259-22 | 0260-22 | 0271-22 | 0272-22 | 0275-22 | 0276-22 |

If you have any questions, please let me know.

### CONCURRENCE:



Dana Bobroff, Chief Legislative Counsel  
Office of Legislative Counsel

CC: Sherylene Yazzie, Chief of Staff, Office of the Speaker  
OLS Tracking Section  
File

## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0233-22

Date: December 1, 2022

**Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$65,000 FROM THE SÍHASIN FUND FOR THE DEMOLITION AND CLEANUP OF THE FORMER SMITH'S CAFE BUSINESS SITE UNDER THE CHINLE RBDO; APPROVING THE RELATED EXPENDITURE PLAN**

### **Purpose of this Legislation:**

to approve \$65,000 from the Sihasin Fund for the Chinle RBDO's proposed demolition and cleanup of the abandoned Smith's Café business site in Chinle; approving the related Expenditure Plan.

OLC No. 22-398-1

5-DAY BILL HOLD PERIOD:                       
Website Posting Time/Date: 3:33pm; 12-07-22  
Posting End Date: 12-07-22  
Eligible for Action: 12-08-22

Resources & Development Committee  
Thence  
Budget & Finance Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:

  
(Prime Sponsor)

Tracking No. 0233-22

**AN ACTION**

**RELATING TO THE RESOURCES AND DEVELOPMENT,  
BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES,  
AND TO THE NAVAJO NATION COUNCIL; APPROVING \$65,000  
FROM THE SÍHASIN FUND FOR THE DEMOLITION AND CLEANUP  
OF THE FORMER SMITH'S CAFE BUSINESS SITE UNDER THE  
CHINLE RBDO; APPROVING THE RELATED EXPENDITURE PLAN**

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority regarding environmental protection, land, community development, the use of Navajo Nation lands, and related matters. 2 N.N.C. §500(C) and §501(B)(1).

B. The Resources and Development Committee also has authority over the Division of Economic Development ("DED"), including DED's subordinate Departments and Offices such as the Chinle Regional Business Development Office ("Chinle RBDO"). 2 N.N.C. §501(C)(1).

C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the responsibility to "review and recommend to the Navajo Nation Council the

1 budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).  
2 D. The Naabik’íyáti’ Committee is a standing committee of the Navajo Nation Council that  
3 considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).  
4 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).  
5 As such, the Council may approve appropriations from the Navajo Nation’s Síhasin Fund.  
6 F. 12 N.N.C. §2502, as amended by CJA-03-18, states the purpose of the Navajo Nation Síhasin  
7 Fund (“Síhasin Fund”) as follows:

8 §2502 Purpose

9 A. The purposes of this Fund are to provide financial support and/or financing for:

10 1. The planning and development of economic development and regional  
11 infrastructure supporting economic development and community  
12 development, including such infrastructure as, but not limited to, housing,  
13 commercial and government buildings, waterline, solid waste management  
14 development, powerline Projects, and transportation and communication  
15 systems, within the Navajo Nation; . . .

16 B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall not  
17 be limited by 12 N.N.C. §1310(F) or TCDCJY-77-99.

18 C. Leveraging the Fund by way of guaranteeing loans, match funding, direct  
19 funding in part, and other weighted uses of the Fund, including loan financing  
20 from the Fund, for the purposes in §2502(A)(1), shall be favored over direct  
21 funding in whole.

22 G. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to the  
23 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest, dividends, etc.)  
24 generated and realized by the Fund Principal, and that Síhasin Fund Income shall be  
25 deposited in, and added to, the Fund Principal until such time as a Fund Expenditure Plan is  
26 duly approved. 12 N.N.C. §2504 and §2505(C).

27 H. The Síhasin Fund provides that “Fund Principal and Income shall not be expended except  
28 pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502 of this  
29 Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation  
30 Council.” 12 N.N.C. §2505(A).

