

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23<sup>rd</sup> NAVAJO NATION COUNCIL - Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND  
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;  
RESCINDING RESOLUTION CJN-23-13, EXEMPTING THE NAVAJO NATION OIL  
AND GAS COMPANY FROM THE NAVAJO NATION FUEL EXCISE TAXES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee (RDC) exercises oversight authority over gaming. 2 N.N.C. § 500 (C) (2015); CO-45-12.
- B. The Budget and Finance Committee (B&F) exercises oversight authority over taxes. 2 N.N.C. § 300 (C) (2015); CO-45-12.
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council. CO-45-12.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A) (2015); CO-45-12.

SECTION TWO. FINDINGS

- A.. Resolution CJN-23-13, exempts the Navajo Nation Oil and Gas Company (NNOGC) from the Navajo Nation Fuel Excise Taxes, 24 N.N.C. §§ 901-923, related to the Development of the Convenience Store and Gas Station at Twin Arrows, Arizona, until the company has recovered *its investment* in the infrastructure costs associated with such development, or for seven years after the beginning of Operations, whichever comes first. See **Exhibit A**.
- B. Resolution CJN-23-13, was intended to give NNOGC an incentive to develop near Twin Arrows Casino, thereafter, the Navajo Nation Gaming Enterprise received a loan for the development of the same infrastructure.

- C. The Navajo Nation approved and adopted the total funding for the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan, in the amount of ten million dollars (\$10,000,000.00) during the Navajo Nation Fiscal Year 2016, through resolution CJY-39-16. See **Exhibit B**.
- D. It is within the best interest of the Navajo Nation to rescind Resolution CJN-23-13.

**SECTION THREE. RESCINDING CJN-23-13**

The Navajo Nation hereby rescinds CJN-23-13, attached hereto as **Exhibit A**.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 14 in favor and 02 opposed, this 26<sup>th</sup> day of January 2017.



LoRenzo C. Bates, Speaker  
Navajo Nation Council

2-1-17

Date

Motion: Honorable Nelson S. BeGaye  
Second: Honorable Peterson Yazzie



CJN-23-13

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22<sup>ND</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2013

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI'; EXEMPTING THE NAVAJO NATION OIL AND GAS COMPANY FROM THE NAVAJO NATION FUEL EXCISE TAXES, 24 N.N.C. §§ 901 - 923, RELATED TO THE DEVELOPMENT OF THE CONVENIENCE STORE AND GAS STATION AT TWIN ARROWS, ARIZONA, UNTIL THE COMPANY HAS RECOVERED ITS INVESTMENT IN THE INFRASTRUCTURE COSTS ASSOCIATED WITH SUCH DEVELOPMENT (SUCH INFRASTRUCTURE COSTS ESTIMATED TO BE APPROXIMATELY \$2.5 MILLION), OR FOR SEVEN YEARS AFTER THE BEGINNING OF OPERATIONS, WHICHEVER COMES FIRST

BE IT ENACTED:

Section 1. Findings and Purpose

1. Navajo Nation Oil and Gas Company ("NNOGC"), in response to the need to provide more services to rural Navajo communities, has develop a Rural Development Initiative, and pursuant to this Initiative is planning to construct ten convenience stores and gas stations throughout the Navajo Nation, including one at the Twin Arrows site near Flagstaff, Arizona;
2. The Navajo Nation Gaming Enterprise ("NNGE") is constructing a resort casino at Twin Arrows approximately 17 miles east of Flagstaff, Arizona;
3. NNGE will sublease a parcel of land to the Navajo Nation Oil and Gas Company ("NNOGC") to build a convenience store and gas station ("C-Store") at the Interstate 40 interchange which provides egress to the casino. NNOGC will pay rents to the Office of Navajo and Hopi Relocation, which is required to use such funds for the benefit of relocatees from the former Navajo-Hopi Joint Use Area;
4. NNOGC is able to finance the C-Store but the infrastructure costs associated with the C-Store have proven cost prohibitive to the development of the C-Store. NNOGC is willing to construct but is

at present unable to finance the infrastructure (water, sewer, electricity, natural gas and telecommunications) associated with NNOGC's sublease for the C-Store, which infrastructure is estimated to cost approximately \$2.5 million, from its own resources;

5. The infrastructure for NNOGC's business site will be able to support other ancillary businesses, such as a fast food restaurant, RV Park, tourism facilities and similar developments, for NNOGC and other entrepreneurs;

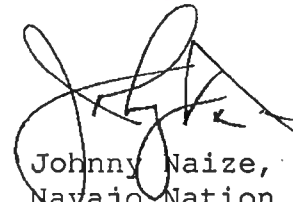
6. In order to pay for such infrastructure costs, NNOGC requests the Navajo Nation to provide an incentive to NNOGC through an exemption from the Navajo Nation Fuel Excise Taxes, 24 N.N.C. §§ 901-923, until such time as the infrastructure costs are repaid or seven years, whichever date comes first.

## **Section 2. Exempting NNOGC from the Navajo Nation Fuel Excise Taxes**

The Navajo Nation Council hereby exempts the Navajo Nation Oil and Gas Company from the Navajo Nation Fuel Excise Taxes, 26 N.N.C. §§ 901-923, related to the development of the convenience store and gas station at Twin Arrows, Arizona, until the Navajo Nation Oil and Gas Company has recovered its investment in the infrastructure costs associated with such development (such infrastructure estimated to cost approximately \$2.5 million), or for seven years after the beginning of operations, whichever comes first.

### **CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 14 in favor and 1 opposed, this 28<sup>th</sup> day of June 2013.

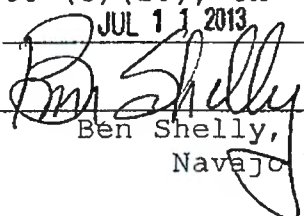
  
Johnny Naize, Speaker  
Navajo Nation Council

Motion: Honorable Edmund Yazzie  
Second: Honorable Duane Tsinginie

July 01, 13  
Date

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this \_\_\_\_\_ day of JUL 11 2013 2013.

  
\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2013, for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation



THE  
NAVAJO  
NATION

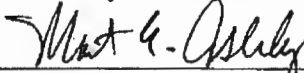
BEN SHELLY  
PRESIDENT

OFFICE OF THE NAVAJO TAX COMMISSION  
Post Office Box 1903 • Window Rock, Navajo Nation (Arizona) 86515-1903  
(928) 871-6681 • (928) 871-7608 FAX

REX LEE JIM  
VICE - PRESIDENT

MEMORANDUM

TO: Navajo Nation Council  
Resources & Development Committee  
Budget and Finance Committee  
Naa'bik'iyati' Committee

FROM:   
Martin E. Ashley, Executive Director  
OFFICE OF THE NAVAJO TAX COMMISSION

DATE: April 9, 2013

RE: Legislation No. 0108-13

The Office of the Navajo Tax Commission (ONTC) has reviewed the draft legislation and has the following comments:

1. The purpose of the Navajo Fuel Excise Tax was to defray necessary governmental expenses for the public welfare. 24 NNC 901. A fuel excise tax of .18/gallon is imposed by the Navajo Nation. The net revenue collected from the fuel excise tax is deposited into the Navajo Nation Road Fund. The proposed legislation would divert the use of this fund from Navajo public road maintenance and construction to the benefit of only one entity, Navajo Nation Oil and Gas Company, for the construction of a gas station. This legislation will also reduce the amount of revenues that go into the Navajo Nation Road Fund.
2. The Nation collects and shares the fuel tax with the State of Arizona in the Arizona portion of the Navajo Nation. The Navajo Nation Road Fund would be reduced not only by the portion not collected by the Nation, but it would be reduced by the amount paid to Arizona on fuel sold by NNOG that NNOG does not pay the fuel tax on.

Should there be any questions I can be contacted at extension 6992 or  
[mashley@navajotax.org](mailto:mashley@navajotax.org).



