

**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0281-18

**DATE:** August 16, 2018

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE BUDGET AND FINANCE COMMITTEE; APPROVING A BUDGET REALLOCATION IN FIXED COST ACCOUNTS

**PURPOSE:** This legislation approves a budget reallocation within the fixed cost accounts

**NOTE:** requires a 2/3rds vote of the Committee

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

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 5:00 PM 8/14/18  
Posting End Date: 8/21/2018  
Eligible for Action: 8/22/2018

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0281-18

AN ACTION  
RELATING TO THE BUDGET AND FINANCE COMMITTEE; APPROVING A  
BUDGET REALLOCATION IN FIXED COST ACCOUNTS

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 300(A).
- B. Each oversight committee shall review and make recommendations to the Budget and Finance Committee concerning the budget in accordance with the annual budget instructions. 12 N.N.C. § 840 (A).
- C. The Budget and Finance Committee has oversight of the Fixed Cost budgets for certain programs. 2 NNC § 301(B)(2).

**SECTION TWO. FINDINGS**

- A. The Budget and Finance Committee reviews and makes recommendations of Fixed Costs budgets for the Office of Management and Budget's Indirect Cost Plan, the Office of the Controller's annual audit, building maintenance, FMIS debt service, Investment fees, FMIS maintenance service, the Division of General

1 Services' insurance premiums, utilities, telecommunications, radio  
2 communications, facilities maintenance, air transportation, the Executive Offices'  
3 Hopi Partition Land Rental, Division of Human Services' retirement plan account,  
4 Department of Justice's litigation and the Judicial Branch's Justice Information  
5 Sharing System. 12 N.N.C. § 840 (A).

6 B. The Navajo Generating Station (NGS) and associated Kayenta Mine employ  
7 approximately 800 workers, who are predominantly Navajo, and revenues from  
8 NGS and the mine comprise approximately 22 percent of the Navajo Nation's  
9 general funds.

10 C. The current NGS owners will not operate the power plant past December 2019  
11 and the Navajo Nation has expended great effort to identify a potential new NGS  
12 owner and has identified Avenue Capital LLC/Middle River Power LLC as the  
13 new owner and operator of NGS, respectively.

14 D. The Navajo Nation will need the assistance of outside legal counsel to assist with  
15 the negotiation of a new lease with the new NGS owner/operator and the Navajo  
16 Nation Department of Justice currently does not currently have the necessary  
17 funding in its fixed cost litigation account to cover such work.

18 E. The Navajo Nation Department of Justice and the Office of the Controller agree  
19 to a budget reallocation within the Fixed Costs Accounts in the amount of  
20 \$500,000 from BU #118025 to BU #N01000. *See* attached budget forms, **Exhibit**  
21 **A**.

### 22 23 **SECTION THREE. APPROVING BUDGET REALLOCATION**

24 The Budget and Finance Committee hereby approves the budget reallocation of  
25 \$500,000 from BU #118025 to BU #N01000, as provided in the budget forms  
26 attached as **Exhibit A**, specifically for the Department of Justice to contract legal  
27 counsel to assist with the Nation's negotiation of a lease with a new NGS  
28 owner/operator and related agreements.

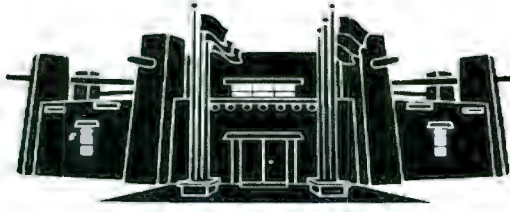
# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