1   **SECTION TWO. FINDINGS**

2   A. In a letter dated November 2, 2022, the Chinle RBDO requests \$65,000 from the Síhasin  
3   Fund for site demolition and cleanup (“Cleanup Project”) of the abandoned Smith’s Cafe  
4   business site located in the Chinle community. **EXHIBIT A.** The Chinle RBDO explains  
5   that, once the Cleanup Project is completed, the site will be ready for new business  
6   opportunities; furthermore, this Cleanup Project is part of the Chinle RBDO’s 5-year Plan.

7   **EXHIBIT B.**

8   B. A Summary and Scope of Work for the Cleanup Project is attached hereto as **EXHIBIT C.**

9   C. A detailed Cost Estimate for the Cleanup Project, and a map showing the location of the site,  
10   are attached hereto as **EXHIBIT D.**

11   D. Allocation of the Síhasin funds as requested by the Chinle RBDO meets the criteria for  
12   Síhasin expenditures, because the Cleanup Project will involve economic and community  
13   development, and commercial buildings, as described in 12 N.N.C. §2502(A)(1).

14   E. Allocation of the requested Síhasin funds also meets the criteria for the leveraging of funds,  
15   as described in 12 N.N.C. §2502(C), because the Cleanup Project will clean up and clear the  
16   abandoned site and prepare it for new business opportunities, which will then generate new  
17   tax revenue for the Navajo Nation.

18  
19   **SECTION THREE. APPROVING \$65,000 FROM THE SÍHASIN FUND FOR THE**  
20                   **DEMOLITION AND CLEANUP OF THE FORMER SMITH’S**  
21                   **CAFE BUSINESS SITE UNDER THE CHINLE RBDO;**  
22                   **APPROVING THE RELATED EXPENDITURE PLAN**

23   A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$65,000 from the  
24   Síhasin Fund for the Chinle RBDO’s proposed demolition and cleanup of the abandoned  
25   Smith’s Cafe business site located in the Chinle community.

26   B. The Navajo Nation hereby approves the related Expenditure Plan for the Chinle RBDO’s  
27   proposed Cleanup Project, as set forth in **EXHIBIT D** attached hereto.

28   C. The Controller shall determine whether the source of the Síhasin funds approved herein will  
29   be Síhasin Fund Principal or Síhasin Fund Income, or a combination of both.

30   D. The total amount of approved Síhasin funds may be further leveraged by bond or loan

1 financing pursuant to the Navajo Nation Bond Financing Act (12 N.N.C. §1300 *et seq.*, as  
2 amended), using Síhasin Fund earnings for repayment and financing costs, upon approval of  
3 the Budget and Finance Committee and upon a 2/3 approval vote of the full membership of  
4 the Navajo Nation Council.

5 E. No later than 30 business days after the effective date of this Action, the approved Síhasin  
6 funds shall be disbursed to the Division of Economic Development for the Chinle RBDO's  
7 use in implementing and completing its Cleanup Project, as described herein.

8 F. The approved Síhasin funds shall not be comingled with any other funds, and shall be used  
9 by Chinle RBDO strictly for the Cleanup Project. DED and Chinle RBDO shall be  
10 responsible for ensuring that all expenditures comply with the approved Expenditure Plan  
11 **(EXHIBIT D)**.

12 G. The approved Síhasin funds for the Cleanup Project shall not lapse at the end of any fiscal  
13 year, as might otherwise occur under 12 N.N.C. §820(N), so long as: (1) all Síhasin funds in  
14 the Cleanup Project account are accounted for as of September 30 of each fiscal year; and  
15 (2) any/all remaining Síhasin funds are budgeted in the next upcoming fiscal year for use on  
16 the Cleanup Project.

17 H. Notwithstanding Section Three (G) above, any remaining amount of Síhasin funds not  
18 expended or encumbered within 24 months of DED's receipt of such funds shall revert to the  
19 Síhasin Fund, unless otherwise approved prior to such reversion by both the Resources and  
20 Development Committee and the Naabik'íyáti' Committee.

21 I. The Síhasin Fund may be reimbursed the amount of funds approved herein, from funds  
22 available to the Navajo Nation from any and all state, federal, or other sources.

