



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Lorenzo C. Bates, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0115-15.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "Lorenzo C. Bates", is written over a horizontal line.

DATE:

A handwritten date "4-14-15" in black ink is written over a horizontal line.

LEGISLATIVE SUMMARY SHEET

Tracking No. 0115-15

DATE: April 1, 2015

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'IYATI', AND THE NAVAJO NATION COUNCIL; INVESTING A SECOND INFUSION OF CAPITAL IN THE NAVAJO NATION'S WHOLLY OWNED INSTRUMENTALITY, THE NAVAJO TRANSITIONAL ENERGY COMPANY, LLC WITH FUNDS ALLOCATED AND DISTRIBUTED FROM THE UNDESIGNATED UNRESERVED FUND, SUBJECT TO AVAILABILITY OF FUNDS IN THE UNDESIGNATED UNRESERVED FUND

PURPOSE: The purpose of the resolution is to approve investing a second infusion of capital in the Navajo Nation's wholly owned instrumentality, the Navajo Transitional Energy Company, LLC.

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: 10am 8
Website Posting Time/Date: 5:20pm 4/8/15
Posting End Date: 4/8/2015
Eligible for Action: 4/9/2015

Resources & Development Committee

THENCE

Budget & Finance Committee

THENCE



PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL— First Year, 2015 Naa'biik'iyati' Committee

INTRODUCED BY:

THENCE

Navajo Nation Council


Primary sponsor
(Mel Q. Bean) 

TRACKING NO. 0115-15

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,
NAA'BIK'IYATI', AND THE NAVAJO NATION COUNCIL; INVESTING A
SECOND INFUSION OF CAPITAL IN THE NAVAJO NATION'S WHOLLY
OWNED INSTRUMENTALITY, THE NAVAJO TRANSITIONAL ENERGY
COMPANY, LLC WITH FUNDS ALLOCATED AND DISTRIBUTED FROM THE
UNDESIGNATED UNRESERVED FUND, SUBJECT TO AVAILABILITY OF
FUNDS IN THE UNDESIGNATED UNRESERVED FUND

BE IT ENACTED:

Section One. Findings and Purposes

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A).
- B. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyati' Committee before it is heard by the Navajo Nation Council.

1 C. Pursuant to 2 N.N.C. § 300 (C)(1)(3) and (4) the Budget and Finance Committee is
2 authorized to recommend adoption of resolutions related to the expenditure of the
3 Nation's financial resources.

4
5 D. Pursuant to 2 N.N.C. § 500 (C), the Resources and Development Committee has
6 oversight authority over land issues.

7
8 E. The Navajo Nation Council created the Navajo Transitional Energy Company, LLC
9 ("NTEC") as a wholly owned instrumentality of the Nation pursuant to Council
10 Resolution No. CAP-20-13 (as amended), which was certified by the Speaker of the
11 22nd Navajo Nation Council and executed by the President of the Navajo Nation.

12
13 F. As an arm and subordinate instrumentality of the Nation, NTEC exercises all of the
14 powers granted by the Nation, and all powers otherwise available to NTEC, for the
15 purpose of improving the economic, financial, and social conditions of the Navajo
16 Nation and Navajo people, and enhancing the Nation's stewardship of its natural,
17 human, and economic resources.

18
19 G. NTEC holds tremendous promise for the development and enhancement of the
20 Nation's renewable and alternative sources of energy. NTEC is mandated by the
21 Nation to invest or re-invest no-less-than ten-percent (10%) of its annual net income
22 into the research and development of renewable and alternative sources of energy,
23 storage, and transmission technologies and infrastructure, with an emphasis on solar
24 technologies and facilities.

25
26 H. NTEC's success is critical in order to promote and control the Nation's development
27 of its own energy resources, both existing and new, as well as conventional and
28 renewable and alternative sources of energy, power, transmission, and attendant
29 resources, and to carry out research and development of same; to develop and
30 diversify the Nation's energy portfolio and market, and to serve as the catalyst for the

1 Nation's transition into a more efficient, productive, and sustainable energy portfolio
2 and market; and to preserve Navajo jobs at the Navajo Mine and Four Corners Power
3 Plant and vital governmental revenues for the provision of basic governmental
4 services to the Navajo people; all of which are in the best interests of the Nation, its
5 members, and future generations.

