

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0403-16

**DATE:** November 15, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CJA-03-14 EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT TO CARRY OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2021

**PURPOSE:** This resolution if approved authorize the an extension of time to the limited waiver of sovereign immunity to allow the Navajo Nation to be sued in the Federal District Court for compliance with the NEPA to carry out the HUD grants and to further authorize the Navajo Nation President to sign Form 7015.15 "Request for Release of Funds and Certification."

**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.**

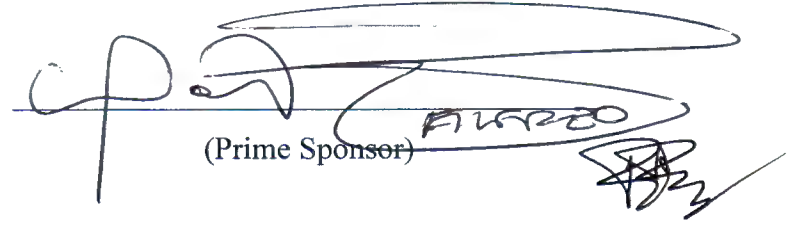
5-DAY BILL HOLD PERIOD: Lotam Bule  
Website Posting Time/Data: 10:12pm 11/22/16  
Posting End Date: 11/27/16  
Eligible for Action: 11/28/16

Resources & Development Committee  
THENCE  
Naa'bik'iyáti' Committee  
THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Second Year, 2016

Navajo Nation Council

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0403-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CJA-03-14 EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT TO CARRY OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2021

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee ("RDC") is established as a standing committee of the Navajo Nation Council with oversight over housing for the purposes of establishing policies and legislation appropriate to the housing needs of the Navajo Nation. 2 N.N.C. §§ 500 (A) and 500 (C)(3) (2012); *See also* CJA-03-13.
- B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and is empowered to coordinate all federal programs, (*i.e.* U.S.

1 Department of Housing and Urban Development (HUD)), with the Navajo Nation  
2 government to provide efficient services to Navajo members. 2 N.N.C. §§ 700 (A), 701  
3 (A)(4), 701 (A)(6), and 701 (A)(4) (2012).

4 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation  
5 standing committee and as such proposed legislation that requires final action by the  
6 Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. *See* 2 N.N.C.  
7 §§ 164 (A)(9), 700 (A) (2012); *See also* CO-45-12.

8 D. Enactments of positive law must be reviewed and approved by resolution by the Navajo  
9 Nation Council. 2 N.N.C. § 164(A); *See also* CO-45-12.

## 11 **SECTION TWO. FINDINGS**

12 A. Resolution CJA-13-00, approved a limited waiver of sovereign immunity allowing the  
13 Navajo Nation to be sued in Federal District Court regarding compliance with the  
14 National Environmental Protection Act (NEPA) in carrying out the United States  
15 Housing and Urban Development (HUD) grants and further authorized the Navajo Nation  
16 President to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004. *See*  
17 **Exhibit A** (Resolution of the Board of Commissioners of the Navajo Housing Authority).

18 B. There have been three similar resolutions granting approval of the limited sovereign  
19 immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. *See*  
20 CAP-21-05; CAP-15-10; and CJA-03-14.

21 C. The HUD Environmental Review requirements require an authorized tribal official to  
22 execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in  
23 Federal District Court regarding compliance with the NEPA, in carrying out the grants.  
24 *See Exhibit B* (Form 7015.15).

25 D. It is within the best interest of the Navajo Housing Authority to authorize the extension of  
26 a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal  
27 District Court regarding compliance with NEPA in carrying out HUD grants and  
28 authorizing the Navajo Nation President to sign Form 7015.15 through September 30,  
29 2021.

1    **SECTION THREE. AUTHORIZING THE EXTENSION OF A LIMITED WAIVER**  
2    **OF SOVEREIGN IMMUNITY AND THE PRESIDENT TO SIGN FORM 7015.15**  
3    **THROUGH SEPTEMBER 30, 2021**

4        The Navajo Nation hereby authorizes the extension of a limited waiver of sovereign  
5    immunity to allow the Navajo Nation to be sued in Federal District Court regarding  
6    compliance with NEPA in carrying out HUD grants and also authorizes the Navajo Nation  
7    President to sign Form 7015.15 through September 30, 2021.