#### 23 24 **SECTION FOUR. EFFECTIVE DATE**

25 This Action shall become effective pursuant to 12 N.N.C. §2505(A) and 2 N.N.C. §221(B).

#### 26 27 **SECTION FIVE. SAVING CLAUSE**

28 If any portion of this Action is invalidated by the Supreme Court of the Navajo Nation, or by  
29 any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the  
30 remainder of this Action shall be the law of the Navajo Nation.

# THE NAVAJO NATION

EXHIBIT A

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

December 1, 2022



Honorable Delegate Tso  
Navajo Nation Council  
PO Box 3390  
Window Rock, AZ 86515

Dear Delegate Tso:

The business site listed below is located in your delegate region and is identified as Demolition and Clean Up projects requiring funding assistance. These projects are under the Division of Economic Development/Chinle Regional Business Development Office.

| Site                              | Cost     | Scope of Work  |
|-----------------------------------|----------|--|
| Former Bennie Smith Business Site | \$65,000 | Demolition, removal, and disposal of burnt structures: buildings, foundations, debris, signs, electricity poles. |

The Chinle Regional Business Development Office has limited business sites available for leasing and this area is a very prime location for business development potentials. This business site needs to be restored, reused, and redeveloped. Your assistance to seek additional funding for this project is greatly appreciated.

Thanks you for your time and service. Should you need anything further, please feel free to contact our Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Martina Yazzie".

Martina Yazzie  
Program Manager

Cc: *File*  
*Douglas Capitan, Acting Executive Director, Division of Economic Development*  
*Elaine Young, Department Manager, Small Business Development Department*  
*Franklin Jishie, Industrial Development Specialist, Small Business Development Department*  
*Anslem Harvey, Senior Economic Development Specialist, Chinle RBDO*

The Navajo Nation Division of Economic Development Office  
Chinle Regional Business Development Office  
PO Box 565, Chinle, AZ 86503 (928) 675-2240 (928) 674-2244 Fax