| PART I. Business Unit No.: N01000                                                                                   |  | Program Title: DOJ/OAG - FIXED COST LITIGATION |              | Division/Branch: EXECUTIVE       |                                                                  |                                  |                     |                               |
|---------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------|--------------|----------------------------------|------------------------------------------------------------------|----------------------------------|---------------------|-------------------------------|
| Prepared By: Ethel Branch, Attorney General                                                                         |  | Phone No.: 928-871-6343                        |              | Email Address: ebranch@nndoj.org |                                                                  |                                  |                     |                               |
| PART II. FUNDING SOURCE(S)                                                                                          |  | Fiscal Year Term                               | Amount       | % of Total                       | PART III. BUDGET SUMMARY                                         |                                  |                     |                               |
|                                                                                                                     |  |                                                |              |                                  | Fund Type Code                                                   | (A) NNC Approved Original Budget | (B) Proposed Budget | (C) Difference (Column B - A) |
| Budget Reallocation-Fixed Cost                                                                                      |  | 08-10-18 to 09-30-18                           | 500,000.00   | 100%                             |                                                                  |                                  |                     |                               |
| NNOOC-118025 to DOJ-N01000                                                                                          |  |                                                |              |                                  | 2001 Personnel Expenses                                          |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 3000 Travel Expenses                                             |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 3500 Meeting Expenses                                            |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 4000 Supplies                                                    |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 5000 Lease and Rental                                            |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 5500 Communications and Utilities                                |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 6000 Repairs and Maintenance                                     |                                  |                     | 0                             |
|                                                                                                                     |  |                                                |              |                                  | 6500 Contractual Services                                        | 1                                | 500,000.00          | 500,000.00                    |
|                                                                                                                     |  |                                                |              |                                  | 7000 Special Transactions                                        |                                  |                     | -                             |
|                                                                                                                     |  |                                                |              |                                  | 8000 Public Assistance                                           |                                  |                     | -                             |
|                                                                                                                     |  |                                                |              |                                  | 9000 Capital Outlay                                              |                                  |                     | -                             |
|                                                                                                                     |  |                                                |              |                                  | 9500 Matching Funds                                              |                                  |                     | -                             |
|                                                                                                                     |  |                                                |              |                                  | 9500 Indirect Cost                                               |                                  |                     | -                             |
|                                                                                                                     |  |                                                |              |                                  | <b>TOTAL</b>                                                     |                                  | \$0.00              | 500,000.00                    |
|                                                                                                                     |  |                                                |              |                                  | <b>PART IV. POSITIONS AND VEHICLES</b>                           |                                  |                     |                               |
|                                                                                                                     |  |                                                |              |                                  | <b>Total # of Positions Budgeted:</b>                            |                                  | (D)                 | (E)                           |
|                                                                                                                     |  |                                                |              |                                  |                                                                  |                                  | 0                   | 0                             |
|                                                                                                                     |  |                                                |              |                                  | <b>Total # of Permanently Assigned Vehicles:</b>                 |                                  | 0                   | 0                             |
|                                                                                                                     |  | <b>TOTAL:</b>                                  | \$500,000.00 | 100%                             |                                                                  |                                  |                     |                               |
| <b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b> |  |                                                |              |                                  |                                                                  |                                  |                     |                               |
| Ethel B. Branch, Attorney General or Cherie Espinosa, Acting Deputy Attorney General                                |  |                                                |              |                                  | Honorable Russell Begaye, NN President or Mr. Arbin Mithchell,   |                                  |                     |                               |
| SUBMITTED BY: Program Manager's Printed Name                                                                        |  |                                                |              |                                  | APPROVED BY: Division Director/Branch Chief's Printed Name       |                                  |                     |                               |
| 8.13.18                                                                                                             |  |                                                |              |                                  |                                                                  |                                  |                     |                               |
| SUBMITTED BY: Program Manager's Signature and Date                                                                  |  |                                                |              |                                  | APPROVED BY: Division Director/Branch Chief's Signature and Date |                                  |                     |                               |