6
7 I. Under NTEC's Mine Management Agreement with BHP Billiton Mine Management
8 Company ("MMCo"), the operator of the Navajo Mine, and associated agreements
9 with MMCo's parent corporation, BHP Billiton New Mexico Coal Inc. ("BBNMC"),
10 such agreements which were negotiated largely by the Navajo Nation, including its
11 Department of Justice, NTEC is unable to access revenues from coal sales at the
12 Navajo Mine, which can only be used to pay the Navajo Mine costs and to pay down
13 NTEC's Promissory Note with BBNMC. The Promissory Note is required to be paid
14 in full in 2016, when NTEC replaces MMCo with a new Contract Miner for the
15 Navajo Mine. Until the Note is paid, NTEC has no cash flow, and relies solely on
16 continuing capital investment from the Navajo Nation to fund its corporate budget.

17
18 J. On October 18, 2013, pursuant to Resolution No. CO-49-13, the 22nd Navajo Nation
19 Council authorized a first capital infusion in NTEC to pay for the costs and
20 obligations incurred by the Navajo Nation and NTEC associated with the negotiations
21 and closing of the transactions for the acquisition of the Navajo Mine from BBNMC,
22 and for start-up and operational costs for NTEC's corporate activities through Fiscal
23 Year 2014, including oversight of MMCo and activities associated with the federal
24 approvals required in 2015 for the Four Corners Power Plant ("FCPP") and Navajo
25 Mine Energy Project (the "Project"). Such initial capital investment has been wholly
26 expended and NTEC is operating on a one-time emergency cash advance from
27 Navajo Mine revenues, due and payable immediately to MMCo upon NTEC's
28 securing of additional funding from the Navajo Nation. Resolution No. CO-49-13 is
29 an Exhibit to the Grant Agreement between NTEC and the Navajo Nation, executed
30

1 by President Shelly November 18, 2013 ("Grant Agreement"), and the Grant
2 Agreement and exhibits are attached hereto collectively as Exhibit "A."

3
4 K. NTEC is accordingly now in immediate need of a second capital infusion from the
5 Navajo Nation in order to pay for NTEC's corporate activities for the period March 1,
6 2015 through March 1, 2016, including NTEC's continuing oversight of MMCo and
7 NTEC's search for, due diligence and procurement of a new Contract Miner for the
8 Navajo Mine by 2016, as required by NTEC's agreements with MMCo and BBNMC
9 and the owners of FCPP. Without a second capital infusion from the Nation, NTEC
10 could become insolvent, putting the entire Project at risk, including critical revenues
11 and jobs for the Navajo Nation, and potentially resulting in a call on the Nation's
12 guarantee of NTEC's bonds.

13
14 L. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and
15 supplemental funds shall be submitted to the Office of Management and Budget
16 ("OMB") for budget impact analysis, which was completed on November 3, 2014.
17 See Memorandum from OMB attached as Exhibit "D."

18
19 M. Pursuant to 12 N.N.C. § 820(L), the Navajo Nation Council may adopt and approve
20 supplemental appropriations to the Annual Comprehensive Budget during the fiscal
21 year. Supplemental appropriations of General Funds within the current fiscal year are
22 permitted, (1) if and when additional sources of revenues above and beyond the initial
23 or current revenue projections are projected and which are also in excess of the
24 reserve amount set for in § 820(J) or (2) when the Unreserved, Undesignated Fund
25 balance is in excess of the reserve amount set forth at § 820(J). The Office of the
26 Controller has determined that there are funds within the Undesignated Unreserved
27 Fund balance to cover the amount of this request for supplemental funding. The
28 Controller's memorandum is attached as Exhibit "E."

1 N. It is in the best interest of the Nation and the Navajo people for the Navajo Nation to
2 provide a second capital infusion to NTEC from the UUF, as an investment, in the
3 amount of three million one hundred twenty two thousand four hundred nineteen
4 dollars (\$3,122,419.00), to fund NTEC's Fiscal Year 2015 corporate budget.

5
6 **Section Two. Approvals, Authorizations, and Directives**
7

8 A. The Navajo Nation Council approves a second capital infusion for NTEC, in the
9 amount of three million one hundred twenty two thousand four hundred nineteen
10 dollars (\$3,122,419.00), to be paid to NTEC as a lump sum from the Navajo Nation
11 Undesignated Unreserved Fund in accordance with the budget documents attached
12 hereto collectively as Exhibit "B," either by modification of the existing Grant
13 Agreement between the Nation and NTEC (an example contract modification which
14 is attached hereto as Exhibit "C"), or by use of another appropriate funding
15 instrument.