CHINLE REGIONAL BUSINESS DEVELOPMENT OFFICE  
FIVE YEAR PLAN 2022-2026  
PROJECT/TASKS

EXHIBIT B

| OFC    | YR | CHAPTER           | PROJECT TITLE               | 750 Buff Zone | SCOPE OF WORK  | COST EST. (\$) | TOTAL FOR CHINLE (\$) |
|--------|----|-------------------|-----------------------------|---------------|--|----------------|-----------------------|
| CH     | 1  | Chinle            | NNOG Convenience Store      | Yes           | Construction & Re-Development                              | 250,000        | 250,000               |
| CH     | 1  | Blue Gap          | NNOG Convenience Store      | Yes           | Construction & Re-Development                              | 250,000        |                       |
| CH     | 1  | Chinle            | Canyon Country Car Wash     | Yes           | Construction & Development                                 | 350,000        | 350,000               |
| CH     | 1  | Chinle            | Church's Chicken            | Yes           | Construction & Development                                 | 5,000,000      | 5,000,000             |
| CH     | 1  | Rock Point        | Tachiinii Nursing Service   | Yes           | Construction & Development                                 | 3,000,000      |                       |
| CH     | 1  | Chinle            | Former Bennie Smith         | Yes           | Clean Up & Redevelopment                                   | 1,000,000      | 1,000,000             |
| CH     | 1  | Chinle            | Church's Chicken            | Yes           | Infrastructure Development to Upgrade Water/Plumbing/Sewer | 500,000        | 500,000               |
| CH     | 1  | Chinle            | Pizza Edge                  | Yes           | Infrastructure Development                                 | 1,000,000      | 1,000,000             |
| CH     | 1  | Chinle            | Sandia Oil Laundry Services | Yes           | Infrastructure Development                                 | 1,000,000      | 1,000,000             |
| CH     | 2  | Chinle            | Sandia Oil Laundry Services | Yes           | Construction & Development                                 | 3,000,000      | 3,000,000             |
| CH     | 2  | Hard Rock         | Rocky Ridge Gas & Market    | No            | Construction & Development                                 | 3,000,000      |                       |
| CH     | 2  | Chinle            | Pizza Edge                  | Yes           | Construction & Development                                 | 3,000,000      | 3,000,000             |
| CH     | 2  | Pinon             | Former McGee TP             | No            | Construction & Re-Development                              | 900,000        |                       |
| CH     | 2  | Pinon             | Former Chee SW              | No            | Construction & Re-Development                              | 1,000,000      |                       |
| CH     | 2  | Many Farms        | Former Plateau              | Yes           | Construction & Re-Development                              | 3,000,000      |                       |
| CH     | 2  | Rough Rock        | Former Rough Rock TP        | No            | Construction & Re-Development                              | 3,000,000      |                       |
| CH     | 2  | Wheatfields       | Former Lakeside Store       | Yes           | Construction & Re-Development                              | 2,000,000      |                       |
| CH     | 2  | Many Farms        | Emmett Bia Site             | No            | Redevelopment  | 200,000        |                       |
| CH     | 2  | Round Rock        | Former Round Rock TP        | No            | Clean Up   | 500,000        |                       |
| CH     | 2  | Rock Point        | Tachiinii Nursing Home      | Yes           | Infrastructure Development                                 | 5,000,000      |                       |
| CH     | 2  | Rough Rock        | Former Rough Rock TP        | No            | Infrastructure Development                                 | 3,000,000      |                       |
| CH     | 2  | Low Mountain      | Market Place                | No            | Infrastructure Development                                 | 5,000,000      |                       |
| CH     | 3  | Chinle            | Ace Hardware                | Yes           | Construction & Development                                 | 5,000,000      | 5,000,000             |
| CH     | 3  | Low Mountain      | Market Place                | No            | Construction & Re-Development                              | 5,000,000      |                       |
| CH     | 3  | Round Rock        | Former Leo Jim Site         | No            | Clean Up & Redevelopment                                   | 3,000,000      |                       |
| CH     | 3  | Lukachukai        | Upper Greasewood            | No            | Clean Up   | 400,000        |                       |
| CH     | 3  | Hard Rock         | Rocky Ridge Gas & Market    | No            | Clean Up   | 500,000        |                       |
| CH     | 3  | Hard Rock         | Rocky Ridge Gas & Market    | No            | Infrastructure Development                                 | 3,000,000      |                       |
| CH     | 4  | Chinle            | Baldwin's Tract 1           | No            | Construction & Development                                 | 10,000,000     | 10,000,000            |
| CH     | 4  | Lukachukai        | Former Kennedy              | No            | Clean Up   | 400,000        |                       |
| CH     | 5  | Wheatfield/Tsaile | Crossroads Store            | Yes           | Infrastructure Development                                 | 250,000        |                       |
| TOTAL: |    |                   |                             |               |  | 72,500,000     | 30,100,000            |

Updated: 11/2/2022  
Why are  
businesses moving  
from BNA to  
Low Mountain?



**PROJECT SUMMARY**

Demolition/Site Cleanup Project  
**FORMER BENNIE SMITH BUSINESS SITE**  
Chinle, Arizona

This site, formerly known as the Bennie Smith Business Site, is located along US Route 191 on the west side just across the Chinle High School in Chinle, AZ. The site of 1.44 acre has been abandoned due to the decease of both lessees. The remains of a business structure that has burnt consist of mainly debris, a concrete staircase that is approximately 10 ft x 15 ft., a flag pole, signage and asphalt.

**SCOPE OF WORK**

1. Completely demolish all remaining structures, including floors and foundations, and dispose of the building materials and all debris on the 1.44-acre business site.
2. Grade the site to a smooth finish, free of any debris such as pieces of concrete and/or burnt trees. All small pieces of debris shall be raked up.

**ESTIMATED CONTRACTUAL COST:****\$65,000.00**

Demolition/Site Cleanup Project  
**FORMER SMITH'S CAFÉ BUSINESS SITE**  
Chinle, Arizona

The project consists of demolition and site cleanup of the former Smith's café business site located in Chinle, AZ. The entire site is 1.44 acres in size. The double wide mobile building structure burned several years ago and currently the burnt debris and remains of the building remain on the site. The remaining debris includes the old foundation, brick walls, metals and other debris scattered on the site. The entire site is in need of demolition and cleanup and the site should be cleared and leveled.