RESOLUTION NHA-4615-2016

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE NAVAJO HOUSING AUTHORITY**

**Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021**

**WHEREAS:**

1. Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and
2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and
3. The Navajo Nation Council enacted resolution CJA-03-14 on January 30, 2014, entitled "*Relating to Resources and Development, NAABIK'ÍYÁTI' Committees: Amending Resolution CAP-15-10 to Extend the Period of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Protection Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017*", hereto attached as **Exhibit "A"**; and
4. The NHA Board of Commissioners on December 8, 2012 adopted Resolution NHA-4297-2012 entitled "*Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2017*"; and
5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to

**RESOLUTION NHA-4615-2016**

**June 2, 2016**

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suit in Federal District Courts regarding compliance with the National Environmental Protection Act in Carrying out HUD grants, hereto attached as **Exhibit "B"**, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and

12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

14. It is in the best interest of the Navajo Housing Authority to approve this resolution.

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

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the

**RESOLUTION NHA-4615-2016**

**June 2, 2016**

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President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

**CERTIFICATION**

Commissioner Lula Jackson, moved that the foregoing Resolution **NHA-4615-2016** be adopted and this was seconded by Commissioner Kenneth Chester.

Same was passed by the following vote:

AYES: 6 NAYES: 1 ABSTAINED : 0

The Secretary, thereupon, declared said motion carried and said Resolution **NHA-4615-2016** was adopted this 2<sup>nd</sup> day of June, 2016.



Ervin Chavez, Chairperson  
**NHA BOARD OF COMMISSIONERS**

ATTEST:



Christina Lewis, Secretary/Treasurer  
**NHA BOARD OF COMMISSIONERS**

RESPECTIVE CHIEF: 

LEGAL REVIEW: 

CHIEF EXECUTIVE OFFICER: 



**Part 2. Environmental Certification** (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

President of the Navajo Nation

Date signed

X

Address of Certifying Officer

Navajo Nation, P.O. 9000 Window Rock, Arizona 86515

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Chief Executive Officer  
Navajo Housing Authority

Date signed

X

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

# Request for Release of Funds and Certification

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

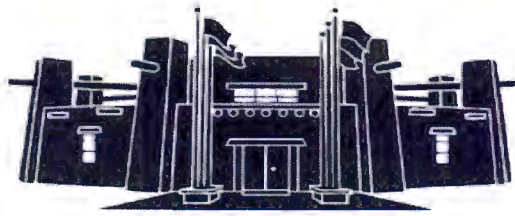
OMB No. 2506-0087  
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) <b>Indian Housing Block Grant</b>	2. HUD/State Identification Number <b>55IH0402810</b>	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity <b>Navajo Nation P.O. Box 9000 Window Rock, Arizona 86515</b>	
6. For information about this request, contact (name & phone number) <b>CEO, NHA (928)871-2600</b>	7. Name and address of recipient (if different than responsible entity) <b>Navajo Housing Authority P.O. Box 4980 Window Rock, Arizona 86515</b>	
8. HUD or State Agency and office unit to receive request <b>HUD Northern Plains Office of Native American Programs 1670 Broadway, 22nd Fl. Denver, Colorado 80202-4801</b>		
<b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b>		
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)	

11. Program Activity/Project Description



**MEMORANDUM**

**TO:** Hon. Davis Filfred  
23<sup>rd</sup> Navajo Nation Council

**FROM:** *Rhonda L. Tuni*  
Rhonda L. Tuni  
Office of Legislative Counsel

**DATE:** November 15, 2016

**SUBJECT:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CJA-03-14 EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT TO CARRY OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2021

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge. In addition, this legislation requires two-thirds (2/3) vote of the full membership of the Navajo Nation Council and shall be presented at the regular session of the Navajo Nation Council.

The Office of Legislative Counsel confirms 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0403-16\_

SPONSOR: Davis Filfred

**TITLE: An Action Relating To Resources and Development And NAABIK'IYATI Committees And Navajo Nation Council; Amending Resolution CJA-03-14 Extending The Time For A Limited Waiver Of Sovereign Immunity To Allow the Navajo Nation to be Sued in Federal District Court For Compliance With The National Environmental Protection Act To Carry Out The United States Department Of Housing And Urban Development Grants And Authorizing The President Of The Navajo Nation To Be The Certifying Tribal Official To Execute Form 7015.15 Through September 30, 2021**

***Date posted:*** November 22, 2016 at 6:12 PM

**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.:** 0403-16

**SPONSOR:** Honorable Davis Filfred

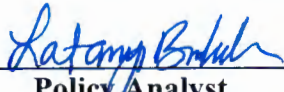
**TITLE::** An Action Relating To Resources and Development And NAABIK'IYATI Committees And Navajo Nation Council; Amending Resolution CJA-03-14 Extending The Time For A Limited Waiver Of Sovereign Immunity To Allow the Navajo Nation to be Sued in Federal District Court For Compliance With The National Environmental Protection Act To Carry Out The United States Department Of Housing And Urban Development Grants And Authorizing The President Of The Navajo Nation To Be The Certifying Tribal Official To Execute Form 7015.15 Through September 30, 2021