**NAVAJO NATION OIL & GAS COMPANY**

A Federal Corporation

Post Office Box 4439 • Window Rock, Arizona • 86515

Telephone (928) 871-4880 • FAX (928) 871-4882



July 11, 2013

Via hand-delivery

Ben Shelly, President  
The Navajo Nation  
P. O. Box 7440  
Window Rock, Navajo Nation (AZ) 86515

Re: Legislation regarding Fuel Excise Taxes at Twin Arrows Location of the Navajo Nation Oil and Gas Company ("NNOGC")

Dear Navajo Nation President Shelly:

Thank you for convening a meeting yesterday afternoon among yourself, Office of the Navajo Tax Commission ("ONTC") Executive Director Martin Ashley, ONTC legal counsel Chad Yazzie, delegates Leonard Tsosie and Russell Begaye, NNOGC legal counsel Paul Frye, and Perry Shirley, Chairman of the NNOGC Board. The purpose of this letter is to memorialize our understanding of the intent and scope of the legislation passed by the Navajo Nation and the resolution of what would be an otherwise unintended consequence of the legislation related to the Fuel Excise Tax ("FET") agreement between the Navajo Nation and the State of Arizona.

NNOGC agrees that the legislation is intended to affect and will only affect sales of gasoline and diesel from one location, the Twin Arrows location to be developed in cooperation with the Navajo Nation Gaming Enterprise. Second, NNOGC recognizes that the legislation was not intended to cause the FET revenues available for road construction and maintenance to decrease, by requiring the Nation to remit to the State of Arizona its 3.5% of the FET that is, or is deemed to be, collected on sales of gasoline (or the larger percentage on sales of diesel) from the Navajo Reservation in Arizona.

NNOGC does not expect significant sales of diesel. The road infrastructure at Twin Arrows is designed to discourage large diesel-powered vehicles from entering the location, and it is my understanding that the Pinta Road interchange is being targeted as the location for a large truck stop by the Navajo-Hopi Land Commission. Nonetheless, there will likely be some sales of diesel at NNOGC's Twin Arrows station.

Because the intended resolution of the Arizona FET issue was reached only yesterday afternoon and the President has until this evening to decide whether to sign the legislation into law, it was not possible to get full Board approval of our intended resolution of this matter. However, I can say with some confidence, having worked with the Board for several years, that the Board will favorably consider, through formal resolution to be presented to the Board at its next regularly scheduled agreement, a resolution that indemnifies the Nation from any FET payments it is required to make to the State of Arizona on account of sales of gasoline and diesel from NNOGC's Twin Arrows station. Based on an FET rate of \$0.18 per gallon and a

percentage that may be due to Arizona of 3.5%, that amount (on gasoline) would amount to a little more than one-half cent per gallon. The resolution that will be presented to the NNOGC Board of Directors will provide that NNOGC will reimburse the Nation, through the ONTC, of any such payments made to Arizona on a quarterly basis, promptly upon receipt of a statement or invoice from the ONTC.

I will keep you informed of NNOGC's decision-making in this respect. Again, thank you for your interest and guidance in this matter. With the above commitments, NNOGC respectfully requests your favorable recommendation to President Shelly and President Shelly's own favorable action on the legislation.

Sincerely,



Robert Joe  
President and CEO

c: Members, NNOGC Board of Directors





**COMMITTEE REPORT**  
**RESOURCES AND DEVELOPMENT COMMITTEE**  
**22<sup>ND</sup> NAVAJO NATION COUNCIL --- Third Year, 2013**

**Mr. Speaker:**

The Resources and Development Committee, to whom has been referred;

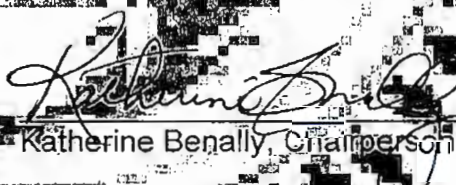
**LEGISLATION NO. 0108-13**

Introduced by the Hon. Leonard Tsosie

An action relating to Resources and Development, Budget and Finance and Naabik'iyati; exempting the Navajo Nation Oil and Gas Company from the Navajo Nation Fuel Excise Taxes, 24, N.N.C. §§901-923, related to the development of the convenience store and gas station at Twin Arrows, Arizona, until the Company has recovered its investment in the infrastructure costs estimated to be approximately \$2.5 Million, or for seven years after the beginning of operations, whichever comes first

has had it under consideration and reports a **TABLING** action by the Resources and Development Committee pending consultation with the attorneys on the SAS process.

And thence referred to the **BUDGET AND FINANCE COMMITTEE** on this 23<sup>rd</sup> Day of April, 2013.

  
Katherine Benally, Chairperson

Motion: David L. Tom  
Second: Roscoe D. Smith  
Vote: 3-2-0

**COMMITTEE REPORT**  
**RESOURCES AND DEVELOPMENT COMMITTEE**  
**22<sup>ND</sup> NAVAJO NATION COUNCIL --- Third Year, 2013**

**Mr. Speaker:**

The Resources and Development Committee, to whom has been referred;


**LEGISLATION NO. 0108-13**

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An action relating to Resources and Development, Budget and Finance and Naabik'iyati'; exempting the Navajo Nation Oil and Gas Company from the Navajo Nation Fuel Excise Taxes, 24, N.N.C. §§901-923, related to the development of the convenience store and gas station at Twin Arrows, Arizona, until the Company has recovered its investment in the Infrastructure costs estimated to be approximately \$2.5 Million, or for seven years after the beginning of operations, whichever comes first

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

And thence referred to the **BUDGET AND FINANCE COMMITTEE** on this 23rd Day of April, 2013.

  
Katherine Benally, Chairperson

Motion: David L. Tom  
Second: Roscoe D. Smith  
Vote: 3-0-0

**22<sup>nd</sup> NAVAJO NATION COUNCIL**

Third Year 2013

Mr. Speaker:

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

**NAVAJO LEGISLATIVE BILL #0108-13:**

An Action Relating to Resources and Development, Budget and Finance and Naabikiyati; Exempting the Navajo Nation Oil and Gas Company from the Navajo Nation Fuel Excise Taxes, 24 N.N.C. §§ 901-923, related to the Development of the Convenience Store and Gas Station at Twin Arrows, Arizona, Until the Company has Recovered its Investment in the Infrastructure Costs Associated with such Development (such Infrastructure Costs Estimated to be Approximately \$2.5 Million), or for Seven Years after the Beginning of Operations, Whichever Comes First *Sponsored by Russell Begaye and Leonard Tsosie, Honorable Council Delegates*

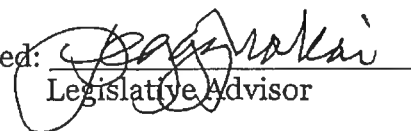
has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

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

Respectfully submitted,



LoRenzo Bates, Chairman

Adopted:   
Legislative Advisor

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

**7 May 2013**

The vote was 2 in favor 1 opposed

Excused:

Absent: Danny Simpson, Mel R. Begay

22<sup>nd</sup> NAVAJO NATION COUNCIL

Third Year 2013

The NAABIK'ÍYÁTI' COMMITTEE to whom has been assigned

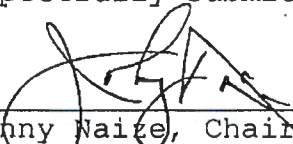
NAVAJO LEGISLATIVE BILL # 0108-13

An Action Relating to Resources and Development; Budget and Finance, and the Naabik'iyáti'; Exempting the Navajo Nation Oil and Gas company from the Navajo Nation Fuel Excise Taxes, 24 N.N.C.. §§901-923, Related to the Development of the Convenience Store and Gas Station at Twin Arrows, Arizona until the company has recovered its Investment in the Infrastructure Costs Associated with Such Development (Such Infrastructure Costs Estimated to be Approximately \$2.5 Million), or for Seven Years after the Beginning of Operations, Whichever Comes First, Sponsors: Honorable Leonard Tsosie and Honorable Russell Begaye

has had it under consideration and reports the same was PASSED (under 2 N.N.C. §700(D)) with no amendment

and therefore referred to the NAVAJO NATION COUNCIL.