**SCOPE OF WORK**

1. Completely demolish all remaining structures, including concrete foundations, steps, walls and debris and dispose of the contents to an approved waste disposal location.
2. Remove and dispose of all asphalt/concrete parking lot up to the main road entrance to Highway 191 and concrete sidewalks and brick walls around the lot.
3. Dispose of all metal trailer frames and remnants of the burnt building structure including mangled metal frames, galvanized posts, etc.
4. Remove/uproot two fire damaged dead trees, steel posts, tires, debris, junk, concrete piles and trash from the entire site.
5. Remove or retire and cap all former water lines, sewer lines, and gas lines in accordance with NTUA requirements.
6. Disconnect and remove all site utilities (electric, water, sewer and telecommunications) in accordance with NTUA requirements including three (3) street light poles and any buried utilities.
7. Remove two metal signage and flag pole on the site and dispose of to an approved disposal location.
8. Preserve or remove any buried utility indicated by a yellow utility marker on the site.
9. Grade the site to a smooth finish, free of any debris such as pieces of concrete. All small pieces of debris shall be raked up.

**LABOR**

|   | <b>OPERATION</b>                        | <b># OF UNITS</b> | <b>TOTAL</b>       |
|---|---|-------------------|--------------------|
| 1 | Mobilization/Demobilization*            | 1                 | \$1,920.00         |
| 2 | Project Management and Administration** | 1                 | \$620.40           |
| 3 | Report Preparation**                    | 1                 | \$1,472.40         |
| 4 | Site Restoration*                       | 1                 | \$1,920.00         |
| 5 | Structure Demolition*                   | 1                 | \$9,600.00         |
|   | <b>TOTAL LABOR</b>                      |                   | <b>\$15,532.80</b> |

**MATERIALS**

|    | <b>MATERIAL</b>                                | <b># OF UNITS</b> | <b>TOTAL</b>       |
|----|--|-------------------|--------------------|
| 1  | 2009 Chev Silverado 3500 Diesel (day/vehicle)* | 4                 | \$672.00           |
| 2  | Concrete Hauling (load)*                       | 6                 | \$3,780.00         |
| 3  | Demolition Debris Hauling (each)               | 6                 | \$6,480.00         |
| 4  | Equipment Mobilization/Demobilization (each)*  | 5                 | \$4,050.00         |
| 5  | John Deere 200L Excavator (day)*               | 4                 | \$2,700.00         |
| 6  | John Deere 644K Loader (day)*                  | 4                 | \$2,220.00         |
| 7  | John Deere Skid Steer (day)*                   | 4                 | \$1,410.00         |
| 8  | Lodging (per man/day)*                         | 12                | \$1,584.00         |
| 9  | Per Diem (per man/day)*                        | 12                | \$288.00           |
| 10 | Scrap Metal Hauling (each)                     | 2                 | \$1,800.00         |
| 11 | Utility Capping Supplies (lump sum)*           | 2                 | \$500.00           |
| 12 | Vehicle Mileage (mile)*                        | 500               | \$345.00           |
| 13 | Water Tanker Rental (day)*                     | 4                 | \$1,000.00         |
| 14 | Water Fee/Usage (each)*                        | 1                 | \$575.00           |
|    | <b>TOTAL MATERIALS</b>                         |                   | <b>\$27,404.00</b> |

**SUBCONTRACTORS**

|   | <b>SUBCONTRACTOR NAME</b>          | <b>TOTAL</b>       |
|---|------------------------------------|--------------------|
| 1 | Brimhall Sand & Gravel*            | \$3,775.00         |
| 2 | NTUA*                              | \$8,400.00         |
| 3 | Waste Management San Juan County** | \$6,000.00         |
|   | <b>TOTAL SUBCONTRACTORS</b>        | <b>\$18,175.00</b> |

**TOTAL BEFORE TAXES****\$61,111.80****NAVAJO NATION BUSINESS ACTIVITY TAX (6.0%)****\$2,667.06****GRAND TOTAL****\$63,778.86**

\*Taxable item.

