LEGISLATIVE SUMMARY SHEET

Tracking No. 0226-18

DATE: June 29, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AUTHORIZING THE KAYENTA TOWNSHIP COMMISSION ("KTC") TO FORM WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP UNDER NAVAJO LAW, INCLUDING FOR PARTICIPATION IN THE U.S. SMALL BUSINESS ADMINISTRATION 8(a) BUSINESS DEVELOPMENT PROGRAM; EXTENDING THE NAVAJO NATION'S PRIVILEGES AND IMMUNITIES TO SUCH ENTITIES; AUTHORIZING KTC TO WAIVE SUCH ENTITIES' PRIVILEGES AND IMMUNITIES (INCLUDING THEIR SOVEREIGN IMMUNITY) UPON A FINDING SUCH WAIVER WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP AND UPON PRIOR NOTICE TO THE PRESIDENT OF THE NAVAJO NATION AND THE SPEAKER OF THE NAVAJO NATION COUNCIL; AMENDING 1 N.N.C. § 552(O) OF THE NAVAJO SOVEREIGN IMMUNITY ACT AND 2 N.N.C. §§ 4084 AND 4085 OF THE KAYENTA TOWNSHIP HOME RULE STATUTE

PURPOSE: The purpose of this legislation is to amend 1 N.N.C § 552 (O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 and 4085 of the Kayenta Township Home Rule to permit the Kayenta Township Commission to form wholly owned entities under Navajo Nation law.

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

5-DAY BILL HOLD PERIOD: Waived
Website Posting Time/Date: 3:54pm 7/3/18
Posting End Date: 7/8/2018
Eligible for Action: 7/9/2018

Resources & Development Committee
Thence
Law & Order Committee
Thence
Naa'bik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23RD NAVAJO NATION COUNCIL—FOURTH YEAR, 2018

INTRODUCED BY

Herman M. Daniels

OTTO TSO
Primary Sponsor

TRACKING NO. 0224-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AUTHORIZING THE KAYENTA TOWNSHIP COMMISSION ("KTC") TO FORM WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP UNDER NAVAJO LAW, INCLUDING FOR PARTICIPATION IN THE U.S. SMALL BUSINESS ADMINISTRATION 8(a) BUSINESS DEVELOPMENT PROGRAM; EXTENDING THE NAVAJO NATION'S PRIVILEGES AND IMMUNITIES TO SUCH ENTITIES; AUTHORIZING KTC TO WAIVE SUCH ENTITIES' PRIVILEGES AND IMMUNITIES (INCLUDING THEIR SOVEREIGN IMMUNITY) UPON A FINDING SUCH WAIVER WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP AND UPON PRIOR NOTICE TO THE PRESIDENT OF THE NAVAJO NATION AND THE SPEAKER OF THE NAVAJO NATION COUNCIL; AMENDING 1 N.N.C. § 552(O) OF THE NAVAJO SOVEREIGN IMMUNITY ACT AND 2 N.N.C. §§ 4084 AND 4085 OF THE KAYENTA TOWNSHIP HOME RULE STATUTE

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation established the Resource and Development Committee ("RDC") as a Navajo Nation standing committee and as such empowered the RDC to review and recommend resolutions relating to economic and community development, commerce and trade and chapters. 2 N.N.C. §§ 500 (A) and 500 (C) (2012). *See also* CO-45-12.

B. The RDC enumerated powers includes Administrative and Business Site Leasing Management Plan for Townships, including any proposed amendment in accordance with the Navajo Nation Business Leasing Regulations of 2005; and to review and make recommendations to the Navajo Nation Council for final approval the creation, reorganization, termination or "privatization" of any enterprise, as such the Committee shall periodically receive reports and review the operations of the Navajo Nation enterprises, authorities and industries. 2 N.N.C. §§ 501 (B)(2)(f) and 501 (B)(4)(e) (2012); CO-45-12.

C. The Navajo Nation established the Law and Order Committee ("LOC") as a Navajo Nation standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2012); CO-45-12.

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

E. The Navajo Nation Council is the governing body of the Navajo Nation and must review and approve enactments or amendments of positive law. 2 N.N.C. §§ 102(A), 164 (A) (2012); CO-45-12.

SECTION TWO. FINDINGS

A. By Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality of the Navajo Nation, and the Kayenta Township Commission ("KTC"), the Township's governing body was given broad authority to perform all functions necessary for local self-government consistent with the

generally applicable laws of the Navajo Nation and federal government. See 2 N.N.C. §§ 4081 and 4083 (A).

B. KTC has determined that for economic development reasons, including participation in the United States Small Business Administration's 8(a) Business Development Program, it is in the best interest of the Township and in furtherance of the Township's purposes for the KTC to be able to form wholly-owned entities of the Township ("KTC Entities"), including for-profit and non-profit corporations and/or limited liability companies under Navajo Nation law. Such KTC Entities will be treated as tribal enterprises under Navajo Nation and federal law and clothed with the with the privileges and immunities of the Navajo Nation, including immunity from federal income tax, and for KTC to have the ability to waive sovereign immunity of each KTC Entity but not the sovereign immunity of the Navajo Nation, KTC, Township, or any other division or entity of the Navajo Nation, upon thirty (30) days prior written notice to the Navajo Nation President and Speaker of the Navajo Nation Council.

C. Under the Navajo Nation Corporation Code ("Corporation Code"), 5 N.N.C. § 3100 *et seq.*, and the Navajo Nation Limited Liability Act ("LLC Act"), 5 N.N.C. § 3600 *et seq.*, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under the Corporation Code or the LLC Act, nor can entities organized under the Nation's Corporation Code or LLC Act be considered a subdivision, entity, or enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. § 3100 (C), 3600 (C).

D. The Navajo Nation Council has determined that it would be in the best interest of the Township and in furtherance of KTC's authorities and the principles of home rule and local self-government, as set forth in 2 N.N.C. §§ 4081-4086, to expressly authorize KTC to form KTC Entities, including for-profit and non-profit corporations and limited liability companies under Navajo Nation law, that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, and for KTC to have the ability to waive the sovereign immunity of each such KTC Entity, but not the sovereign immunity of the Navajo Nation, KTC, Township, or any other division or entity of the Navajo Nation, upon thirty (30) days

prior written notice to the President of the Navajo Nation and the Speaker of the Navajo Nation Council.

