



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Council grants Kayenta Township Commission new authorities to pursue economic opportunities



PHOTO: (left to right) Kayenta Township Commission town manager Gabriel Yazzie, Council Delegate Otto Tso, and Kayenta Township Commission member Ed Seaton presenting Legislation No. 0226-18 to the Navajo Nation Council during the 2018 Fall Council Session at the Council Chamber in Window Rock, Ariz. on Oct. 18, 2018.

WINDOW ROCK – On the fourth day of the Fall Council Session, the Navajo Nation Council voted 16-3 to approve Legislation No. 0226-18, which seeks to authorize the Kayenta Township Commission to form wholly owned entities and to extend sovereign immunity and allow the township commission to waive such immunity to the wholly owned entities. The legislation is subject to consideration by the president.

Legislation sponsor Council Delegate Otto Tso (Tó Nanees Dizi) was joined by Kayenta Township Commission town manager Gabriel Yazzie and Commissioner member Ed Seaton, as they requested the Council's support to allow the township to pursue new economic opportunities to bring revenue and jobs for local community members.

Kayenta Township Commission town manager Gabriel Yazzie said the commission intends to create wholly owned entities that would be eligible to participate in the U.S. Small Business Administration's 8 (a) Business Development Program, to continue and expand the township's current solid waste transfer station and enter into contracts with federal entities such as the Indian Health Service.

Council Delegate Herman Daniels, Jr. (Shonto, Naa'tsis'Áán, Oljato, Ts'ah Bii Kin) spoke in support of the legislation, stating that the local communities need to develop other sources of revenue considering the uncertainty of Navajo Generating Station and Kayenta Mine.

The legislation passed by the Council also contains a sunset clause that states that the Kayenta Township Commission shall be required to report to the Resources and Development Committee and the Naabik'iyáti' Committee in two years to provide an update on the activities undertaken pursuant to the authorities granted. The legislation is set to expire on Dec. 31, 2020 unless extended by the Navajo Nation Council, but it also provides that such termination shall have no legal effect on any entity created prior to the sunset clause date, including the immunities and privileges granted to such entities.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) strongly opposed granting the township commission the authority to waive sovereign immunity. He said by doing so the Navajo Nation would open itself to great risks and liabilities associated with any enterprise that the township creates in the future.

"Without the protections in place I ask you to vote no. We're exposing the Navajo Nation to big risks. We all took an oath to protect the Navajo Nation and this exposes us to risks," stated Delegate Tsosie.

Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) asked his Council colleagues to support the Kayenta Township Commission as a means to generate economic opportunities for their constituents.

"I would ask that you support the legislation because the township deserves a chance to promote economic development in their community. The economy is tough and unpredictable right now," added Delegate Yazzie.

At the conclusion of the discussion, the Navajo Nation Council approved Legislation No. 0226-18 by a vote of 16-3. The President will have 10 calendar days to consider the resolution once it is delivered to the Office of the President and Vice President.

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