\*\*Off-Reservation Services Not Taxable.

# TRACT

A PARCEL OF LAND SITU  
DISTRICT NO. 10 OF TI  
IN THE VICINITY OF CI  
OF ARIZONA, AND IS BEIN  
AS FOLLOWS:

COMMENCE from the Nav  
"Chin 35A", a found L  
having State of Arizo  
978.82 and y=1,876.73

THENCE N 88° 18' 56"  
THENCE S 89° 49' 37"  
the westerly right-of-  
+ 07.44 of U.S. 191 W  
of herein described p.

THENCE S 89° 23' 19"  
THENCE N 18° 50' 15"  
THENCE N 87° 44' 19"  
THENCE S 05° 52' 52"  
Beginning.

being 1.44 acres, more  
subject to any and all exi:  
utilities located herein.

Surveyed 01-17-92 by 1  
Administration, The Navaj  
Nation, Arizona.

SMITH'S

onla

1.4

DISTRICT 10-NAVA  
CHINLE, APACI

CURVE DATA:  
Δ 63° 34' LI.  
D 5° 00'  
R 1,145.92'  
T 710.05'  
L 1,271.30'  
Ext 202.20'

POC 3382+07.44

N.C.S., Brass Cap  
CHIN No. 35A

S 24° 26' 58" E  
1,662.08'

N.C.S., B/C  
CHIN No. 34A

N 88° 18' 56" W  
15,694.92'

S 05° 52' 52" W  
179.82'

POC 3383+87.50

N 87° 44' 19" E  
342.58'

179.02'

N 18° 50' 15" E

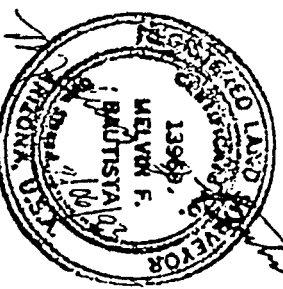
S 89° 49' 37" E  
2,201.72'

RP-264

S 89° 23' 19" W  
381.71'

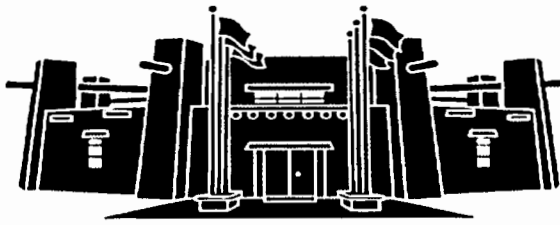
Point of Beginning

- NOTE:
1. All Bearings Shown hereon are in reference to TRUE NORTH.
  2. Underground Utilities Not Located.
  3. Road Not Shown.




| onla           |        |
|----------------|--------|
| SURVEYED BY    | KW     |
| DRAWN BY       | HT     |
| APPROVED BY    | MD     |
| FIELD BOOK NO. | 33-7   |
| JOB NUMBER     | CO:006 |
| SCALE 1" =     | 100'   |

135484



## MEMORANDUM

To: Hon. Eugene Tso, Member  
Law & Order Committee  
24<sup>th</sup> Navajo Nation Council

From:   
Luralene D. Tapahe, Principal Advocate  
Office of Legislative Counsel

Date: December 1, 2022

Subject: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$65,000 FROM THE SÍHASIN FUND FOR THE DEMOLITION AND CLEANUP OF THE FORMER SMITH'S CAFE BUSINESS SITE UNDER THE CHINLE RBDO; APPROVING THE RELATED EXPENDITURE PLAN**

---

The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

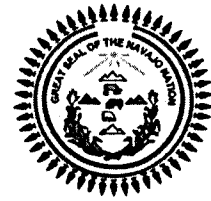
**Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.**

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: [LuraleneTapahe@navajo-nsn.gov](mailto:LuraleneTapahe@navajo-nsn.gov)

Thank you for your cooperation.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0233-22\_

