



24th NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, HONORABLE HERMAN M. DAVIS, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0133-19.

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 "Herman M. Davis", written over a horizontal line.

DATE:

7/11/19

LEGISLATIVE SUMMARY SHEET

Tracking No. 0133-19

DATE: May 21, 2019

SUBJECT: 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 NINETY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$3,098,800) FROM THE SÍHASIN FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE 62 CHAPTER HOUSE BROADBAND PROJECT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

NOTE: Expenditure from the principal and income of the Síhasin Fund requires a 2/3 vote of all members of the Navajo Nation Council in accordance with 12 N. N. C. § 2505 (A).

PURPOSE: The purpose of this legislation is to approve an expenditure from the Navajo Nation Síhasin Fund in the amount of \$3,098,800 to the Navajo Tribal Utility Authority for a 62 Chapter House Broadband Project.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: High
Website Posting Time/Date: 5:30pm 5-24-19
Posting End Date: 5-29-19
Eligible for Action: 5-30-19

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY



Herman M. Daulton

(Prime Sponsor)

TRACKING NO. 0133-19

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 NINETY-EIGHT
THOUSAND EIGHT HUNDRED DOLLARS (\$3,098,800) FROM THE SÍHASIN
FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE
62 CHAPTER HOUSE BROADBAND PROJECT 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 Resource and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over economic and community development and housing. 2 N.N.C. § 500 (C).

1 D. The Budget and Finance Committee of the Navajo Nation Council is empowered to
2 review and recommend to the Navajo Nation Council the budgeting, appropriation,
3 investment, and management of all funds. 2 N.N.C. § 301 (B) (2).
4

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

7 A. The Naabik'iyáti Committee of the 24th Navajo Nation Council continued the
8 Naabik'iyáti Síhasin Fund Subcommittee in Resolution NABIAP-23-19. The
9 Naabik'iyáti Síhasin Fund Subcommittee was initially established in 2015 by
10 Resolution NABIAP-20-15 to provide recommendations to the Naabik'iyáti
11 Committee and Navajo Nation Council for projects to be funded using Síhasin
12 Funds. Notwithstanding the creation and continuation of the Naabik'iyáti Síhasin
13 Fund Subcommittee, approval from the Subcommittee is not a requirement for the
14 Navajo Nation Council to approve Síhasin Fund expenditure plans.

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

17 §2502 Purpose

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

- 20 1. The planning and development of economic development
21 and regional infrastructure supporting economic development
22 and community development, including such infrastructure
23 as, but not limited to, housing, commercial and government
24 buildings, waterline, solid waste management development,
25 powerline projects, and transportation and communication
26 systems, within the Navajo Nation; and
27 2. Education opportunities for members of the Navajo
28 Nation.
29
30

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

4 C. Leveraging the Fund by way of guaranteeing loans, match funding,
5 direct funding in part, and other weighted uses of the Fund,
6 including loan financing from the Fund, for the purposes in
7 § 2502(A)(1), shall be favored over direct funding in whole.

8 12 N.N.C. § 2502, as amended by CJA-03-18.

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

14 15 **Section Three. Findings**

16 A. The 62 Chapter House Broadband Project is attached as **Exhibit A**.

17 B. **Exhibit A** provides a strategy, an estimated construction schedule, and cost
18 proposal for providing broad band services to chapter houses.

19 20 **Section Four. Approval and Adoption of Expenditure Plan from Síhasin Funds**

21 A. The Navajo Nation hereby approves and adopts the 62 Chapter House Broadband
22 Project Expenditure Plan, attached and incorporated herein as **Exhibit A**.

23 B. The Navajo Nation hereby approves a funding request to Navajo Tribal Utility
24 Authority (“NTUA”) for the 62 Chapter House Broadband Project Expenditure Plan
25 in the amount of three million ninety-eight thousand eight hundred dollars
26 (\$3,098,800) during Navajo Nation Fiscal Year 2019.

27 C. The Síhasin Funds allocated for the 62 Chapter House Broadband Project
28 Expenditure Plan may be further leveraged by bond or loan financing pursuant to
29 the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended,
30 using Síhasin Fund Earnings for repayment and financing costs upon the

1 recommendation of the Budget & Finance Committee and approval by a two-thirds
2 (2/3) vote of all members of the Navajo Nation Council.