Respectfully submitted,

  
\_\_\_\_\_  
Johnny Naize, Chairperson  
Naabik'iyáti' Committee

Adopted:

  
\_\_\_\_\_  
Tom Platefo, Executive Director  
Office of Legislative Services

Not Adopted: \_\_\_\_\_

16 MAY 2013

Motion: Honorable Katherine Benally  
Second: Honorable Dwight Witherspoon  
Vote: 11 in favor, 0 opposed



RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND  
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE  
SÍHASIN FUND TWIN ARROWS TRAVEL CENTER DEVELOPMENT EXPENDITURE  
PLAN PURSUANT TO RESOLUTION CD-68-14 AND 12 N.N.C §§2501 - 2508

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A) (9).
- C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §300(8) (2).
- D. The Resource Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over economic and community development, commerce and trade, and public utilities and telecommunications. 2 N.N.C. §500 (C).

Section Two. Findings

- A. On May 30, 2014, the 22<sup>nd</sup> Navajo Nation Council adopted Resolution No. CMY-28-14 accepting a settlement of the Navajo Nation's lawsuit, *Navajo Nation v. United States*, No. 06-945L (United States Court of Federal Claims) against the United States for its historical mismanagement of the tribe's trust assets and its failure to ensure that the Navajo Nation received all funds due and owed under the United States' trust obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by the President of the Navajo Nation on June 4, 2014.



- B. The 22<sup>nd</sup> Navajo Nation Council recognized that during the many decades that the United States was in breach of its trust obligations and fiduciary duties to the Nation, the tribal government was without funds to develop the comprehensive nation-wide infrastructures necessary to support and promote community growth and sustainability through the expansion of economic development, as well as to provide the educational opportunities, critical for the prosperity of current and future generations of Diné. See Resolution No. CMY-28-14.
- C. Between October 6, 2014 and November 8, 2014 the Office of the Speaker held seven (7) Public Hearings, as directed by the Navajo Nation Council's Naabik'iyáti' Committee on July 10, 2014, to receive input from Navajo Nation members on how the net proceeds from *Navajo Nation v. United States* should be used. During that same time period, the Office of the President and Vice-President also held five (5) town hall meetings for a similar purpose.
- D. On December 13, 2014, the 22<sup>nd</sup> Navajo Nation Council adopted Resolution No. CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014 (hereinafter "2014 Act") and establishing the Navajo Nation Síhasin Fund at 12 N.N.C. §2501 et seq. The President of the Navajo Nation signed Resolution No. CD-68-14 into law on December 31, 2014.
- E. The 2014 Act mandated that the net proceeds and earnings thereon received by the Navajo Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L, be deposited into the Síhasin Fund and managed and invested to provide financial support and/or financing for (1) the planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation; and/or (2) education opportunities for members of the Navajo Nation. See 12 N.N.C §2501 and §2502 (A).
- F. Pursuant to 12 N.N.C §2502 (B), the 2014 Act also established that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole".

- G. Pursuant to 12 N.N.C. §2505 (A), the 2014 Act further established that with the exception of outstanding and accrued litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act at 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council.
- H. Pursuant to 12 N.N.C. §§2504 and 2505(C), the 2014 Act states that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted.
- I. The Office of the Controller reported that as of January 1, 2016, the amount of the Síhasin Fund Principal is Four Hundred Eighty Seven million Nine Hundred Ninety Thousand Eight Hundred Forty One Dollars and Ninety One Cents (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75).
- J. On April 9, 2015, the Naabik'iyáti' Committee adopted Resolution No. NABIAP-20-15 establishing the Naabik'iyáti' Síhasin Fund Subcommittee to "review and evaluate the Public Hearing comments and recommendations from the Navajo People" and "recommend to the Naabik'iyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]".
- K. Between April 2015 and April 2016, the Naabik'iyáti' Síhasin Fund Subcommittee, assisted by the Office of Legislative Services, Office of the Speaker, and Office of Legislative Counsel, met on at least sixteen (16) occasions in either work sessions or official meetings to review and evaluate the Public Hearing comments and recommendations from the Navajo People; hear proposals from Navajo Nation entities, chapters, programs and officials; and develop an expenditure plan(s) for the Síhasin Fund Principal and Income consistent with the purposes set forth in the 2014 Act.

- L. The Naabik'iyáti' Síhasin Fund Subcommittee determined that for an expenditure plan to fully meet the leveraging criteria of the 2014 Act, the expenditure plan shall not rely on Síhasin Funds for full direct project funding, unless such funds are to be repaid under a loan agreement, and instead must utilize the Síhasin Funds for (1) match funding, joint funding, contribution funding, cost-share funding or similar weighted uses of the funds; (2) reimbursement funding; and/or (3) loan or bond financing or guarantee.
- M. The Naabik'iyáti' Síhasin Fund Subcommittee also determined that the 2014 Act allowed for the adoption of multiple expenditure plans and that it would be prudent for the Navajo Nation to adopt integrated, yet distinct, expenditure plans for regional-level infrastructure planning and development in four broad infrastructure areas or categories consistent with the purposes of the 2014 Act: Water and Natural Resource Infrastructure Development; Economic Development; Community Development; and Housing Development.
- N. In February of 2016, upon recommendation of the Naabik'iyáti' Síhasin Fund Subcommittee, the Navajo Nation enacted Legislation No. CJA-12-16 adopting the Síhasin Fund Bulk Water and Wastewater Development and Sanitation Deficiency System (SDS) Project Expenditure Plans for the planning and development of a comprehensive and cohesive nationwide bulk water delivery system necessary to support sustainable economic and community development, including housing, throughout the Navajo Nation.
- O. Legislation No. CJA-12-16 specifically set forth that following the adoption of the Bulk Water and Wastewater Development and Sanitation Deficiency System (SDS) Project Expenditure Plans, the Naabik'iyáti' Síhasin Fund Subcommittee would consider project specific economic and community development expenditure plans for funding under Section 2505 of the 2014 Act.
- P. The Navajo Nation Gaming Enterprise ("NNGE") presented the Naabik'iyáti' Síhasin Fund Subcommittee with information that since 2011, the Navajo Nation (which includes the Navajo-Hopi Land Commission and Office, the Division of Economic Development, the Division of Natural Resources,

other Navajo Nation programs, and the Twin Arrows Task Force), the Office of Navajo Hopi Relocation, the Navajo Nation Oil and Gas Company ("NNOGC"), and the NNGE have planned and advocated for a convenience store and gas station at the Twin Arrows Interstate 40 interchange since the inception of the Twin Arrows Navajo Casino Resort ("TANCR"); and these parties have worked together to advance the development of the Twin Arrows Travel Center ("TA Travel Center") to initially include egress to TANCR, a convenience store, gas station and trucker service station with separate diesel island and temporary parking area for truckers, at the Interstate 40 interchange; and this work includes multiple market studies, master plans, a "Retail Site Analysis", environmental studies, archaeological and geotechnical studies and design documents.

- Q. In December of 2014, the Resources Development Committee passed Resolution RDCD-106-14, attached as Exhibit A, approving the Twin Arrows Master Plan which includes plans for multiple businesses at Twin Arrows, specifically including the Twin Arrows Travel Center as an anchor tenant at the northeast corner of the Interstate 40 Twin Arrows exit roundabout, and directing the Navajo Nation Enterprises to commercially develop Twin Arrows.
- R. NNGE also presented the Naabik'iyáti' Síhasin Fund Subcommittee with studies showing that the development and establishment of the TA Travel Center under the ownership and management of NNGE will:
1. provide an additional revenue source coupled with a positive financial return to NNGE, as well as attract visitors to and complement the amenities offered at the TANCR;
  2. provide a positive return to the Navajo Nation through the creation of permanent jobs, as well as construction jobs for several trades; tax revenues from retail sales and construction; and business site lease fee revenues, as well as expand markets for Navajo goods and opportunities for Navajo entrepreneurs; and



3. stimulate capital and economic multiplier effects for the western portion of the Navajo Nation.
- S. NNGE additionally presented the Naabik'iyáti' Síhasin Fund Subcommittee with information that the development of essential utilities necessary to operate the TA Travel Center will establish the utilities infrastructure necessary to support future development of approximately two hundred acres in the western portion of the TANCR area, including other ancillary businesses such as retail establishments, fast food restaurants, a RV Park, tourism facilities and similar developments.
- T. NNGE further informed the Naabik'iyáti' Síhasin Fund Subcommittee that it had information that the Hopi Tribe was currently in the planning phase of developing a convenience store and gas station in the vicinity of Twin Arrows and that due diligence studies indicated that the market share for the TA Travel Center would be dramatically improved and remain positively impacted in the long-term if it was in operation before Hopi opened a similar establishment.
- U. NNGE assured the Naabik'iyáti' Síhasin Fund Subcommittee that as of February 18, 2016, the TA Travel Center was project ready in Phase II of the Architectural and Engineering Services for Design Development and Construction Services with site and building construction able to begin in summer 2016, with an opening date of late spring 2017, if funding in the amount of ten million dollars (\$10,000,000.00) was immediately secured.
- V. NNGE informed the Naabik'iyáti' Síhasin Fund Subcommittee that so far NNGE had contributed over two million dollars (\$2,000,000.00) in in-kind development costs supporting the TA Travel Center project, e.g., telecommunications, electricity and water/wastewater infrastructure; land costs; and development costs.
- W. The Naabik'iyáti' Síhasin Fund Subcommittee has determined that the TA Travel Center Development Expenditure Plan, attached as Exhibit B, submitted by NNGE meets the 2014 Act requirement for the "planning and development of regional



infrastructure supporting economic and community development, including housing, within the Navajo Nation". See 12 N.N.C. §2502 (A) (1).