SPONSOR: Eugene Tso

**TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$65,000 from the Síhasin Fund for the Demolition and Cleanup of the Former Smith's Café Business Site Under the Chinle RBDO; Approving the Related Expenditure Plan**

***Date posted:*** December 02, 2022 at 3:33PM

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) 871-7586

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.*

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

**LEGISLATION NO.: 0233-22**

**SPONSOR: Honorable Eugene Tso**

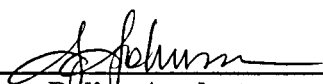
**TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$65,000 from the Síhasin Fund for the Demolition and Cleanup of the Former Smith's Café Business Site Under the Chinle RBDO; Approving the Related Expenditure Plan**

**Posted: December 02, 2022 at 3:33 PM**

**5 DAY Comment Period Ended: December 07, 2022**

**Digital Comments received:**

|                                 |             |
|---------------------------------|-------------|
| <b>Comments Supporting</b>      | <i>None</i> |
| <b>Comments Opposing</b>        | <i>None</i> |
| <b>Comments/Recommendations</b> | <i>None</i> |



**Policy Analyst  
Office of Legislative Services**

**December 08, 2022; 9:15 AM**

**Date/Time**

**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**FOURTH YEAR 2022**

**COMMITTEE REPORT**

Mr. Speaker,

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

**LEGISLATION #0233-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$65,000 FROM THE SÍHASIN FUND FOR THE DEMOLITION AND CLEANUP OF THE FORMER SMITH'S CAFÉ BUSINESS SITE UNDER THE CHINLE RBDO; APPROVING THE RELATED EXPENDITURE PLAN.**  
*Sponsor: Honorable Eugene Tso*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Budget and Finance Committee.

Respectfully submitted,



Rickie Nez, *Chairperson*  
Resources and Development Committee of  
the 24th Navajo Nation Council

Date: December 14, 2022 – Regular Meeting (Teleconference)  
Location: Resources and Development Committee called in via teleconference from  
their location within the boundary of the Navajo Nation.

**Main Motion:**

**M:** Wilson C. Stewart, Jr.                      **S:** Kee Allen Begay, Jr.                      **V:** 5-0-1 (CNV)  
**In Favor:** Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland;  
Wilson C. Stewart, Jr.  
**Opposition:** None  
**Excused:** None  
**Not Voting:** Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)



**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**FOURTH YEAR 2022**

**ROLL CALL  
VOTE TALLY SHEET**

**LEGISLATION #0233-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$65,000 FROM THE SÍHASIN FUND FOR THE DEMOLITION AND CLEANUP OF THE FORMER SMITH'S CAFÉ BUSINESS SITE UNDER THE CHINLE RBDO; APPROVING THE RELATED EXPENDITURE PLAN.**

*Sponsor: Honorable Eugene Tso*

**Date:** December 14, 2022 – Regular Meeting (Teleconference)  
**Location:** Resources and Development Committee called in via teleconference from their location within the boundary of the Navajo Nation.

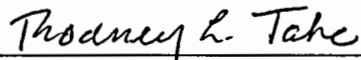
**Main Motion:**

**M:** Wilson C. Stewart, Jr.                      **S:** Kee Allen Begay, Jr.                      **V:** 5-0-1 (CNV)  
**In Favor:** Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.  
**Opposition:** None  
**Excused:** None  
**Not Voting:** Rickie Nez, *Chairperson*



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Honorable Rickie Nez, *Chairperson*  
Resources and Development Committee



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Rodney L. Take, *Legislative Advisor*  
Office of Legislative Services

24<sup>th</sup> NAVAJO NATION COUNCIL

Fourth Year 2022

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

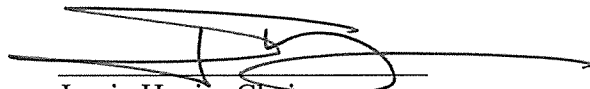
**NAVAJO LEGISLATIVE BILL # 0233-22:**

An Action Relating to Resources and Development, Budget and Finance, and Naabikiyati Committees, and to the Navajo Nation Council; Approving \$65,000 from the Sihasin Fund for the Demolition and Cleanup of the Former Smith's Café Business Site under the Chinle RBDO; Approving the related Expenditure Plan  
*Sponsored by Eugene Tso, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And, therefore referred to the **NAABIKIYATI** Committee

