



23rd Navajo Nation Council

MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist
OFFICE OF LEGISLATIVE SERVICES

From : 1-5711
Tom Platero, Executive Director
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23rd Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

BUDGET AND FINANCE COMMITTEE:

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:

0414-18	0419-18	0451-18
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LAW AND ORDER COMMITTEE:

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

RESOURCES AND DEVELOPMENT COMMITTEE:

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

CONCURRENCE:



Honorable LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel
Files

LEGISLATIVE SUMMARY SHEET

Tracking No. 0373-18

DATE: November 6, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING A FUNDING REQUEST OF THREE MILLION, FIFTY-TWO THOUSAND DOLLARS (\$3,052,000.00) FROM THE SÍHASIN FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE SÍHASIN FUND BROADBAND TO CHAPTER HOUSE EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

PURPOSE: If approved, this resolution will approve a funding request of \$3,052,000.00 to Navajo Tribal Utility Authority for the Broadband to the Chapter House project and adopts the Síhasin Fund Broadband to the Chapter House Expenditure Plan.

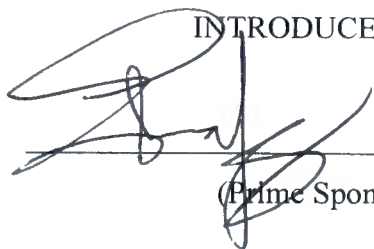
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 9:34pm 11/20/18
Posting End Date: 11/25/2018
Eligible for Action: 11/26/2018

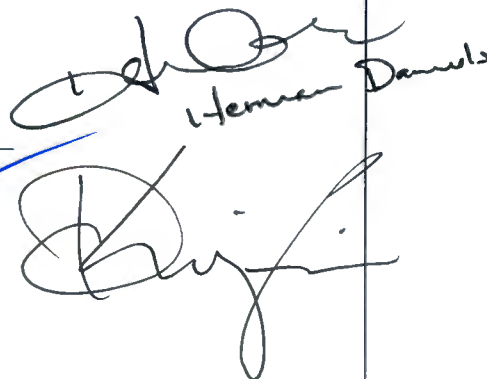
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0373-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE
AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
APPROVING A FUNDING REQUEST OF THREE MILLION, FIFTY-TWO
THOUSAND DOLLARS (\$3,052,000.00) FROM THE SÍHASIN FUND TO THE
NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE SÍHASIN FUND
BROADBAND TO CHAPTER HOUSE EXPENDITURE PLAN PURSUANT TO
CD-68-14 AND 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301 (B) (2).

1 D. The Resource and Development Committee of the Navajo Nation Council is
2 empowered to exercise oversight authority over economic and community
3 development and housing. *See* 2 N.N.C. § 500 (C).
4

5 **Section Two. The Naabik'íyáti Síhasin Fund Subcommittee and Navajo Nation**
6 **Síhasin Fund**

7 A. The Naabik'íyáti Committee established the Naabik'íyáti Síhasin Fund
8 Subcommittee to recommend to the Naabik'íyáti Committee and Navajo Nation
9 Council financial support and/or financial plan(s) for the purposes designated in the
10 Síhasin Fund. NABIAP-20-15. However, approval by the Naabik'íyáti Síhasin
11 Fund Subcommittee is not a requirement for legislation.

12 B. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund
13 ("Síhasin Fund") is as follows:

14 §2502 Purpose

15 A. The purposes of this Fund are to provide financial support and/or
16 financing for:

- 17 1. The planning and development of economic development
18 and regional infrastructure supporting economic development
19 and community development, including such infrastructure
20 as, but not limited to, housing, commercial and government
21 buildings, waterline, solid waste management development,
22 powerline projects, and transportation and communication
23 systems, within the Navajo Nation; and
24 2. Education opportunities for members of the Navajo
25 Nation.

26 B. For the Purpose in § 2502(A)(1), Fund expenditures for
27 infrastructure shall not be limited by 12 N.N.C. § 1301(F) or
28 TCDCJY-77-99.
29
30

1 C. Leveraging the Fund by way of guaranteeing loans, match funding,
2 direct funding in part, and other weighted uses of the Fund,
3 including loan financing from the Fund, for the purposes in
4 § 2502(A)(1), shall be favored over direct funding in whole.

5 12 N.N.C. § 2502, as amended by CJA-03-18.

6 C. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made
7 to the Síhasin Fund and that “Fund Income” shall consist of all earnings (interest,
8 dividends, etc.) generated and realized by the Fund Principal, and that Fund Income
9 shall be deposited in and added to Fund Principal until such time as a Fund
10 Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

11 **Section Three. Findings**

12 A. The Navajo Tribal Utility Authority (“NTUA”) Broadband to the Chapter House
13 Plan is detailed in the attached **Exhibit A**.

14 B. Exhibit A includes a multi-phase strategy which provides a pilot project summary,
15 objectives, cost components, maintenance and support, total projected costs and
16 distribution plan.

17 C. The Broadband to Chapter House Pilot summary is attached as **Exhibit B**.

18 **Section Four. Approval and Adoption of Expenditure Plan**

19 A. The Navajo Nation hereby approves and adopts the Síhasin Fund Broadband to the
20 Chapter House Expenditure Plan, attached and incorporated herein as **Exhibit A**.

21 B. The Navajo Nation hereby approves a funding request to Navajo Tribal Utility
22 Agency for the Síhasin Fund Broadband to the Chapter House Expenditure Plan in
23 the amount of three million fifty-two thousand dollars (\$3,052,000.00) during
24 Navajo Nation Fiscal Year 2019.

25 C. The Síhasin Funds allocated for the Síhasin Fund Broadband to the Chapter House
26 Expenditure Plan may be further leveraged by bond or loan financing pursuant to
27 the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended,
28 using Síhasin Fund Earnings for repayment and financing costs upon the
29 recommendation of the Budget & Finance Committee and approval by a two-thirds
30 (2/3) vote of all members of the Navajo Nation Council.