- X. The Naabik'iyáti' Síhasin Fund Subcommittee has also determined that the substantial in-kind contribution NNGE has already made towards the TA Travel Center project satisfies the 2014 Act requirement that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C §2502 (B).
- Y. The Naabik'iyáti' Síhasin Fund Subcommittee further determined that a forty percent (40%) debt obligation assumed by NNGE in order to finish construction of the TA Travel Center facilities additionally satisfies the 2014 Act requirement that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C §2502 (B).
- Z. The Naabik'iyáti' Síhasin Fund Subcommittee additionally determined that it was in the best long-term interest of the Navajo Nation to provide the financial support necessary to develop the TA Travel Center and recommends to the Navajo Nation Standing Committees and the Navajo Nation Council that the TA Travel Center be funded as an economic development expenditure plan through the Síhasin Fund as the Síhasin Fund TA Travel Center Development Expenditure Plan, attached as Exhibit B, under section 2505 of the 2014 Act.
- AA. After considering the recommendations of the Naabik'iyáti' Síhasin Fund Subcommittee, the Navajo Nation Council hereby determines that it is in the best interests of economic development on the western portion of the Navajo Nation to fund the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan, attached as Exhibit B.

### **Section Three. Approval and Adoption of Expenditure Plan**

A. The Navajo Nation hereby approves and adopts the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan, attached as Exhibit B, as set forth below.

B. The Navajo Nation hereby approves and adopts total funding for the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan in the amount of \$10, 000,000.00 (ten million dollars) during Navajo Nation Fiscal Year 2016 as follows:

1. Direct funding from Síhasin Fund Principal in the amount of \$2,500,000.00 (two million five hundred dollars) to the Navajo Nation Gaming Enterprise for the planning, development and construction of infrastructure necessary to support the Twin Arrows Travel Center and ancillary developments;
  2. Direct funding from Síhasin Fund Principal in the amount of \$3,500,000.00 (three million five hundred thousand dollars) to the Navajo Nation Gaming Enterprise for the planning, development and construction of the Twin Arrows Travel Center facilities;
  3. Loan funding from Síhasin Fund Principal in the amount of \$4,000,000.00 (four million dollars) to the Navajo Nation Gaming Enterprise for the planning, development and construction of the Twin Arrows Travel Center facilities; and
  4. The loan funding to the Navajo Nation Gaming Enterprise shall be repaid, including interest, to the Síhasin Fund through a loan agreement approved by the Budget & Finance Committee with loan terms of fifteen-year term, fifteen-year amortization and 1.5% interest rate.
- C. The Síhasin Fund funds allocated for the Twin Arrows Travel Center Development Expenditure Plan may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. §1300 et seq., as amended, using Síhasin Fund Earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

**Section Four. Approval and Adoption of Expenditure Plan Administration**

A. The Navajo Nation hereby approves administration of the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan as follows:

1. At the discretion and approval of its Board of Directors, the Navajo Nation Gaming Enterprise may establish a subsidiary corporate entity to construct and/or operate the Twin Arrows Travel Center and administer the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan. If and when such entity is legally created, the provisions of this legislation shall extend to such entity.
2. The funds allocated to the Navajo Nation Gaming Enterprise shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) until such time as the Twin Arrows Travel Center is fully constructed and operating.
3. The funds allocated to the Navajo Nation Gaming Enterprise shall be administered through a loan agreement negotiated by the Navajo Nation Controller and approved by the Budget and Finance Committee which shall at least include provisions that:
  - a. The Navajo Nation Gaming Enterprise NNGE shall have the authority and responsibility to administer and use the Síhasin Funds allocated, including the loaned funds, solely to design, plan and construct the Twin Arrows Travel Center and infrastructure set forth in Exhibit B;
  - b. The funds allocated to the Navajo Nation Gaming Enterprise shall be released by the Office of the Controller pursuant to a Construction Plan(s) or other agreed upon schedule; and
  - c. The Navajo Nation Gaming Enterprise shall return any and all cost-savings to the Síhasin Fund once the Twin Arrows Travel Center is fully constructed.

4. The Navajo Nation Gaming Enterprise shall account for and be held accountable for the expenditure of Síhasin Fund funds and shall account for such funds pursuant to a Fund Management Plan approved by the Navajo Nation Gaming Enterprise Board of Directors which shall at least include provisions that:
  - a. The accounting and financial records for the Síhasin Fund funds, including the loan funds, shall be kept separate from other Navajo Nation Gaming Enterprise funds and accounts; and
  - b. The use of the Síhasin Fund funds, including the loaned funds, shall be audited on an annual basis with such audit report submitted to the Naabik'íyáti' Committee, Office of the Controller, and Office of the President and Vice-President.
- B. The Navajo Nation Gaming Enterprise Board of Directors shall report the status of the construction of the Twin Arrows Travel Center, as well as the status of the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan to the Naabik'íyáti' Committee and Office of the President and Vice-President on a quarterly basis.

**Section Five. Effective Date**

The Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. §2505.

**Section Six. Directives**

- A. All Navajo Nation programs and personnel, specifically including, but not limited to, the Office of Controller and Twin Arrows Task Force, shall take all steps necessary to expeditiously implement the Síhasin Fund Twin Arrows Travel Center Development Expenditure Plan consistent with the provisions set forth above.
- B. The Navajo Nation Gaming Enterprise and Navajo Nation programs named in this legislation shall be held accountable for the progress of tasks and/or projects under their responsibility and control after the funds for such

projects have been distributed by the Office of Controller and shall report on a semi-annual basis to the Navajo Nation Council on the progress for their respective tasks and projects.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 16 in favor and 2 opposed, this 20<sup>th</sup> day of July 2016.



LoRenzo Bates, Speaker  
Navajo Nation Council

7-21-16

Date

Motion: Honorable Lee Jack, Sr.  
Second: Honorable Davis Filfred



ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 10<sup>th</sup> day of August 2016.

