

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016**

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; REVIEWING AND APPROVING
THE SACRED EAST BOTTLED WATER PROJECT ECONOMIC DEVELOPMENT PLAN
FOR USE OF THE BUSINESS AND INDUSTRIAL DEVELOPMENT FUND**

Section One. Standing Committee Powers and Authorities

A. Pursuant to 2 N.N.C. §§ 500, the Resources and Development committee is hereby established as a standing committee of the Navajo Nation Council.

B. Pursuant to 12 N.N.C. § 1704 "[t]he Resources and Development Committee shall review and approve all proposed economic development plans which require use of [Business and Industrial Development Fund] BIDEF money, and shall be the central point of contact for all economic development activities utilizing BIDEF money. Further, the RDC shall have the authority to establish a process and procedures for review and approval of purposes and projects utilizing BIDEF money."

C. Pursuant to Resolution EDCJ-01-10, the Former Economic Development Committee (predecessor to the Resources and Development Committee) enacted amendments to the Tourism, Commercial and Industrial Development Operating Guidelines (Operating Guidelines).

D. Section 7 of the Operating Guidelines lists the requirements to be satisfied for the processing of any request for financing from the Business and Industrial Development Fund. One of the requirements is that "[t]he plans for the project must be reviewed and approved by the RDC (formerly the EDC), through a Resolution certified by the RDC (formerly the EDC) Chairperson."

Section Two. Findings

A. Pursuant to 12 N.N.C. §§ 1702, as amended by CAP-29-12, the Business and Industrial Development Fund was established to create "a special Navajo Nation monetary account to provide

financial assistance for business and industrial development purposes and projects located within the territorial boundaries of the Navajo Nation. The BIDEF will be utilized for tourism, commercial and industrial development projects, small business development projects, and other economic development purposes and projects, through financial assistance in the form of a Direct Loan, Direct Investment, Loan Guarantee, or Debt Security, as provided for in § 1705 C.1. of this Act. The BIDEF may be utilized to leverage or facilitate other non-BIDEF sources of funding for project development and implementation."

B. Pursuant to 12 N.N.C. §§ 1704 (B) (1) and (2) as amended by CAP-29-12, the Program Management for the Business and Industrial Development Fund has been delegated to the Division of Economic Development (DED).

C. Pursuant to 12 N.N.C. § 1704 (B) (1) the DED is delegated the responsibility "[t]o administer and monitor the use of BIDEF money for any purpose or project, and to ensure that such use of BIDEF money is consistent with this Act and applicable Navajo Nation and federal laws, regulations, and policies.

D. Pursuant to 12 N.N.C. § 1704 (B) (2) the DED is delegated the responsibility "[t]o develop policies, proposed regulations and procedures pertaining to specific projects, plans or the use of BIDEF money, for review and approval by the RDC."

E. The eligibility requirements for the BIDEF are stated in 12 N.N.C. § 1706, as amended by CAP-29-12. 12 N.N.C. § 1706 states: "Except for any Navajo Nation Entity, compliance with the provisions of the Navajo Business and Procurement Act, 12 N.N.C. §§ 1501 et seq., is a condition precedent to any transactions or granting of any business opportunity, contract, procurement activity; or processing any easement, permit, lease transaction; or considering any loan application by or from the Navajo Nation to any individual, business, corporation, partnership or entity other than the Navajo Nation. Therefore, "eligibility and compliance under the Act" as defined in 12 N.N.C. §§ 1504 must be satisfied and met prior to further consideration and processing of any application or request for project financing through the BIDEF."

F. A Navajo Business and Procurement Act clearance check was conducted and responses were received: In a memorandum dated February 18, 2016, the Accounts Receivable Section, Office of the

Controller, determined that Wilbert Tsosie dba Sacred East Bottled Water Co., Inc. is "Procurement cleared"; In a memorandum dated February 16, 2016, the Credit Services Department, Office of the Controller conducted a Procurement Clearance on Sacred East Bottled Water Co., Inc., and determined that the business does not have any loans outstanding with the Navajo Nation Credit Services Department; In a memorandum dated February 26, 2016 the Office of the Navajo Tax Commission determined that Wilbert Tsosie dba Sacred East Bottled Water Co., Inc., is registered and in compliance with the Navajo Tax Commission. These memoranda and other clearance check memoranda are attached as **Exhibit B**.

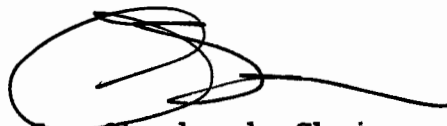
G. The Sacred East Bottled Water Company, LLC, has requested a Business and Industrial Development loan for a proposed water bottling plant project to be housed in the former BCDS building in Shiprock, Navajo Nation (New Mexico). The Sacred East Bottled Water Company Project proposed economic development plan is attached as **Exhibit A**.

Section Three. Review and Approval

The Resources and Development Committee hereby reviews and approves the proposed economic development plans submitted by Sacred East Bottled Water Project, attached as **Exhibit A**.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Leupp Chapter, (Navajo Nation) Leupp, Arizona, at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained this 28th day of March, 2016.



**Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

**Motion: Honorable Davis Filfred
Second: Honorable Benjamin Bennett**

LEGISLATIVE SUMMARY SHEET

Tracking No. 0088-14

DATE: March 15, 2016

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; REVIEWING AND APPROVING THE SACRED EAST BOTTLED WATER PROJECT ECONOMIC DEVELOPMENT PLAN FOR USE OF THE BUSINESS AND INDUSTRIAL DEVELOPMENT FUND

PURPOSE: The purpose of the resolution is to review and approve the Sacred East Bottled Water Project economic development plan for use of the Business and Industrial Development Fund. Section 7 of the Tourism, Commercial and Industrial Development Operating Guidelines lists the requirements to be satisfied for the processing of any request for financing from the Business and Industrial Development Fund. One of the requirements is that “[t]he plans for the project must be reviewed and approved by the RDC (formerly the EDC), through a Resolution certified by the RDC (formerly the EDC) Chairperson.” The Sacred East Bottled Water Company, LLC, has requested a Business and Industrial Development loan for a proposed water bottling plant project to be housed in the former BCDS building in Shiprock, Navajo Nation (New Mexico). This proposed resolution is to review and approve the plan for the project.