1
2 **Section Five. Approval and Adoption of Expenditure Plan Administration**

3 A. The Navajo Nation hereby approves administration of the Síhasin Fund Broadband
4 to the Chapter House Expenditure Plan as follows:

- 5 1. The Navajo Nation Controller shall determine whether the source of the
6 \$\$3,052,000.00 will be Síhasin Fund Principal or Income or a combination of
7 both;
- 8 2. The funds allocated to NTUA shall be used to design, plan, and construct the
9 Broadband to the Chapter House project, as set forth in **Exhibit A**, and NTUA
10 shall return any and all cost-savings to the Síhasin Fund once the Broadband to
11 the Chapter House project is fully completed or with the approval of the
12 Naabik'íyáti' Committee, use such cost-savings for broadband access to
13 additional chapter houses.
- 14 3. The Navajo Nation Controller shall release the funds to NTUA during Navajo
15 Nation Fiscal Year 2018 pursuant to a project budget plan or other such
16 schedule agreed to by the Office of the Controller and NTUA within thirty (30)
17 days of the formal adoption of this legislation;
- 18 4. The funds allocated for the Broadband to the Chapter House project shall not
19 lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be
20 returned to or deposited in the Síhasin Fund Principal or Navajo Nation General
21 Fund until the earlier of five (5) years from the date of adoption of this
22 legislation or such time as the Broadband to the Chapter House project, as set
23 forth in **Exhibit A**, is fully completed.

24 B. The NTUA President and Board of Directors shall have an ongoing responsibility to
25 make all efforts to secure additional funding from external sources to reduce the use
26 of Síhasin Funds to complete the Broadband to the Chapter House project.

27 C. The NTUA President and Board of Directors shall account for and be held
28 accountable for the expenditure of Síhasin Fund funds and shall account for such
29 funds pursuant to Generally Accepted Accounting Principles and an account or
30

1 fund management plan approved by the NTUA President and reported to the Board
2 of Directors which shall at least include provisions that:

- 3 1. The accounting and financial records for the Síhasin Fund funds shall be kept
4 separate from other NTUA funds and accounts; and
- 5 2. The use of the Síhasin Fund funds shall be audited on an annual basis by an
6 independent auditor with such audit report submitted to the Naabik'íyáti'
7 Committee, Office of the Controller, and Office of the President and Vice-
8 President.

9 D. The NTUA President shall report the status of the project, as well as NTUA efforts
10 to secure funding from external sources, to the Naabik'íyáti' Committee and Office
11 of the President and Vice-President on a semi-annual basis.

12 13 **Section Six. Effective Date**

14 The Síhasin Fund Broadband to the Chapter House Expenditure Plan, as set forth
15 above, shall become effective pursuant to 12 N.N.C. § 2505.

16 17 **Section Seven. Directives**

18 A. All Navajo Nation programs, specifically including, but not limited to, the Office of
19 Controller and Office of Management & Budget, and NTUA staff and Board of
20 Directors, shall take all steps necessary to expeditiously implement the Síhasin
21 Fund Broadband to the Chapter House Expenditure Plan consistent with the
22 provisions set forth above.

23 B. The NTUA President and Board of Directors, as well as Navajo Nation programs
24 named in this legislation, shall be held accountable for the progress of tasks under
25 their responsibility and control and shall report on a semi-annual basis to the
26 Naabik'íyáti' Committee and Office of the President & Vice-President on the
27 progress of their respective tasks.



Navajo Nation Committee

Broadband to the Chapter House

Window Rock, AZ
October, 2018



Chapter House Broadband

- Objective is to present a Phased in strategy to provide broadband internet to all 110 Chapter Houses on the Navajo Nation
- Offer internet, basic Wi-Fi connectivity, technical support, and optional access to services that complement broadband access
- NTUA providing Pilot Project funding, asking Nation to provide next Phase of funding
- NTUA will work on developing longer term sustainable funding through federal broadband programs which could provide 60-90% funding, would require 10 - 40 % match



Multi-Phase Strategy

- Phase 1: NTUA funded Pilot includes five (5) Chapter Houses of various size/location with 10 Mb of internet, Wi-Fi connectivity and support to determine the actual cost/use analysis for a larger scale deployment
- Phase 2: Implement a broadband deployment reaching 55 Chapter Houses (50 + 5 pilots) where NTUA has fiber/Microwave assets in the vicinity
- Phase 3: Develop a cost model and funding strategy to build out middle mile asset to the remaining 55 Chapter Houses



Phase 1 – Pilot Summary

Provided 10Mb (5Mb-Administrative/5Mb-Public Wi-Fi)

- 1 – Year Pilot Project

1. Chinle Chapter:

- Turned Up 10/18/17 (Indoor/Outdoor)

2. Fort Defiance Chapter:

- Turned Up 10/13/17 (Indoor Only)

3. Kin Dahlichii Chapter:

- Turned Up 10/19/17 (Indoor Only)

4. Mexican Water Chapter:

- Turned Up 11/7/17 (Indoor/Outdoor)