16
17 B. Subject to availability of funds in the Undesignated Unreserved Fund, the Nation's
18 officials and employees shall immediately take all necessary and prudent steps to
19 effect the transfer of three million one hundred twenty two thousand four hundred
20 nineteen dollars (\$3,122,419.00) from the Navajo Nation Undesignated Unreserved
21 Fund to NTEC Business Account No. ****5023, Bank of Albuquerque, as authorized
22 herein.

23
24 **Section Three. Savings, Severability, and Survivability**
25

26 Should any provision of this legislation be determined invalid by the Navajo courts,
27 all other provisions of this legislation not determined to be invalid shall remain in full
28 force and effect.
29
30



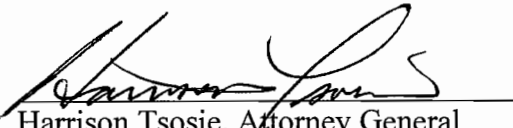
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

HARRISON TSOSIE
ATTORNEY GENERAL

DANA BOBROFF
DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Levon Henry, Chief Legislative Counsel
: Mariana Kahn, Legislative Counsel
Office of Legislative Counsel

FROM: 
Harrison Tsosie, Attorney General
Office of the Attorney General

DATE: April 2, 2015

SUBJECT: NTEC FINANCIAL INFORMATION SHOULD REMAIN CONFIDENTIAL

Navajo Transitional Energy Company, LLC., was created in 2013 for the purpose of purchasing the Navajo Mine from BHP Billiton. In the documents originally creating NTEC and the mine purchase, the due diligence financial information was provided to the Navajo Nation Council with the understanding that it was required to be kept confidential. The Department of Justice (DOJ) is issuing this memo requesting that all Attachments A and B (both Part 1 and Part 2) to this Resolution to this Resolution be kept confidential, and only disclosed to Council Delegates in Executive Session. See 2 N.N.C. §85. It is in the best interest of the Nation to keep all of these attachments confidential due to the proprietary nature of the information contained therein.

In a memo dated October 4, 2013 DOJ determined the financial information must remain confidential due to the proprietary nature of the contents. This information needs to be kept confidential due to the fact that other businesses within the mining industry could utilize this information to create a difficult negotiation for the mining company while searching for a new mine operator, since BHP will not remain the operator indefinitely. DOJ agrees that under Title 2 of the Navajo Nation Code, these documents must be kept confidential.

Due to the proprietary nature of the detailed financial statements, and the potential harm to the Nation that could occur should another company obtain this proprietary information, Exhibit A and both Parts of Exhibit B should remain confidential and not released to the public. Under 2 N.N.C. §85(A)(12), "Information. . . related to a[n] . . . agreement which is proprietary in nature or otherwise to remain confidential at the request of any party to the . . . agreement" are

Memorandum To: Levon B. Henry and Mariana Kahn
RE: NTEC FINANCIAL INFORMATION SHOULD REMAIN CONFIDENTIAL
April 2, 2015
Page 2

“protected and shall not be considered public for purposes of required disclosure.” In this instance, the details of the financial statements could possibly put NTEC in a compromised position for negotiations when searching for a mining operation company. The third party in negotiations with NTEC could use this financial information to their advantage and undermine NTEC in negotiations. It is in the Nation’s best interest, as the owner of this enterprise, to keep these documents confidential to protect the proprietary financial information to protect the Nation from financing what could become a bad deal.

Since the Nation owns NTEC, the Council must understand the financial details to make a fully informed decision regarding the grant, but this information should not be disclosed to the public for the purpose stated above.



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

D. Harrison Tsosie
ATTORNEY GENERAL

Dana Bobroff
DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: Mariana Kahn, Chief Legislative Counsel

FROM: /s/ B. L. Lewis
Brian L. Lewis, Attorney
Navajo Nation Office of the Attorney General

DATE: October 4, 2013

SUBJECT: **Navajo Transitional Energy Company, LLC Financial/Budget Documents to be Attached to the Funding Legislation as Exhibits**

The Navajo Transitional Energy Company, LLC ("NTEC") financial and budgetary documents that have been provided for attachment to the NTEC funding legislation sponsored by the Honorable Navajo Nation Council Delegate Lorenzo Bates is of a sensitive and proprietary nature. These documents and the substantive information contained within them are appropriate for viewing by the Navajo Nation Council and the President of the Navajo Nation, as well as appointees and necessary staff. This is because the principals and material decision makers must have the information necessary to make an informed decision regarding whether to capitalize the Nation's wholly owned economic instrumentality.