3
4 **Section Five. Approval and Adoption of Expenditure Plan Administration**

5 A. The Navajo Nation hereby approves administration of the 62 Chapter House
6 Broadband Project Expenditure Plan as follows:

- 7 1. The Navajo Nation Controller shall determine whether the source of the three
8 million ninety-eight thousand eight hundred dollars (\$3,098,800) will be Síhasin
9 Fund Principal or Income or a combination of both;
- 10 2. The funds allocated to NTUA shall be used to design, plan, and construct the 62
11 Chapter House Broadband Project, as set forth in **Exhibit A**, and NTUA shall
12 return any and all cost-savings to the Síhasin Fund once the 62 Chapter House
13 Broadband Project is fully completed or with the approval of the Naabik'íyáti'
14 Committee, use such cost-savings for broadband access to additional chapter
15 houses.
- 16 3. The Navajo Nation Controller shall release the funds to NTUA during Navajo
17 Nation Fiscal Year 2019 pursuant to a project budget plan or other such
18 schedule agreed to by the Office of the Controller and NTUA within thirty (30)
19 days of the formal adoption of this legislation;
- 20 4. The funds allocated for the 62 Chapter House Broadband Project shall not lapse
21 on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be returned to
22 or deposited in the Síhasin Fund Principal or Navajo Nation General Fund until
23 the earlier of five (5) years from the date of adoption of this legislation or such
24 time as the 62 Chapter House Broadband Project, as set forth in **Exhibit A**, is
25 fully completed.

26 B. The NTUA General Manager and Management Board shall have an ongoing
27 responsibility to make all efforts to secure additional funding from external sources
28 to reduce the use of Síhasin Funds to complete the 62 Chapter House Broadband
29 Project.

1 C. The NTUA General Manager and Management Board shall account for and be held
2 accountable for the expenditure of Síhasin Fund funds and shall account for such
3 funds pursuant to Generally Accepted Accounting Principles and an account or
4 fund management plan approved by the NTUA President and reported to the Board
5 of Directors which shall at least include provisions that:

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

12 D. The NTUA General Manager shall report the status of the project, as well as NTUA
13 efforts to secure funding from external sources, to the Naabik'iyáti' Committee and
14 Office of the President and Vice-President on a semi-annual basis.

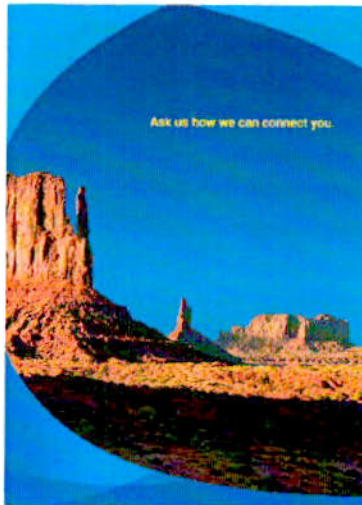
15 16 **Section Six. Effective Date**

17 The 62 Chapter House Broadband Project Expenditure Plan, as set forth above, shall
18 become effective pursuant to 12 N.N.C. § 2505.

19 20 **Section Seven. Directives**

21 A. All Navajo Nation programs, specifically including, but not limited to, the Office of
22 Controller and Office of Management & Budget, and NTUA staff and Management
23 Board , shall take all steps necessary to expeditiously implement the 62 Chapter
24 House Broadband Project Expenditure Plan consistent with the provisions set forth
25 above.

26 B. The NTUA General Manager and Management Board, as well as Navajo Nation
27 programs named in this legislation, shall report on a semi-annual basis to the
28 Naabik'iyáti' Committee and Office of the President and Vice-President on the
29 progress of their respective tasks.
30



choice
NTUA WIRELESS

62 Chapter House Broadband Project

"Connecting with Navajo Broadband"