5. Shiprock Chapter:

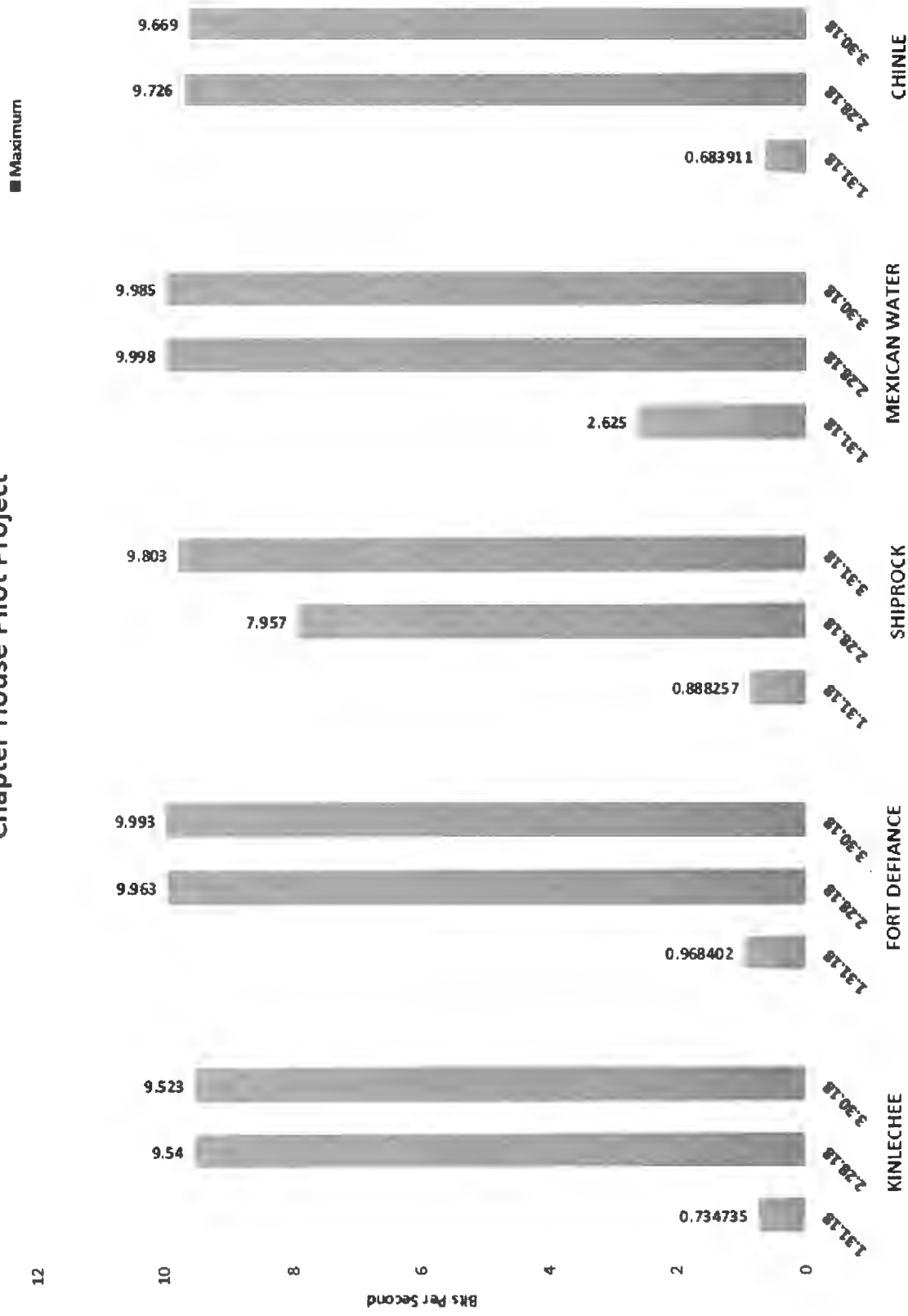
- Turned Up 10/17/17 (Indoor/Outdoor)

• Microsoft Donations:

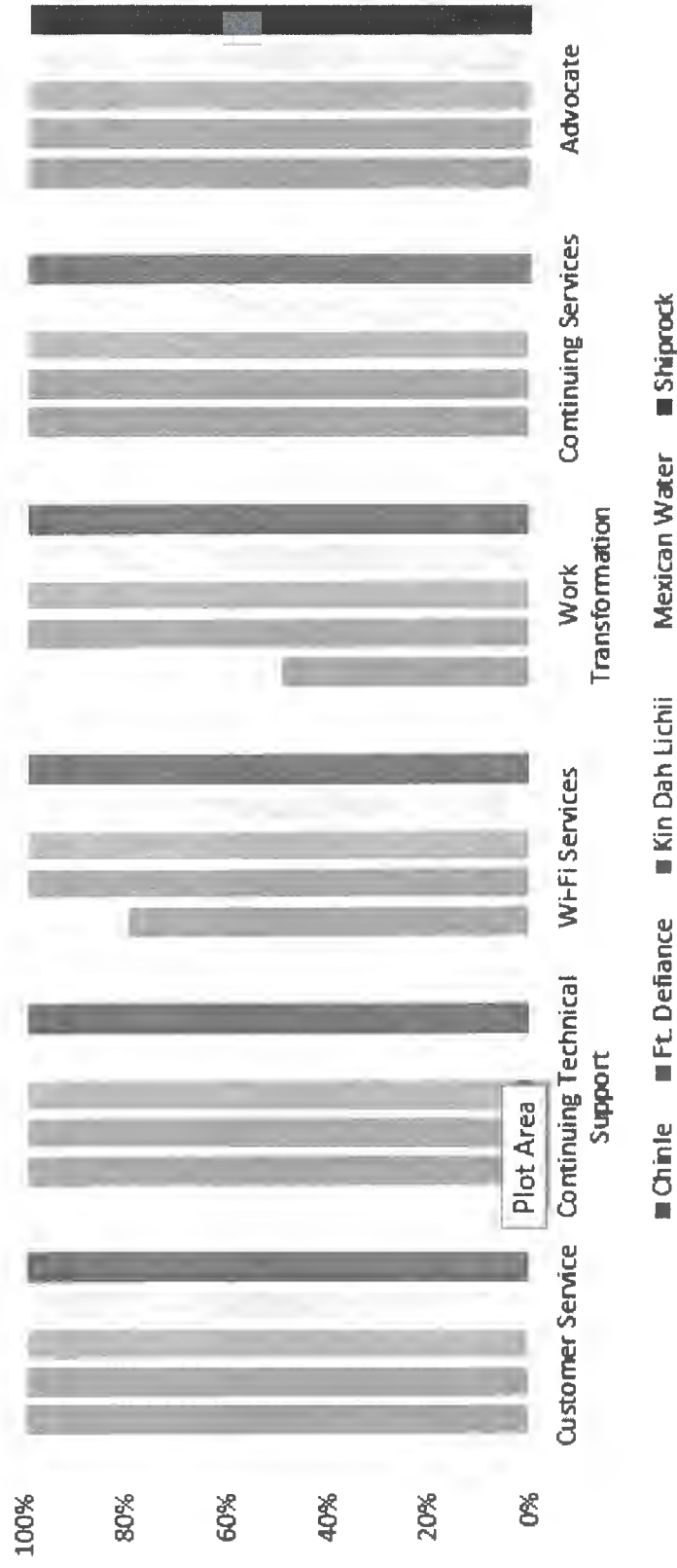
- Computers
- Workstation servers
- Keyboards
- Monitors
- Software – Windows 10 & Office
- Deployment
- Training