  
\_\_\_\_\_  
Russell Begaye, President

Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2016 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Russell Begaye, President  
Navajo Nation

**NAVAJO NATION**

RCS# 524

Summer Session

7/20/2016

01:44:58 PM

Amd# to Amd#

Legislation No. 0214-16

PASSED

MOT Jack

Adopting the Sihasin Fund Twin

SEC Filfred

Arrows Travel Center

**Yea : 16**

**Nay : 2**

**Not Voting : 4**

**Yea : 16**

Begay, K

Damon

Perry

Slim

BeGaye, N

Daniels

Pete

Tso

Bennett

Filfred

Phelps

Tsosie

Chee

Jack

Shepherd

Witherspoon

**Nay : 2**

Yazzie

Smith

**Not Voting : 4**

Bates

Brown

Crotty

Hale

Begay, NM

# TWIN ARROWS,

A NEW GATEWAY TO THE NA 'A NAT ARIZONA

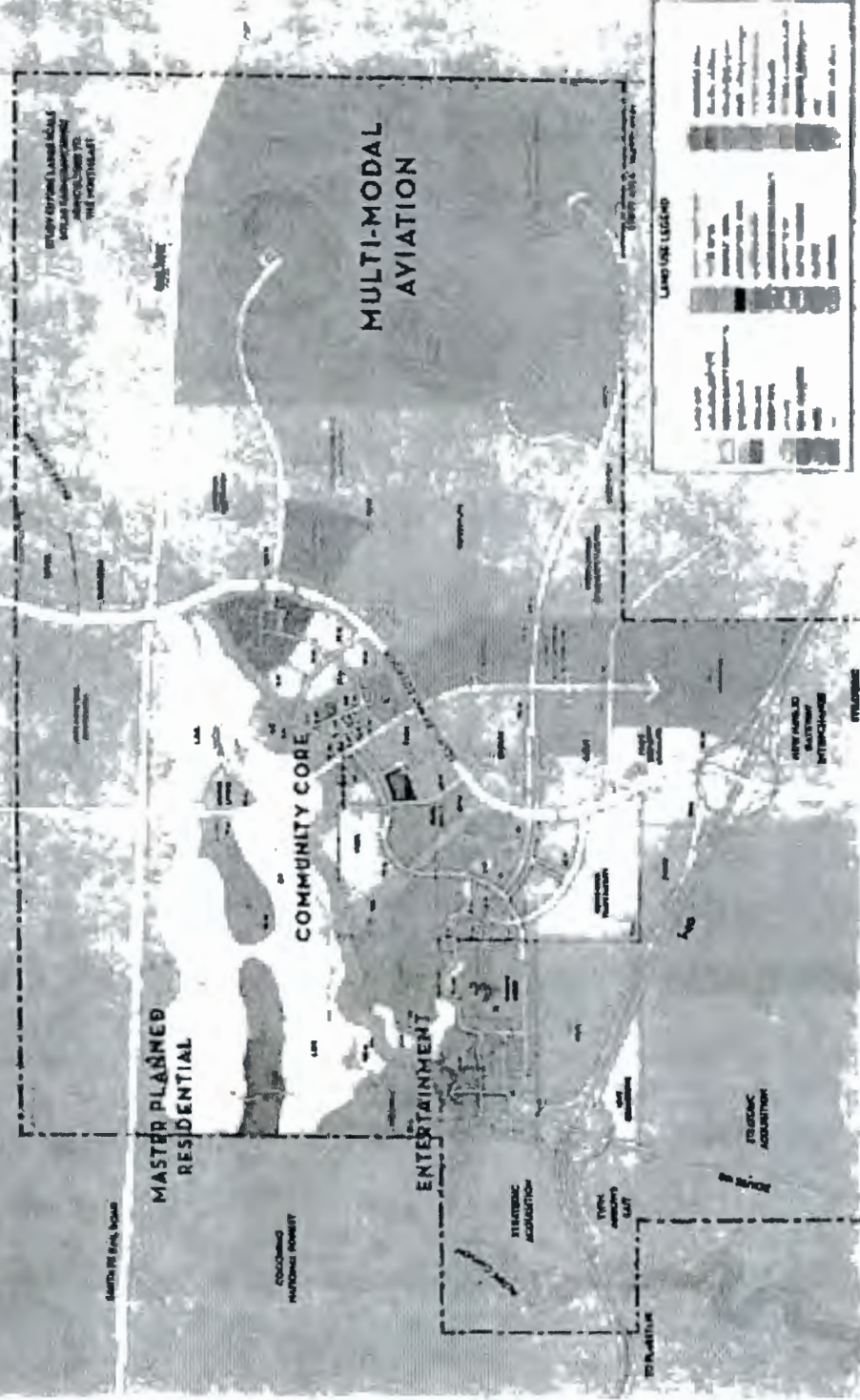


TWIN ARROWS

Prepared by  
Swaback Partners pllc, Architecture, Planning, Interiors

VISION BOOK 2013

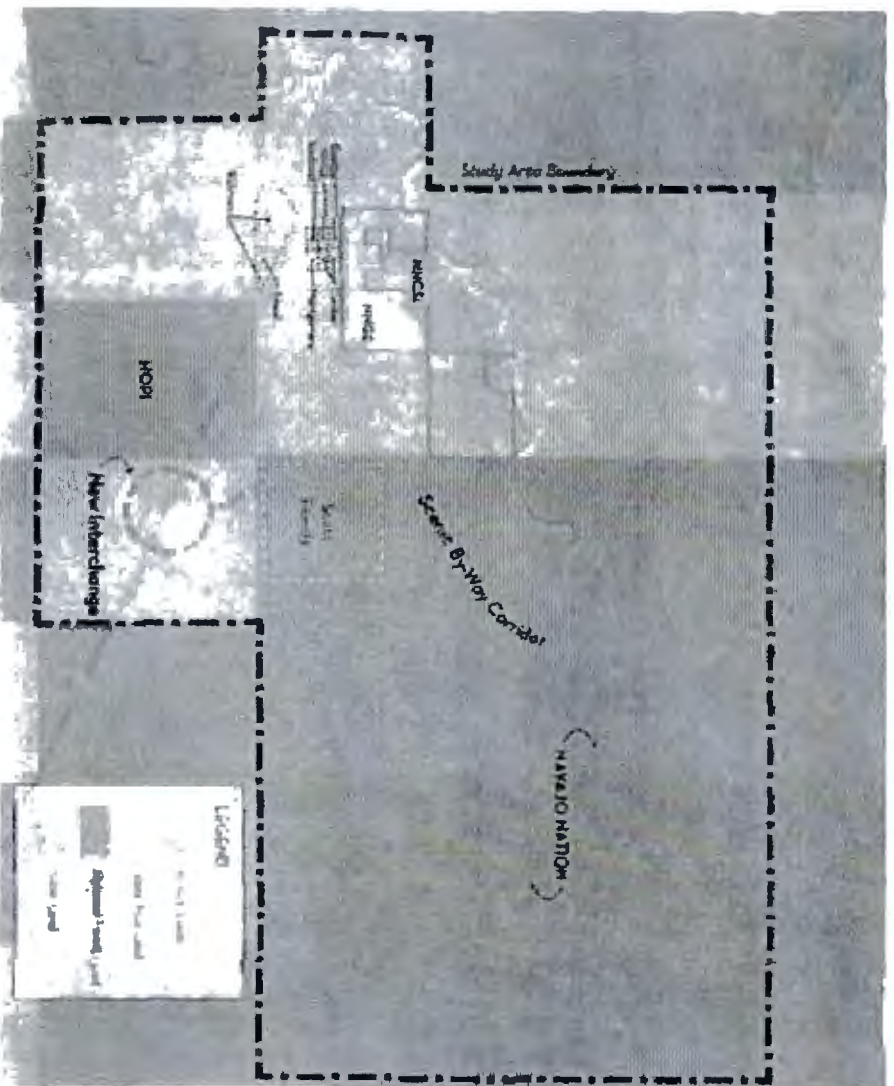
# 4. The Master Plan:



*Twin Aerosol's conceptual master plan for the study area of 10,000 acres.*



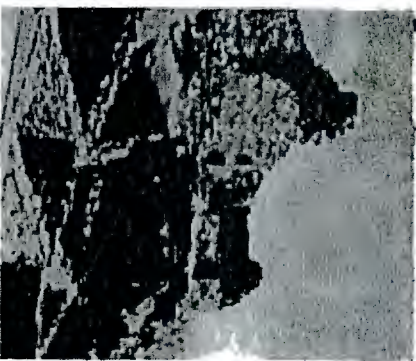
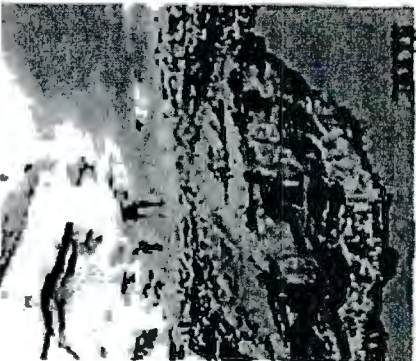
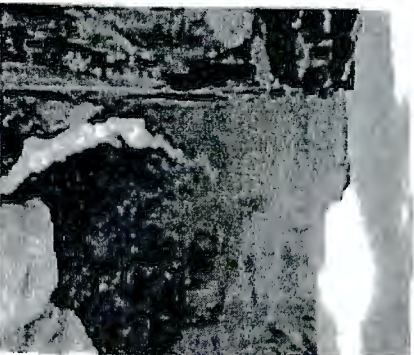
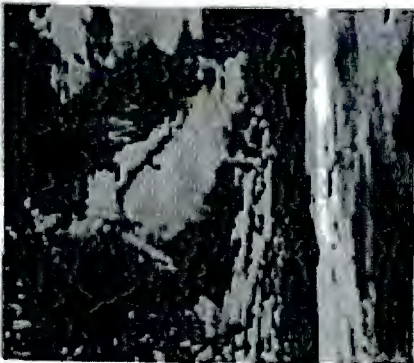
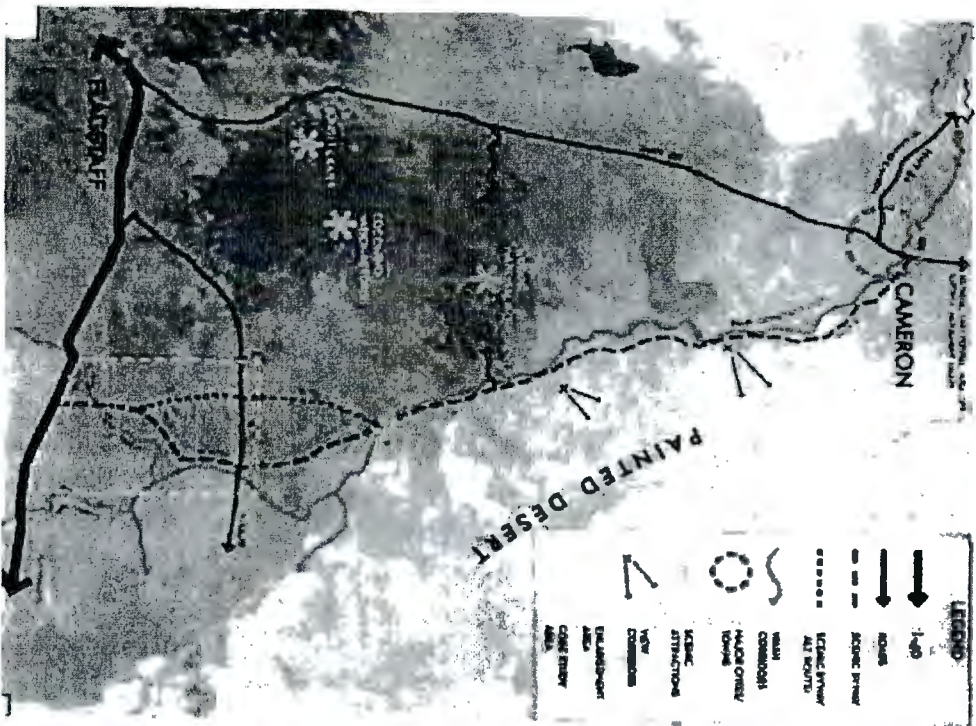
### 3. Future: New Interchange Access



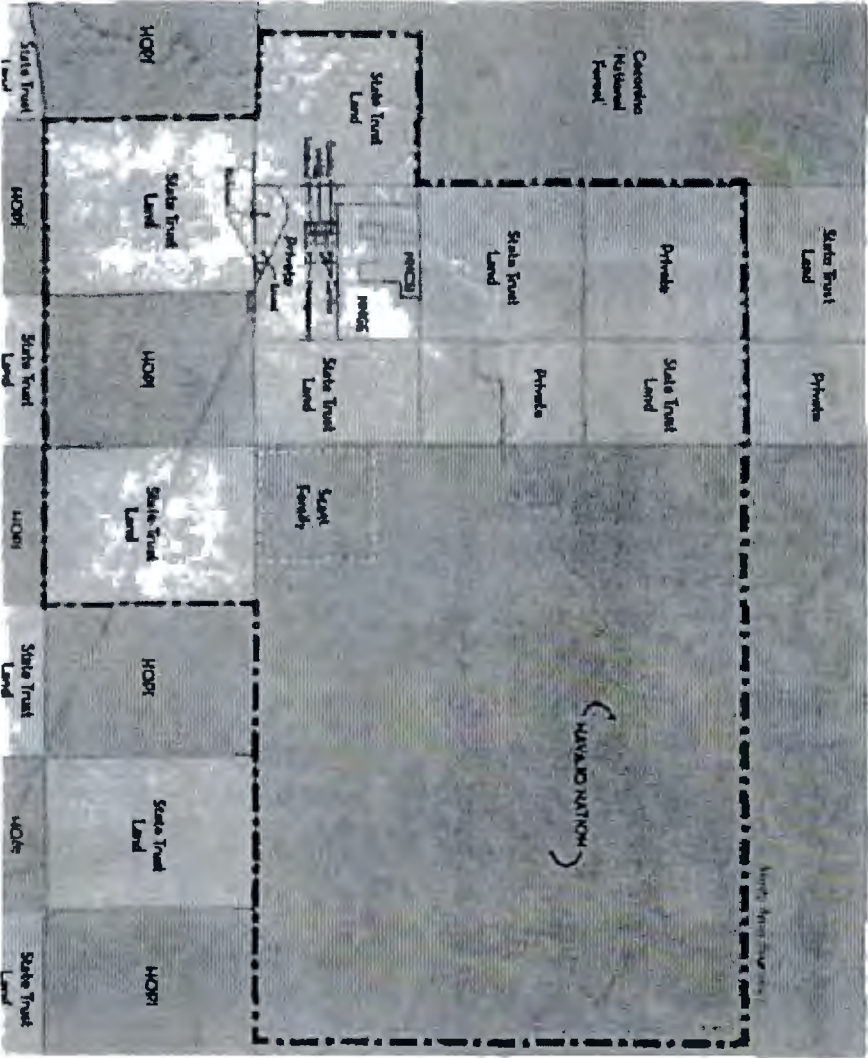
*This graphic portrays the new Interchange and the scenic by-way corridor and the surrounding land ownerships.*



# REGIONAL GATEWAY CONNECTION



### 3. Future: Land Acquisition



*Property ownership map highlights the study area boundary and the land ownership within.*



**LEGISLATIVE BRANCH  
NAVAJO NATION**

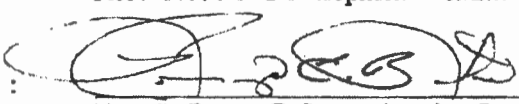


**HONORABLE LORENZO C. BATES**  
*Speaker Pro Tem, 22<sup>nd</sup> Navajo Nation Council*

December 19, 2014

**MEMORANDUM**

**TO :** *Honorable Members  
Resources and Development Committee*

**FROM :**  *12-19-14*  
Hon. LoRenzo C. Bates, *Speaker Pro Tem*  
22<sup>nd</sup> Navajo Nation Council

**SUBJECT :** **ASSIGNMENT OF LEGISLATION**

---

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources and Development Committee;

**Legislation No. 0387-14**

**RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE TWIN  
ARROWS MASTER PLAN; AND DIRECTING ITS IMPLEMENTATION AND  
DEVELOPMENT.**

As the Committee assigned to consider the legislation, Legislation No. 0387-14 must be placed on the Resources and Development Committee's agenda at the next regular meeting for final consideration.