2019



choice
NTUA WIRELESS

10/19

Strategy

- Implement a broadband deployment to reach 62 Chapter Houses (57 + 5 pilots) where NTUA has fiber/microwave assets in the vicinity
- Two (2) years of broadband service for 62 of the 110 Navajo Chapters this includes Wi-Fi connectivity and basic Support Services
- During the two (2) year funding period NTUA/NTUAW will work on a sustainability program for 62 Chapter Houses
 - Federal programs including: education, healthcare and rural broadband
 - Various programs can potentially fund 60-90% of the ongoing costs



choice
NTUA WIRELESS

2019

Connecting with Navajo Broadband

Council Delegate	Broadband to the Chapter House						Proposed # of Chapters Connected
Eugene Tso	Chinle						1
Paul Begay	Coppermine	Kaibeto	Red Lake	Lechee	Bodaway/ Gap		5
Elmer Begay	Dilkon	Indian Wells	Greasewood	Toesto	Whitcone		5
Jimmy Yellowhair	Forest Lake	Hard Rock	Pinon	Black Mesa	Whippoorwill		5
Otto Tso	Tuba City						1
Eugenia Charles-Newton	Shiprock						1
Rickie Nez	Upper Fruitland	Hogback	Nenahnezad	Newcomb	San Juan		5
Thomas Walker, Jr.	Cameron	Coalmine Canyon	Tolani Lake	Birdsprings			4
Nelson BeGaye	Lukachaukai	Rough Rock	Rock Point	Round Rock			4
Amber Crotty	Sheep Springs	Sanostee	Red Valley	Toalena	Two Grey Hills		5
Nathaniel Brown	Dennehotso	Keyenta					2
Kee Allen Begay	Many Farms	Tselani/Cottonwood	Blue Gap				3
Vince James	Ganado	Kindalichee	Jeddito				3
Pernell Halona	Naschitti	Twin Lakes	Tohatchi				3
Edison Wauneka	St. Michaels						1
Mark Freeland	Crownpoint	Huerfano	Nageezi	White Rock			4
Charlaine Tso	Aneth	Mexican Water					2
Raymond Smith, Jr.	Nahatadzili	Houck					2
Wilson Stewart, Jr.	Ft. Defiance						1
Herman Daniels, Jr.	Navajo Mt.	Shonto					2
Daniel Tso	Counselor	Pueblo Pintado					2
Edmond Yazzie	Pinedale						1
Jamie Henio							0
Seth Damon							0
							62



2/13/19

Estimated Construction Schedule

- Legislation approval and President's approval by July 1st, 2019
- Contractual agreement executed by September 30th, 2019

Q4 2019		Q1 2020		Q2 2020	
Chapter House	Agency	Chapter House	Agency	Chapter House	Agency
Tuba City	WESTERN	Coal Mine	WESTERN	Shonto	WESTERN
Dennehotso	WESTERN	Birdsprings	WESTERN	Pinedale	EASTERN
Keyenta	WESTERN	Bodaway/Gap	WESTERN	Counselor	EASTERN
Chinle	CHINLE	Cameron	WESTERN	Pueblo Pintado	EASTERN
Forest Lake	CHINLE	Coppermine	WESTERN	Crownpoint	EASTERN
Lukachaukai	CHINLE	Kaibeto	WESTERN	Huerfano	EASTERN
Many Farms	CHINLE	Lechee	WESTERN	Nageezi	EASTERN
Round Rock	CHINLE	Navajo Mountain	WESTERN	White Rock	EASTERN
Whippoorwill	CHINLE	Tolani Lake	WESTERN	Sheep Springs	SHIPROCK
Tselani-Cottonwood	CHINLE	Tonalea	WESTERN	Ganado	FORT DEFIANCE
Tse Da Kaan (Hogback)	SHIPROCK	Black Mesa	CHINLE	Jeddito	FORT DEFIANCE
Mexican Water	SHIPROCK	Blue Gap	CHINLE	Twin Lakes	FORT DEFIANCE
Nenahnezah	SHIPROCK	Hardrock	CHINLE	White Cone	FORT DEFIANCE
Newcomb	SHIPROCK	Pinon	CHINLE		
San Juan	SHIPROCK	Rough Rock	CHINLE		
Shiprock	SHIPROCK	Rock Point	SHIPROCK		
Upper Fruitland	SHIPROCK	Aneth	SHIPROCK		
Kindalichee	FORT DEFIANCE	Red Valley	SHIPROCK		
Ft Defiance	FORT DEFIANCE	Sanostee	SHIPROCK		
Tohatchi	FORT DEFIANCE	Two Grey Hills	SHIPROCK		
St. Michaels	FORT DEFIANCE	Dilkon	FORT DEFIANCE		
		Indian Wells	FORT DEFIANCE		
		Greasewood	FORT DEFIANCE		
		Houck	FORT DEFIANCE		
		Nahata Dzil	FORT DEFIANCE		
		Naschitti	FORT DEFIANCE		
		Red Lake	FORT DEFIANCE		
		Toesto	FORT DEFIANCE		