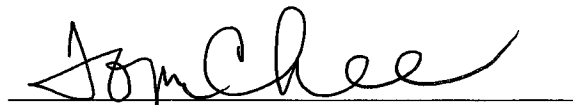
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

Website Posting Time/Date: _____

Posting End Date: 3/22/16Eligible for Action: 3/23/16

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0088-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; REVIEWING AND
APPROVING THE SACRED EAST BOTTLED WATER PROJECT ECONOMIC
DEVELOPMENT PLAN FOR USE OF THE BUSINESS AND INDUSTRIAL
DEVELOPMENT FUND

Section One. Standing Committee Powers and Authorities

- A. Pursuant to 2 N.N.C. §§ 500, the Resources and Development committee is hereby established as a standing committee of the Navajo Nation Council.
- B. Pursuant to 12 N.N.C. § 1704 “[t]he Resources and Development Committee shall review and approve all proposed economic development plans which require use of [Business and Industrial Development Fund] BIDF money, and shall be the central point of contact for all economic development activities utilizing BIDF money. Further, the RDC shall have the authority to establish a process and procedures for review and approval of purposes and projects utilizing BIDF money.”
- C. Pursuant to Resolution EDCJ-01-10, the Former Economic Development Committee (predecessor to the Resources and Development Committee) enacted amendments to the Tourism, Commercial and Industrial Development Operating Guidelines (Operating Guidelines).
- D. Section 7 of the Operating Guidelines lists the requirements to be satisfied for the processing of any request for financing from the Business and Industrial

1 Development Fund. One of the requirements is that “[t]he plans for the project must
2 be reviewed and approved by the RDC (formerly the EDC), through a Resolution
3 certified by the RDC (formerly the EDC) Chairperson.”
4

5 **Section Two. Findings**

6 A. Pursuant to 12 N.N.C. §§ 1702, as amended by CAP-29-12, the Business and
7 Industrial Development Fund was established to create “a special Navajo Nation
8 monetary account to provide financial assistance for business and industrial
9 development purposes and projects located within the territorial boundaries of the
10 Navajo Nation. The BIDE will be utilized for tourism, commercial and industrial
11 development projects, small business development projects, and other economic
12 development purposes and projects, through financial assistance in the form of a
13 Direct Loan, Direct Investment, Loan Guarantee, or Debt Security, as provided for in
14 § 1705 C.1. of this Act. The BIDE may be utilized to leverage or facilitate other non-
15 BIDE sources of funding for project development and implementation.”

16 B. Pursuant to 12 N.N.C. §§ 1704 (B) (1) and (2) as amended by CAP-29-12, the
17 Program Management for the Business and Industrial Development Fund has been
18 delegated to the Division of Economic Development (DED).

19 C. Pursuant to 12 N.N.C. § 1704 (B) (1) the DED is delegated the responsibility “[t]o
20 administer and monitor the use of BIDE money for any purpose or project, and to
21 ensure that such use of BIDE money is consistent with this Act and applicable Navajo
22 Nation and federal laws, regulations, and policies.

23 D. Pursuant to 12 N.N.C. § 1704 (B) (2) the DED is delegated the responsibility “[t]o
24 develop policies, proposed regulations and procedures pertaining to specific projects,
25 plans or the use of BIDE money, for review and approval by the RDC.”

26 E. The eligibility requirements for the BIDE are stated in 12 N.N.C. § 1706, as amended
27 by CAP-29-12. 12 N.N.C. § 1706 states: “Except for any Navajo Nation Entity,
28 compliance with the provisions of the Navajo Business and Procurement Act, 12
29 N.N.C. §§ 1501 *et seq.*, is a condition precedent to any transactions or granting of any
30 business opportunity, contract, procurement activity; or processing any easement,

1 permit, lease transaction; or considering any loan application by or from the Navajo
2 Nation to any individual, business, corporation, partnership or entity other than the
3 Navajo Nation. Therefore, "eligibility and compliance under the Act" as defined in
4 12 N.N.C. §§ 1504 must be satisfied and met prior to further consideration and
5 processing of any application or request for project financing through the BIDF."

6 F. A Navajo Business and Procurement Act clearance check was conducted and
7 responses were received: In a memorandum dated February 18, 2016, the Accounts
8 Receivable Section, Office of the Controller, determined that Wilbert Tsosie dba
9 Sacred East Bottled Water Co., Inc. is "Procurement cleared"; In a memorandum
10 dated February 16, 2016, the Credit Services Department, Office of the Controller
11 conducted a Procurement Clearance on Sacred East Bottled Water Co., Inc., and
12 determined that the business does not have any loans outstanding with the Navajo
13 Nation Credit Services Department; In a memorandum dated February 26, 2016 the
14 Office of the Navajo Tax Commission determined that Wilbert Tsosie dba Sacred
15 East Bottled Water Co., Inc., is registered and in compliance with the Navajo Tax
16 Commission. These memoranda and other clearance check memoranda are attached
17 as **Exhibit B**.

18 G. The Sacred East Bottled Water Company, LLC, has requested a Business and
19 Industrial Development loan for a proposed water bottling plant project to be housed
20 in the former BCDS building in Shiprock, Navajo Nation (New Mexico). The Sacred
21 East Bottled Water Company Project proposed economic development plan is
22 attached as **Exhibit A**.

23 **Section Three. Review and Approval**

24 The Resources and Development Committee hereby reviews and approves the
25 proposed economic development plans submitted by Sacred East Bottled Water
26 Project, attached as **Exhibit A**.

EXHIBIT

tabbles

A



SACRED EAST
BOTTLED WATER COMPANY



**SACRED EAST BOTTLED WATER COMPANY PROJECT
RESOURCE AND DEVELOPMENT COMMITTEE RESOLUTION
PACKAGE INDEX**

A. Shiprock RBDO Documents

1. Proposed Resource and Development Committee Resolution
2. Executive Summary

B. Sacred East Bottled Water Company Documents

1. Sacred East Bottled Water Company LLC Cover Letter
2. Executive Summary - Sacred East Shiprock Bottled Water Plant
3. Letter to Tony Perry - Shiprock Industrial Building Lease

**SHIPROCK RBDO
DOCUMENTS**

EXECUTIVE SUMMARY

Enclosed is a complete set of documents requesting the Resource and Development Committee of the Navajo Nation Council approve a Business and Industrial Development Fund (BIDF) loan for Sacred East Bottled Water Company, LLC. Sacred East Bottled Water Company, LLC proposes to redevelop a vacant business site and the former BCDS building in Shiprock, New Mexico to house a new water bottling plant and manufacture and package bottled water.

The Shiprock RBDO is requesting a resolution from the Resources and Development Committee of the Navajo Nation Council in support of this proposed water bottling plant project as required by the Navajo Nation Business and Industrial Development Fund Tourism, Commercial and Industrial Development Operating Guidelines and other Division of Economic Development financing programs.

Mr. Wilbert Tsosie is the Chief Executive Officer (CEO) and Organizer of Sacred East Bottled Water Company, LLC. Mr. Tsosie is requesting funds to start the business. The total cost of the project is estimated from \$8 to \$10 million. Mr. Tsosie proposes to retain the services of the Diné Bi Keyah Regional Center, LLC to design an EB-5 immigrant investment opportunity and the Whitman Group, LLC to broker a new market tax credit finance opportunity in order to fund the total cost of the project. Sacred East Bottled Water Company has already obtained an initial \$350,000 in equity investment which meets the equity requirement for the BIDF financing that they are requesting.

The Shiprock RBDO has reviewed the request for funding for financial and market viability of the project. Sacred East Bottled Water Company's due diligence is being performed by the Shiprock RBDO to ensure that the company is eligible according to the Navajo Business and Procurement Act.

The funding request will be forwarded to the Business & Industrial Development Fund Approving Committee for further review and approval. Mr. Tsosie is working with the Division of Economic Development, Project Development Department to apply for the former BCDS business site tract.

