



NAVAJO NATION DEPARTMENT OF JUSTICE
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AG-03-17

**OPINION OF THE ATTORNEY GENERAL
OF THE NAVAJO NATION**

June 27, 2017

**The Meaning and Effect of Amendment No. 4
to Legislation No. 0194-17**

The Attorney General is the Chief Legal Officer of the Navajo Nation (the "Nation") and issues this Opinion pursuant to her authority under 2 N.N.C. § 1965(A). No adverse action may be taken by the Navajo Nation government against any official or employee of the Navajo Nation government who follows the advice contained in this Opinion.¹

I. ISSUE PRESENTED

A question has arisen with respect to the meaning and effect of Amendment No. 4 to Legislation No. 0194-17, *An Action Relating to Health, Education and Human Services, Resources and Development, Budget and Finance, Naabik'yáti' Committees and the Navajo Nation Council; Approving the Replacement Lease between the Navajo Nation and Salt River Project Agricultural Improvement and Power District, Arizona Public Service Company, Tucson Electric Power Company, Nevada Power Company d/b/a NV Energy, and Department of Water and Power of City of Los Angeles; Lease Amendment No. 1 to Existing Lease; Approval of Restrictive Covenants Related to Ash Disposal Area and Solid Waste Landfill and Pond Solids; Waiver of Sovereign Immunity* (the "Legislation").

II. ANSWER

Amendment No. 4 to the Legislation serves to change the

¹ This Opinion relies on the laws of the Navajo Nation on the date this Opinion was issued. If the Navajo Nation Council amends any of the laws relied on or the Navajo Nation Supreme Court issues a relevant opinion, the advice contained in this Opinion will need to be revised accordingly.

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name of the "Replacement Lease" to the "Extension Lease," both in the Legislation and in its Exhibits.

Amendment No. 4 also adds a general policy statement to the Findings Section of the Legislation, whereby the Navajo Nation Council "states that the 1969 Lease, with its amendments, should remain." This general policy statement simply confirms that the 1969 Lease, as amended, will remain in effect through December 22, 2019. The Replacement Lease (now the "Extension Lease") will go into effect on the "Effective Date" (as defined in the Replacement Lease/Extension Lease) and will have a term commencing on December 23, 2019. The general policy statement set forth in Amendment No. 4 does not change the Exhibits to the Legislation or any terms of the deal memorialized in those Exhibits.

NAVAJO NATION DEPARTMENT OF JUSTICE



Ethel B. Branch, Attorney General