2/13/19

One Time Build Costs

- Total Chapters included – 62 (50 + 5 pilot + 7 new)
- Cost based on actuals from 5 pilots and engineering assessments

Build Cost	Cost
Average Cost to Construct Chapter near infrastructure	\$27,000
Average Cost to Construct 7 new Chapter	\$32,000
– Physical internet connection	
– Router demark	
– Wi-Fi equipment	
– Installation, turn-up and testing	
Total Construction Cost	\$1,811,540



2019

Cost for Support Services

- Costs associated with extending facilities and two (2) years of services for 62 Chapters
- NTUA/NTUAW will provide ongoing support for the bandwidth and basic connectivity to and inside the Chapter House
 - NTUAW will provide call center to determine issues and generate trouble tickets
 - NTUA will 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 Navajo Nation Division of Community Development (NNDCCD)

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



2019

Monthly Subscription Fee

- Five Pilots helped determine that Chapters greatly benefitted from the 10Mb of Dedicated Internet Access (DIA), but saturation levels were approached
- Based on these findings, 20 Mb of service is needed per Chapter House

Provide Dedicated Internet Access (DIA) to 62 Chapters	20 Mb DIA
Monthly Subscription Fee Per Chapter	\$725/month
Two (2) Year Total:	\$1,078,800



choice
NTUA WIRELESS



2019

Total Project Cost

Cost Components	Cost
Initial Construction Costs	\$1,811,540
Service for two (2) years of Dedicated Internet Access (DIA)	\$1,078,800
Cost to provide ongoing Maintenance and Support	\$670,000
NTUA and Microsoft Contribution	-\$461,540
Total – 2 Year Cost	\$3.1 M



choice
NTUA WIRELESS



2019

Remaining Chapters

- NTUA is working on developing a cost model to expand the existing network to include the remaining 48 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
- NTUA will work with chapters to position themselves to be able to apply for Federal programs including: education, healthcare and rural broadband. Various programs can potentially fund 60-90% of the ongoing costs.



11



10/19

Summary

- The total request is for \$3.1M to provide 20 Mb of high quality broadband to 62 chapter houses including basic support services and help finding additional support when needed
 - Funding for two years with projected service scheduled within 9 months from funding award
 - 10Mb of Bandwidth will be dedicated to the administration, the remaining 10Mb will be for public use
- Potential exists to get 60% - 90% of sustainability funding through various other federal programs
- Will not leave any Chapter House behind
 - working on staged plan to include the remaining chapters based on funding and complexity
- 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



12



10/19

Partners

- NTUA/NTUAW will work with third party entities to help find solutions for IT issues
 - Navajo Nation Division of Community Development (NNDCCD)
 - Free IT support option for chapter houses
 - Pre-approved Navajo owned IT companies
 - Pre-negotiated rates for volume discount



5-Chapter House Pilot Summary

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

- 1-Year Pilot Project began October 2017
 - Pilot extended into 2019
- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Chinle Chapter: <ul style="list-style-type: none"> – Turned Up 10/18/17 (Indoor/Outdoor) 2. Fort Defiance Chapter: <ul style="list-style-type: none"> – Turned Up 10/13/17 (Indoor Only) 3. Kin Dahlichii Chapter: <ul style="list-style-type: none"> – Turned Up 10/19/17 (Indoor Only) 4. Mexican Water Chapter: <ul style="list-style-type: none"> – Turned Up 11/7/17 (Indoor/Outdoor) 5. Shiprock Chapter: <ul style="list-style-type: none"> – Turned Up 10/17/17 (Indoor/Outdoor) | <ul style="list-style-type: none"> • Microsoft Donations: <ul style="list-style-type: none"> – Computers – Workstation servers – Keyboards – Monitors – Software – Windows 10 & Office – Deployment – Training |
|--|---|



Additional Objectives

- NTUA/NTUAW work with Microsoft to possibly implement computer labs at each of these 62 chapters
- NTUA/NTUAW will work with Chapters to define process, policies and procedures to sustain equipment and computer labs
- During the two year funding period NTUA/NTUAW will work on a sustainability program for 62 Chapter Houses
 - Federal programs including: education, healthcare, and rural broadband
 - Various programs can potentially fund 60-90% of the ongoing costs