E. The Council has further determined that such authorization should be accomplished by amending KTC's authorizing legislation at 2 N.N.C. §§ 4081-4086 (the Kayenta Township Home Rule statute), and by amending 2 N.N.C. § 552(O) of the Navajo Sovereign Immunity Act.

F. The Council has also determined that within two years from the effective date of this Resolution, KTC should be required to report to the Resources and Development and Naabik'íyáti Committees, or their successors regarding the activities undertaken pursuant to the authority provided hereunder, including without limitation any successes, failures, and lessons learned from implementing such authorization, and to provide the Committees the financials of any KTC Entities, and that this legislation should sunset on December 31, 2020 if not extended by the Navajo Nation Council.

G. Amendments to Subchapter 9, Kayenta Township Home Rule, require a "two-thirds majority of the full Navajo Nation Council with recommendations from the KTC and the Kayenta Chapter." *See* 2 N.N.C. § 4086. Recommendations from the KTC and the Kayenta Chapter are attached hereto as **Exhibits A** and **B**.

H. Several Navajo Nation Chapters have expressed their support of this legislation and have supporting chapter resolutions attached hereto as **Exhibit C**.

SECTION THREE. AMENDMENT TO TITLE 1

The Navajo Nation Council amends Title 1 as follows:

NAVAJO NATION CODE

TITLE 1. GENERAL PROVISIONS

CHAPTER 5. NAVAJO NATION

Subchapter 2. Navajo Sovereign Immunity Act

***

§ 552. Definitions

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O. The Kayenta Township and its wholly owned Entities, and the Kayenta Township Commission;

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SECTION FOUR. AMENDMENT TO TITLE 2

The Navajo Nation Council amends Title 2 as follows:

NAVAJO NATION CODE

TITLE 2. NAVAJO NATION GOVERNMENT

CHAPTER 9. NAVAJO NATION CHAPTERS

Subchapter 9. Kayenta Township Home Rule

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§ 4084. Duties, authorities and responsibility of Kayenta Township Commission

A. The KTC shall have the duty, authority, and responsibility to perform all functions necessary for local self-government, consistent with all generally applicable laws and regulations of the federal government and the Navajo Nation.

B. KTC's authority under § 4084(A) shall include, inter alia, authorization to organize one or more wholly owned entities of the Kayenta Township for any lawful purpose under Navajo Nation law (each a "KTC Entity" and collectively the "KTC Entities"), including for-profit and non-profit corporations under the Navajo Nation Corporation Code, 5 N.N.C. § 3100 et seq., and limited liability companies under the Navajo Nation Limited Liability Act, 5 N.N.C. § 3600 et seq., and to carry on business on and off the Navajo Nation, strictly in accordance with the following, and in conjunction with all applicable Navajo Nation laws:

1. Each KTC Entity of the Kayenta Township authorized hereunder shall, as shall also be expressly stated in its organizational documents, pursue its purposes solely for the benefit of the Kayenta Township and all dividends and

distributions of profit from each such KTC Entity shall be returned to the Kayenta Township to be devoted to essential governmental functions.

2. Notwithstanding any other law, including without limitation 5 N.N.C. §§ 3100(C) and 3600(C), so long as a KTC Entity of the Kayenta Township remains wholly owned by the Kayenta Township, the KTC Entity, including its directors, officers, employees and agents while acting in their official capacities, shall hereby be entitled to all of the privileges and immunities of the Navajo Nation under Navajo and federal law, including sovereign immunity, and shall enjoy the Nation's tax status, and the KTC Entity shall be deemed a Navajo tribal enterprise for purposes of Navajo and federal law; provided, however, the activities, transactions, obligations, liabilities and property of each such KTC Entity of the Kayenta Township shall be solely those of the KTC Entity and shall not be those of the Navajo Nation, the KTC, the Kayenta Township, or any other entity or division of the Navajo Nation, such limitation which shall be expressly set forth in each such KTC Entity's organizational documents.

3. On a finding set forth in a duly adopted resolution that it would be in the best interest of the Kayenta Township, the KTC is authorized to provide a limited waiver of the sovereign immunity of a KTC Entity upon thirty (30) days prior written notice to the Navajo Nation President and the Speaker of the Navajo Nation Council of its intent to authorize such a waiver, including for participation in the U.S. Small Business Administration's 8(a) Business Development Program. Any such waiver by the KTC shall be in the form of a resolution duly adopted by the KTC and identifying the party, parties, or class of parties, for whose benefit the waiver is granted; the agreement, transaction, or activity for which the waiver is granted; the claims or classes of claims for which the waiver is granted; the property of the KTC Entity which may be subject to execution to satisfy any judgment which may be entered in the claim; the law applicable to the agreement, transaction, or activity for which the waiver is granted, e.g., Navajo Nation, federal, and/or state law; and the court or other tribunal where an action or claim may be brought. Any waiver shall be limited

to claims arising from the acts or omissions of the KTC Entity and its directors, officers, employees or agents acting in their official capacity, and shall be construed to affect only the enumerated property and income of the KTC Entity. Any resolution authorized hereunder shall also expressly state that the limited waiver of sovereign immunity granted thereby shall not constitute a waiver of the sovereign immunity of the Navajo Nation, the KTC, the Kayenta Township, or any other entity or division of the Navajo Nation.

4. The KTC shall have no authority to waive its own sovereign immunity or the sovereign immunity of the Kayenta Township.

5. No waiver of a KTC Entity's sovereign immunity as authorized hereunder, and nothing stated herein, shall be construed as a waiver of the sovereign immunity or any other privilege or immunity of the Navajo Nation, the KTC, the Kayenta Township, or any other entity or division of the Navajo Nation. No waiver authorized hereunder shall create any liability on the part of the Navajo Nation or any other entity or division of the Navajo Nation, including the KTC and the Kayenta Township, and the only liability under any such waiver authorized hereunder shall be solely for the debts and obligations of the KTC Entity that are expressly the subject of such waiver. No waiver authorized hereunder shall be construed as consent to the attachment or encumbrance of any property of the Navajo Nation, the KTC, the Kayenta Township, or any other entity or division of the Navajo Nation, except that of the KTC Entity expressly the subject of such waiver. The acts or omissions of a KTC Entity and its directors, officers, employees and agents shall not create any liability, obligation or indebtedness of the Navajo Nation, the KTC, the Kayenta Township, or any other division or entity of the Navajo Nation, or be payable out of assets, revenues, or income of the Navajo Nation, the KTC, the Kayenta Township, or any other division or entity of the Navajo Nation.