Respectfully submitted,

  
Jamie Henio, Chairman

Adopted:   
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

**21 December 2022**

The vote was **5** in favor **0** opposed yeas: *Raymond Smith, Jr., Jimmy Yellowhair, Nathaniel Brown, Amber K. Crotty, Elmer P. Begay*  
Main Motion: *Nathaniel Brown*  
Second: *Elmer P. Begay*

## BUDGET AND FINANCE COMMITTEE

21 December 2022

Special Meeting

### VOTE TALLY SHEET:

**Legislation No. 0233-22:** An Action Relating to Resources and Development, Budget and Finance, and Naabikiyati Committees, and to the Navajo Nation Council; Approving \$65,000 from the Sihasin Fund for the Demolition and Cleanup of the Former Smith's Café Business Site under the Chinle RBDO; Approving the related Expenditure Plan *Sponsored by Eugene Tso, Council Delegate*

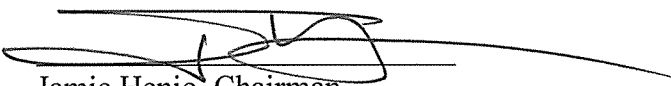
*Motion: Nathaniel Brown*

*Second: Elmer P. Begay*

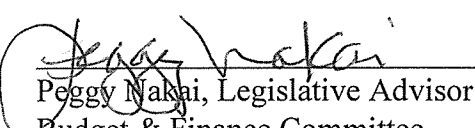
*Vote: 5-0, Chairman not voting*

### Final Vote Tally:

|                   |     |  |
|-------------------|-----|--|
| Jamie Henio       |     |  |
| Raymond Smith Jr. | yea |  |
| Elmer P. Begay    | yea |  |
| Nathaniel Brown   | yea |  |
| Amber K. Crotty   | yea |  |
| Jimmy Yellowhair  | yea |  |



Jamie Henio, Chairman  
Budget & Finance Committee



Peggy Nakai, Legislative Advisor  
Budget & Finance Committee

**24<sup>th</sup> NAVAJO NATION COUNCIL  
NAABIK'ÍYÁTI' COMMITTEE REPORT  
Fourth Year 2022**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #0233-22**

An Action Relating to the Resources and Development, Budget and Finance, and Naabik'íyáti' Committees, and to the Navajo Nation Council; Approving \$65,000 from the Síhasin Fund for the Demolition and Cleanup of the Former Smith's Café Business Site Under the Chinle RBDO; Approving the Related Expenditure Plan

*Sponsored by: Honorable Eugene Tso*

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Otto Tso, Chairman  
NAABIK'ÍYÁTI' COMMITTEE*

**27 December 2022**

**MAIN MOTION**

*Motioned by: Honorable Elmer P. Begay*

*Seconded by: Honorable Jimmy Yellowhair*

*Vote: 17 In Favor, 00 Opposed (Chairman Tso Not Voting)*

# NAVAJO NATION

1421

Naabik'iyati Committee Special Meeting

12/27/2022

11:46:53 PM

Amd# to Amd#

New Business: Item G.

PASSED

MOT Begay, E

-Legislation 0233-22: Approving

SEC Yellowhair

\$65,000 from the Sihasin Fund  
for the Demolition & Cleanup...

Yeas : 17

Nays : 0

Excused : 5

Not Voting : 1

Yea : 17

Begay, E

Freeland, M

Slater, C

Tso, E

Begay, K

Halona, P

Smith

Walker, T

Begay, P

Henio, J

Stewart, W

Wauneka, E

Brown

James, V

Tso, D

Yellowhair

Daniels

Nay : 0

Excused : 5

Charles-Newton

Damon

Nez, R

Tso, C

Crotty

Not Voting : 1

Yazzie

Presiding Speaker: Tso, O