However, these documents and their information are not appropriate for public consumption. This is because third parties—namely, industry participants and competitors—could derive independent economic value from knowledge of NTEC's budgetary figures and financial capacity. Furthermore, NTEC's positions in negotiations and commercial actions now and in the future may be undermined from third parties possessing such knowledge. For instance, in the next year, it may become necessary for NTEC to find, select, and begin negotiating another mine manager agreement for assistance with its performance of the Navajo Mine operations. If such a third party knew of NTEC's budget and financial capacity, that entity would naturally adapt its proposal and negotiating strategy to obtaining maximum payment for performance of mine management services.

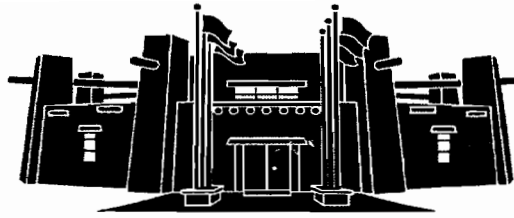
If such a third party does not know of NTEC's budget and financial capacity, however, it will have considerably greater difficulty in gauging the amount NTEC is able to pay for the performance of mine management services. This dynamic will provide

NTEC with the more advantageous negotiating position of the other party in such arms-length negotiations being uncertain as to NTEC's ability to pay; which will allow NTEC to frame and relegate the negotiations to what NTEC is willing to pay. Accordingly, minimizing the knowledge of NTEC's budgetary circumstances and financial capabilities is useful for protecting and promoting any advantages NTEC may have and exploit to maximize the amount of value it receives from future contracts and commercial activities.

NTEC's budgetary and financial information are protected records pursuant to section 85 of the Navajo Nation Privacy and Access to Information Act ("Privacy Act"), 2 N.N.C. § 81 *et seq.* (West, Westlaw through 2009). Subsection 85(A)(5) protects these records, because NTEC is an artificial person, and these are "[r]ecords describing [NTEC's] finances" *Id.* Subsection 85(A)(7) protects these records, because disclosure of the information in these documents may reveal much of NTEC's financial capabilities and negotiating positions (as discussed above), whether by a deductive inference or a third party's inductive reasoning, before the contracts contemplated by the legislation itself and the transaction documents are negotiated, executed, and closed.

Furthermore, subsection 85(A)(12) protects these records, because they constitute "[i]nformation contained within or related to a contract, lease or other agreement which is proprietary in nature or otherwise to remain confidential" *Id.* To this point, subsection 85(A)(19) also protects NTEC's records and information here, because this is "[i]nformation otherwise protected by applicable laws . . ." pursuant to the Uniform Trade Secrets Act, as adopted in Arizona, Ariz. Rev. Stat. § 44-401 *et seq.* (2013), and New Mexico, N.M. Stat. § 57-3A-1 *et seq.* (2013). Beyond being relevant for purposes of the Privacy Act, the Nation asserts and applies these laws to protect similar proprietary budget and financial records related to commercial transactions, administrative proceedings, and judicial actions. See, e.g., 7 N.N.C. § 204(D) (providing for hierarchy of applicable laws and regulations).

Accordingly, NTEC's records and substantive information at issue here are confidential, privileged, and protected. Therefore, providing these to others beyond the Nation's principals and material decision makers and necessary staff is improper, and they are or should be appropriately marked "confidential" and not placed on the Navajo Nation's website or otherwise released.



MEMORANDUM

To : Honorable LoRenzo Bates
Speaker, Navajo Nation Council

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

Date : April 1, 2015

Re : AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'IYATI', AND THE NAVAJO NATION COUNCIL; INVESTING A SECOND INFUSION OF CAPITAL IN THE NAVAJO NATION'S WHOLLY OWNED INSTRUMENTALITY, THE NAVAJO TRANSITIONAL ENERGY COMPANY, LLC WITH FUNDS ALLOCATED AND DISTRIBUTED FROM THE UNDESIGNATED UNRESERVED FUND, SUBJECT TO AVAILABILITY OF FUNDS IN THE UNDESIGNATED UNRESERVED 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 drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. 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.