§ 4085. Code of Ethics

Officers and members of the KTC and employees and agents of the Kayenta Township shall maintain a high standard of conduct in all dealings. This standard of conduct shall include but is not limited to conducting all KTC and Kayenta Township business openly without taint of impropriety, serving the KTC, Kayenta Chapter and the Navajo Nation to the very best of their ability in full compliance with the Navajo Nation Ethics in Government Law. The directors, officers, managers, employees and agents of each KTC Entity authorized pursuant to § 4084 above, shall be deemed to be "public employees" and "public officials" of the Navajo Nation for purposes of the Navajo Nation Ethics in Government Law.

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SECTION FIVE. SUNSET PROVISION

Within two years from the effective date of this Resolution, KTC shall report to the Resources and Development and Naabik'íyáti Committees, or their successors, regarding the activities undertaken pursuant to the authority to create KTC Entities as provided hereunder, including without limitation any successes, failures, and lessons learned from implementing such authorization, and shall provide the financials of any KTC Entities to such Committees. Unless extended by resolution of the Navajo Nation Council, the authority of KTC to organize KTC Entities as provided hereunder shall terminate on December 31, 2020 (the "Sunset Date"), provided that such termination shall have no legal effect on a KTC Entity organized prior to the Sunset Date, including without limitation any privileges and immunities of such KTC Entity, and dissolution of any such KTC Entity shall be solely in accordance with applicable Navajo law.

SECTION SIX. CODIFICATION

The provision of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative

Counsel shall incorporate such amended provisions into the next codification or supplement of the Navajo Nation Code.

SECTION SEVEN. SAVINGS CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Supreme Court, the remainder of the Act shall remain in the law of the Navajo Nation.

SECTION EIGHT. EFFECTIVE DATE

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221 (B).

THE KAYENTA TOWNSHIP
P.O. Box 1490 Kayenta, AZ 86033 - Phone: (928) 697-8451 Fax: (928) 697-8461
"Continuing the legacy of brilliant leadership through local empowerment since 1986."

EXHIBIT A

Resolution No: KTCA-09-18

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Approving Proposed Legislation, Attached Hereto As Exhibit "A," That Would Authorize the Organization by the Commission of Wholly-Owned Entities of the Township under Navajo Law That Would Be Clothed with the Privileges and Immunities of the Navajo Nation; Authorizing Management to Seek Appropriate Sponsors for the Proposed Legislation; and Requesting the Navajo Nation Council to Pass the Proposed Legislation

WHEREAS:

1. In 1985, by Navajo Nation Council ("Council") Resolution No. CN-86-85 (Nov. 5, 1985), the Kayenta Township ("Township") was created as a home rule governance pilot project, and, in 1986, by Resolution No. ACN-181-86 (Nov. 13, 1986), the Advisory Committee of the Navajo Nation Council approved the withdrawal of 3,606.43 acres of trust lands for the Township; and

2. In 1996, by Resolution No. CJA-3-96, the Navajo Nation Council designated the Kayenta Township Commission ("Commission") as the governing authority for the Township under its Plan of Operation; and

3. In 2003, after functioning as a governing authority and effective unit of local government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Township was permanently made a home rule municipality and the Commission was given broad authority by the Council to govern for the welfare of the Kayenta Township and its residents and to perform all functions necessary for local self-government consistent with generally applicable laws of the Navajo Nation and federal government, such authority of the Commission which is codified at 2 N.N.C. §§ 4081-4086; and

4. The Township's Management has advised the Commission that for economic development reasons, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, it would be in the best interest of the Township for the Commission to be able to form wholly-owned entities of the Township, including for-profit and non-profit corporations and/or limited liability companies under Navajo Nation law, that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, including immunity from federal income tax and other taxes, and for the Commission to have the ability to waive the sovereign immunity of each such instrumentality (but not the sovereign immunity of the Navajo Nation, Commission, Township, or any other division or instrumentality of the Nation), and to waive any requirement to exhaust tribal remedies, upon prior notice to the Navajo Nation Council; and

5. Under the Navajo Nation Corporation Code ("Corporation Code"), 5 N.N.C. § 3100 *et seq.*, and the Navajo Nation Limited Liability Act ("LLC Act"), 5 N.N.C. § 3600 *et seq.*, the

sovereign immunity of the Navajo Nation cannot be extended to entities organized under the Corporation Code or the LLC Act, nor can entities organized under the Nation's Corporation Code or LLC Act be considered a subdivision, entity or enterprise of the Navajo Nation, without authorization by the Navajo Nation Council, *see* 5 N.N.C. §§ 3100(C), 3600(C), and therefore authority for the Commission to form entities of the Township as contemplated herein would require Council legislation; and

6. Legal counsel for the Commission drafted legislation for consideration by the Navajo Nation Council that would confer such authority on the Commission subject to certain limitations. Such legislation was introduced and considered by the Council and its standing committees but the proposed legislation did not pass; and

7. Based on input from members of the Navajo Nation Council, Legislative Counsel, and the Department of Justice, management and legal counsel for the Commission have revised the proposed legislation, including adding a provision that the authority of the Commission under the legislation would sunset on December 21, 2020, if not further extended by the Council, but that such sunset of the Commission's authority would have no legal effect on a KTC Entity organized prior to the Sunset Date. The revised proposed legislation is attached hereto as Exhibit "A"; and

8. Having been fully advised by Management, the Commission reaffirms its determination that it would be in the best interest of the Township for the Commission to be authorized by the Navajo Nation Council to organize wholly-owned entities of the Township under Navajo law that are clothed with the privileges and immunities of the Navajo Nation, and to also have the authority to waive such instrumentalities' privileges and immunities, when appropriate and in the best interest of the Township, upon prior notice to the Navajo Nation Council; and

9. Having reviewed the revised proposed legislation attached hereto as Exhibit "A," the Commission now desires to approve the revised proposed legislation, authorize its presentation by Management to the Honorable Otto Tso and other appropriate Council delegates for their consideration and sponsorship of the legislation, and to request passage of the proposed legislation by the Navajo Nation Council.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby approves the revised proposed legislation attached hereto as Exhibit "A."

2. The Kayenta Township Commission hereby authorizes and directs Management to present such legislation to the Honorable Otto Tso and other appropriate Navajo Nation Council delegates for their sponsorship of the legislation, and to take such other actions as are prudent and necessary to fulfill the intent of this Resolution.