**Posted:** November 22, 2016 at 6:12 PM

**5 DAY Comment Period Ended:** November 27, 2016

**Digital Comments received:**

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

  
\_\_\_\_\_  
**Policy Analyst**  
**Office of Legislative Services**  
  
11/28/16 8:22am  
\_\_\_\_\_  
**Date/Time**

**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

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

**Legislation # 0403-16:** An Action Relating to Resources and Development and Naabik'iyati Committees and Navajo Nation Council; Amending Resolution CJA-03-14 Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to Be Sued in Federal District Court for Compliance with the National Environmental Protection Act to Carry Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to Be The Certifying Tribal Official to Execute Form 7015.5 "Request for Release of Funds and Certification". *Sponsor: Honorable Davis Filfred*

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

And thereafter referred the matter to Naabik'iyati Committee.

Respectfully submitted,



Alton Joe Shepherd, Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council

Adopted: *Shannon Begay* Not Adopted: \_\_\_\_\_

**Date:** December 20, 2016  
**Motion:** Honorable Benjamin Bennett  
**Second:** Honorable Leonard Pete  
**Vote:** 4-0-1 (CNV)

**23<sup>rd</sup> NAVAJO NATION COUNCIL**  
**Naabik'íyáti' Committee Report**  
**Second Year 2016**

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

**NAVAJO LEGISLATIVE BILL #0403-16**

An Action Relating to Resources and Development and Naabik'íyáti' Committees; Amending Resolution CJA-03-14 Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court for Compliance with the National Environmental Protection Act to Carry Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Executive Form 7015.15 through September 30, 2021

*Sponsored by: Honorable Davis Filfred*

*Co-Sponsored by: Honorable Benjamin Bennett*

Has had it under consideration and reports the same with the recommendation that it **PASSED WITH NO AMENDMENT**

And therefore, referred to the **NAVAJO NATION COUNCIL**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Chairman  
NAABIK'ÍYÁTI' COMMITTEE

**22 DECEMBER 2016**

**MAIN MOTION:**

*Motioned: Honorable Walter Phelps*

*Seconded: Honorable Edmund Yazzie*

*VOTE: 16 in Favor, 00 Opposed (Chairman Bates not voting)*

16

# 23rd Navajo Nation Council

## Naabik'iyati' Committee

DATE: December 22, 2016

### Legislation 6403-16 (Main Motion)

Motion: Phelps

Second: Eyazie

#### ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.	✓	
CROTTY, Amber K.		
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis		
HALE, Jonathan L.		
JACK, Lee Sr.	✓	
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe	✓	
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		
TSO, Otto		
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

#### BY COMMITTEE:

	Yea	Nay	TOTAL
<b>BFC:</b>			
CHEE, Tom T.			
DAMON, Seth			
JACK, Lee Sr.			
SLIM, Tuchoney Jr.			
WITHERSPOON, Dwight			
TSOSIE, Leonard			
<b>HEHSC:</b>			
BEGAY, Norman M.			
BEGAYE, Nelson			
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.			
YAZZIE, Peterson			
<b>LOC:</b>			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.			
TSO, Otto			
YAZZIE, Edmund			
<b>RDC:</b>			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Leonard			
PETE, Leonard H.			
PHELPS, Walter			
SHEPHERD, Alton Joe			
<b>SPEAKER:</b>			
BATES, LoRenzo			
(Votes only in a tie)			

GRAND TOTAL

16 0

CERTIFICATION:

Honorable LoRenzo Bates  
Speaker

## **23<sup>rd</sup> NAVAJO NATION COUNCIL COMMITTEE REPORT Third Year 2017**

The **NAVAJO NATION COUNCIL** to whom has been assigned:

### **NAVAJO NATION LEGISLATION #0403-16**

An Action Relating to Resources and Development and Naabik'iyáti' Committees; Amending Resolution CJA-03-14 Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court for Compliance with the National Environmental Protection Act to Carry Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Executive Form 7015.15 through September 30, 2021

*Sponsored by: Honorable Davis Filfred*

*Co-Sponsored by: Honorable Benjamin Bennett*

Has had it under consideration and reports the same was **TABLED**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Speaker  
NAVAJO NATION COUNCIL

**26 JANUARY 2017**

### **TABLING MOTION:**

Motion to Table for a work session before the next session

*Motioned by: Honorable Herman M. Daniels*

*Seconded by: Honorable Raymond Smith, Jr.*

*Vote: 12 in Favor, 07 Opposed (Speaker Bates not voting)*

**MAIN MOTION:**

*Motioned: Honorable Herman M. Daniels*

*Seconded: Honorable Alton Joe Shepherd*

*VOTE:*

23rd Navajo Nation Council

Winter Session

DATE: January 26, 2017

TABLE Legislation: 0403-16

Motion: Daniels

Second: ~~Shepherd~~ Smith, Jr. y.