**ATTACHMENT:** Legislation No. 0387-14

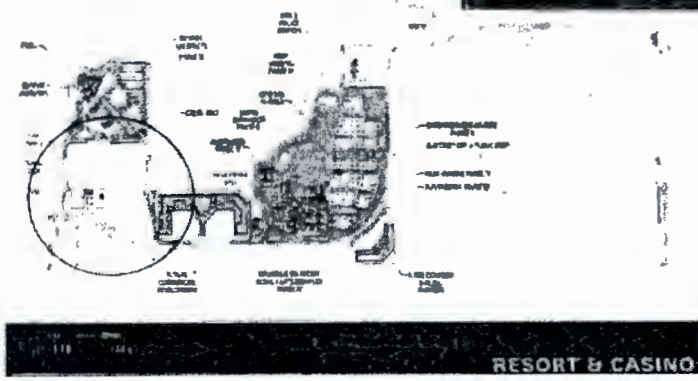
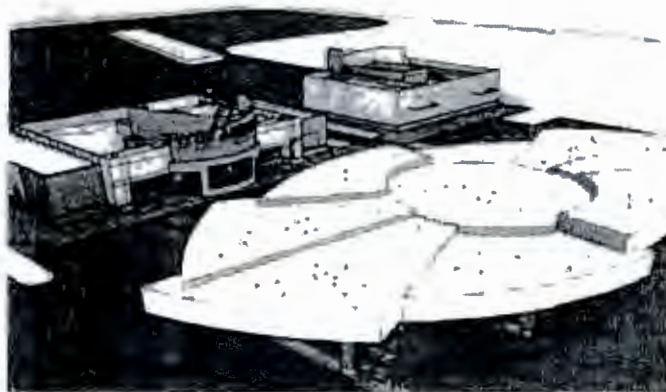
xc: Hon. Ben Shelly, *President*  
The Navajo Nation  
Harrison Tsosie, *Attorney General*  
Mark Grant, *Controller*  
Dominic Beyal, *Executive Director, OMB*  
Honorable Katherine Benally, Council Delegate (*Prime Sponsor*)

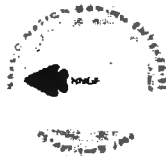
**OFFICE OF THE SPEAKER – NAVAJO NATION LEGISLATIVE BRANCH**  
**POST OFFICE BOX 3390 / WINDOW ROCK, ARIZONA 86515 / T: (928) 871-7160 F: (928) 871-7255**



# TWIN ARROWS TRAVEL CENTER DEVELOPMENT EXPENDITURE PLAN PROPOSAL

Prepared for Sihasin Committee May 4, 2016  
By Navajo Nation Gaming Enterprise





### **Background:**

- Since 2011, Navajo Nation Oil and Gas Company has worked to develop and operate a C-Store at Twin Arrows.
- In 2012, an area representing 5% of NNGE's Twin Arrows business site lease was set aside for development of a gas station and C-store with amenities for trucks & RVs.
- From 2013-2015, NNOGC developed the project through the design phase with a program that includes C-store, retail and diesel fuel sales , grab & go food, gifts & souvenirs, trucker services, parking. They were able to complete the design phase.
- In 2014, the project was adopted into the Twin Arrows Master Plan Vision and believed to be a vital business in the multi-enterprise plan.
- June 2015, the Resources and Development Committee approved the Twin Arrows Master Plan Vision.
- February 2016, due to financial challenges at NNOGC, NNGE was asked to step in and complete the project which was adopted into the Twin Arrows Master Plan Vision.

### **Proposal:**

- A grant in the amount of \$10,000,000 is requested to complete the Twin Arrows Travel Center.
  - \$2,500,000 for Infrastructure
    - Bring utilities from the casino to the development site (water, sewer, electricity, telecomm, internet, propane)
    - Twin Arrows road extension to the north, multiple driveways, and site work including drainage considerations and foundations for signage.
  - \$7,500,000 for C-Store Building
    - Includes separate building, retail/diesel fueling stations, and exterior signage





- This capital would make the project feasible and generate positive cash flow, particularly once the project opens. (Note: Detailed cost information is market sensitive for competitive reasons.)

#### **Contribution-in-Kind by Project Owner:**

- **2,049,041**                      **Total Contribution to the Travel Center Project**
  - \$1,247,128      Utilities Infrastructure invested toward project
  - \$ 558,323      Land cost for development area of the project
  - \$ 244,000      C-Store development expenditures-to-date

#### **Benefits to the Navajo Nation:**

- Revenues through the Business Site Lease Fees, Taxes from retail sales, hotel sales and, Navajo jobs, Construction Taxes, to name a few.
- Infrastructure development:
  - The extension of the utilities will service multiple businesses to be developed within a 200 acre area being developed by the Navajo Nation at Twin Arrows.
  - This extension of all utility infrastructure is crucial for opening up approximately 200 acres for Navajo Nation development.
  - These future businesses will tap into these new utilities along Resort Boulevard and Twin Arrows Road going north toward Padre Canyon.
  - The utility extensions will provide water, wastewater, electricity, and fiber for data and telecomm.
  - The Twin Arrows Master Plan, approved by the Council in June 2015, envisions multiple businesses at Twin Arrows and includes the C-Store as an anchor tenant at the northeast corner of the roundabout.
  - This utility extension project will create construction jobs for many trades.



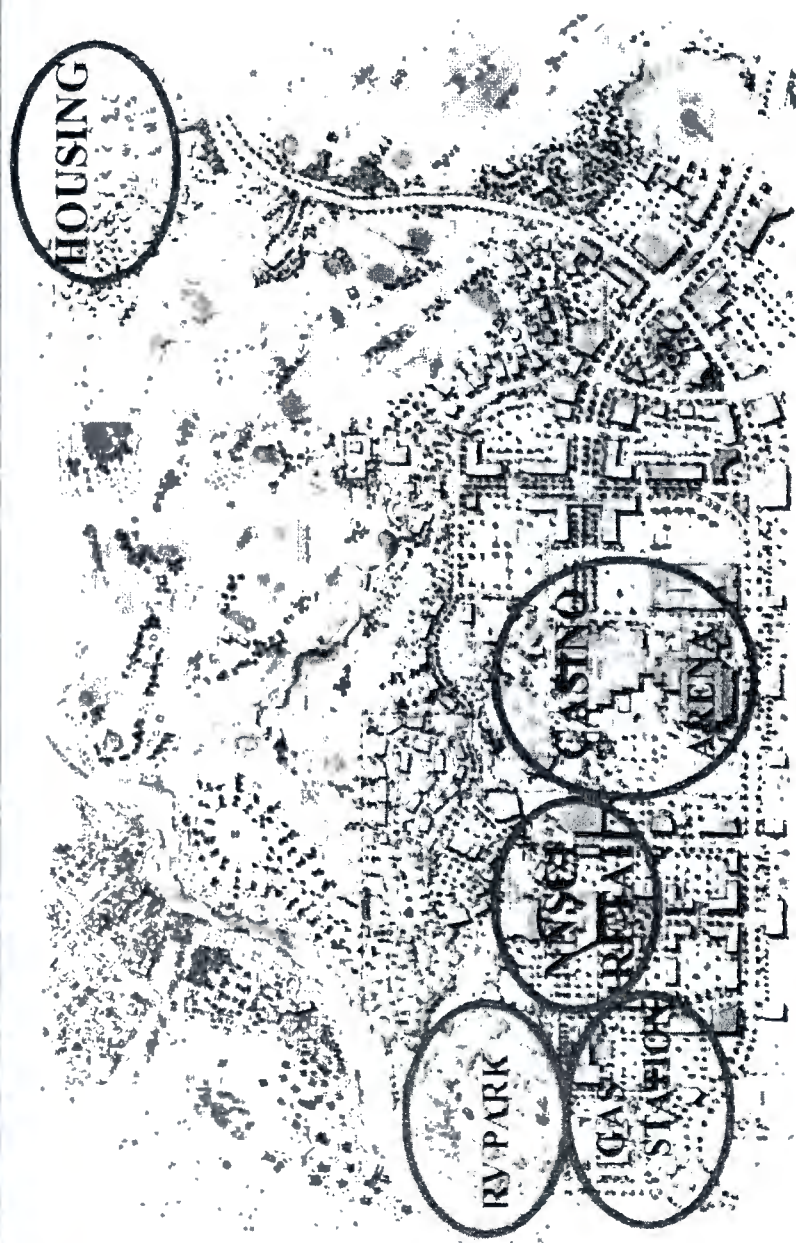
- **Gas Station C-Store development**

- The C-Store is a vital business providing services to casino customers (arriving via car, RV, and trucks), non-casino I-40 traffic, employees, public safety vehicles on site (fire, police, EMS), and residents in the area.
- I-40 traffic averages 10,000 vehicles per day (65% trucks and 35% cars/RVs). When the RV Park is developed this C-Store will be a vital business servicing markets that depends heavily on C-Stores for fuel, food and supplies.
- This project will provide construction jobs for several trades and at least 25 permanent full-time equivalent jobs.
- Project will generate taxes and stimulate economic multiplier effects for the western portion of the Navajo Nation.