3. The Kayenta Township Commission hereby requests the Navajo Nation Council to approve the revised proposed legislation attached hereto as Exhibit "A" in the best interest of the

Township, including in furtherance of economic development and local self-government.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (AZ), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, and 1 abstained, this 9th day of April, 2018.

Motion: Commissioner E. Seaton
Second: Commissioner G. Sisco, III.

Rodger Grey, Chairperson
Kayenta Township Commission



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



Resolution No: KY17-332-05

KAYENTA CHAPTER'S RECOMMENDATION REGARDING PROPOSED LEGISLATION TO AUTHORIZE THE KAYENTA TOWNSHIP COMMISSION TO FORM ENTRPRISES CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION.

WHEREAS

1. Kayenta Chapter is a recognized governmental subdivision of the Navajo Nation located with the boundaries of the Navajo Nation with responsibility to advocate for the best interest of the citizens of the Kayenta Chapter ; and

2. The Kayenta Township is a home rule municipality located within the Kayenta Chapter, governed by the Kayenta Township Commission; and

3. To promote economic development in the Kayenta area, the Kayenta Township Commission has proposed Navajo Nation legislation to permit the Commission to form enterprises of the Kayenta Township clothed with the privileges and immunities of the Navajo Nation, a draft of which is attached hereto as Exhibit "A"; and

4. Legislation counsel for the Navajo Nation Council has advised that pursuant to 2 N.N.C. § 4086, the Kayenta Chapter is required to provide its recommendation whether such legislation should be passed by the Navajo Nation Council; and

NOW, THEREFORE BE IT RESOLVED THAT,

KAYENTA CHAPTER SUPPORTS AND ENDORSES THE PROPOSED LEGISLATION TO AUTHORIZE THE KAYENTA TOWNSHIP COMMISSION TO FORM ENTERPRISES CLOTHED WITH THE PRIVILIEGES AND IMMUNITIES OF THE NAVAJO NATION

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CERTIFICATION

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I hereby certify that the foregoing resolution was considered by the **KAYENTA** Chapter at a duly called meeting at, **KAYENTA**, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 15 in favor, 00 Opposed, and 06 abstaining, this 12th day of May, 2017.

Motion: Ben Edwards

Second: Sarah Blackwater

Mr. Stanley Clitso, Kayenta Chapter President

EXHIBIT
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THE NAVAJO NATION
TOHATCHI COMMUNITY CHAPTER
Post Office Box 1236 Tohatchi, New Mexico 87325 Tel: (505) 733-2845/2846 FAX: (505) 733-2847
Julie Badonie, President *Larson Manuelitoe, Vice President* *Harry "Sonny" Moore, Jr., Secretary/Treasurer* *Steven Begay, Council Delegate*

RESOLUTION OF THE TOHATCHI CHAPTER

SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

WHEAREAS: **TOH: 075-05-2018**

1. Pursuant to 26 N.N.C., Section 3 (A) the Tohatchi Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and

2. Pursuant to 26 N.N.C., Section 1 (B) Tohatchi Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions; and

3. The Tohatchi Chapter understands in 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

4. The Tohatchi Chapter understands for economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

5. The Tohatchi Chapter understands under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

6. The Tohatchi Chapter recognizes and understands the economic development potential can bring business development which can provide employment opportunities and will provide the local governance to develop a business plan to achieve a sustainable economy for the community and region; and

7. The Tohatchi Chapter recognizes and understands the proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law; and

clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

8. The Tohatchi Chapter recognizes and understands The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tohatchi Chapter hereby express its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Tohatchi Chapter hereby authorizes the Chapter Officials, Administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We hereby certify the foregoing resolution was duly considered by the Tohatchi Chapter of the Navajo Nation (New Mexico) at a duly called meeting at which a quorum was present and that same was passed by a vote of 22 in favor 0 opposed, and 5 abstained, this 16th day of **May 2018.**

MOTION: Mike Begay
SECOND: Ira Burbank

Julie Badonie
Mrs. Julie Badonie, President

May 17, 2018
Date

RUSSELL BEGAYE
President

NAVAJO NATION
CROWNPOINT CHAPTER

JONATHAN NEZ
Vice President

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Aaron Edsitty, Community Services Coordinator
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RITA CAPITAN, PRESIDENT
LEONARD PERRY, VICE PRESIDENT
HELEN MURPHY, SECRETARY/TREASURER
JONATHAN PERRY, COUNCIL DELEGATE
HERBERT ENRICO, LAND BOARD MEMBER

RESOLUTION CPC-18-05-004

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Crownpoint Chapter is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed

with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Crownpoint Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Crownpoint Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Crownpoint Chapter hereby authorizes the Crownpoint Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

WE, HEREBY CERTIFY, THAT THE FOREGOING RESOLUTION was duly considered by Crownpoint (Navajo Chapter) New Mexico at duly called Regular Chapter Meeting at which a quorum was present and that the same was passed by a vote of 22 in favor, 0 Opposed, 9 abstained on the 22 day of May 2018.

Motion by: Billy Yazzie Jr. Seconded: Willie Freeland

Rita Capitan, President

Leonard Perry, Vice-President

Helen Murphy, Secretary/Treasurer

Jonathan Perry, Council Delegate

RESOLUTION OF COUNSELOR CHAPTER
COUNSELOR, NEW MEXICO
#COUN-2018-06-004

RESOLUTION OF COUNSELOR CHAPTER SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES.

WHEREAS:

1. Per Resolution CAP-34-98, the Navajo Nation Council adopted Local Governance Act and through the adoption of this Act delegated to the Navajo Nation Chapters governmental authority with respect to all local issues/ matters consistent with Navajo law, customs and tradition; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003) the Kayenta Township ("Township"0 was permanently made a home rule municipality with board local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission") as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program and in furtherance of self-government, the Commission has proposed Navajo Nation Council Legislation (the "Legislation"), a draft which is attached as Exhibit "A", that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations or as LLCs nor can such entities be considered an enterprise of the Navajo Nation without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100©, 3600©. Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A".

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A".

by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered at the meeting of the Counselor Chapter, Navajo Nation, New Mexico at which quorum was present and that the same was passed by a vote of 16 in favor, 0 opposing and 6 abstaining this 10 June, 2018.