15



7/23/19

Contacts



Monroe Keedo
Development Engineer
928/729-6282
monroek@ntua.com

Neil Broyles
Communications System Manager
928/729-6516
neilh@ntua.com

Gilbert Largo
Assistant Manager, CS
928/729-4639
gilbertl@ntua.com

Bernadette Kee
Enterprise Sales Manager
928/674-3840 ext. 3905
bkee@ntuaw.com

Francis Redhouse
Consultant
928/313-3986
fredhouse@atni.com

Christopher Curley
Solutions Architect
928/729-4650
ccurley@ntuaw.com

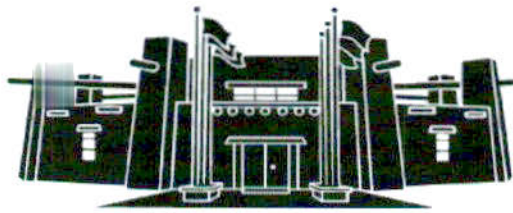
Ahe'hee'



16




10/14



MEMORANDUM

TO: Honorable Herman Daniels, Jr.
24th Navajo Nation Council

FROM: 
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: May 21, 2019

SUBJECT: **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 NINETY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$3,098,800) FROM THE SÍHASIN FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE 62 CHAPTER HOUSE BROADBAND PROJECT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508**

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: _0133-19_____

SPONSOR: Herman Daniels

TITLE: An Action Relating To Resources And Development, Budget And Finance And Naabik'iyáti Committee, And Navajo Nation Council; Approving A Funding Request Of Three Million Ninety-Eight Thousand Eight Hundred Dollars (\$3,098,800) From The Síhasin Fund To The Navajo Tribal Utility Authority And Adopting The 62 Chapter House Broadband Project Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 – 250

Date posted: May 24, 2019 at 5:56pm

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.: 0133-19

SPONSOR: Honorable Herman M Daniels

TITLE: An Action Relating To Resources And Development, Budget And Finance And Naabik'iyáti Committee, And Navajo Nation Council; Approving A Funding Request Of Three Million Ninety-Eight Thousand Eight Hundred Dollars (\$3,098,800) From The Sihasin Fund To The Navajo Tribal Utility Authority And Adopting The 62 Chapter House Broadband Project Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 – 2508

Posted: May 24, 2019 at 5:56 PM

5 DAY Comment Period Ended: May 29, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>1) Ganado Chapter</i>
Inconclusive Comments	<i>1) Vernon Livingston, NDSS-COM 2) Pearl Lee, Program Manager, NNTU</i>



Legislative Tracking Secretary
Office of Legislative Services

5-30-19 12:05 pm

Date/Time

Legislation No. 0133-19

Ganado Chapter <ganado@navajochapters.org>

Tue 5/28/2019 2:25 PM

To: comments <comments@navajo-nsn.gov>;

Vote RED, assess and analyze all funds that were earmarked for NTUA, Chapter's need funds as a priority, NTUA forever increase their fees but nothing for customers. \$1500 contribution has been in tack for many, many years which is only pennies when considering & comparing construction cost.

--

Willie Tracey Jr., Chapter Manager

GANADO CHAPTER

Legislation NO: 0133-19

Vernon L. Livingston <vlivingston@navajo-nsn.gov>

Wed 5/29/2019 3:56 PM

To: comments <comments@navajo-nsn.gov>;

To whom it may concern;

If the \$3,098,800 is available, I think that should be the budget amount and have other Fiber vendors bid on this project. Put out a RFP for this project. This will bring in other competition in turn driving down costs. Especially cost to the home. Simple economics. CellularOne can provide the same bandwidth at a cheaper cost for capex installation through MicroWave equipment. Letting NTUA monopolize utilities is bad for the Navajo People.

How does this contract benefit the chapter houses? Yes the chapters are in need of a better network connection. It is long overdue.

How does this contract benefit the Navajo People? This contract can benefit those people who frequent the chapters for different services and/or meetings. But a plan needs to be in place by chapter officials on how to allow users to connect to the internet. Can the visitors download movies or visit porn sites? Will a firewall be put in place by NTUA? Is that cost included? Will a Wi-Fi access point be set up by NTUA at all sites? What costs will be incurred by the chapter for installation of capex equipment? I think the chapters will be placed with the burden for setting up capex equipment such as COM boards, Cable Management, back up UPS equipment, Conduit installation, Cat6 cable jacks, patch panels, firewalls, Wireless controller, wireless access points, Air Conditioning, Electricity bills, etc.

