LEGISLATIVE SUMMARY SHEET
Tracking No. 0362-19

DATE: November 14, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CO-37-19

PURPOSE: The purpose of this resolution is override the President's veto of Council Resolution CO-37-19.

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: _____
Website Posting Time/Date: 10:41AM 11-27-19
Posting End Date: 12-02-19
Eligible for Action: 12-03-19

Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0362-19

AN ACTION

RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CO-37-19

BE IT ENACTED:

Section One. Authority

A. All resolutions enacting new law or amending existing laws are subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and override by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).

B. A vetoed resolution shall first be submitted to Naabik'íyáti' Committee before consideration by the Council. 2 N.N.C. § 164 (A)(17).

C. Veto legislation passed by the Navajo Nation Council [is] subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. § 1005(C)(11).

Section Two. Findings

A. The Navajo Nation approved an amendment to increase the Navajo Tribal Utility Authority's debt limit from five hundred million dollars ($500,000,000) to one billion five

hundred million dollars ($1,500,000,000) in Council Resolution CO-37-19, attached as **Exhibit A**.

B. The Navajo Nation President vetoed CO-37-19 on November 11, 2019 and provided a memorandum, attached as **Exhibit B**, to support his decision to veto Council Resolution

Section Three. Override

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CO-37-19.



RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL, APPROVING AMENDMENTS TO 21 N.N.C. §7 (b) (12) INCREASING THE NAVAJO TRIBAL UTILITY AUTHORITY'S DEBT LIMIT

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee empowered to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. § 601 (B)(14).

B. The Resources and Development Committee has oversight authority over public utilities. 2 N.N.C. § 500.

C. The Budget and Finance Committee has oversight authority over finance matters of the Nation. 2 N.N.C. § 300.

D. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. § 700 (A).

E. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A).

SECTION TWO. FINDINGS

A. The Navajo Tribal Utility Authority plans to make significant investments intended to improve and expand NTUA's utility

facilities as well as acquire new facilities to serve customers within the Navajo Nation.

B. The Navajo Tribal Utility Authority's current Ten Year Plan exceeds the current debt limit of $500 million.

C. The Navajo Tribal Utility Authority requests to increase its borrowing capacity to $1.5 billion.

SECTION THREE. AMENDMENTS TO 21 N.N.C. § 7 (b) (12)

The Navajo Nation hereby amends Title 21, Navajo Nation Code as follows:

SECTION FOUR. APPROVAL

The Navajo Nation approves the amendment as indicated in Section Three above.

NAVAJO NATION CODE ANNOTATED
TITLE 21. PUBLIC UTILITIES AND COMMUNICATIONS
CHAPTER 1. NAVAJO TRIBAL UTILITY AUTHORITY
SUBCHAPTER 1. GENERALLY

§ 7. Management Board; purpose; duties and powers

.....

B. Enumerated powers. Subject to Navajo Nation Council approval where required, and applicable Navajo Nation and federal laws and regulations, and solely in furtherance of the limited purposes set forth in 21 N.N.C. § 5, the management board shall have the following powers:

.....

12. To borrow funds. To borrow money, make and issue notes, obligations and bonds of the authority for any of its purposes and to secure payment thereof by pledge of, or lien on, all or any of its fixtures, personality, revenues, income or contracts. The total outstanding long-term debt of the authority at any one

time shall not exceed ~~five hundred million dollars ($500,000,000)~~ one billion five hundred million dollars ($1,500,000,000).

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Section FIVE. EFFECTIVE DATE

The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221.

Section SIX. CODIFICATION

The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section SEVEN. SAVING CLAUSE

Should any provisions of this ordinance be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by 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 15 in Favor, and 04 Opposed, on this 23rd day of October 2019.

Honorable Seth Damon, Speaker
24th Navajo Nation Council

11-01-19
DATE

Motion: Honorable Edmund Yazzie
Second: Honorable Pernell Halona

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2019.

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this 11th day of November, 2019 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

EXHIBIT
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B

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 11, 2019

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CO-37-19, *Approving Amendments to 21 N.N.C. § 7(b)(12) Increasing the Navajo Tribal Utility Authority's Debt Limit*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am vetoing CO-37-19.

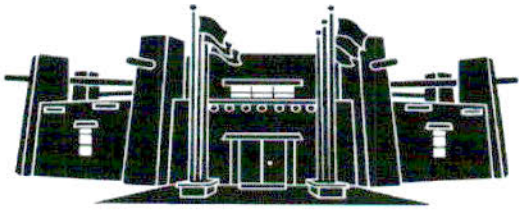
This resolution suffers from the lack of information. A request as large as this should come with proper justification, sufficient background information to explain the need, and reference to authority to approve the request. The atmosphere created by Navajo Nation enterprises in recent weeks brings national attention to the Nation, we must take care in acting on a request from any enterprise. The Legislative and Executive Branches should come together to review our enterprise's financials and require that our enterprise's be transparent to the sole owner. Additionally, the Navajo Nation's Controller gathered information pertinent to the enterprise's debt limit but was not allowed to present that information. The lack of proper information and the unanswered questions from the Office of the Controller lead me to veto CO-37-19.

We are the guardians of the public treasury and as elected officials we must ensure our decisions are based on valid information. The option of raising the debt limit in increments and after sufficient information is given may be considered in this situation should it return to Navajo leadership; but at this time I am vetoing CO-37-19.

Sincerely,

Jonathan Nez, President
THE NAVAJO NATION

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Nathaniel Brown
24th Navajo Nation Council

FROM: K A Lowell
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: November 14, 2019

SUBJECT: AN ACTION RELATING TO NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CO-37-19

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 as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0362-19_____ SPONSOR: Nathaniel Brown

TITLE: An Action Relating to Naabik'íyáti and Navajo Nation Council; overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CO-37-19

Date posted: November 27, 2019 at 10:41am

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.*