Motion: Lucy Lopez

Second: Virginia Herrera

Harry Domingo, Sr., Chapter President

Laura C. Lopez, Chapter Vice-President

Damien Augustine, Chapter Secretary/ Treasurer

Leonard Tsosie, Council Delegate

Elizabeth Stoney, Land Board Member

PIÑON CHAPTER
Post Office Box 127 • Piñon, Arizona 86510 • (928) 725-3710/3711 • FAX (928)725-3712

PIN18- 56
RESOLUTION OF PIÑON CHAPTER

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Pinon Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We, the undersigned, do hereby certify that the foregoing resolution was duly considered by the Pinon Chapter at a duly called meeting at which quorum was present, at Pinon, Navajo Nation, ARIZONA, and same was passed by a vote of 28 in favor, 00 opposed, 05 abstained this 7th day of May 2018.

Bessie S. Allen
PRESIDENT

Bill Yazzie
VICE-PRESIDENT

Ramona Nalwood
SECRETARY/TREASURER

Dwight Witherspoon
COUNCIL DELEGATE

Bááhááli Chapter
P.O. Box 6118, Gallup, New Mexico 87305
PHONE (505) 778-5788 or 778-5796
FAX (505) 778-5915
http://baahaali.navajochapters.org

Lee C. Jim, Chapter President
Benjamin Livingston, Chapter Vice President
David M. Emerson, Chapter Secretary/Treasurer
Donald Arviso, Land Board Member
Seth Damon, Council Delegate

Gloria Skeet deCruz, Chapter Manager

Guarena Adeky Skeets, Administrative Assistant

BHC-05-18-01

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES.

WHEREAS:

1. The Bááhááli Chapter is a governance certified Chapters of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Bááhááli Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Bááháálí Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Bááháálí Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Bááháálí Chapter at a duly called meeting in Bááháálí, Navajo Nation, New Mexico at which a quorum of Chapter Members were present and that the same was passed by a vote of 34 in favor, 00 opposed and 13 abstained this 14th day of May, 2018.

Chapter Official
Bááháálí Chapter

Motioned by: Gerald Skeets, Sr.
Second by: Terri Whitman

gmas

ROCK SPRINGS CHAPTER
Tse'chi'izhi
P.O Box 4608 Yahtahey, NM 87375
Phone#: (505) 371-5100 Fax#: (505)371-5103
E-mail: rocksprings@navajochapters.org

RSC-05-09-677

RESOLUTION OF ROCK SPRINGS CHAPTER

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Rock Springs Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

ROCK SPRINGS CHAPTER
Tse'chi'izhi
P.O Box 4608 Yahtahey, NM 87375
Phone#: (505) 371-5100 Fax#: (505)371-5103
E-mail: rocksprings@navajochapters.org

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

WE, HEREBY CERTIFY that the foregoing resolution was duly considered by the Rock Springs Chapter at a duly called community chapter meeting at Rock Springs, of the Navajo Nation, (McKinley County), New Mexico at which a quorum was present and that same was approved by a vote of 17 In Favor 0 Opposed 13 Abstained, on the **09th** day of **May, 2018**.

MOTIONED: Jonah Jones SECONDED: Charlotte Smith

Eleanore Jones, Chapter President
Rock Springs Chapter

Jasper Long, Vice-President
Rock Springs Chapter

Ruby H. Brown, Secretary/Treasurer

District 6 Joint Council

Joint Council Officers
Tommy Nelson, President
Lee C. Jim, Vice President
Ruby Brown, Secretary/Treasurer

Represented Chapters
Bááhááíí—Chichiltah—Churchrock—Manuelito
Rock Springs—Tsayatoh—Tselichii

RESOLUTION OF THE DISTRICT 6 JOINT COUNCIL

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The District 6 Joint Council (D6JC) is a group of governance certified Chapters of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The D6JC now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The D6JC hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The D6JC hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We hereby certify that this resolution was duly considered at a duly called District 6 Chapter Council Meeting in Bááhááłí, New Mexico (Navajo Nation) at which a quorum was present and a motion was made by Eleanor Jones and seconded by Gloria M Skeet and the same was passed by a vote of 16 in favor, 00 opposed, and 06 abstained, this 26th day of April, 2018.

D6JC President	D6JC Vice-President	D6JC Secretary

THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Phone: (928) 729-4352 • Fax (928) 729-4353
Email: *ftdefiance@navajochapters.org*

Wilson Stewart, Jr, *President*
Aaron Sam, *Vice-President*
Brenda Wauneka, *Secretary/Treasurer*
Herman Billie, *Grazing Official*
Benjamin Bennett *Council Delegate*

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

RESOLUTION OF FORT DEFIANCE CHAPTER
NAVAJO NATION

FDC-2018-05-06-01

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Fort Defiance Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting In (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of 24 In favor, 1 opposed and 8 abstained on this 6th day of May 2018.

Motioned By: Timothy Begay Jr. Seconded By: George Mitchell

Wilson Stewart Jr., President

RESOLUTION OF THE
DENNEHOTSO CHAPTER
DCHAPR-80-2018

SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

WHEREAS:

1. The Dennehotso Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

I certify that the foregoing resolution was duly considered by the Dennehotso Chapter, at a duly called meeting, in Dennehotso (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of; **27** in favor **00** opposed, **06** abstained, this **15th** day of **April, 2018**

Larry Tuni, Chapter President
Dennehotso Chapter – Western Navajo Agency

Motion by: **Chester Begay, Sr.**
Seconded by: **Isaac Todachine**

Lukachukai Chapter
Nelson E. Begaye, Council Delegate
Samuel Yazzie, President
Philip Sandoval, Jr., Vice-President
Mary Ann Leonard, Secretary/Treasurer
Reederson Dee, Grazing Representative
Vacant, Community Services Coordinator
Rozina Begay, Accounts Maintenance Specialist

RUSSELL BEGAYE
PRESIDENT

JOHNATHAN NEZ
VICE-PRESIDENT

LUK1804-08

RESOLUTION OF LUKACHUKAI CHAPTER

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township clothed with the privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes.

WHEREAS:

1. The Lukachukai Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation Local Governance Act (the "IGA"), 26 N.N.C. subsection 1 ET. seq. The IGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998) as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; AND

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested I the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. subsection 4081-4086; AND

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-determination, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A", that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; AND

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or a LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. subsection 31000, 36000. Accordingly; the Commission has introduced the proposed Legislation to get such authorization from the Council; AND

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; AND

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter Officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Lukachukai Chapter at a duly called meeting at Lukachukai, Navajo Nation, (Arizona) at which a quorum was present and that the same was passed by a vote of 24 in favor, 0 opposed, 6 abstained on this 19 day of April, 2018.