**SACRED EAST BOTTLED
WATER COMPANY
DOCUMENTS**



SACRED EAST

BOTTLED WATER COMPANY

May 14, 2013

Mr. Raymond Nopah, chief Financial Officer
Mr. Peter Deswood, Senior Projects Specialist
Members of the BIDF Committee
Division of Economic Development
The Navajo Nation
P.O. Box 663
St. Michaels, Arizona 86511

Re: Startup Capital Request of \$605,000 from BIDF Fund

Mr. Damon, Mr. Nopah & BIDF Committee Members:

Sacred East Bottled Water Company LLC (Sacred East) is requesting \$605,000 from the Business Industrial Development Fund (BIDF) start-up funding for a bottled water manufacturing plant to be located at Shiprock, New Mexico on the Navajo Nation. Sacred East was incorporated in New Mexico on June 21, 2012 as a Limited Liability Company owned by Mr. Wilbert "Will" Tsosie, an enrolled member of the Navajo Nation. The STIM Investment Group of Atlanta, GA invested \$350,000.00 of initial seed capital for the project. The seed capital funding was used primarily for a professional Feasibility Study, Business Plan preparation including financial Pro Formas, sales & marketing analysis, management team recruitment and MBE Certification. Part of the seed funding was employed to investigate various bottled water markets and determine the best point of entry. After receiving over 7.7 million case pre-sale potential, it was determined that Shiprock will be the location of our first plant. Numerous customers buying bottled water in that market, including Basha's, Safeway and others are anxious for us to commence operations.

Sacred East has invested much time and effort in obtaining national certification as an Minority Business Enterprise (MBE), and as such has received formal approval from the National Minority Development Council to offer its products to Fortune 500 companies, i.e. Wal-Mart, Costco, Target, PepsiCo, Cocoa Cola, including large supermarket chains, and other major brand chain outlet that are in the region. Additionally, Sacred East is eligible to enter with Federal Government and States minority 8(a) contracts. There is also marketing of bottled water sales to all four Navajo Casinos, the two Ute Casinos, all the Pueblo and Apaches Casinos in New

2844 East Main Street, Suite 106
Farmington, New Mexico 87402
(505) 608-1445
www.SacredEast.com

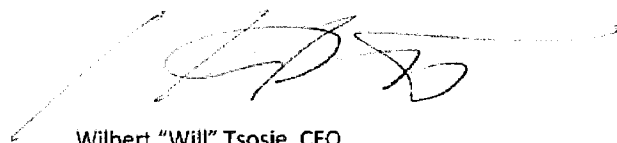
Mexico, and Arizona; and as growth of sales continues, the market includes other tribal casinos in western, mid-western states. The market potential also includes bottled water sales to National Football League (NFL) clients, i.e., the Washington Redskins, Denver Broncos, Dallas Cowboys, New Orleans Saints, etc., and others as they come aboard. To date, Sacred East is the only identified minority owned bottle Water Company that is certified by National Minority Supplier Development Council in this region. Sacred East is also a member of the world's largest bottled water trade group, the International Bottled Water Association (IBWA) and attended IBWA's most recent National Conference, making numerous important contacts and connections, and also receiving tremendous support and encouragement for this project.

Sacred East Bottled Water Company LLC is a visionary concept put together by CEO Will Tsosie with the objective to obtain diversity/minority sales agreements with Fortune 500 companies, and government contracts with both state and federal governments, and . We attempted to obtain capital via private capital markets (Investment Banking route), however the consultant we retained (Venture Capital Investment Group, Los Angeles, CA) suggested doing away with Sacred East's critical minority enterprise business aspect. Along with eliminating the MBE aspect of the business, it also appeared that Mr. Tsosie's role as a minority business owner would leave him not owning the business. Therefore, Mr. Tsosie aggressively took control of the situation, avoiding the takeover by others as majority shareholders of Sacred East, and sought an alternative source of project funding. Now with Mr. Tsosie at the helm, Sacred East has witnessed the recent certification of DBK Regional Center owned by the Navajo Nation as an opportunity to grow the business using EB 5 and New Market Tax Credit funding sources.

With the assistance of \$605,000 in financing from BIDF, Sacred East will now proceed to work with Jay Carter as consultant to obtain the required financing using DBK Regional Center, and New Market Tax Credit. Sacred East has made a formal request to lease the former Wool Industrial Building aka: BCDS building located in Shiprock, NM as their bottled water plant location.

On behalf of myself and the strong team of professionals that have been assembled to make this project successful, I extend my thanks to BIDF for its consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Tsosie', with a long horizontal line extending to the right.

Wilbert "Will" Tsosie, CEO

2844 East Main Street, Suite 106
Farmington, New Mexico 87402
(505) 608-1445
www.SacredEast.com



SACRED EAST
BOTTLED WATER COMPANY



BIDF Start Up Funding Review Package
May 2015

EXECUTIVE SUMMARY

Navajo Nation Plant Project – Shiprock, NM



SACRED EAST

BOTTLED WATER COMPANY

Contact: Wilbert Tsosie, CEO

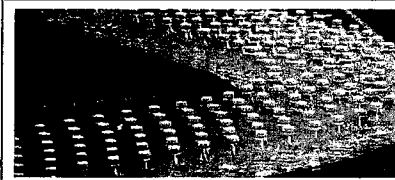
Address: 2844 East Main, Suite 106

Farmington, New Mexico 87402

Phone: (505) 608-1445

Email: willtsosie@rocketmail.com

Web: www.SacredEast.com



Business Description: Sacred East Bottled Water Company LLC is a start-up Navajo owned purified water bottling company that seeks to commence operations at Shiprock, New Mexico on the Navajo Nation. Sacred East offers these attributes to the markets we serve:

- Most efficient state-of-the-art production operation available worldwide => lowest cost producer
- Eco-conscious bottle format => minimizes impact on environment
- Customers with pent-up demand eager for Sacred East's entry into market => immediate revenue
- Critical Minority ownership attribute (only Diversity Certified MBE bottler in region) => additional profit margin opportunity
- 2015/2016 => Creation of 139 new direct management and operations jobs on Navajo Nation

Operational Overview: Plant will manufacture case-packaged purified bottled water in the industry standard 16.9 fl. oz. (500ml) single serve plastic bottle size. Using industry leading technology sourced by team member/industry expert with over 900 successful projects installed worldwide

- Outstanding opportunity to create jobs and training programs for Navajo people – will utilize Dine' Chamber of Commerce's, UIDA and other Native American C of C's resources
- 170 million bottles (7.2 million 24-pack cases) annual production capacity
- Most efficient production technology maximizes profitability and ROI
- Shiprock plant projected to service market area with 7.2 million+ annual case opportunity
- Additional market is tapping into the National Football League market- potential market

Strategy: CEO vision is founded upon establishment of in-house Management Training Program to provide management and professional development opportunities to Navajo Citizens. Also:

- Utilize team member/industry expert to spec, design and install most efficient production process
- Leverage team member/industry expert ties to production equipment manufacturers to acquire equipment at lowest possible cost
- Lowest cost production operation provides extreme pricing flexibility
- Internationally recognized IBWA Membership provides significant and immediate credibility
- Sacred East is certified as MBE under National Minority Supplier Diversity Council, the only bottled water manufacturing plant with minority certification in this market area. This designation is nationally recognized and required in order to negotiate sales contracts with major retailers under corporate-mandated Diversity Sales Programs
- Sacred East has obtained preliminary commitments for 140% of first year production output

Financing:

Uses:

Pre Start-up Salaries & Expenses	\$ 250,000
Facilities and Improvements	\$ 360,000
Production Equipment – Procure & Install	\$ 7,090,000
Other Costs/Fees	\$ 350,000

TOTAL \$ 8,050,000

Sources:

Initial Equity Investment \$	350,000
BIDF Funding	\$ 500,000
LOI- Liberty West EB-5	\$ 5,000,000
New Market Tax Credits	\$ 2,200,000

TOTAL \$ 8,050,000

Investment Requirement: Sacred East is requesting \$605,000 from BIDF at this time for launch capital. Sacred East has received and expended \$350,000 of seed capital for business conceptualization and planning. Sacred East has approval from Navajo Nation DBK Regional Center EB-5 program and New Market Tax Credit Program for 100% of the remaining financing required, totaling \$8.05 million.