What's the return on investment? According to NTUA utility structure most equipment although purchased as capex does not become owned by the purchaser but remains an asset under NTUA. NTUA is able to splice and connect and charge as much as they want to the next customer.

Who has ownership? Ownership of Capex Equipment and installation of equipment will remain property of NTUA.

Why should the NN pay for staffing for NTUA? NTUA is charging a huge amount for salaries for them to maintain the NN connections. NTUA has a better organization chart than the NN. Those costs should not have to be added for anyone. Other providers do not incur such charges.

Who else can provide this service? Right now no one else has decided to venture into middle mile fiber across the NN. CellularOne, Century link can put a proposal together similar to this but they don't have any council members as board member under their corporation to push their initiatives as legislation for huge \$ contracts.

What is the plan for continuation of services after 2021? E-Rate is not guaranteed as mentioned in the sustainability plan. Many things have to be done on the legislative side. – Broad band plan, - Assessment of current providers, - assessment of pricing strategies – regulatory measures for telco and other band with related systems.

Can the chapters afford the reoccurring cost? Right now they cannot afford the \$700 month reoccurring cost.

If not NTUA who? Right now there are no other providers that have middle mile fiber across the Navajo Nation. There new technologies such as low lying satellites that can provide bandwidth such as ComSAT that the military prioritizes as their primary connection and fiber as secondary. There are also wireless MicroWave connections that are less costly than Capex installation of Fiber.

When will there be another request for such a project? NTUA has made this request on several occasions. I think they need to be more transparent and more professional with the Navajo Nation.

Why can't they put \$3,098,800 and directly invest those funds into Navajo Nation IT planning and NOC? Putting the 3,098,000 to a NN government initiative might be more beneficial. To build out a Network operations Control Center. Work with other providers such as NTU, Frontier, CellularOne, Century Link and provide a more comprehensive solution "Internet to the Hogan" a step beyond the chapters.

Who submits a proposal on power point slides?

Where is the scope of work and materials listing defined in this proposal? Project timelines for going live etc.

Sustainability? How does NTUA plan to implement ERATE? ERATE is a Navajo Nation issue encompassing the chapter houses. Why hasn't NTUA shared their ERATE Plans with the Navajo Nation. More transparency from NTUA would be great.

51/49% ownership doesn't play very well for the Navajo Nation.

Thank you for reading my comments,

Vernon Livingston

NDSS – COM

928.871.6972

505.250.4086

Legislation No. 0133-19 Approving a Funding Request of \$3,098,800 from the Sihasin Fund to the NTUA and Adopting the 62 Chapter House Broadband Project Expenditure Plan Pursuant to CD-68-14 and 12 NNC Subsection 2501-2508

Pearl A. Lee <pearllee@navajo-nsn.gov>

Wed 5/29/2019 4:24 PM

To: comments <comments@navajo-nsn.gov>;

To Honorable Navajo Nation Delegates:

This legislation serves as a reminder that our chapters and all of Navajo Nation are in dire need a high-speed broadband service. Without it, Navajo Nation will not prosper and will to be continue to left behind.

Although, this legislation has good intentions, it raises a number of concerns:

- 1) It circumvents the Navajo Nation Procurement Laws that are in place that ensure Navajo Nation gets the best service and pricing. The legislation essentially is a sole source procurement in favor of the NTUA.
- 2) Most of the funding request is for the built out of the NTUA Infrastructure which is normal the responsibility of the service provider and not the customer.
- 3) Why is Navajo Nation being asked to build out for service provider when there is funding out there available for them? What about the other service providers that serve Navajo Nation? Frontier Communications, CellularOne, Sacred Wind Communication, CenturyLink, WNM Communications, Table Top Telephone Company, and Hopi Telecommunications, Inc.
- 4) How were the costs for the built out and support costs derived? Where is the detail scope of work?
- 5) Based on previous procurement with NTUA, the infrastructure, once built, will be owned and managed by NTUA. They, in turn, will begin generating revenue from other customers in the area. The revenue generated should be return to Navajo Nation as a return on investment.
- 6) The monthly reoccurring cost for DIA (Direct Internet Access) is high. Without competitive bidding, Navajo Nation is potentially paying more for the service. What is the sustainability plan after two years? Can the chapters afford to pay \$8,700 annually?
- 7) What assurance do we have the Chapters will become eligible for ERate funding? How will NTUA approach this?
- 8) Allocation could be better use to develop an overall Navajo Nation plan to build out the IT Infrastructure on Navajo Nation.