Motion by: Victoria Blair

Second by: Jennifer Nez

Samuel Yazzie, President

Mary Ann Leonard, Sec. / Treas.

RUSSELL BEGAYE
NAVAJO NATION PRESIDENT

JONATHAN NEZ
NAVAJO NATION VICE PRESIDENT

WALTER PHELPS
COUNCIL DELEGATE

CAMERON CHAPTER

AARON TSO
CHAPTER PRESIDENT

EMMETT KELLEY
CHAPTER VICE PRESIDENT

MABLE FRANKLIN
SECRETARY / TREASURER

CAMERON CHAPTER
RESOLUTION OF CAMERON CHAPTER
NAVAJO NATION, COCONINO COUNTY, ARIZONA

CAMMAR-7-18 #10 Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Cameron Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned

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entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Cameron Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Cameron Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

We hereby, certify that the foregoing resolution was duly considered by Cameron Chapter at a duly called meeting in Cameron, Navajo Nation, Arizona, at which a quorum was present and the same was passed by a vote of 39 in favor, 0 opposed and 8 abstained on the 7th day of March, 2018.

Motioned: Candis Yazzie

Milton Tso, President

Second: Alecia Chee

Emmett Kerley, Vice-President

Mable H. Franklin, Secretary/Treasurer

James Beard, Grazing Representative

Walter Phelps, Council Delegate

MEXICAN WATER CHAPTER

Red Mesa TP#1019, HC 61 Box 38 • Teec Nos Pos, AZ 86514 • (928) 429-0986

Mexican Water Chapter

MWCAPR08-083

RESOLUTION OF MEXICAN WATER CHAPTER

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Mexican Water Chapter ("Chapter") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 et seq. The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Mexican Water Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Mexican Water Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Mexican Water Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution No. MWCAPR08-083 as part of comments on the proposed Legislation.

CERTIFICATION

We hereby certify the Mexican Water Chapter of the (Navajo Nation), Utah at a duly called Chapter Meeting, considered the foregoing resolution at which a quorum was present, the same approved this resolution by a vote of **15** in favor, **03** opposed, and **03** abstained on this **8th** day of **April 2018**.

Kenneth Maryboy, President

David L. John, Vice President

Clifford L. Sagg, Secretary/Treasurer

GANADO CHAPTER

Willie Tracey Jr. Manager
Philandra Nelson Administrative Assistant
Larry Tsosie Projects Manager
Esther Kirk Office Assistant

Vince R. James President
Walter Jones Vice-President
Richie Nez, Sr. Secretary/Treasurer
Alton J. Shepherd Council Delegate
Dickerson Smith Grazing Official

Post Office Box 188 Ganado, Arizona 86505 Telephone: (928) 755-5920 Facsimile: (928) 755-5927 Email: ganado@navajochapters.org

RESOLUTION No. GAN-076-2018

RESOLUTION OF THE GANADO CHAPTER

Respectfully Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS;

1. The Ganado Chapter is a duly certified local governing entity recognized by the Navajo Nation Council through 11 N.N.C. § 10(A), to advocate and address the needs and development of the local people to interact with other departments of the Navajo Nation, federal and local agencies which serve and affect the Navajo Nation; and

2. The Ganado Chapter is a Governance Certified Chapter of the Navajo Nation vested authority under 26 N.N.C. § 101 et.seq; and

3. The Ganado Chapter highly recognizes in 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

4. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

5. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

6. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development.

NOW, THEREFORE BE IT RESOLVED THAT;

The Ganado Chapter is hereby respectfully supporting Navajo Nation Council to authorize the creation of wholly owned entities of the Kayenta Township clothed with the privileges and immunities of the Navajo Nation, as a pilot that could be replicated by LGA certified Chapters for economic development purposes.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Ganado Chapter at a duly called meeting at Ganado, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 18 in favor, 00 opposed and 09 abstained on this 12th day of April, 2018.

MOTION by: Julian Billy

SECOND by: Lenora Shirley

Vince James, Chapter President
GANADO CHAPTER

ATTEST:

Richie Nez Sr., Secretary/Treasurer
GANADO CHAPTER

President
FELIX FULLER

Vice-President
ELIZABETH WHITETHORNE-BENALLY

Secretary / Treasurer
WINNIFRED BRONSTON

Grazing Representative
FRANK LAUGHTER

Council Delegate
HERMAN DANIELS

RESOLUTION OF THE

SHONTO CHAPTER
THE NAVAJO NATION

East Representative
JONES GRASS

South Representative
STANLEY YAZZIE

West Representative
ROYD LEE

North Representative
ROLAND SMALLCANYON

Manager
ROBERT K. BLACK, JR.

SH03-33-18

Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes.

WHEREAS:

1. The Shonto Community Governance ("Governance") is a governance certified Chapter of the Navajo Nation, certified under the Navajo Nation Local Governance Act (the "LGA"), 26 N.N.C. § 1 *et seq.* The LGA was enacted by the Navajo Nation Council pursuant to Resolution No. CAP-34-98 (April 20, 1998), as first amended by Resolution No. CJY-42-04 (July 23, 2004), in order to recognize governance at the local level; to delegate to Navajo chapter governments authority to make decisions over local matters; to improve community decision making; and to improve the strength and sovereignty of the Navajo Nation; and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Governance now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Shonto Community Governance hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Shonto Community Governance hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Governance's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called Shonto Community Governance General Assembly meeting at Shonto, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 22 in favor, 2 opposed and 8 abstained on this 18th day of March 2018.

Motioned by: Jones Grass

Seconded by: Cody Johnson

CONCURRENCE:

Felix Fuller, President
Shonto Community Governance

RESOLUTION OF THE SHIPROCK CHAPTER
SHIPROCK, NAVAJO NATION

SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

WHEREAS:

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1, Section 1, B. Purpose which states "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition" the inclusivity provided by the Diné Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws", and

2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and

3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and

4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and

5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and

6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

Motioned by: Lula Jackson Seconded by: Lester Light

CERTIFICATION

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of 40 in favor, -0- opposed and 1 abstentions on this 11th day of March, 2018.