Financial Projections (dollars in thousands):

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>
Revenue:	\$15,539	\$16,005	\$16,486	\$16,980	\$17,876	\$18,965	\$19,610
Cash Flow:	\$ 3,246	\$ 3,171	\$ 3,439	\$ 3,536	\$ 3,763	\$ 4,237	\$ 4,659

Time Line:

The projected sequence and time-table for this project are as follows:

<u>OBJECTIVES:</u>	<u>STATUS</u>
Arrange seed capital funding of \$350,000 by June 2012	<i>Complete</i>
Retain consultants and COO/CFO to develop business plan and define financing options by July 2012	<i>Complete</i>
Develop website and marketing tools by September 2012	<i>Complete</i>
Hire Sales/Marketing Manager by January 2013	<i>Complete</i>
Negotiate preliminary sales agreements (LOI's and MOU's) with potential customers by June 2013	<i>Complete</i>
Obtain minority certification to qualify for Diversity Sales Programs by November 2013	<i>Complete</i>
Secure Plant Location Site by June 2014	<i>Complete</i>
Secure BIDD Loan and Financing by June 2015	<i>Pending</i>
Order plant equipment by July 2015	<i>Pending</i>
Commence plant operations by November 2015	<i>Pending</i>
First production of purified bottled water and delivery to customers by April 2016	<i>Pending</i>

Key Personnel:

- **Mr. Wilbert "Will" Tsosie – CEO.** Mr. Tsosie brings both his rich ancestry as a full-blooded Native American as well as 25+ years' experience in a variety of businesses including work for the Navajo Nation as well as numerous entrepreneurial endeavors.
- **Mr. Greg Kershner – Chief Engineer, Planner and Operations Designer.** Mr. Kershner and his three engineering, consulting and project management entities provide the design, planning and expertise they have refined by successfully completing over 900 similar projects world-wide.
- **Mr. Paul Choman – COO & CFO.** Mr. Choman has over 25 years' experience with both privately held and Fortune 500 firms in various manufacturing and service industries. His experiences include construction and expansion of industrial, commercial and warehouse facilities; start-up operations of manufacturing businesses; ownership and profit level management responsibilities of businesses in the industrial, commercial, financial, real estate, recycling and consulting arenas.
- **Mr. Greg Dumais - Vice President of Sales and Marketing.** Mr. Dumais brings over 10 years' experience in wholesale and retail sales and marketing to our team. Most recently, he was the Regional Sales manager for Niagara Bottling, the largest private label bottled Water Company in the USA. Mr. Dumais was integral in the exponential growth of Niagara, with numerous performance recognitions throughout his professional career.
- **Mr. Harold Lavender – Corporate Counsel.** Mr. Lavender has over 40 years' experience in corporate governance and affairs, along with a wide breadth and depth of businesses experience. He also has key contacts within the bottled water industry.

- **Mr. Michael Higgins – Plant Operations.** Mr. Higgins has over 30 years business experience, and most recently owned and operated a bottled water operation in Farmington, NM.
- **Mr. Clifford “Cliff” Buck – Sales & Marketing Consultant.** Mr. Buck is a nationally recognized expert in diversity sales initiatives, having worked with numerous minority-owned companies, including several Native American owned businesses. In his over 40 years of experience, Mr. Buck has developed an outstanding working relationship with Fortune 500, regional and governmental customers.



SACRED EAST

BOTTLED WATER COMPANY

February 16, 2015

Mr. Anthony Perry- Manager
Department of Project Development
Division of Economic Development
The Navajo Nation
P.O. Box 663
St. Michaels, Arizona 86511

Re: Application to lease the former BCDS Building at Shiprock, New Mexico for a Bottled Water Manufacturing Plant by Sacred East Bottled Water Company, LLC.

Mr. Perry:

I have discussed the matter of leasing the former BCDS building located at Shiprock with Mr. Albert Damon, Executive Director of Navajo Nation Division of Economic Development, off and on for the past five (5) years or so; in fact, I hand carried a letter in which I requested to lease the said building at the beginning 5 years or so ago. Mr. Damon was glad to receive my letter, because he forwarded my letter to Navajo Nation Department of Justice (DOJ) to expedite the legal entanglement that the building was in, so as to free up the building. Therefore, I have on record, a letter requesting a lease the BCDS building five years prior. Recently, Mr. Damon mentioned that I should contact you to secure the lease of the BCDS building with a more solid hold on the building as I understand the building is going through a renovation at the present time.

Therefore, the purpose of this letter is to fully secure the building for leasing by my company- Sacred East Bottled Water Company LLC to start a bottled water manufacturing plant operation. Sacred East will create more than 150 direct, and indirect jobs, at operations and management levels, for local Navajo workers according to a feasibility study made. Sacred East will be creating perpetual, quality employment opportunities for people who are sincere in their desire to stay and grow with the company for a long time with rewards of excellent experience, training, compensation and opportunities for advancement. In addition, numerous other indirect jobs on the Navajo Nation will be either created or sustained by virtue of this project.

2844 East Main Street, Suite 106
Farmington, New Mexico 87402
(505) 608-1445
www.SacredEast.com

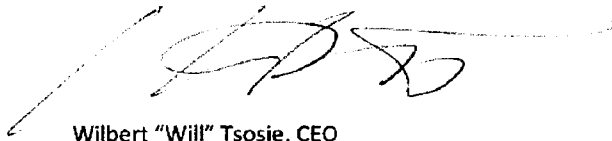
Sacred East has been re-certified as National Minority Supplier Development Program, and as such has received formal approval from the National Minority Development Council to offer its products to Fortune 500 companies, i.e. Wal-Mart, Costco, Target, PepsiCo, Cocoa Cola, as well as large supermarket chains, and other major brand chain outlet that are in the region.

Additionally, Sacred East is eligible to enter with Federal Government and States Minority 8(a) contracts. Sacred East is the only minority owned bottle Water Company that is certified by National Minority Supplier Development Council in the market areas we will serve. Sacred East is also a member of the world's largest bottled water trade group, the International Bottled Water Association (IBWA) and attended IBWA's most recent National Conference, making numerous important contacts and connections, and also receiving tremendous support and encouragement for this project.

Sacred East's initiative to build a bottled water manufacturing plant is project ready as we have our management team in place, together with our business plan, feasibility study, market analysis, market study, and financial proforma. Sacred East's operational funding is a capital stack consisting of EB 5, New Market Tax Credit, private investment, and equipment lease back.

On behalf of myself and the strong team of professionals that have been assembled to ensure this projects success, I extend my thanks to you for consideration of the request made herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Tsosie', with a long horizontal flourish extending to the right.

Wilbert "Will" Tsosie, CEO

xc: Albert Damon- Executive Director, Division of Economic Development
Peter Deswood- Senior Project Specialist
Jay Carter- DBK Regional Center Consultant
Henry Silentman- Project Specialist, Shiprock RBDO

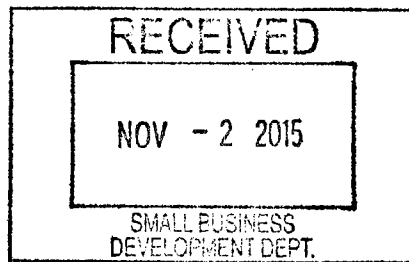
2844 East Main Street, Suite 106
Farmington, New Mexico 87402
(505) 608-1445
www.SacredEast.com



THE NAVAJO NATION


RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

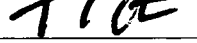
MEMORANDUM



October 30, 2015

TO : Anthony Perry, Division Director
DIVISION OF ECONOMIC DEVELOPMENT
St. Michaels, Arizona

THROUGH: 
Elaine Young, Department Manager
Small Business Development Department
DIVISION OF ECONOMIC DEVELOPMENT
St. Michaels, Arizona

FROM : 
Henry C. Silentman, Senior Economic Development Specialist
Shiprock Regional Business Development Office
DIVISION OF ECONOMIC DEVELOPMENT
Shiprock, New Mexico

SUBJECT: **EXECUTIVE REVIEW PROCESS REQUESTING A RESOLUTION IN SUPPORT OF THE
SACRED EAST BOTTLED WATER COMPANY PROJECT IN SHIPROCK, NEW
MEXICO**

Attached is the packet ready requesting a resolution in support from the Resources and Development Committee of the Navajo Nation Council for the Sacred East Bottled Water Company project in Shiprock, New Mexico. Sacred East Bottled Water, LLC proposes to start a water bottling plant in Shiprock, New Mexico.

If the proposed package and its supporting documents are acceptable, our office will request sponsorship of the legislation to the Resource and Development Committee of the Navajo Nation Council. If you have any questions pertaining to this package, please contact me directly by phone at (505) 368-1321 or by email at hsilntmn@frontiernet.net.

cc: File Folder
Correspondence log (SR-16-019)

REGIONAL BUSINESS DEVELOPMENT OFFICE

POST OFFICE BOX 1864 · SHIPROCK, NAVAJO NATION (NEW MEXICO) 87420 · (505) 368-1315 · FAX (505) 368-1324



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT

JONATHAN NEZ VICE PRESIDENT

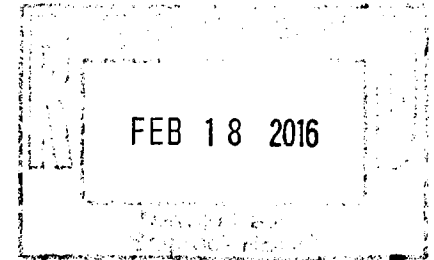


February 18, 2016

MEMORANDUM

TO: Henry C. Silentman, Sr. Economic Development Specialist
Shiprock Regional Business Development Office

FROM: Leta D. Arviso
Leta D. Arviso, Accounting Manager
Accounts Receivable Section, OOC



SUBJECT: "Navajo Business and Procurement Act clearance check"

Pursuant to your memorandum dated February 16, 2016 (*Received in Account Receivable on 02/17/2016 @ 10:00 a.m.*) seeking a procurement clearance check on the following individual/ Business is as follows:

Name	Address	Amount	Comments
Wilbert Tsosie dba: Sacred East Bottled Water Co., Inc. EIN#	Post Office Box 1483 Shiprock, NM 87420	\$ 0.00	Procurement cleared

Thank you for complying with the "NNB&P ACT". Our office requests that all relevant information of the individual(s) / business (es) is provided to ensure accurate clearance check. The information contained in this memorandum is privileged and confidential. Therefore, when disseminating this information through the 164 review, block out information that are not applicable to the package if this procurement memo is to be included.

Should you have any questions, please contact Accounts Receivable Section at 871-6770. Thank you.

mt

CC: Accounts Receivable

THE NAVAJO NATION



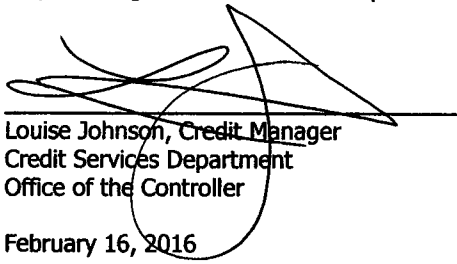
RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

Louise Johnson, Credit Manager

VIA: FACSIMILE

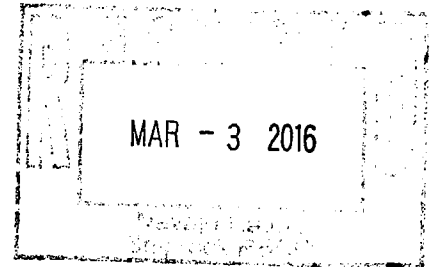
MEMORANDUM

TO: Sally A. Yabeny, Senior Economic Development Specialist
Shiprock Regional Business Development Office

FROM : 
Louise Johnson, Credit Manager
Credit Services Department
Office of the Controller

DATE: February 16, 2016

SUBJECT: *PROCUREMENT CLEARANCE*



To be in compliance with the Navajo Nation Business Procurement Act, you have requested procurement clearance by Memo dated February 16, 2016 for the following individuals/business. The following is our response:

XX The individual(s)/business listed **do not have** loans outstanding with the **Navajo Nation Credit Services Department**.

Business Name: Sacred East Bottled Water Co., Inc.
Address: POB 1483
Shiprock, NM 87420

No.	Name	Social Security No.	Action
1	Wilbert Tsosie	XXX-XX-8009	Procurement Cleared

Should you have any questions, please contact our office at (928) 871-6749.

xc: File/Chrono: lrh

THE NAVAJO NATION




RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

SEP - 9 2015

TO: Henry C. Silentman, Sr. EDS
Shiprock Regional Business Development Office
Division of Economic Development

FROM: 
Raymond Nopah, Chief Financial Officer
Division of Economic Development

DATE: September 9, 2015

SUBJECT: Procurement Clearance

Your request was received on **September 8, 2015** at the Support Services Department. The information is provided on the individual you requested for a Procurement Check and Clearance.

XXX The individual listed **do not** have any loans outstanding with the Navajo Nation Business Industrial Development Fund.

William Tsosie
D.B.A. Sacred East Bottled Water Co., Inc.
PO BOX 1483
Shiprock, NM 87420

_____ The Following individual(s) listed **do** have a loan with the Navajo Nation Business Industrial Development Fund.

If you have any questions, please do not hesitate to call me at (928) 871-7382.

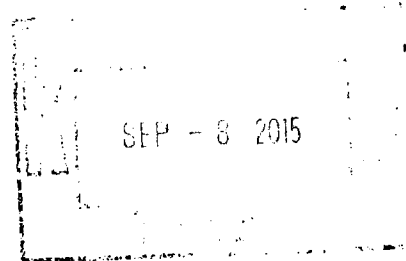


NAVAJO
NATION
SHOPPING
CENTERS
INCORPORATED

Think. Plan. Live. Shop Navajo!

September 3, 2015

Henry C. Silentman, Senior EDS
Regional Business Development Office
P. O. Box 1864
Shiprock, New Mexico 87420



CROWNPOINT

Re: Navajo Business/Procurement Act Clearance Check

PINEHILL

Dear Mr. Silentman:

NAVAJO PINE

I am in receipt of your letter dated August 25, 2015 regarding a Navajo Business and Procurement Clearance check on Wilbert Tsosie, dba: Sacred East Bottled Water Co. Inc.

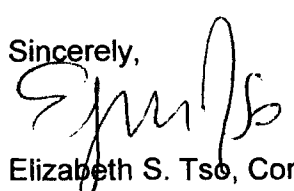
WINDOW ROCK

The Navajo Nation Shopping Centers, Inc. is not doing business with Wilbert Tsosie, dba: Sacred East Bottled Water Co. Inc. therefore they are cleared for procurement.

ST. MICHAEL S

PINON

Sincerely,


Elizabeth S. Tso, Controller
NNSCI

DILKON

xc: Juanita Yazzie, Leasing Mgr, NNSCI
Nathaniel Begay, CEO, NNSCI

TUBA CITY

KAYENTA

SHIPROCK

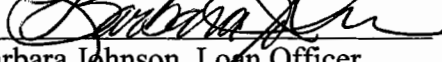


THE NAVAJO NATION

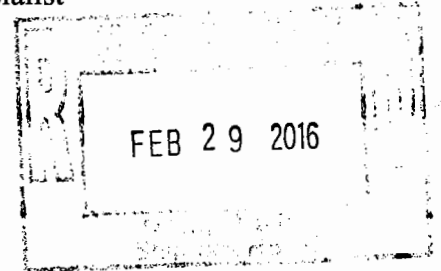
RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO : Henry C. Silentman, Senior Economic Development Specialist
Shiprock Regional Business Development Office
Navajo Nation

FROM : 
Barbara Johnson, Loan Officer
Department of Navajo Veterans' Affairs

DATE : February 17, 2016



SUBJECT : NAVAJO BUSINESS AND PROCUREMENT ACT CLEARANCE

Your request for Navajo BPA Procurement Clearances was received at the Department of Navajo Veterans' Affairs and the following individuals you requested for clearance is as follow:

NO		ADDRESS:	DNVA DEBT DUE	ACTION:
01	Wilbert Tsosie SSN#585-12-8009 DBA: Sacred East Bottled Water Co., INC	PO Box 1483 Shiprock, NM 87420	\$0.00	Procurement Cleared

If you have any questions, please contact me at 928-871-6598. Thank you.

Cc: File

DEPARTMENT OF VETERANS AFFAIRS

P.O. Box 430***Window Rock, Arizona 86515***Phone (928) 871-6413 * Fax (928) 871-7288

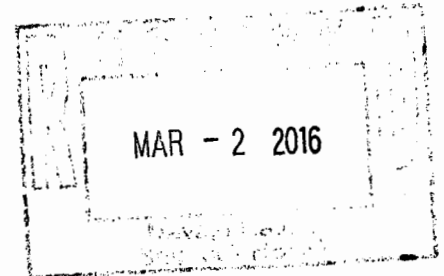


THE NAVAJO NATION

RUSSELL BEGAYE
PRESIDENT

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

JONATHAN NEZ
VICE-PRESIDENT



MEMORANDUM

To: Henry C. Silentman, Sr. Economic Development Specialist
Shiprock Regional Business Development Office
Division of Economic Development

From: Effie Edsitty
Effie Edsitty, Tax Compliance Officer
Office of the Navajo Tax Commission

Date: February 26, 2016

Subject: Procurement Clearance: Wilbert Tsosie dba Sacred East Bottled Water Co., Inc.

Per your request, there was a review completed on Wilbert Tsosie dba Sacred East Bottled Water Co., Inc. As of today, Wilbert Tsosie dba Sacred East Bottled Water Co., Inc. is **registered and in compliance** with the Office of the Navajo Tax Commission.

If you have any questions or concerns, please contact me at extension 7505 or eesditty@navajotax.org

cc: Central Taxpayer File
Chrono

Document No. 004934Date Issued: 10/21/2015**EXECUTIVE OFFICIAL REVIEW**Title of Document: BIDF LOAN APPLICATION - WILBERT TSOSIE Contact Name: SILENTMAN, HENRY CProgram/Division: DIV. OF ECONOMIC DEVELOPMENTEmail: HSILNTMN@FRONTIERNET.NET Phone Number: (505) 368-1321☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☒ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: <u>ef</u>	Date: <u>11-16-15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Office of the Attorney General: <u>TS</u>	Date: <u>12/09/15</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
(recommendation only)				
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
2. Elections: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Rights of Way**

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Assignment of Mineral Lease**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

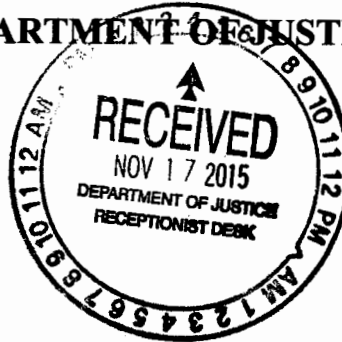
☒ **OTHER:**

- | | | | | |
|--|-------|-------------|--------------------------|--------------------------|
| 1. RESOURCE AND DEVELOPMENT COMMITTEE | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
11-17-15	401pm
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	004934
SAS #:	
UNIT:	ECDU

☐ RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	10/30/2015	DIVISION:	Division of Economic Development
CONTACT NAME:	Henry C. Silentman	DEPARTMENT:	Small Bus. Dev't Dept./Shiprock RBDO
PHONE NUMBER:	(505) 368-1321	E-MAIL:	hsilntmn@frontiernet.net
TITLE OF DOCUMENT: Requesting a Resolution from the Resources and Development Committee in Support of the Sacred East Bottle Water Company Project within the Shiprock Chapter			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:		REVIEWING ATTORNEY/ADVOCATE:	
11/17/15 @ 4:45pm		LaTonia	
DATE TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
see memo			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
WBT	12/9/15 4:09pm	WBT	12/9/15 4:09pm
DOJ Secretary Called:		for Document Pick Up on	at By:
PICKED UP BY: (Print)		DATE / TIME:	

NNDJ/DRRF-July 2013





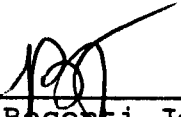
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

RODGERICK T. BEGAY
ACTING DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Henry C. Silentman, Economic Development Specialist
Shiprock Regional Business Development Department
Division of Economic Development

FROM: 
LaTonia Becenti Johnson, Acting Asst. Attorney General
Economic/Community Development Unit, Dept. Of Justice

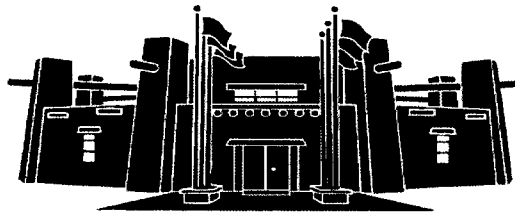
DATE: December 9, 2015

SUBJECT: Document No. 004934: Requesting a Resolution from the
Resources and Development Committee in Support of the
Sacred East Bottle Water Company Project within the
Shiprock Chapter

In reviewing the documents, Sacred East Bottled Water Company (Sacred Water) has requested to obtain a Business Industrial Development Fund (BIDF) loan from the Navajo Nation. Pursuant to the BIDF Management Plan, 12 N.N.C. § 1704(A), it is required that the Resource and Development Committee (RDC) review and approve all proposed economic development which require the use of the BIDF and/or assets. In compliance with §1704(A), the purpose of this document is to obtain RDC's approval. Considering the purpose, the proposed resolution needs to be amended. Please see the attached resolution for my edits. Lastly, please change this document to "Other" on this same form, but title it "RDC's approval of a proposed economic development project."

If you have any questions regarding this memorandum, please contact me at 928-871-6933. Thank you.

LBJ/ah/215



MEMORANDUM

To : Honorable Tom Chee
Shiprock Chapter

From : Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

Date : March 15, 2016

Re : PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; REVIEWING AND
APPROVING THE SACRED EAST BOTTLED WATER PROJECT
ECONOMIC DEVELOPMENT PLAN FOR USE OF THE BUSINESS AND
INDUSTRIAL DEVELOPMENT FUND

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

Thank you for your service to the Navajo Nation.

16-184-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0088-16_____ SPONSOR: Tom Chee

TITLE: An Action Relating To Resources and Development; Reviewing and Accepting the Sacred East Bottled Water Project Economic Development Plan For Use of the Business and Industrial Development Fund

Date posted: March 17, 2016 at 2:09pm

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.: 0088-16

SPONSOR: Honorable Tom Chee

TITLE: An Action Relating To Resources and Development; Reviewing and Accepting the Sacred East Bottled Water Project Economic Development Plan For Use of the Business and Industrial Development Fund.

Posted: March 17, 2016 at 2:09pm

5 DAY Comment Period Ended: March 22, 2016

Digital Comments received:

Comments Supporting (6)	<ol style="list-style-type: none"> 1. Rachel Nawrocki, Project Director; Capacity Builders, Inc. 2. Will Tsosie, CEO Sacred East Bottled Water Company LLC. 3. Sharlene Begay-Platero, Navajo Nation Project Development. 4. Jeff Begay, Chairman of the Board; Dineh Chamber of Commerce. 5. Elfonzo Nephew. 6. Jay Carter, Liberty Regional Centers.
Comments Opposing	<i>None</i>
Inclusive Comments (1)	<ol style="list-style-type: none"> 1. Rite Capitan

L. J. P. II

**Executive Director
Office of Legislative Services**

3/23/2014 - 9:00 AM

Date/Time

0088-16

Rachel Nawrocki <r.nawrocki@grantwriters.net>

Mon 3/21/2016 8:49 AM

To: comments <comments@navajo-nsn.gov>;

Capacity Builders, Inc., an economic development, social services, and grant writing services provider focused on assisting communities on the Navajo Nation in meeting their economic and social goals, supports the Sacred East Bottled Water Project.

**Rachel Nawrocki****Project Director**

Capacity Builders, Inc.

p: 505.326.4245

c: 505.690.8634

f: 505.326.1698

e: R.Nawrocki@grantwriters.netwww.capacitybuilders.info

© 2016 Confidential Information of Capacity Builders Inc.

**Introducing Grant Siren**

Sign up for a free subscription and
never miss a grant deadline again!

[Click here to sign up now!](#)

Comment in favor Approval re: Legislation No: 0088-16 (Sacred East Bottled Water Company LLCC)

Will Tsosie <willtsosie@rocketmail.com>

Mon 3/21/2016 10:43 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Will Tsosie <willtsosie@rocketmail.com>;

Executive Director:

Re: Legislation No: 0088-16, "An Action To Resources and Development: Reviewing and Accepting the Sacred East Bottled Water Project Economic Development Plan For Use of the Business and Industrial Development Fund."

The Sacred East Bottled Water Company LLC plans to build a bottled water manufacturing plant at Shiprock. The plant will manufacture 16.9 oz. bottled water for private labels, such as Fortune 500 companies, U.S. agencies, military, Homeland Security and FEMA agency. In addition, it will produce bottled water for all the Navajo casinos with expansion plan to capture all Indian casinos in New Mexico, Arizona, California, and Nevada. We are also exploring possible market with National Football League franchise teams. There also will be creation of over 169 direct and indirect jobs for the local labor pool including training for young Navajo families, and a scholarship/internship for Navajo College students. Overall, we stand to show the world that we Navajo people can produce valuable products that the world will proudly use.

Over years after we start as co-packing for other companies, such as Nestle, Walmart, Coca Cola and Pepsi, we intend to start our own private label emphasizing Navajo produce bottle water product, with a plan to reach national recognition of branding.

Please refer the Legislation No: 0088-16 for approval.
Thank you,

Will Tsosie
CEO Sacred East Bottled Water Company LLC
(505) 608-1445 website: www.sacredeast.com

0088-16

Sharlene Begay-Platero <srbp@navajoadvantage.com>

Mon 3/21/2016 12:49 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Anthony Perry <tperrynded12@gmail.com>; tomchee44@gmail.com <tomchee44@gmail.com>; 'Will Tsosie' <willtsosie@rocketmail.com>; srbp@navajoadvantage.com <srbp@navajoadvantage.com>;

Importance: High

RDC:

The Project Development Department's many responsibilities within the Division of Economic Development is to recruit tenants to the NN's industrial parks.

Mr. Tsosie, owner of Sacred East Bottling Company has requested to be a tenant in the former Shiprock Wool Warehouse/former BCDS facility in the Shiprock Industrial Park. Thus, a business site lease package is being developed. He has provided his Letter of Intent, Business Plan and has registered with the Navajo Nation to do business on the Reservation. We at the Department have "ordered" an appraisal to begin negotiations on the rental terms and conditions of a business site lease.

Mr. Tsosie and I also reported to the Shiprock Planning Commission about his business intent and his plans to lease the facility at the Shiprock Industrial Park in February 2016.

The last steps are to obtain procurement clearances, negotiate the business site lease terms and conditions, and process the lease through the 164 Review Process for approval by the DED Business Site Leasing Approving Committee.

All this being said, we recommend a yes vote based on the items cited above that Mr. Tsosie has complied with the NN's Business Site Leasing Regulations for a business site lease with the Navajo Nation.

Sharlene Begay-Platero
Navajo Nation – Project Development
505-905-6414 VOICE
505-905-6401 FAX

Fwd: Sacred Water Project Legislation No. 0088-16

JL Begay <rezblldr@gmail.com>

Mon 3/21/2016 3:53 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Al Henderson <ahec01@gmail.com>; Will Tsosie <willtsosie@rocketmail.com>;

1 attachment

Sacred Water DCC Resolution_0226160001.pdf;

Resending the Dineh Chamber of Commerce resolution supporting Sacred Water Project applying for the Industrial Business Development Fund. Dineh Chamber of Commerce wholeheartly supports this private business endeavor.

Jeff Begay, Chairman of the Board
Dineh Chamber of Commerce

Jeff Begay
rezblldr@gmail.com
[602-499-8878](tel:602-499-8878)

On Sun, Mar 20, 2016 at 9:30 PM, JL Begay <rezblldr@gmail.com> wrote:

TO WHOM IT MAY CONCERN:

This is to inform the Resources and Development Committee of the Navajo Tribal Council that the Dineh Chamber of Commerce voted unanimously at a duly called Board Meeting on February 26, 2016 at the UNM Gallup Campus Library where a quorum of the Dineh Chamber was present. The Dineh Chamber is dedicated to supporting Navajo Small Businesses and to promote their growth and development through advocacy and support through training and education resources available through their network.

Mr. Will Tsosie has made remarkable progress in the past year and that he has received investment dollars to support his business. The Business Development funds will only enhance his success.

Thank you for your favorable consideration to approve his loan.

Jeff Begay, Chairman of the Board
Dineh Chamber of Commerce
rezbldr@gmail.com
[602-499-8878](tel:602-499-8878)

**DINEH CHAMBER OF COMMERCE
RESOLUTION**

**RECOMMENDING THE BUSINESS INDUSTRIAL DEVELOPMENT FUNDS (BIDF)
BE EXPEDITED TO FUND THE START UP COST FOR THE LAUNCHING OF
SACRED EAST BOTTLED WATER COMPANY LLC, AT SHIPROCK, NM.**

WHEREAS:

1. The Dineh Chamber of Commerce was established in July 2013 as a 501(c)6 non-profit corporation and incorporated under the laws of the Navajo Nation ; and
2. The Dineh Chamber of Commerce is also established to assist, advocate, create, and develop Navajo-owned and operated businesses within, and the surrounding areas of the Navajo Nation.
3. One of the primary function of the DINEH Chamber of Commerce is assist developing businesses, and it is within this endeavor that this resolution is aim to assist Sacred East Bottled Water Company, LLC (Sacred East) to wit:
 - a.) Sacred East is a Navajo-owned Company that is requesting \$600,000 a start-up capital to launch its operation in the manufacturing of bottled water plant at Shiprock, New Mexico.
 - b.) Sacred East has secured complete financing using EB 5 program, and New Market Tax Credits program, to begin its operation.
 - c.) However, Sacred East needs capital to pay upfront fees and cost to initiate the two programs in operation; in addition, Sacred East will use part of the capital as operating capital to implement its marketing plan to procure client contracts.
 - d.) Sacred East has prepared business plan with financial pro formas in place including market strategies so it will develop a market base by using National Minority Supplier Certification, to gain crucial business relations with Fortune 500 Companies, U.S. Government Set Aside program particularly with U.S. Military agencies, Homeland Security, and FEMA programs.
 - e.) The launching of Sacred East business will create around 167 jobs for local Navajo people in Shiprock and surrounding areas. Sacred East will also promote and create scholarships and internship programs for Navajo Graduate Students studying business.
4. Dineh Chamber of Commerce is in full support of Sacred East's business endeavor as herein stated, and herewith recommend, advise, and inform to expedite the funding immediately to Sacred East per their request for startup capitalization.

Resolution of the Dineh Chamber of Commerce

Requesting the Navajo Nation to provide Financial Assistance in the form of a Donation in the amount of \$300,000 to the Dineh Chamber of Commerce

Whereas:

- 1. The Dineh Chamber of Commerce is a non-profit organization that has been formed to provide business support services and assistance to entrepreneurs and business establishments who are and/or desire to do commercial business within and on the Navajo Nation;**
- 2. The Dineh Chamber of Commerce membership is comprised of entrepreneurs, small business owners and managers of mid-size and large businesses, all of whom who have extensive experience with the Navajo business environment and opportunities; and**
- 3. It is the desire of the Dineh Chamber of Commerce membership to be involved with the Navajo Nation government to grow and create a sustainable, strong and thriving private sector economy.**

Now, therefore be it resolved;

- 1. That the Dineh Chamber of Commerce Board of Directors hereby approves of the request to the Navajo Nation for financial assistance in the form of a donation in the amount of \$300,000 to be used as startup capital; and**
- 2. That the donation is a one-time funding assistance to help implement the strategic plan which is included herein as Appendix 1 and in the future the Dineh Chamber of Commerce management and operation shall be financially supported by its membership.**

Certification

The Dineh Chamber of Commerce hereby approves of the resolution with a vote of 5 in favor, 0 opposed, and 0 abstain on this 10th day of July 2015.



Jeff Begay, Chairman of the Dineh Chamber of Commerce Board of Directors

NOW THEREFORE, BE IT RESOLVED THAT:

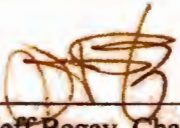
1. The Dineh Chamber of Commerce request the Resources and Development Committee work with the Executive Director and the BIDE Committee to expedite the funding process as requested by Sacred East Bottled Water Company LLC; and
2. In addition, Dineh Chamber of Commerce request for high priority consideration of the project by the Office of the Navajo President, the Office of Legislative Counsel, and the Resources and Development Council, and the BIDE Committee to move forward all action necessary so that said Sacred East will be funded by BIDE Committee.

CERTIFICATION

We hereby certify that the foregoing resolution was duly passed by the Dineh Chamber of Commerce at a duly called meeting at Gallup, New Mexico at which a quorum was present and the same was passed by a vote of 4 in favor, and 0 opposed, and 0 abstained on this _____ day of February, 2016.

Motioned: Tom Nells

Second: Al Henderson



Jeff Begay, Chairman of the Board of Directors
Dineh Chamber of Commerce

Legislation 0088-16 Comments

Elfonzo Nephew <elfonzonephew@gmail.com>

Mon 3/21/2016 11:37 PM

To: comments <comments@navajo-nsn.gov>;

March 21, 2016

Resources and Development Committee
Navajo Nation Council
P.O. Box 3390
Window Rock, AZ

Dear Chairman and Committee Members:

I have worked with Mr. Will Tsosie and Sacred East Water Bottling Company (SEWBC). I fully endorse his request to access the Business and Industrial Development Fund. The SEWBC is a unique and diversified business that will create approximately 150 jobs and tax revenues to the Shiprock Chapter. The bottling plant will be state of the art manufacturing facility that will refurbish an aging building in Shiprock. The product, bottled water, would create economic impact three fold. First the bottled water can be used locally, secondly it can be used nationwide and third it can be sold globally. All the sales would market not only SEWBC, but also Shiprock and the Navajo Nation. SEWBC is a company that can sell its product to consumers and commercial clients. The SEWBC should be given the opportunity to start and grow with the infusion of cash from the BIDE.

Sincerely,

Elfonzo Nephew

Elfonzo Nephew

Sacred East Bottle Water

Jay Carter <jcarter@libertyregionalcenters.com>

Tue 3/22/2016 4:42 PM

To: comments <comments@navajo-nsn.gov>;

I writing this in support of the Sacred East Bottle Water plant to be constructed in Shiprock, NM. This facility will create economic growth for the Navajo Nation through the revenues it generates and the many jobs both direct and indirect it will create. In addition Sacred East is planning on provide scholarships and training to raise the level of education in the community.

I hope the Navajo Nation will support Will Tsosie and his vision for improving the lives of the Navajo people.

Thanks you

Jay Carter

Liberty Regional Centers

jcarter@libertyregionalcenters.com

www.LibertyRegionalCenters.com

602-628-1197

comment

Rita Capitan <rmcapitan@hotmail.com>

Tue 3/22/2016 6:06 PM

To: comments <comments@navajo-nsn.gov>;

As Navajo's, we never appreciate a NN President. They put them down, bad mouth them and make rude comments towards them. I am afraid that NN President's Day will just be a day of complaining and whinning, sad to say. People need to learn how to respect. Instead, I would rather see a " Navajo Nation Hozho Beautification Day " Let's clean up our lands.