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.		✓
BEGAY, Norman M.	✓	
BEGAYE, Nelson		✓
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel		✓
CHEE, Tom T.		✓
CROTTY, Amber K.	✓	
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis	✓	
HALE, Jonathan L.	✓	
JACK, Lee Sr.		
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter		✓
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.	✓	
TSO, Otto	✓	
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight		✓
YAZZIE, Edmund	✓	
YAZZIE, Peterson		✓

GRAND TOTAL

12 7

CERTIFICATION:

Honorable LoRenzo Bates  
Speaker

**23<sup>rd</sup> NAVAJO NATION COUNCIL**  
**Council Report**  
**Third Year 2017**

The **NAVAJO NATION COUNCIL** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #0403-16**

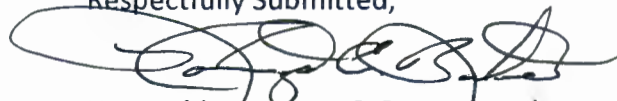
An Action Relating to Resources and Development and Naabik'iyáti' Committees; Amending Resolution CJA-03-14 Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court for Compliance with the National Environmental Protection Act to Carry Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Executive Form 7015.15 through September 30, 2021

*Sponsored by: Honorable Davis Filfred*

*Co-Sponsored by: Honorable Benjamin Bennett*

Has had it under consideration and reports the same **FAILED (NEEDED 16 IN FAVOR VOTES)**

Respectfully Submitted,



Honorable Lorenzo C. Bates, Speaker  
NAVAJO NATION COUNCIL

**18 APRIL 2017**

**RECALL MOTION:**

*Motioned by: Honorable Leonard Tsosie*

*Seconded by: Honorable Benjamin Bennett*

*Vote: 15 in Favor, 02 Opposed (Speaker Bates Not Voting)*

**MAIN MOTION:**

*Motioned: Honorable Herman M. Daniels*

*Seconded: Honorable Alton Joe Shepherd*

*VOTE: 14 in Favor, 06 Opposed (Speaker Bates Not Voting) – FAILED NEEDED 16 IN FAVOR VOTES*

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**FAILED MOTION (Motion to Table):**

*Motioned by: Honorable Otto Tso*

*Seconded by: Honorable Leonard Tsosie*

*VOTE: 05 in Favor, 13 Opposed (Speaker Bates Not Voting)*

NAVAJO NATION

RCS# 715

NNC Spring Session

4/18/2017

11:37:23 AM

Amd# to Amd#

Recall Legislation No. 0403-16

PASSED

MOT Tso sie

SEC Bennett

**Yea : 15**

**Nay : 2**

**Not Voting : 7**

**Yea : 15**

Begay, S  
BeGaye, N  
Bennett  
Brown

Chee  
Damon  
Daniels  
Filfred

Hale  
Phelps  
Shepherd  
Slim

Smith  
Tso sie  
Witherspoon

**Nay : 2**

Yazzie

Tso

**Not Voting : 7**

Bates  
Begay, K

Begay, NM  
Crotty

Jack  
Perry

Pete

# NAVAJO NATION

RCS# 717

NNC Spring Session

4/18/2017  
12:49:46 PM

Amd# to Amd#

Legislation No. 0403-16

FAILED

MOT Daniels

Amending Resol.CJA-03-14

SEC Shepherd

Extending the Time for a  
Limited Waiver of Sov.Immun.

**Yea : 14**

**Nay : 6**

**Not Voting : 4**

## Yea : 14

Begay, K  
Begay, S  
BeGaye, N  
Bennett

Brown  
Chee  
Crotty  
Damon

Daniels  
Filfred  
Pete

Phelps  
Shepherd  
Witherspoon

## Nay : 6

Hale  
Slim

Smith  
Tso

Tsosie

Yazzie

## Not Voting : 4

Jack

Perry

Begay, NM

Bates

# NAVAJO NATION

RCS# 716

NNC Spring Session

4/18/2017

11:50:05 AM

Amd# to Amd#

Motion to table until NHA  
arrives

FAILED

MOT Tso

SEC Tsosie

**Yea : 5**

**Nay : 13**

**Not Voting : 6**

**Yea : 5**

Hale  
Slim

Tso

Tsosie

Yazzie

**Nay : 13**

Begay, S  
BeGaye, N  
Bennett  
Brown

Chee  
Damon  
Daniels

Filfred  
Pete  
Phelps

Shepherd  
Smith  
Witherspoon

**Not Voting : 6**

Bates  
Begay, K

Begay, NM  
Crotty

Jack

Perry