**Conclusion:**

- The grant of \$10 million will:
  - Accelerate this project to an opening date in late spring 2017.
  - Will assure this business will grow into its market and thrive.
  - Will enable the other businesses to tap into these utilities.
- NNGE is capable of finishing this project.
- This grant assures the business will grow into its market and thrive along with additional development projects currently planned for the Twin Arrows gateway to western Navajo Nation.

#### 4. The Master Plan: Priority Phases



*Twin Arrow's illustrative master plan depicting the Entertainment District.*

#### 4. The Master Plan: Gas Station BSL

Gas Station  
Site Lease  
5 acres  
NE section of  
Roundabout





**RESOLUTION OF THE NAVAJO NATION GAMING ENTERPRISE  
BOARD OF DIRECTORS**

**SUPPORTING LEGISLATION 147-16 (AN ACTION RELATING TO RESOURCES  
AND DEVELOPMENT; BUDGET AND FINANCE AND NAABIK'ÍYÁTI  
COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN  
FUND TWIN ARROWS TRAVEL CENTER DEVELOPMENT EXPENDITURE  
PLAN PURSUANT TO RESOLUTION CD-68-14 AND 12 N.N.C. §§2501 - 2508)**

WHEREAS, the Navajo Nation Gaming Enterprise (the "Enterprise") is a wholly-owned enterprise of the Navajo Nation established pursuant to 5 N.N.C. § 1701 *et seq.*; and

WHEREAS, pursuant to 5 N.N.C. § 1707(A), the Board of Directors (the "Board") of the Enterprise is the governing body of the Enterprise responsible for establishing the overall policies and objectives for the management of the Enterprise, and for overseeing the business and affairs of the Enterprise; and

WHEREAS, pursuant to 5 N.N.C. § 1705(E), the Enterprise has the power and authority to enter into, make, assign, and take assignments of any and all forms of contracts for any purpose that is reasonably related to the lawful purposes of the Enterprise; and

WHEREAS, on January of 2014, the Resources Development Committee passed Resolution No. 0387-14 approving the Twin Arrows ("TA") Master Plan which includes plans for multiple businesses at Twin Arrows, specifically including the TA Travel Center as an anchor tenant at the northeast corner of the Interstate 40 TA exit roundabout; and

WHEREAS, on May 30, 2014, the 22nd Navajo Nation Council adopted Resolution No. CMY-28-14 accepting a settlement of the Navajo Nation's lawsuit, Navajo Nation v. United States, No. 06-945L (United States Court of Federal Claims) against the United States for its historical mismanagement of the tribe's trust assets and its failure to ensure that the Navajo Nation received all funds due and owed under the United States' trust obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by the President of the Navajo Nation on June 4, 2014 ("2014 Act"). Pursuant to 12 N.N.C §2502(B), the 2014 Act also established that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole"; and

WHEREAS, On April 9, 2015, the Naabik'íyáti' Committee adopted Resolution No. NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee ("Subcommittee") to "review and evaluate the Public Hearing comments and recommendations from the Navajo People" and "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial



support and/or financing plan(s) for the purposes designated in Resolution No. CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Słhasin Fund]"; and

WHEREAS, the Enterprise management, in the interest of completing a TA Travel Center due to the Navajo Nation Oil & Gas Company ("NNOGC") encountering severe credit issue and having to relinquish the project, presented to the Subcommittee with information that since 2011, the Navajo Nation (which includes the Navajo-Hopi Land Commission and Office, the Division of Economic Development, the Division of Natural Resources, other Navajo Nation programs, and the TA Task Force), the Office of Navajo Hopi Relocation, NNOGC, and the Enterprise have planned and advocated for a convenience store and gas station at the TA Interstate 40 interchange since the inception of the Twin Arrows Casino Navajo Resort ("TANCR"). The parties worked together to advance the development of the TA Travel Center to initially include egress to TANCR, a convenience store, gas station and trucker service station with separate diesel island and temporary parking area for truckers, at the I-40 interchange; and this work includes multiple market studies, master plans, a "Retail Site Analysis", environmental studies, archaeological and geotechnical studies and design documents; and

WHEREAS, the Subcommittee additionally determined that it was in the best long-term interest of the Navajo Nation to provide the financial support necessary to develop the TA Travel Center and recommends to the Standing Committees and the Navajo Nation Council that the TA Travel Center be funded as an economic development expenditure plan through the Słhasin Fund as the Słhasin Fund TA Travel Center Development Expenditure Plan, under Section 2505 of the 2014 Act; and

WHEREAS, the Enterprise management informed the Subcommittee that so far the Enterprise had contributed over \$2 million in in-kind development costs supporting the TA Travel Center project, e.g., telecommunications, electricity and water/wastewater infrastructure; land costs; and development costs; and

WHEREAS, the Subcommittee has determined that the TA Travel Center Development Expenditure Plan submitted by the Enterprise management meets the 2014 Act requirement for the "planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation". The Subcommittee has also determined that the substantial in-kind contribution the Enterprise has already made towards the TA Travel Center project satisfies the 2014 Act requirement that "leveraging of the [Słhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". The further determined that 40% debt obligation assumed by the Enterprise in order to finish construction of the TA Travel Center facilities additionally satisfies the 2014 Act requirement that "leveraging of the [Słhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". The Subcommittee determined that it was in the best long-term interest of the Navajo Nation to provide the financial support necessary to develop the TA Travel Center and recommends to the Standing Committees and the Navajo Nation Council that the TA Travel Center be funded as an economic development expenditure

plan through the Sshasin Fund as the Sshasin Fund TA Travel Center Development Expenditure Plan with planning, design, construction, ownership and operation by the Enterprise; and

WHEREAS, the Subcommittee approved and recommended that the Enterprise continue the project using the Sshasin Fund TA Travel Center Development Expenditure Plan in the amount of \$10,000,000 in direct funding from Sshasin Fund Principal in the amount of \$2,500,000 for the planning, development and construction of infrastructure necessary; direct funding from Sshasin Fund Principal in the amount of \$3,500,000 for the planning, development and construction; Loan funding (the loan funding shall be repaid, including interest, to the Sshasin Fund through a loan agreement approved by the Budget & Finance Committee with loan terms of 15-year term, 15-year amortization and 1.5% interest rate) from Sshasin Fund Principal in the amount of \$4,000,000 for the planning, development and construction; and

WHEREAS, on May 4, 2016, Honorable Council Delegate Leonard Tsosie, introduced Legislation 147-16 (AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; BUDGET AND FINANCE AND NAABIK'YATI COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND TWIN ARROWS TRAVEL CENTER DEVELOPMENT EXPENDITURE PLAN PURSUANT TO RESOLUTION CD-68-14 AND 12 N.N.C. §§2501 - 2508) for consideration by the Resources and Development Committee, Budget and Finance Committee, and Naa'bik'yati Committee, and the Navajo Nation. The Legislation 147-16, was recommended for approval by the Navajo Nation Council standing committee, and the Navajo Nation Council will consider the legislation on June 30, 2016.

NOW THEREFORE BE RESOLVED, that the Navajo Nation Gaming Enterprise Board of Directors hereby supports Legislation 147-16 (AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; BUDGET AND FINANCE AND NAABIK'YATI COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND TWIN ARROWS TRAVEL CENTER DEVELOPMENT EXPENDITURE PLAN PURSUANT TO RESOLUTION CD-68-14 AND 12 N.N.C. §§2501 - 2508).

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Gaming Enterprise Board of Directors at a duly called meeting, at which a quorum was present, and the same was passed by a vote of 3 in favor, 0 opposed and 2 abstained, this 24<sup>th</sup> day of June 2016.

  
Danielle Her Many Horses, Chairperson  
Navajo Nation Gaming Enterprise  
Board of Directors

Motion: Quincy Natay  
Second: Martin Lieberman

④

## 23rd Navajo Nation Council

### Winter Session

DATE: January 26, 2017

Legislation 0348-16 (Main Motion)

Motion: N Begaye

Second: P Yazzie

#### 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

14 2

#### CERTIFICATION:



Honorable LoRenzo Bates  
Speaker