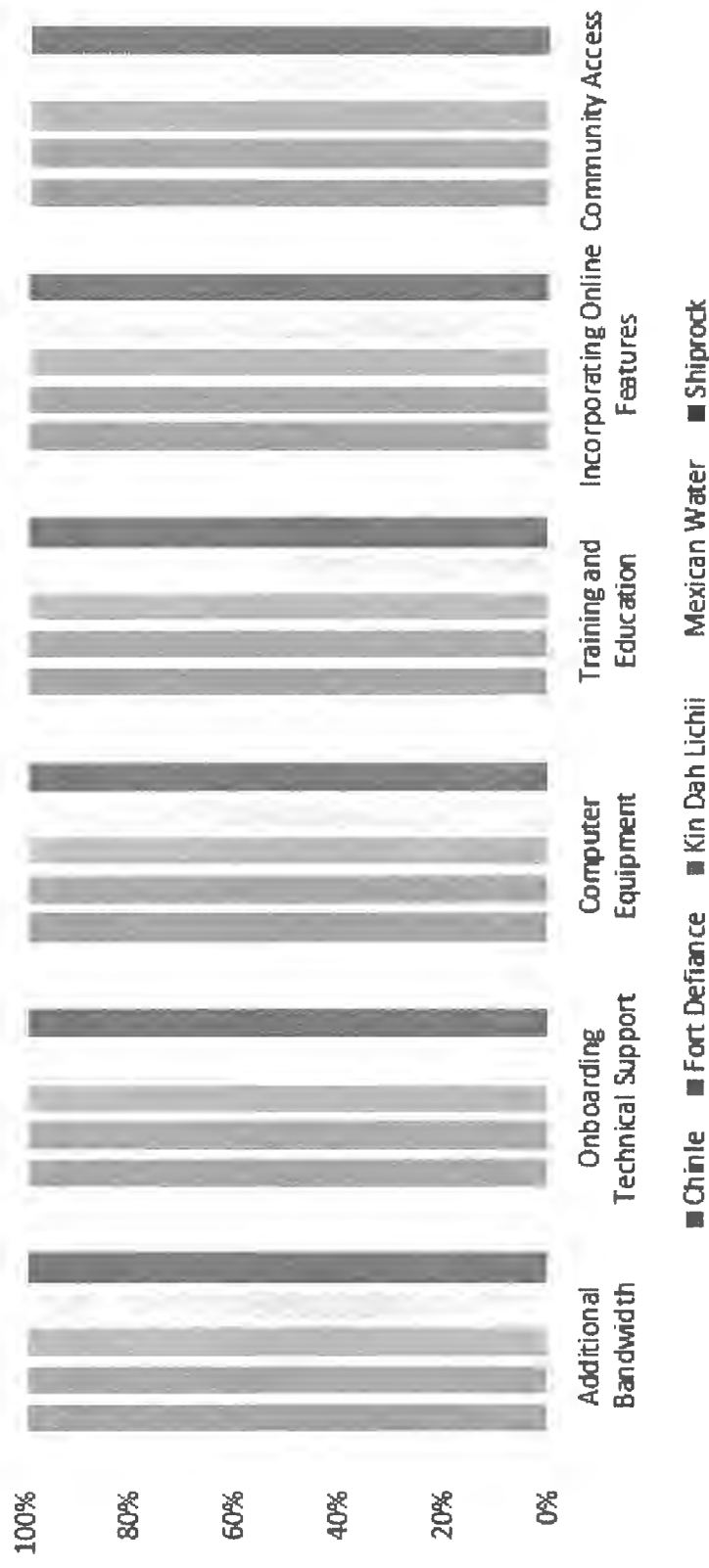
Chapter House Pilot Project



Chapter Broadband Pilot Feedback

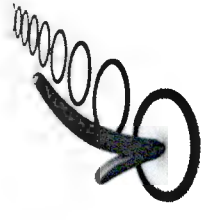


Roads to Transformation

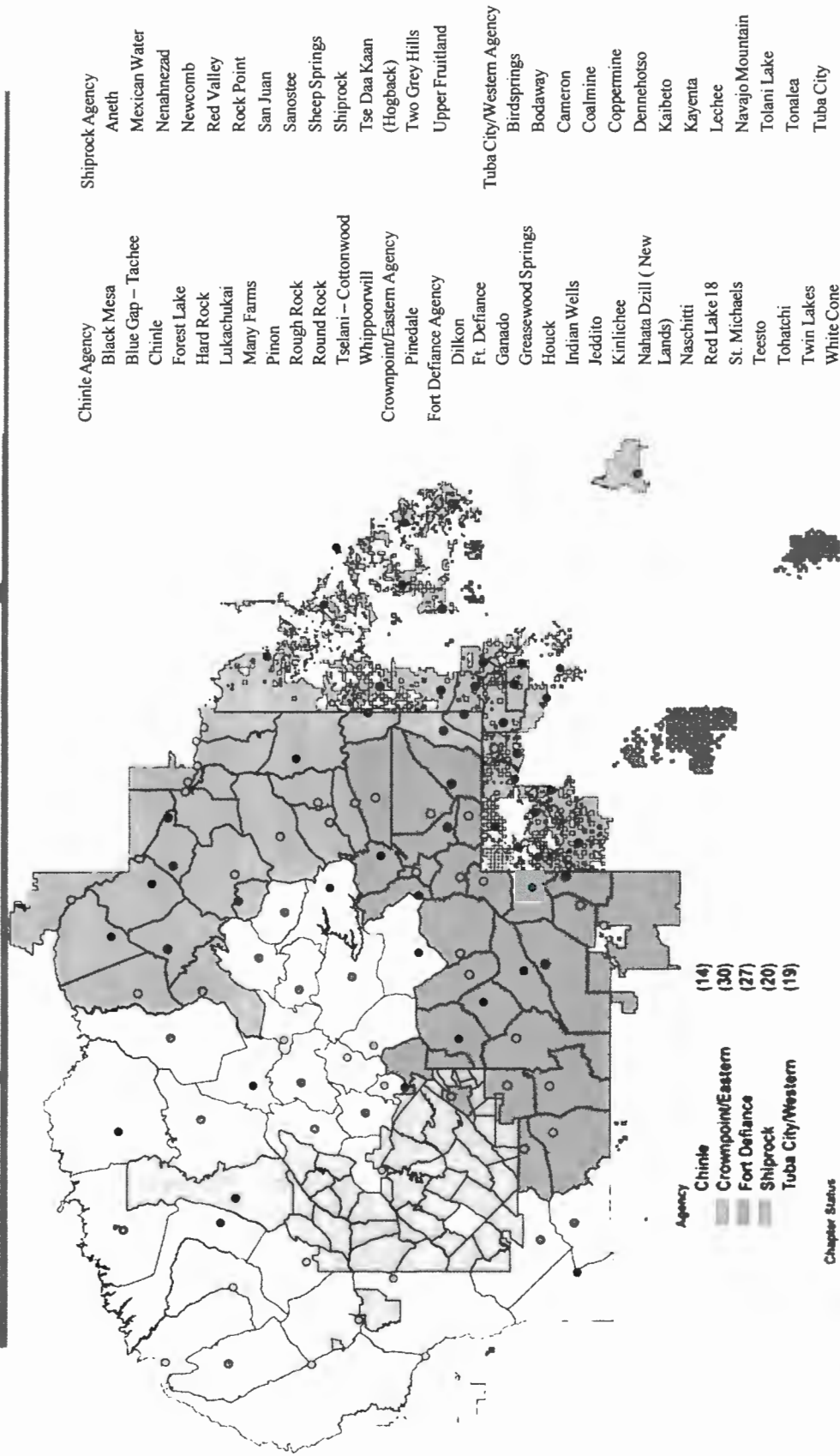


Phase 2 - Objectives

- NTUA has scoped the total project cost to offer two (2) years of broadband service to 55 of the 110 Navajo Chapters that have middle mile assets in the vicinity including Wi-Fi connectivity and basic support services
- During the two (2) year funding period, NTUA will work on a sustainability program for the 55 Chapter Houses in Phase 2
 - Federal programs including: education, healthcare and rural broadband
 - Various programs can potentially fund 60-90% of the ongoing costs



Navajo Nation Chapter Houses



Phase 2 - Cost Components

- Construction Services into the Chapter House with basic Wi-Fi
 - Assist with the approval process for Chapter access
 - Provide connectivity into the Chapter House with Wi-Fi connectivity and basic set up
- 20 Mb of monthly Dedicated Internet Access (DIA) provided to each Chapter house with an optional price to increase bandwidth
 - 20 Mb service paid by the Navajo Nation for first two (2) years
- Provide ongoing Support Services for the bandwidth and basic connectivity to and inside the Chapter House
 - 24/7 Call center to determine issues and generate trouble tickets
 - Staff two additional employees with vehicles to make field calls for service issues
 - Additional support for computers can be addressed by a list of IT companies NTUA can provide or through the Navajo Nation Division of Community Development (NNDCCD)



Phase 2 – One Time Build Cost

- Total Chapters included – 55 (50 + 5 pilot)
- Cost based on actuals for 5 pilots now in operation

Build Cost 50 Chapters

Cost

Average Cost to Construct per Chapter \$27,000

- Physical internet connection
- Router demark
- Wi-Fi equipment
- Installation, turn-up and testing

Total Construction Cost \$1,425,000



Phase 2 – Monthly Subscription Fee

- Five pilots helped determine that even the larger Chapters greatly benefitted from the 10 Mb of Dedicated Internet Access (DIA), but saturation levels were being approached and additional bandwidth will likely be needed
- Based on these findings, 20 Mb of service is needed per Chapter House

Provide Dedicated Internet Access (DIA) to 55 Chapters	20 Mb DIA
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Monthly Subscription Fee Per Chapter

\$725/month

Two (2) Year Total:

\$957,000



Phase 2 – Maintenance & Support

- Provide 24/7 Call Center for Chapter Houses to report service troubles and determine issue type
- Staff 2 full-time employees with vehicles to provide on site support for trouble shooting and maintenance of router and Wi-Fi equipment
 - Maintenance Dispatch: 200 Dispatches per Year
- Offering Customer Support or Direction for 3 possible points of failure:
 1. Support Included - To the Chapter House building
 2. Support Included - To the computer inside the building
 3. Provide Direction - Computer issues: Filters, virus protection, software upgrades, etc. (IT contact list or Navajo Nation Division of Community Development (NNDCD))