15-323-1



MEMORANDUM

DATE: April 1, 2015

TO: Tom Platero, Director
Office of Legislative Services

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

SUBJECT: Proposed Navajo Nation Council Resolution, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'IYATI', AND THE NAVAJO NATION COUNCIL; INVESTING A SECOND INFUSION OF CAPITAL IN THE NAVAJO NATION'S WHOLLY OWNED INSTRUMENTALITY, THE NAVAJO TRANSITIONAL ENERGY COMPANY, LLC WITH FUNDS ALLOCATED AND DISTRIBUTED FROM THE UNDESIGNATED UNRESERVED FUND, SUBJECT TO AVAILABILITY OF FUNDS IN THE UNDESIGNATED UNRESERVED FUND

PLEASE NOTE THAT THE NAVAJO NATION DEPARTMENT OF JUSTICE HAS DETERMINED THAT PARTICULAR EXHIBITS ATTACHED TO THIS PROPOSED RESOLUTION ARE CONFIDENTIAL. THOSE EXHIBITS ARE MARKED "CONFIDENTIAL." THESE EXHIBITS ARE NOT TO BE RELEASED OR PLACED ON THE WEBSITE.

Title 2 Section 164 (A)(6) states: "Any matters or exhibits determined by the Navajo Nation Department of Justice to be confidential shall be properly marked "confidential" and shall not be placed on the website or otherwise released."

In addition, 2 N.N.C. §110(F) states:

"Confidential matter means a matter which violates the Navajo Nation Privacy and Access to Information Act or whose unauthorized disclosure could be prejudicial or detrimental to the legal or financial interest of the Navajo Nation government or its entities. The Navajo

Department of Justice shall determine what matters qualify as confidential. Matters determined to be confidential shall not be released without the written approval of the Attorney General or his designee."

Because the Exhibits have been determined to be confidential, please instruct the Office of Legislative Services staff:

- not to scan the Exhibits;
- to distribute hard copies of the exhibits to the delegates at the committee and Council meetings;
- to retrieve the confidential Exhibits after the proposed resolution has been acted upon by the committees and the Navajo Nation Council.

Please contact me at (928) 871-7166 if you have questions regarding the confidentiality issues.

Thank you for your service to the Navajo Nation.

XC: Chief of Staff, Arbin Mitchell




April 3, 2015

MEMORANDUM

TO : Honorable Members
Resources and Development Committee
Budget and Finance Committee
Naa'bik'iyati' Committee
Navajo Nation Council

FROM :


Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : ASSIGNMENT OF LEGISLATION

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources and Development Committee, Budget and Finance Committee, Naa'bik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0115-15

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'IYATI' AND THE NAVAJO NATION COUNCIL; INVESTING A SECOND INFUSION OF CAPITAL IN THE NAVAJO NATION'S WHOLLY OWNED INSTRUMENTALITY, THE NAVAJO TRANSITIONAL ENERGY COMPANY, LLC WITH FUNDS ALLOCATED AND DISTRIBUTED FROM THE UNDESIGNATED UNRESERVED FUND, SUBJECT TO AVAILABILITY OF FUNDS IN THE UNDESIGNATED UNRESERVED FUND.

As the Committee assigned to consider the legislation, Legislation No. 0115-15 must be placed on the Resources and Development Committee, Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0115-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable LoRenzo C. Bates, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0115-15_____

SPONSOR: LoRenzo Bates

TITLE: An Action Relating To Resources and Development Committee, Budget and Finance, Naa'bik'iyati and Navajo Nation Council; Investing a Second Infusion of Capital in the Navajo Nation's Wholly Owned Instrumentality, The Navajo Transitional Energy Company, LLC With Funds Allocated and Distributed from The Undesignated Unreserved Fund, Subject to Availability of Funds in the Undesignated Unreserved Fund

Date posted: April 3, 2015 at 5:20pm

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.: 0116-15

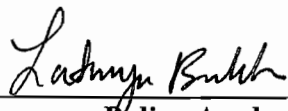
SPONSOR: Honorable LoRenzo C. Bates

TITLE: Relating To Resources And Development, Budget And Finance, And Naa'bik'iyati' Committee, And The Navajo Nation Council; Amending Resolution No. CD-60-13 A Resolution Which Approved A Limited Waived Of Sovereign Immunity And General Indemnity Agreements For The Navajo Transitional Energy Company, LLC.

Posted: April 3, 2015 at 5:30pm

5 DAY Comment Period Ended: April 8, 2015

Digital Comments received: *No comments were received.*



Policy Analyst
Office of Legislative Services

4.9.15

2:43pm

Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

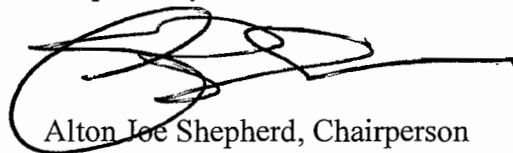
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0115-15: An Action Relating to the Resources and Development Committee and Budget and Finance; Naabik'iyáti, and the Navajo Nation Council; Investing a Second Infusion of Capital in the Navajo Nation's Wholly Owned Instrumentality, the Navajo Transitional Energy Company, LLC with Funds Allocated and Distributed from the Undesignated Unreserved Funds Subject to Availability of Funds in the Undesignated Unreserved Funds. *Sponsor: Honorable LoRenzo C. Bates*

Has had it under consideration and report the same with a **DO PASS** with the no amendment

and thereafter referred to Budget and Finance Committee.

Respectfully submitted,

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

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

Date: April 13th, 2015

Motion: Walter Phelps

Second: Leonard Pete

Vote: 3-0 (Chair, Alton Joe Shepherd, not voting)

In favor were: Leonard Pete, Walter Phelps, and Benjamin Bennett

23rd NAVAJO NATION COUNCIL

First Year 2015

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0115:

An Action Relating to Resources and Development, Budget and Finance, NaaBikiyati, and the Navajo Nation Council; Investing a Second Infusion of Capital in the Navajo Nation's Wholly Owned Instrumentality, the Navajo Transitional Energy Company, LLC with Funds Allocated and Distributed from the Undesignated, Unreserved Fund, Subject to Availability of Funds in the Undesignated Unreserved Fund *Sponsored by LoRenzo C. Bates, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do TABLE** without amendment.

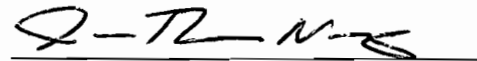
1. On Page __, line(s) __, strike/insert the words "___", insert "___"

2. On Page __, line(s) __, strike/insert the words "___", insert "___"

[Read into the record on 13 April 2015; Main motion held by Dwight Witherspoon seconded by Tom T. Chee; Tabling motion made by Dwight Witherspoon seconded by Tom T. Chee Vote: 4-1; Tabled until sponsor provides signed budget documents (Forms 1 & 2) and Exhibit D memo]

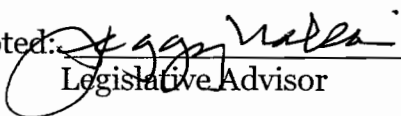
And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,



Jonathan Nez, Chairman

Adopted: _____
Legislative Advisor

Not Adopted:  _____
Legislative Advisor

13 April 2015

The vote was in favor opposed

NAABIK'ÍYÁTI' COMMITTEE REPORT

23rd NAVAJO NATION COUNCIL---FIRST YEAR 2015

LEGISLATION 00115-15

Introduced by the Honorable LoRenzo c. Bates

An action relating to Resources and Development, Budget and Finance, Naa'bik'iyati', and the Navajo Nation Council; Investing a second infusion of capital in the Navajo Nation's wholly owned instrumentality, the Navajo Transitional Energy Company, LLC with funds allocated and distributed from the Undesignated Unreserved Fund, Subject to availability of funds in the Undesignated Unreserved Fund

TO THE 23RD NAVAJO NATION COUNCIL:

The Naabik'iyati Committee, to whom has been referred Legislation **0115-15**, has had it under consideration and reports a **TABLING ACTION**.

Thence **REFERRED TO THE 23RD NAVAJO NATION COUNCIL** on this 16th Day of April, 2015.



Honorable Edmund Yazzie, Chairperson Pro Tem
NAABIK'YATI' COMMITTEE

Motion: Honorable Jonathan L. Hale
Second: Honorable Benjamin Bennett
Vote:

TABLING ACTION

Motion: Honorable Otto Tso
Second: Honorable Tom T. Chee
Vote: 5-4-0 (Chair Pro Tem, Honorable Edmund Yazzie voted)