Pearl Lee, Program Manager I
Navajo Nation Telecommunication & Utilities (NNTU)
Morgan Boulevard, Bldg#2528
PO Box 2928
Window Rock, AZ 86515
Office: (928) 871-7613
Mobile: (505) 879-0477
Email: pearllee@navajo-nsn.gov



5/30/2019

Legislation No. 0133-19 Approving a Funding Request of \$3,098,8... - comments

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this email in error.

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

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

LEGISLATION # 0133-19: 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 NINETY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$3,098,800) FROM THE SÍHASIN FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE 62 CHAPTER HOUSE BROADBAND PROJECT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C. §§ 2501-2508

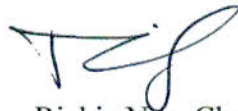
Sponsor: Honorable Herman M. Daniels

Has had it under consideration and reports the matter was **TABLED** with the following directive:

Navajo Tribal Utility Authority to respond in writing to all the questions raised by the committee and the matter will be placed back on the agenda on June 19, 2019, Regular Meeting.

And thereafter the matter was **TABLED** to remain at Resources and Development Committee on June 19, 2019 .

Respectfully submitted,



Rickie Nez, Chairperson
Resources and Development Committee
of the 24th Navajo Nation Council

Date: June 5, 2019 – Regular Meeting

Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

MAIN MOTION:

M: Herman M. Daniels; S: Thomas Walker, Jr. ; V:

YEAS: Kee Allen Begay, Jr., Herman M. Daniels, Mark Freeland, Wilson C. Stewart, Jr. and Thomas Walker, Jr.

NAYS:

EXCUSED:

TABLING MOTION:

M: Kee Allen Begay, Jr.; S: Thomas Walker, Jr. ; V: 3-2-1

YEAS: Kee Allen Begay, Jr., Mark Freeland, and Thomas Walker, Jr.

NAYS: Herman M. Daniels and Wilson C. Stewart, Jr.

EXCUSED:

RESOURCES AND DEVELOPMENT COMMITTEE

Regular Meeting

June 5, 2019

ROLL CALL
VOTE TALLY SHEET:

LEGISLATION # 0133-19: 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 NINETY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$3,098,800) FROM THE SIHASIN FUND TO THE NAVAJO TRIBAL UTILITY AUTHORITY AND ADOPTING THE 62 CHAPTER HOUSE BROADBAND PROJECT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C. §§ 2501-2508

Sponsor: Honorable Herman M. Daniels

MAIN MOTION:

M: Herman M. Daniels;

S: Thomas Walker, Jr.;

V:

YEAS:

NAYS:

EXCUSED:

TABLING MOTION:

M: Kee Allen Begay, Jr.;

S: Thomas Walker, Jr.;

V: 3-2-1 (CNV)

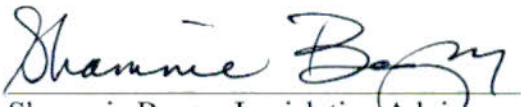
YEAS: Kee Allen Begay, Jr., Mark Freeland and Thomas Walker, Jr.

NAYS: Herman M. Daniels and Wilson C. Stewart, Jr.

EXCUSED:



Rickie Nez, Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FIRST YEAR 2019

COMMITTEE REPORT

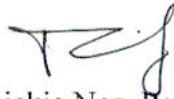
Mr. Speaker,

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

Legislation # 0133-19: 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 Ninety-Eight Thousand Eight Hundred Dollars (\$3,098,800) From the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the 62 Chapter House Broadband Project Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§2501-2508. *Sponsor: Honorable Herman M. Daniels*

Has had it under consideration and reports the matter was DO PASS with no amendments and thereafter the legislation was referred to Budget and Finance Committee.

Respectfully submitted,



Rickie Nez, Presiding Chairperson
Resource and Development Committee of
the 24th Navajo Nation Council

Date: June 5, 2019 – Regular Meeting (First Meeting)

Meeting Location: NDOT Administrative Complex, Tse Bonito, New Mexico

TABLED: NTUA to respond in writing all of the questions raised by Committee members prior to matter being placed back on the agenda.