Phase 2 – Cost for Support Services

- Costs associated with providing the extended facility services for two (2) years

Support Services Components	Cost
Technicians (2)	\$300,000
Vehicles and Expenses (2)	\$150,000
Tools and Equipment	\$70,000
Extended Call Center Services	\$150,000
Total 2 Year Support Cost	\$670,000



Phase 2 – Total Projected Cost

Cost Components	Cost
Initial Construction Costs	\$1,425,000
Service for two (2) years of Dedicated Internet Access	\$957,000
Cost to provide ongoing Maintenance and Support	\$670,000
Total - 2 Year Cost	\$3,052,000



Phase 3 – Middle Mile Cost

- NTUA is working on developing a cost model to expand the existing network to include the remaining 55 Chapter Houses
- These locations will need to be subdivided into multiple stages based on funding availability and complexity
- As NTUA's network continues to expand/develop some of these locations will become more accessible
- In addition to network buildout costs to these remaining Chapter Houses, monthly service, Wi-Fi equipment and support costs will also be included



Executive Summary

- The total ask is for \$3M to provide 20 Mb of high quality broadband to 55 chapter houses including basic support services and provide direction on finding additional support when needed
 - Funding for two (2) years with projected service in 6 months from funding award
- Potential exists to get 60% - 90% of sustainability through various other federal programs
- Broadband to the chapter house has tremendous benefits to the welfare of the Navajo Nation
 - Economic development, quality of life, education and healthcare support
 - Head Starts and Senior Centers adjacent to these facilities can be added for minimal cost
- Will not leave any Chapter Houses behind
 - Working on staged plan to include the remaining chapters based on funding and complexity



Broadband to the Chapter House Oct- 2018			Annual Allocation		Comments
Program	Project Description	Total Requested Amount	Year 1	Year 2	
			Sihasin	Sihasin	
NTUA	Construction Cost	\$1,425,000	\$712,500	\$712,500	One Time Build Cost: physical connection, router, Wi-Fi, installation, testing
NTUA	Technical Services	\$670,000	\$335,000	\$335,000	Support Services: Technicians, tools/equipment, call center
NTUA	Subscription Fee	\$957,000	\$478,500	\$478,500	20 Mb Dedicated Internet Access (DIA) to each chapter location
	Total	\$3,052,000	\$1,526,000	\$1,526,000	

Broadband to the Chapter House Pilot

Monroe Keedo
NTUA

November 2017

Background

2

- ▶ The Navajo Nation Chapters for decades have faced considerable challenges in regards to the availability of broadband, broadband services and basic telecommunications infrastructure.
- ▶ The scarcity of the basic telecommunications is rooted in governmental bureaucracy, infrastructure cost, land status and costly land and lease fees.
- ▶ Chapter governments are the fundamental player in the economic and community development efforts throughout the Navajo Nation, and as such, it is vital that the Chapters have sufficient bandwidth to operate and to foster local business development to meet its future needs and the needs of the Navajo people.

Objective

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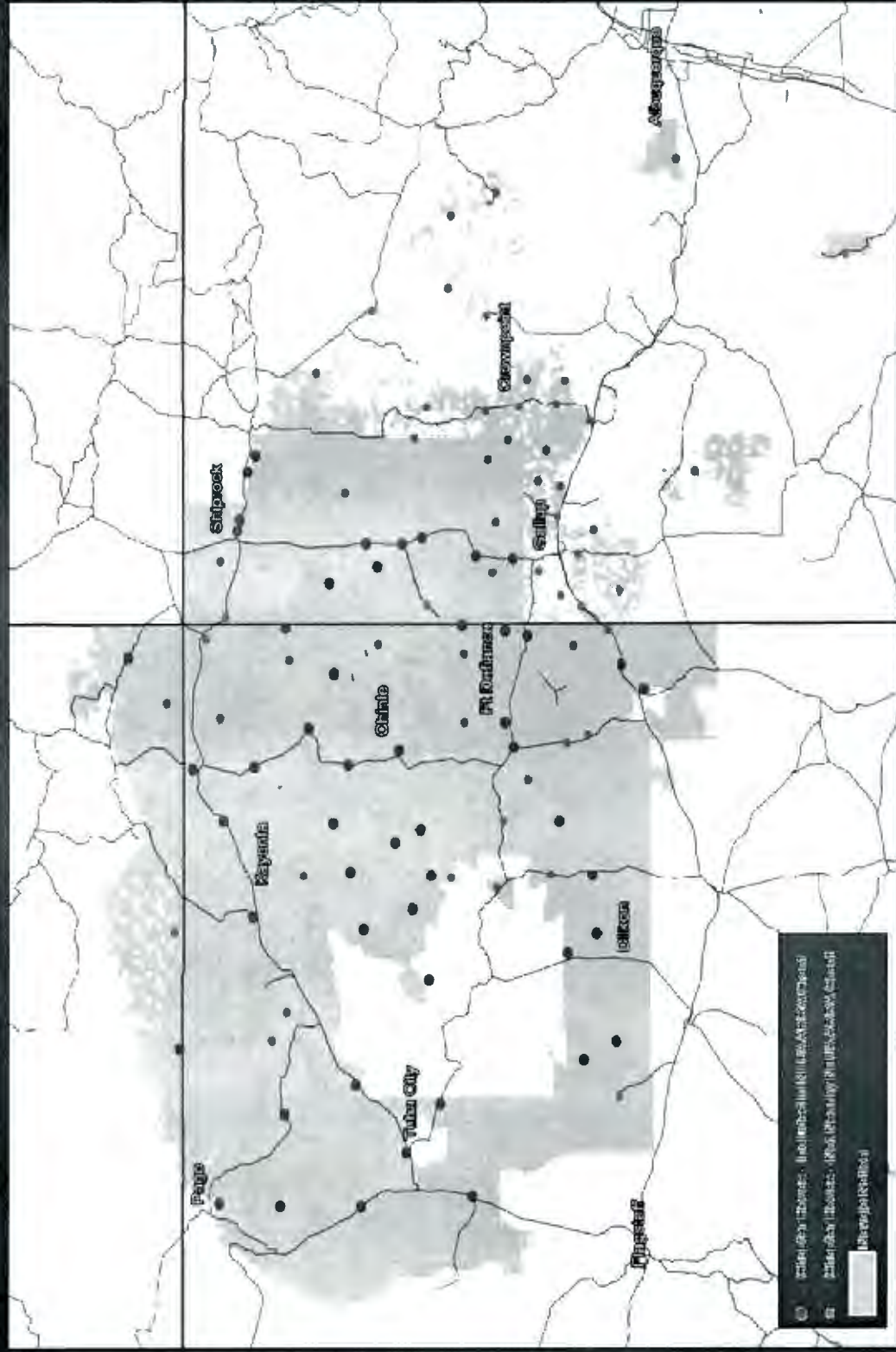
- ▶ Objective is to present a phased in strategy to provide broadband internet to all 110 Chapter Houses on the Navajo Nation
- ▶ Our Mission for this Pilot Project "Broadband to the Chapter House" is to:
 - ▶ Provide access to resources
 - ▶ community members to enhance knowledge about how to use computers or other information and services found online to help people live a better quality life
 - ▶ Provide access for local Police to upload and down data to make communities safer
 - ▶ Provide access for medical mobile vans to provide needed preventative healthcare services to community members
 - ▶ Enable the Chapter House to better manage there short and long term objectives and goals

Navajo Nation Chapters

4

- ▶ The Navajo Nation is comprised of 110 Chapters each with a Chapter House that serves as a community center
- ▶ The NTUA Communications network was installed to the doorstep of 52 of the 110 Navajo Nation Chapters
 - ▶ This makes it cost effective for direct Ethernet connects to each of these 52 chapter locations

Navajo Nation Chapter Houses 5



Broadband to the Chapter House

6

- ▶ The plan is to initiate as pilot at 5 chapter locations at our own expense to dial in the requirements, then apply for funding
- ▶ This pilot will determine the comprehensive strategy to bring broadband to 52 other Chapters
- ▶ 4 elements of the plan:
 - ▶ Capital to physical connect and terminate inside the buildings
 - ▶ 10 Mb of monthly internet service for 1 year
 - ▶ Wi-Fi / Router equipment to distribute the bandwidth, and software/training/administrative support
- ▶ First Chapter engagement meetings beginning week of May 15, 2017

Chapter Pilot

7

- ▶ Work with 5 Chapter Houses to install broadband to help work through the various issues and support functions
 - ▶ Ft Defiance
 - ▶ Shiprock
 - ▶ Chinle
 - ▶ Kin Da Lichee (Kinlichee)
 - ▶ Mexican Water
- ▶ NTUA, NTUAW, NNDCD (Navajo Nation Department of Community Development) and Chapter officials will work together to come up with the best model to duplicate across the remaining Chapter Houses
- ▶ For the trial,
 - ▶ NTUA is donating the install cost and bandwidth for 12 months
 - ▶ NTUA the Wi-Fi equipment and routers
 - ▶ NTDCD is providing consulting support for engagement

Post Pilot

8

- ▶ Once the proof of concept and best practices have been determined
 - ▶ NTUA and NTUAW to develop a detailed plan to including upfront and recurring cost
 - ▶ Present this plan to NN for a additional 2 years of funding
- ▶ Our goal is transition to federal programs such as E-Rate/RHCP and other agencies that will use the service to achieve sustainability
 - ▶ to secure ongoing funding for 70% - 90% of Bandwidth costs
- ▶ Apply to Microsoft for equipment funding of the 52 chapter locations and
- ▶ Develop a plan and seek funding of the remaining 58 chapters

SUMMARY

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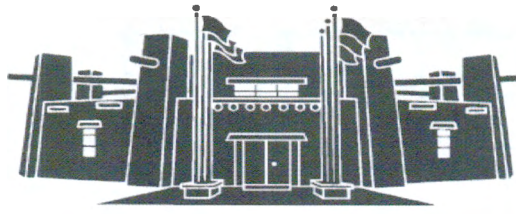
- ▶ Provide sustainable broadband that will allow the Navajo people to reach their full potential. This could prove to be difficult, but would be life changing accomplishment.
- ▶ Microsoft may be able to assist by:
 - ▶ Provide funding for equipment, training or staffing needs
 - ▶ Donate Microsoft products involving software, cloud based management software, online training, etc.
 - ▶ Localization



Contacts


10

- ▶ Monroe Keedo
- ▶ NTUA Business Development Group
- ▶ 1-928-729-6282
- ▶ monroek@ntua.com



MEMORANDUM

TO: Honorable Edmund Yazzie
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: November 6, 2018

RE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING A FUNDING REQUEST OF THREE MILLION, FIFTY-TWO THOUSAND DOLLARS (\$3,052,000.00) FROM THE SÍHASIN FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE SÍHASIN FUND BROADBAND TO CHAPTER HOUSE EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as “Primary Sponsor” and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0373-18_

SPONSOR: Edmund Yazzie

TITLE: An Action Relating To Resources And Development, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Approving A Funding Request Of Three Million, Fifty-Two Thousand Dollars (\$3,052,000.00) From The Sihasin Fund Broadband To Chapter House Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C §§ 2501 - 2508

Date posted: November 20, 2018 at 9:34 PM

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) 871-7586

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.: 0373-18

SPONSOR: Honorable Edmund Yazzie

TITLE: An Action Relating To Resources And Development, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Approving A Funding Request Of Three Million, Fifty-Two Thousand Dollars (\$3,052,000.00) From The Sihasin Fund Broadband To Chapter House Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C §§ 2501 - 2508

Posted: November 20, 2018 at 9:34pm

5 DAY Comment Period Ended: November 25, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comment	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

11/26/18 7:26am

Date/Time

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0373-18

SPONSOR: Honorable Edmund Yazzie

TITLE: An Action Relating To Resources And Development, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Approving A Funding Request Of Three Million, Fifty-Two Thousand Dollars (\$3,052,000.00) From The Sihasin Fund Broadband To Chapter House Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C §§ 2501 - 2508

Posted: November 20, 2018 at 9:34pm

5 DAY Comment Period Ended: November 25, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comment (1)	1. NTUA FACT Sheet; Broad Band USA – U.S. Department of Commerce



**Legislative Secretary II
Office of Legislative Services**

12/20/2018 2:29pm

Date/Time

NTUA FACT Sheet: Broad Band USA – U.S. Department of Commerce.

<https://www2.ntia.doc.gov/grantees/NavajoTribalUtility>

NTUA 51% Navajo Owned, CommNet 49%

CommNet awarded 32,190,067.00

Project **"Fact Sheet"**:

- Provide 550 miles of Aerial Fiber and 59 "modified" towers
- Provide "49 Chapter Houses" with Internet: **Only 5 chapters** utilize NTUA broadband connection via **Fiber Optics between 2014 and now.**
- Provide "30,000 households" with internet: **Only 1 house** – NN president's residence.
- Provide "1,000 businesses" with internet: **Less than 5%** of business can afford NTUA internet.
- Provide "1,100 Anchor Institutions" with internet: **less than 5%** of Anchor institutions are receiving internet from NTUA.
- “NTUA and Dine College setup program to educate Navajo citizens”: **no such program exists.**
- “Spur more affordable broadband”: **NTUA subscribers (NN Programs) pay over \$1,000,000+ for 5 year contracts.**
- “Enable an Internet Provider in the region to connect to the project's open network”: **1. NTUA has a closed network. 2. Providers are not allowed any fair play in NTUA monopolize utility strategy. 3. When other internet providers tap into or "Hand-Off" Connections, subscribers are charged double for that connection.**
- “Supply broadband capabilities sufficient to implement telemedicine”: **Navajo Health related programs cannot afford the high cost of internet from NTUA to implement telehealth (medicine).**

Other Important FACTs:

- 96 strands of Fiber: **12 strands owned by the Navajo Nation** according to MOA between NN and NTUA. Navajo Nation is **NOT ALLOWED** to utilize those 12 strands.
 - NTUA a non-profit used these funds to build out up to 59 towers for 4G LTE network and turned that network into **NTUA Wireless** which is now a for profit enterprise.
 - Active NN Council Delegate sits on the NTUA board and could be considered insider trading to use council member to pass laws that benefit both the profit and NON-profit side of NTUA in regards to funding.
 - NTUA Business Model – makes customer pay for the Capital Expenditure (Build out of infrastructure) and describes it as an investment for the customer but becomes their capital gain, because customer does not have owner ship. Some of this Capex cost can range from \$100's of dollars upto \$1,000,000s. NTUA can then generate revenue by serving other users with in the same vicinity.
 - NTUA monopolizes telephone poles by charging incoming Internet services providers **\$5 a pole per month** which turns away many business suchs as Verizon, Sacred Winds, Frontier, etc., thus charging the Navajo Nation people outrageous prices and driving out any competition.
 - Albuquerque Families pay \$59.99 for 100MB of Direct Internet Access for Internet. NTUA charges \$1,000 for 100 MB of DIA and that is with a discount. (Affordable?)
 - Average CAPEX for a new ISP provider in Albuquerque or anywhere is \$0.00 its included with installation. NTUA charges **\$2,000 upto \$2,000,000** for Capex to one chapter house (**\$27,000 according to Power Point Proposal**).
 - NTUA gets a major tax break – **NTUA does not pay taxes.** 49% of our taxes is going to CommNet.
- Legislation 0373-18, The **NTUA proposal for 3,052,000.00** is done with a **POWER POINT SLIDE.**

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

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

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

Legislation # 0373-18: An Action Relating to Resources and Development, Budget and Finance and Naabik'Iyati Committees and Navajo Nation Council; Approving a Funding Request of Three Million, Fifty-Two Thousand Dollars (\$3,052,000.00) from the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the Sihasin Fund Broadband to Chapter House Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§2501-2508. *Sponsor: Honorable Edmund Yazzie*

Has had it under consideration and reports a **DO PASS** with no amendment;

And thereafter the matter was referred to Budget and Finance Committee.

Respectfully submitted,



Benjamin Bennett, Presiding Vice-Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: November 28, 2018 - Regular Meeting
Meeting Location: NNC Chambers, Window Rock, Arizona

MAIN MOTION:

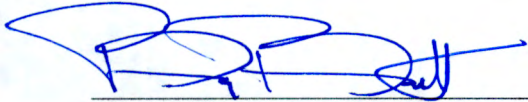
M: Alton Joe Shepherd S: Jonathan Perry Vote: 5-0-1 (VCNV)
YEAS: Alton Joe Shepherd, Davis Filfred, Leonard Pete, Walter Phelps and Jonathan Perry
NAYS: None
EXCUSED None

RESOURCES AND DEVELOPMENT COMMITTEE
Regular Meeting – November 28, 2018

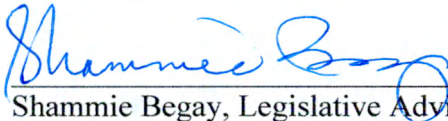
ROLL CALL
VOTE TALLY SHEET:

Legislation # 0373-18: An Action Relating to Resources and Development, Budget and Finance and Naabik'Iyati Committees and Navajo Nation Council; Approving a Funding Request of Three Million, Fifty-Two Thousand Dollars (\$3,052,000.00) from the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the Sihasin Fund Broadband to Chapter House Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§2501-2508. *Sponsor: Honorable Edmund Yazzie*

MAIN MOTION: Alton Joe Shepherd S: Jonathan Perry V: 5-0-1 (VCNV)
YEAS: Alton Joe Shepherd, Davis Filfred, Walter Phelps, Leonard Pete and Jonathan Perry
NAYS: None
EXCUSED: None



Honorable Benjamin Bennett
Presiding Vice-Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services

23rd NAVAJO NATION COUNCIL

Fourth Year 2018

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 0373-18:

An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees and the Navajo Nation Council; Approving a Funding Request of Three Million, Fifty-two Thousand Dollars (\$3,052,000.00) from the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the Sihasin Fund Broadband to Chapter House Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508 *Sponsored by Edmund Yazzie, Benjamin Bennett, and Herman Daniels, Council Delegates*

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

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

Respectfully submitted,


Seth Damon, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

11 December 2018

The vote was **3** in favor **0** opposed yeas: *Jimmy Yellowhair, Tom T. Chee, Tuchoney Slim, Jr.*
Motion: *Jimmy Yellowhair*
Second: *Tuchoney Slim, Jr.*

BUDGET AND FINANCE COMMITTEE

11 December 2018

Special Meeting

Naatsis'aan Chapter, Naatsis'aan, Utah

VOTE TALLY SHEET:

Legislation No. 0373-18:

An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees and the Navajo Nation Council; Approving a Funding Request of Three Million, fifty-two thousand dollars (\$3,052,000.00) from the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the Sihasin Fund Broadband to Chapter House Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508 *Sponsored by Edmund Yazzie, Benjamin L. Bennett, and Herman Daniels, Council Delegates*

Motion: Jimmy Yellowhair

Second: Tuchoney Slim, Jr.

Vote: 3-0, Chairman not voting

Vote Tally:

Seth A. Damon		
Jimmy Yellowhair	yay	
Tom T. Chee	yay	
Lee Jack, Sr.		
Leonard Tsosie		
Tuchoney Slim, Jr.	yay	

Absent: Leonard Tsosie, Lee Jack, Sr.


Seth A. Damon, Chairman
Budget & Finance Committee


Peggy Nakai, Legislative Advisor
Budget & Finance Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0373-18

An Action Relating to Resources and Development, Budget and Finance and Naabik'íyáti' Committees and Navajo Nation Council; Approving a funding request of three million, fifty-two thousand dollars (\$3,052,000.00) from the Síhasin Fund to the Navajo Tribal Utility Authority and adopting the Síhasin Fund Broadband to Chapter House Expenditure Plan pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508

Sponsored by: Honorable Edmund Yazzie

Co-Sponsored by: Honorable Benjamin L. Bennett

Co-Sponsored by: Honorable Herman M. Daniels

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable Seth Damon, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE*

18 DECEMBER 2018

MAIN MOTION

Motioned by: Honorable Davis Filfred

Seconded by: Honorable Nelson S. BeGaye

Vote: 10 in Favor, 04 Opposed (Chairman ProTem Damon Not Voting)

NAVAJO NATION

RCS# 1153

Naa'bik'iyati Committee

12/18/2018

11:43:21 PM

Amd# to Amd#

Legislation No. 0373-18

PASSED

MOT Filfred

Approving a Funding request for

SEC BeGaye, N

Three Million

Yea : 10

Nay : 4

Excused : 0

Not Voting : 10

Yea : 10

Begay, K
BeGaye, N
Bennett

Filfred
Jack
Perry

Phelps
Shepherd

Slim
Yellowhair

Nay : 4

Smith

Kieyoomia

Hale

Brown

Excused : 0

Not Voting : 10

Bates
Begay, NM
Chee

Crotty
Damon
Daniels

Pete
Tso

Tsosie
Yazzie