Duane H. Yazzie, President

Nevina Kinlahcheeny, Vice President

Dr. J. Kaibah Begay, Secretary/Treasurer

Tom Chee, Council Delegate

TO'NANEES'DIZI LOCAL GOVERNMENT
"An Enterprise of the Navajo Nation"

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Telephone: 928-283-3284 Fax: 928-283-3288
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Email: tonaneesdizi@navajochapters.org

Gerald Keetso, President
Joetta Goldtooth, Vice-President
Velma Maloney-Begaye, Secretary/Treasurer
Helen Webster, Council Member
Angelita Williams, Council Member
Steven Arizana, Grazing Official
Charlene Manygoats, Acting Executive Manager

Aniidi Legislation # TND-03-01-2018

ANIIDI LEGISLATION OF TONANEESDIZI LOCAL GOVERNMENT

SUPPORTING NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE CREATION OF WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LOCAL GOVERNANCE ACT (LGA) CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES.

WHEREAS:

1. The To'Nanees'Dizi Council of Naat'aanii pursuant to Resolution No. TCDC# TCDC-18-04, is a certified and recognized Chapter by the Navajo Nation Council, vested with the authority and responsibility to provide and address local planning within its community, and
2. Pursuant to 26 N.N.C., Section 1 (B) is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions, and
3. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
4. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
5. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. See 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
6. The proposed Legislation could serve as a Pilot for Local Governance Act (LGA) Certified Chapters so that LGA Certified Chapters could also be authorized by the Navajo Nation Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA Certified Chapters, including for economic development; and
7. The To'Nanees'Dizi Local Government now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The To'Nanees'Dizi Local Government hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."

2. The To'Nanees'Dizi Local Government hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

*** * * * * * CERTIFICATION * * * * * ***

We hereby certify that the foregoing resolution was duly considered by the To'Nanees'Dizi Local Government, at a duly called meeting at the To'Nanees'Dizi Local Government of Tuba City (Navajo Nation), Arizona; at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 1 abstained on this 4th day of March 2018.

Motioned By: Helen Webster

Seconded By: Angie Williams

Gerald Keetso, Chapter President

Helen Webster, Council Member

Joetta Goldtooth, Vice President

Angelita Williams, Council Member

Velma Maloney-Begaye, Secretary/Treasurer

Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin — PRESIDENT
David Yazzie, Jr. — VICE PRESIDENT
Cynthia Hunter — SECRETARY/TREASURER
Leonard H. Pete — COUNCIL DELEGATE
Eugene Tso — GRAZING COMMITTEE MEMBER

RESOLUTION OF THE CHINLE CHAPTER GOVERNMENT
NAVAJO NATION
CHIN-MAR-18-017

SUPPORTING THE NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (Aug. 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in many respects to the authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 N.N.C. §§ 4081-4086; and
3. For economic development purposes, including participation in the U.S. Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the "Legislation"), a draft which is attached as Exhibit "A," that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
4. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 N.N.C. §§ 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
5. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
6. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

CHIN-MAR-18-017: SUPPORTING THE NAVAJO NATION COUNCIL LEGISLATION TO AUTHORIZE THE WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP CLOTHED WITH THE PRIVILEGES AND IMMUNITIES OF THE NAVAJO NATION, AS A PILOT THAT COULD BE REPLICATED BY LGA CERTIFIED CHAPTERS FOR ECONOMIC DEVELOPMENT PURPOSES

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. The Chinle Chapter hereby authorizes the Chapter officials and administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council by submitting this resolution as part of comments on the proposed Legislation.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor, 01 opposed, and 07 abstained, this 19th day of March 2018.

Motioned by: Francis Draper

Seconded by: Leonard Pete

Myron McLaughlin, President

David Yazzie, Vice President

Cynthia Hunter, Secretary/Treasurer

NAHATA DZIIL COMMISSION GOVERNANCE

Darrell Tso – President
Wayne Lynch – Vice President
Jamez Horseson – Secretary
Margaret Bedonie – Treasurer

Darryl Ahasteen – Member
Corrina Chatter – Manager
Shyn Clark, Administrative Assistant
Eunice Yesslith – Account Maintenance Specialist

RESOLUTION OF NAHATA DZIIL COMMISSION GOVERNANCE

NDCG-2018-03-045

Resolution Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

WHEREAS:

1. The Nahata Dziil Commission Governance is certified by the Navajo Nation Council Resolution CAP-36-91 as a local governmental entity of the Navajo Nation government which has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community, programs, and property, etc.; and
2. Transportation and Community Development Committee of the Navajo Nation, by Resolution TCDCAU-66-02, approved governance certification of the Nahata Dziil Commission Governance Five Management Policies and Procedures pursuant to 26 N.N.C. Section 102 (B), which permits the Nahata Dziil Commission Governance to exercise local governance authorities contained within 26 N.N.C. Section 103 (D)(1); and
3. The Nahata Dziil Commission Governance is further certified by the Navajo Nation in accordance with its Community Based Land Use Plan, pursuant to Resolution of the Transportation and Community Development Committee of the Navajo Nation Council, to administer its community lands within the New Lands boundaries and to decide on the best options for its land use; and
4. On January 20, 2008, the Nahata Dziil Chapter converted its Governmental entity into the Nahata Dziil Commission Governance; and
5. In 2003, after functioning as a pilot form of municipal government for over 18 years, pursuant to Council Resolution No. CAU-47-03 (August 29, 2003), the Kayenta Township ("Township") was permanently made a home rule municipality with broad local governance authority similar in may respect to authority of chapters certified under the LGA. The Township's governance authority is vested in the Kayenta Township Commission ("Commission"), as codified at 2 NNC 4081-4086; and
6. For economic development purpose, including participation in the US Small Business Administration's 8(a) Business Development Program, and in furtherance of self-government, the Commission has proposed Navajo Nation Council legislation (the Legislation"), a draft which is attached as Exhibit "A", that would permit the Commission to create wholly-owned Township "entities" that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation; and
7. Under the Navajo Nation Corporation Code and the Navajo Nation Limited Liability Company ("LLC") Act, the sovereign immunity of the Navajo Nation cannot be extended to entities organized under such acts, whether as for-profit or non-profit corporations, or as LLCs, nor can such entities be considered an enterprise of the Navajo Nation, without authorization by the Navajo Nation Council. *See* 5 NNC 3100(C), 3600(C). Accordingly, the Commission has introduced the proposed Legislation to get such authorization from the Council; and
8. The proposed Legislation could serve as a Pilot for LGA certified chapters so that LGA certified chapters could also be authorized by the Council to create their own wholly-owned entities that would be treated as tribal enterprises under Navajo Nation and federal law and clothed with the privileges and immunities of the Navajo Nation, in the best interest of LGA certified chapters, including for economic development; and
9. The Chapter now desires to express its support for the proposed Legislation attached hereto as Exhibit "A."