M: Kee Allen Begay, Jr S: Thomas Walker, Jr. Vote: 3-2-1(CNV)
Yeas: Kee Allen Begay, Jr., Mark Freeland and Thomas Walker, Jr.
Nays: Herman M. Daniels and Wilson C. Stewart, Jr.
Excused: None

June 18, 2019 – Special Meeting (Second Meeting)

Meeting Location: Twin Arrows Navajo Casino & Resort, Twin Arrows, AZ

RECALL MOTION: Wilson Stewart, Jr. S: Herman M. Daniels Vote: 3-1-1 (CNV)

Yeas: Herman M. Daniels, Wilson C. Stewart, Jr., and Thomas Walker, Jr.

Nays: Kee Allen Begay, Jr.

Excused: Mark A. Freeland

MAIN MOTION:

M: Herman M. Daniels S: Thomas Walker, Jr. Vote: 3-1-1 (CNV)

Yeas: Thomas Walker, Jr., Herman M. Daniels and Wilson C. Stewart, Jr.

Nays: Kee Allen Begay, Jr.

Excused: Mark A. Freeland

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council
Special Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0133-19: 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 Ninety-Eight Thousand Eight Hundred Dollars (\$3,098,800) From the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the 62 Chapter House Broadband Project Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§2501-2508. *Sponsor: Honorable Herman M. Daniels*

Date: June 5, 2019 – Regular Meeting

Meeting Location: NDOT Administrative Complex, Tse Bonito, New Mexico

TABLED with directive: NTUA to respond in writing all of the questions raised by Committee members prior to matter being placed back on the agenda.

M: Kee Allen Begay, Jr S: Thomas Walker, Jr. Vote: **3-2-1(CNV)**
Yeas: Kee Allen Begay, Jr., Mark Freeland and Thomas Walker, Jr.
Nays: Herman M. Daniels and Wilson C. Stewart, Jr.
Excused: None

June 18, 2019 – Special Meeting (Matter placed back on the agenda.)

Meeting Location: Twin Arrows Navajo Casino & Resort, Twin Arrows, AZ

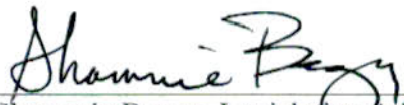
RECALL MOTION: Wilson Stewart, Jr. S: Herman M. Daniels Vote: 3-1-1 (CNV)
Yeas: Herman M. Daniels, Wilson C. Stewart, Jr., and Thomas Walker, Jr.
Nays: Kee Allen Begay, Jr.
Excused: Mark A. Freeland

MAIN MOTION:

M: Herman M. Daniels S: Thomas Walker, Jr. Vote: 3-1-1 (CNV)
Yeas: Thomas Walker, Jr., Herman M. Daniels and Wilson C. Stewart, Jr.
Nays: Kee Allen Begay, Jr.
Excused: Mark A. Freeland



Honorable Rickie Nez, Presiding Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL

First Year 2019

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 0133-19:

An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees, and Navajo Nation Council; Approving a Funding Request of Three Million Ninety-Eight Thousand Eight Hundred Dollars (\$3,098,800) from the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the 62 Chapter House Broadband Project Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508 *Sponsored by Herman M. Daniels, Council Delegate*

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,



Jamie Henio, Chairman

Adopted: 

Legislative Advisor

Not Adopted: _____
Legislative Advisor

2 July 2019

The vote was **4** in favor **1** opposed yeas: Nathaniel Brown, Amber K. Crotty, Jimmy Yellowhair, Raymond Smith Jr. nay: Elmer P. Begay
Main Motion: Jimmy Yellowhair
Second: Elmer P. Begay

BUDGET AND FINANCE COMMITTEE

2 July 2019
Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0133-19: An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees, and Navajo Nation Council; Approving a Funding Request of Three Million Ninety-Eight Thousand Eight Hundred Dollars (\$3,098,800) from the Sihasin Fund to the Navajo Tribal Utility Authority and Adopting the 62 Chapter House Broadband Project Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508 *Sponsored by Herman M. Daniels, Council Delegate*


Main Motion: Jimmy Yellowhair

Second: Elmer P. Begay

Vote: 4-1, Chairman not voting

Vote Tally:

Jamie Henio		
Jimmy Yellowhair	yea	
Raymond Smith Jr.	yea	
Elmer P. Begay		nay
Amber K. Crotty	yea	
Nathaniel Brown	yea	



Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee