

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CONFIRMING THE APPOINTMENT OF MR. PHILLIP ETSITTY AS THE KAYENTA CHAPTER REPRESENTATIVE TO THE BLACK MESA REVIEW BOARD TO SERVE A TERM OF FOUR (4) YEARS

SECTION ONE. FINDINGS

- A. The purpose of the Black Mesa Review Board shall be to advocate for fair and just compensation for Navajo families within the five Navajo Nation chapters whose socio-economic and environmental interests are adversely affected or impacted by coal mining and related operations of Peabody Western Coal Company ("PWCC"). 2 N.N.C. § 902.
- B. The Board shall consist of seven members, one of whom shall be a resident of the PWCC Lease area and shall be appointed by the Kayenta Chapter. 2 N.N.C. § 903(A); see also Kayenta Chapter Resolution attached as **Exhibit A**.
- C. Within 30 days of their appointment, each Board appointee shall be presented to the Government Services Committee of the Navajo Nation Council for confirmation. 2 N.N.C. § 903(B). References in the Navajo Nation Code to the Government Services Committee shall mean the Naabik'íyáti' Committee, unless the amendments enacted herein or the context of previous law indicates otherwise. See CO-45-12, Section 5(A).
- D. If so confirmed, a Board member's term shall not commence until he or she is administered an oath of office by a judge or justice of the Navajo Nation courts. 2 N.N.C. § 903(B).
- E. The term of appointment for all Board members shall be four years. 2 N.N.C. § 903(H).
- F. The terms of the Board members shall be staggered. 2 N.N.C. § 903(A).
- G. Any Board member may be appointed for consecutive terms, but shall be limited to two consecutive terms. 2 N.N.C. § 903(H).


H. Mr. Phillip Etsitty has been appointed by the Kayenta Chapter, as referenced by Kayenta Chapter Resolution KY20-035-11, and letter of support authored by Fern Benally as **Exhibit B**.

SECTION TWO. APPROVAL OF APPOINTMENT

The Naabik'íyáti' Committee of the Navajo Nation Council hereby confirms the appointment of Mr. Phillip Etsitty to serve on the Black Mesa Review Board as a representative of the Kayenta Chapter for a term of four (4) years.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in Favor, and 00 Opposed, on this 10th day of June 2021.


Honorable Seth Damon, Chairman
Naabik'íyáti' Committee

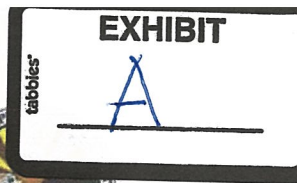
06.15.2021
Date

Motion: Honorable Otto Tso
Second: Honorable Edison J. Wauneka

Chairman Seth Damon not voting



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



Resolution No: KY20-035-11

KAYENTA CHAPTER RECOMMENDING TO APPROVE AND APPOINT PHILLIP ETSITTY TO SERVE ON THE BLACK MESA REVIEW BOARD REPRESENTING KAYENTA CHAPTER FOR A LEAST FOUR (4) YEARS DURATION.

Whereas:

1. Kayenta Chapter is recognized by the Navajo Nation pursuant to 26 N.N.C. as a local government subunit of the Navajo Nation and is a government comprised of local citizens and their elected Chapter Officials, and;
2. Black Mesa Review Board authority is located within the Peabody Lease Area and *to advocate for fair and just compensation for Navajo families within the five Navajo Nation Chapters whose soci-economic and environmental interests are adversely affected or impacted by coal mining*; and
3. A person who is from PWCC Lease Area be appointed to represent Kayenta Chapter. Mr. Phillip Etsitty meets this requirement, and
4. Black Mesa, PWCC Leasehold Area residents who reside in or near the lease area of the Peabody Coal Mine recognize the need for appointment of an individual to the Kayenta Chapter who has knowledge, experience and commitment to advocate for the unique needs of those residents; and
5. Black Mesa, PWCC Leasehold Area residents believe that Mr. Phillip Etsitty has personal knowledge of the actual living conditions of these residents; and is personally acquainted with the residents; and
6. Black Mesa, PWCC Leasehold Area residents know that, Mr. Phillip Etsitty, understands the history of the development of the coal mine and the issues and concerns that have arisen from the operations of the mine; and
7. Black Mesa, PWCC Lease hold Area residents have confidence that, Mr. Phillip Etsitty will be an effective advocate on their behalf to advance the needs of the residents before the Navajo Nation, the federal government and Peabody Coal Company; and

8. Black Mesa, PWCC Lease hold Area residents and its non-profit organization, Black Mesa United-Dziliijiin Bee Ahota' Incorporated (BMU Inc.) supports the appointment of Mr. Phillip Etsitty to the Black Mesa Review Board; and
9. Black Mesa, PWCC Leasehold Area residents considers Mr. Phillip Etsitty as the most appropriate person to represent the Kayenta Chapter and its members on the Black Mesa Review Board.

THEREFORE, BE IT RESOLVED,

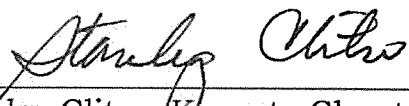
1. The Kayenta Chapter membership HEREBY approves and appoints Mr. Phillip Etsitty to serve on Black Mesa Review Board representing Kayenta Chapter for at least four(4) years duration.

CERTIFICATION

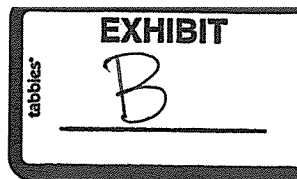
We hereby certify that the foregoing resolution was duly considered by the Kayenta Chapter, Kayenta, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 04 in favor, 00 opposed, and 01 abstaining, this 18th day of November, 2020.

Motion: Rosie Begay

Second: James Parrish



Stanley Clitso, Kayenta Chapter President



From: F.A. Benally dinehtah.007@gmail.com
Subject: Kayenta BMRB Rep
Date: Mar 31, 2021 at 8:37:42 PM
To: Jimmy Yellowhair jyellowhair@navajo-nsn.gov, Jimmy Yellowhair jimyell53@gmail.com

Dear Honorable Yellowhair,

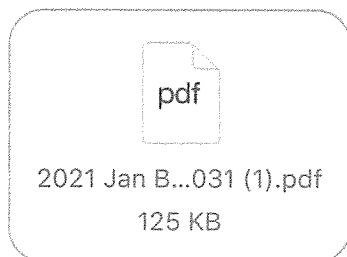
Please download and copy the attached Resolution for BMRB Rep for Kayenta Area. The individual, Philip Etsitty lives on Black Mesa inside the Peabody Lease boundary.

The document is PDF and I am unable to convert it on my computer at this time. BMRB appreciates your assistance in this matter. The legislation needs to be expedited because there has not been a BMRB meeting for the general public since last October 2020 due to lack of quorum. Please help BMRB continue their mission.

Thank you so much,

Fern Benally

BMRB



NAVAJO NATION

985

6/10/2021

Naa'bik'iyati' Committee Regular Meeting

11:26:29 AM

Amd# to Amd#	Consent Agenda: Legisaltions	PASSED
MOT Tso, O	0032-21; 0047-21; 0052-21;	
SEC Wauneka, E	0060-21; 0065-21; 0066-21;	
	0074-21; 0078-21; 0080-21.....	

Yeas : 19

Nays : 0

Excused : 4

Not Voting : 0

Yea : 19

Begay, E	Freeland, M	Slater, C	Tso, O
Begay, K	Halona, P	Smith	Wauneka, E
Begay, P	Henio, J	Stewart, W	Yazzie
Brown	James, V	Tso, D	Yellowhair
Daniels	Nez, R	Tso, E	

Nay : 0

Excused : 4

Walker, T	Charles-Newton	Crotty	Tso, C
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Not Voting : 0

Presiding Speaker: Damon