NOW, THEREFORE BE IT RESOLVED THAT:

Resolution Supporting Navajo Nation Council Legislation to Authorize the Creation of Wholly Owned Entities of the Kayenta Township Clothed with the Privileges and Immunities of the Navajo Nation, as a Pilot that Could Be Replicated by LGA Certified Chapters for Economic Development Purposes

1. Nahata Dziil Commission Governance hereby expresses its support for the proposed Navajo Nation Council Legislation attached hereto as Exhibit "A."
2. Nahata Dziil Commission Governance hereby authorizes the Chapter Officials and Administration, and the Kayenta Township, to communicate the Chapter's support of the proposed Legislation to the Navajo Nation Council, including by submitting this Resolution as part of comments on the proposed Legislation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by Nahata Dziil Commission Governance at a duly called meeting at Nahata Dziil Commission Governance Meeting Hall, NAVAJO NATION, Sanders, (Arizona), at which a quorum was present and that same was passed by a vote of **04** in favor **00** opposed and **01** abstained, on this 9th day of March 2018.

Darrell Tso, Commission President
Nahata Dziil Commission Governance

Motion by: Wayne Lynch
Second by: Darryl Ahasteen

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable LoRenzo Bates
Speaker
23rd Navajo Nation Council

MEMORANDUM

TO: Honorable Otto Tso
23rd Navajo Nation Council Delegate

FROM: Candace French, Attorney
Office of Legislative Counsel

DATE: June 29, 2018

RE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AUTHORIZING THE KAYENTA TOWNSHIP COMMISSION ("KTC") TO FORM WHOLLY OWNED ENTITIES OF THE KAYENTA TOWNSHIP UNDER NAVAJO LAW, INCLUDING FOR PARTICIPATION IN THE U.S. SMALL BUSINESS ADMINISTRATION 8(a) BUSINESS DEVELOPMENT PROGRAM; EXTENDING THE NAVAJO NATION'S PRIVILEGES AND IMMUNITIES TO SUCH ENTITIES; AUTHORIZING KTC TO WAIVE SUCH ENTITIES' PRIVILEGES AND IMMUNITIES (INCLUDING THEIR SOVEREIGN IMMUNITY) UPON A FINDING SUCH WAIVER WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP AND UPON PRIOR NOTICE TO THE PRESIDENT OF THE NAVAJO NATION AND THE SPEAKER OF THE NAVAJO NATION COUNCIL; AMENDING 1 N.N.C. § 552(O) OF THE NAVAJO SOVEREIGN IMMUNITY ACT AND 2 N.N.C. §§ 4084 AND 4085 OF THE KAYENTA TOWNSHIP HOME RULE STATUTE

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and the available information, the resolution as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends 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 you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0226-18_____ **SPONSOR:** Otto Tso

TITLE: An Action Relating to Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and Immunities (Including their Sovereign Immunity) Upon a Finding such Waiver would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation and the Speaker of the Navajo Nation Council; Amending 1 N.N.C. § 552(O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 And 4085 of the Kayenta Township Home Rule Statute

***Date posted*: July 3, 2018 at 3:54pm**

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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

Please note: This digital copy is being provided for the benefit of the 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.: 0226-18

SPONSOR: Honorable Otto Tso

TITLE: An Action Relating to Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and Immunities (Including their Sovereign Immunity) Upon a Finding such Waiver would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation and the Speaker of the Navajo Nation Council; Amending 1 N.N.C. § 552(O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 And 4085 of the Kayenta Township Home Rule Statute

Posted: July 3, 2018 at 3:54pm

5 DAY Comment Period Ended: July 8, 2018

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Inconclusive Comments	***None***

Legislative Secretary II
Office of Legislative Services

7/9/2018 8:12am
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL

FOURTH YEAR 2018

COMMITTEE REPORT

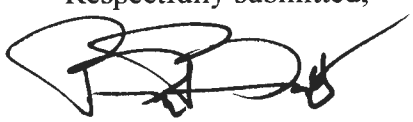
Mr. Speaker,

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

> **Legislation # 0226-18**: An Action Relating to Resources and Development, Law and Order and Naabik'Iyati Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township Under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and immunities to Such Entities; Authorizing KTC to Waive Such Entities' Privileges and Immunities (Including Their Sovereign Immunity) upon a Finding Such Waiver Would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation an the Speaker of the Navajo Nation Council; Amending 1 N.N.C. Sections 552(0) of the Navajo Sovereign Immunity Act and 2 N.N.C. Sections 4084 and 4085 of the Kayenta Township Home Rules Statute. *Sponsor: Honorable Otto Tso*
>
> Has had it under consideration and reports a DO PASS with no amendments

And thereafter referred the matter to Law and Order Committee.

Respectfully submitted,



Benjamin Bennett, Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: July 12, 2018
Meeting Location: NDOT – Tse Bonito, New Mexico
MAIN MOTION: Walter Phelps S: Davis Filfred V: 3-0-1 (CNV)
ROLL CALL VOTE TALLY:
YEAS: Walter Phelps, Davis Filfred and Jonathan Perry
NAYS: NONE
NOT VOTING: Leonard Pete
EXCUSED: Alton Joe Shepherd

RESOURCES AND DEVELOPMENT COMIMTTEE
Special Meeting
July 12, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0226-18: An Action Relating to Resources and Development, Law and Order and Naabik'Iyati Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township Under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and immunities to Such Entities; Authorizing KTC to Waive Such Entities' Privileges and Immunities (Including Their Sovereign Immunity) upon a Finding Such Waiver Would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation an the Speaker of the Navajo Nation Council; Amending 1 N.N.C. Sections 552(0) of the Navajo Sovereign Immunity Act and 2 N.N.C. Sections 4084 and 4085 of the Kayenta Township Home Rules Statute. *Sponsor: Honorable Otto Tso*

Motion: Walter Phelps Second; Davis Filfred Vote: 3 -0-1 (CNV)
YEAS: Jonathan Perry, Walter Phelps and Davis Filfred
NOT VOTING: Leonard Pete
EXCUSED: Alton Joe Shepherd

Benjamin Bennett, Vice-Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Resources and Development Committee