**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                             |        |         |        |         |        |         |        |      |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------|--------|---------|--------|---------|--------|---------|--------|------|--------|
| <b>PART I. PROGRAM INFORMATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Business Unit No.: <u>N01000</u> Program Name/Title: <u>DOJ/OAG - FIXED COST LITIGATION</u> |        |         |        |         |        |         |        |      |        |
| <b>PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:</b><br>Resolution Number: CAU-57-93, The purposed established in the noted resolution is to provide funding to support the legal services to the Navajo Nation Government in conjunction with program business unit number 104001 Office of the Attorney General                                                                                                                                                                                                                                                                                                                                            |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| <b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 1st QTR                                                                                     |        | 2nd QTR |        | 3rd QTR |        | 4th QTR |        |      |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | Goal                                                                                        | Actual | Goal    | Actual | Goal    | Actual | Goal    | Actual | Goal | Actual |
| 1. Program Performance Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Hire outside legal counsel to assist with negotiations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Goal Statement:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Assist with negotiations on behalf of Navaj Nation in reference to NGS matters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| 2. Program Performance Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Goal Statement:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| 3. Program Performance Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Goal Statement:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| 4. Program Performance Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Goal Statement:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| 5. Program Performance Area:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| Goal Statement:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                             |        |         |        |         |        |         |        |      |        |
| <b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b><br><div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <u>Chel B. Branch, Attorney General or Cherie Espinosa, Acting Deputy Attorney General</u><br/>           Program Manager's Printed Name<br/> <br/>           Program Manager's Signature and Date<br/> <u>8-13-18</u> </div> <div style="width: 45%;"> <u>Honorable Russell Begaye, NN President or Mr. Arbin Mitchell</u><br/>           Division Director/Branch Chief's Printed Name<br/> <br/>           Division Director/Branch Chief's Signature and Date         </div> </div> |  |                                                                                             |        |         |        |         |        |         |        |      |        |





## MEMORANDUM

**TO:** Honorable LoRenzo C. Bates,  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** August 16, 2018

**SUBJECT:** AN ACTION RELATING TO THE BUDGET AND FINANCE  
COMMITTEE; APPROVING A BUDGET REALLOCATION IN FIXED  
COST ACCOUNTS

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

The Office of Legislative Council confirms the Navajo Nation Council and appropriate standing committee(s) reviews based on the legislative powers outlined in 2 N.N.C. §§ 300, 301 and 12 N.N.C. § 840(A). 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0281-18\_

SPONSOR: LoRenzo C. Bates

**TITLE: An Action Relating To The Budget And Finance Committee; Approving A Budget Reallocation In Fixed Cost Accounts**

***Date posted: August 16, 2018 at 5:00 PM***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.: 0281-18**

**SPONSOR: Honorable LoRenzo C. Bates**

**TITLE: An Action Relating To The Budget And Finance Committee; Approving A Budget Reallocation In Fixed Cost Accounts**

**Posted: August 16, 2018 at 5:00 PM**

**5 DAY Comment Period Ended: August 21, 2018**

**Digital Comments received:**

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| <b>Comments Supporting</b>           | <i>None</i>                         |
| <b>Comments Opposing<br/>(1)</b>     | <i>1. Percy Deal – Big Mountain</i> |
| <b>Inconclusive Comments<br/>(1)</b> | <i>1. Ed Becenti</i>                |



**Office Assistant  
Office of Legislative Services**

8.22.18 8:39am

**Date/Time**

# Legislation 0281-18

Percy Deal <deal.percy@gmail.com>

Tue 8/21/2018 12:26 PM

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

2 attachments

PDeal NN Leaders Signed 8182018.pdf; AP MRP.docx;

Please accept this comment related to legislation 0281-18 that reallocate funds from the justice department in the amount of \$500,000.00. I am asking the Council to disapprove the proposed action.

I am opposed to the legislation for the following reasons:

- The Department of Interior approved \$30 million for communities facing coal mine closures to assist in their transition away from coal and to diversify their economy by replacing jobs and revenue lost as result of the closure. (The Navajo Nation received \$3 million for the purpose stated above. The Hopi Tribe received \$700,000). A total of \$3.7 million to work with.
- The Replacement Lease you the Council negotiated over \$169 million in revenue effective December, 2019.
- The Lease you also negotiated asset worth over \$168 million, which includes 500MW transmission lines and lake pump and other asset.
- The Lease you also negotiated 950AFY of water from the Upper Basin of the Colorado River with a promise from SRP for future support to acquire more water. Please note this is the very first time the Navajo Nation obtain any water ownership from the 50,000AF. In the past it merely states the Nation does not waive its right, this time you got true wet water.
- Within the Lease while there are other potential issues, there are also benefits for the Nation.
- Several Universities and other professionals/experts are offering their help to transition away from coal to renewable energy at no cost and are waiting for the call from the Nation.
- Water currently used by NGS and Peabody can be available for thousands of Navajo families for multiple projects; domestic use, economic development, agricultural and much more. These projects are essential in prioritizing water related projects in negotiation or litigation.

There is hardly any support in prolonging coal for the following reasons:

- No federal government and other government has approve any funds to communities to continue coal operation.
- Energy regulators are enacting policies to move away from fossil fuel and move to renewables.
- Energy industries are calling to producers for proposal to sell their energy product from renewables.
- States and cities are making policies to stop use of energy from fossil fuels.
- There are no guarantee buyer to buy coal after December, 2019.

Speaker Bates should be aware of all of the above but he insists to continue coal after 2019. The Navajo Nation is the only entity hanging on to a dying industry and using the people's resources (\$500,000) to bring in other lawyers. when it is all said and done, only those lawyers will line their pockets.

I'm asking you the Council to be wise and do the right thing and face reality.

I recommend to use the existing resources from the federal government, from the Replacement Lease.

You the elected officials to embrace the changing attitude toward renewables and move forward to solar energy development. renewable energy is sustainable, uses little to no water, its clean, it will sell and produce jobs.

I also wrote letters to the entire tribal leadership not knowing there is a legislation pending, the letter is as result of Arizona Cooperation Commission public hearing on NGS last week, please see attachments.

Thank you for your time and may the Great Spirit bless you all.

Percy Deal, Big Mountain



To: Navajo Nation Officials: President, VP, Speaker and Council:

August 18, 2018

Re: NGS and Middle River Power

Attached is the AP Arizona New article on Arizona Corporation Commission (ACC) public hearing in Phoenix (Aug. 14, 2018) regarding Middle River Power (MRP) a potential owner of Navajo Generating Station (NGS) after December, 2019.

It is commendable that ACC held a public meeting on this very important issue while the Navajo Nation has not held such public meetings on issues that will have major impact on our lives, this is a major disappointment.

It is imperative that you read the entire article about MRP since President Begaye is currently negotiating a new lease for the continuation of NGS after 2019. According to the article some major part of the negotiation was reveal by MRP and some of the major concerns are: MRP is planning on operating at 44% capacity. Possibility there will be layoffs of over 50% of the workers, Peabody is working with Department of Interior and Republican Congress to undo several of the National Environmental Policy Act (NEPA).

This should make one wonder if MRP will save jobs and revenues as many you have told us. According to the economic experts, they will not make NN better, they will only continue the destruction that has incurred on my homeland from these two industries for decades.

**Operating at 44%:** This translate into less revenue or approximately \$15 to \$16 million dollars less to tribal treasures, laying off Navajo tribal employees and cutting back on tribal programs and services. And the Nation will be unable to meet other unforeseen emergencies and etc.

**Plant and Mine Workers:** Per MRP discussion/negotiation includes lay-off, possibly over 50% of the plant and mine workers, including maintenance normally preform by regular employees who would all be replaced by contracts, this means bilaagaani. Lay-offs would certainly increase un-employment rate on the reservation. Peabody, unlike SRP is doing nothing for its employees. SRP has a redeployment program for all of its employees.

**National Environmental Policy Act:** Peabody and MRP are lobbying and working with DOI to undo policies: NEPA requires environmental impact study and other policies that protect the water, air, wildlife and health of the people. The four decades of operation has many negative impact on all living entities. Our children and elderlies are experiencing of asthma, heart diseases and many other ailments. You cannot allow the companies and Trump administration to undo these policies, they are put in place to protect us all.

**Replacement Lease:**

The replacement lease you all negotiated last year with Salt River Project has some benefits for the Navajo Nation. If the current negotiation between President Begaye with MRP and the Navajo Nation Council were to approve the new lease the entire replacement lease will be null and void, including the following:

- A. Over \$169M in revenue.
- B. Over \$168M in assets including 500MW transmission lines and lake pump.
- C. Water rights to 950AFY for LeChee and surrounding communities and with a promise support for more water rights from the Upper Colorado River Basin. Never before had the Nation had any water rights until the replacement lease this is a major start.

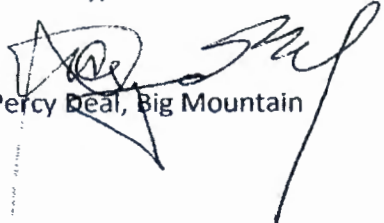
**N-aquifer:** If MRP is approved a lease, Peabody will continue to mine coal, it would continue to pump the N-aquifer, Peabody has already pumped more than the recharge. N-aquifer is our sole source water for black mesa, we already been denied our water over 40 years.

**Peabody:** Peabody is making its round to the state, DOI, Congress and the White House asking for subsidies and waivers of certain polices and will in all likelihood ask the Nation for certain waivers of certain tribal EPA polices. They will ask the Nation to give up certain fees, exclude water rate. Peabody was never a friend to the tribe will continue to cheat, lie and loot the Navajos.

Their executives just announce on Wednesday they are sitting on over one billion dollars in cash and buying back \$300 million in stock. (see news article SL Post Dispatch).

**Renewables:** Energy regulators and industries, states are all moving away from coal to renewables. The State of Arizona want to lead the US in renewables. Thus, the Navajo Nation has an excellent economic opportunity with the 500MW transmission lines. The lake pump can be an asset to our rights to water from Upper Colorado River Basin and the N-aquifer. We have an excellent opportunity now to go renewables to create jobs, revenues and economic development. Now is the opportune time to transition. The federal government gave the Nation \$3M to transition away from coal. Use that money plus money from the negotiated gain to make renewables a reality. Do it for the people and more importantly for our future.

Sincerely;

  
Percy Deal, Big Mountain

FLAGSTAFF, Ariz. (AP) — A Chicago-based company in negotiations to take over a coal-fired power plant in northern Arizona said it would run the generating station at less than half its existing capacity to ensure it's economical, a company official said Tuesday.

Fewer employees and a new lease and coal supply agreement also are in the mix as Middle River Power pursues a takeover of the Navajo Generating Station. The current owners of the 2,250-megawatt plant near the Arizona-Utah border are planning to shut it down next year unless someone else buys it, saying power produced by natural gas is cheaper.

The company would operate the plant at 44 percent of its capacity

Joseph Greco, a senior vice president for Middle River Power, told Arizona utility regulators the company would operate the plant at 44 percent of its capacity, and differently during peak and off-peak demand, making it more economical while ensuring a steady power base. The company offered few other details, citing nondisclosure agreements.

"We believe there is a solution to be made," Greco said.

A sale is considered a long shot

The power plant sits on the Navajo Nation and is fed by coal jointly owned by the Navajo and Hopi tribes. Navajo President Russell Begaye has said a lease agreement with Middle River Power and its parent company, New York-based Avenue Capital, could come before tribal lawmakers at their October session. Still, a sale is considered a long shot.

Tuesday's meeting before the Arizona Corporation Commission was meant as an update on the plant's future. The Arizona Corporation Commission doesn't regulate the power plant or its majority owner, the Salt River Project. But it oversees two Arizona utilities that own shares of the power plant, Tucson Electric Power and Arizona Public Service Co.

The utility is working to place employees at the Navajo Generating Station in other jobs

The Salt River Project said it's been in talks with Middle River Power but couldn't discuss specifics because of a nondisclosure agreement. In the meantime, the utility is working to place employees at the Navajo Generating Station in other jobs at SRP. Deb Scott, senior director of regulatory policy at SRP, said 140 of the 443 employees have left for other jobs, and their previous positions are being filled by contractors.

One of the bigger hurdles for Middle River Power is finding utilities that will buy power from the coal plant.

California and Nevada already are moving away from coal-produced energy. Middle River Power has focused its attention on the Central Arizona Project, which has used the power from the Navajo Generating Station to move water through a canal system to Arizona's most populous areas but has said it can save money buying power on the open market. Middle River says natural gas is too volatile.

The Navajo Generating Station once was predicted to stay open until 2044, and it's unclear how long Middle River would run it if a sale is finalized.

Coal revenue provides about 85 percent of the Hopi Tribe's budget

Clark Tenakhongva, vice chairman of the Hopi Tribe, said Tuesday that the tribe needs another five to 10 years to better chart its future. Coal revenue provides about 85 percent of the Hopi Tribe's budget, and thousands of people rely on coal to heat their homes on the Navajo and Hopi reservations.

"If the plant does shut down, that's another part of the headache I'll have to address, how am I going to provide heating to all my people up north?" he said.

Coal and lease payments supply about 22 percent of the Navajo Nation budget.

Nicole Horseherder, a Navajo woman who is advocating for the plant to shut down, said she wanted more answers about Middle River's plans, particularly when it comes to cleaning the site and impacts to tribal members.

"To date, MRP has offered to provide power at competitive prices without a shred of detail on how they will do so or evidence that doing so is even economically feasible," she wrote to utility regulators.

Written by FELICIA FONSECA, Associated Press.

## **St Louis Dispatch**

### **With \$1 billion to spend, Peabody Energy buys back stock**

**Executives of Peabody Energy Corp. on Wednesday said they intended to buy back \$300 million worth of common stock from entities advised by Elliott Management, a New York City fund manager.**

**Elliott discounted the shares by just under 2 percent, selling the stock to Peabody at a price of \$41.82 per share.**

**The deal, which is expected to close later this month, is part of Peabody's \$1 billion repurchase program. Since the program was approved in August 2017, Peabody has bought back \$875 million worth of shares.**

**"Peabody continues to generate substantial earnings, convert those earnings into cash in significant quantities and return cash to shareholders through a robust and expanded capital returns program," said Peabody President and Chief Executive Officer Glenn Kellow. "This repurchase represents another key milestone in our shareholder returns, and the buyback has the benefits of being accretive to shareholders while maintaining our strong financial position."**

**Peabody in July reported a \$114 million profit in its second quarter on sales of \$1.3 billion. That's better than the \$20 million loss on \$1.26 billion in revenue the company posted in the prior year period.**

**Peabody, with its headquarters in downtown St. Louis, benefited from a 20 percent increase in Australian metallurgical and thermal coal sales volumes.**

## Regarding legislation 0281-18

Ed Becenti <rezztone@yahoo.com>

Tue 8/21/2018 5:02 PM

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

1 attachment

Untitled;

I truly believe the requested \$500,000 should be given to the following situation/issue as per the attached document.

Ahe'hee.

Ed Becenti



Virus-free. [www.avast.com](http://www.avast.com)



THE NAVAJO NATION

JONATHAN NEZ VICE-PRESIDENT

## MEMORANDUM

TO : 164b Reviewers

FROM : Delores Greyeyes  
Delores Greyeyes, MSW, Director  
Department of Corrections

DATE : November 7, 2017

SUBJECT : Request for Funds - \$4,094,301.00 for Temporary relocation  
Window Rock Police District/DPS Head Quarters facilities

The Division of Public Safety requests \$4,094,301.00 to support the relocation of the Window Rock Police district and the DPS Head Office facilities. The funds requested will come from the Undesignated, Unreserved Fund Balance (UUFb). The funds requests will pay for the legal surveys, environmental assessments, archeological assessment, site preparation, purchase of seven (7) modulars to be used for offices, relocation of 7 existing modular and which will be used to house DPS personnel and four jail modular to temporarily house arrestees and pretrial detainees. These funds will come from the Undesignated, Unreserved in the amount of \$4,094,301.00.

The Window Rock district facility and the head quarters building was recommended for closure in May 2017 due to environmental concerns due the presences of asbestos, lead and structural deficiencies. An assessment completed by the Office of Facility Maintenance, the Indigenous Designs (consultants), the Navajo Nation Office of Environmental Health and the Capital Projects Management Department and have determined that it would be unsafe to continue to house personnel and inmates in the old Window Rock DPS facility. The DPS has created a planning team who have identified a couple areas in Ft. Defiance, Arizona to relocate programs and services. This location is referred to as the Industrial Park Area and is located along the Coal Mine road just before the Pigeon Springs community. The two lots are Lot 3 and Lot 5; Lot 3 is 4.07 acres and Lot 5 is 3.5 acres. A resolution was passed by the Ft. Defiance Chapter to allow the temporary assignment of Lots 3 and 5 to the Division of Public Safety for their temporary relocation and use.

The DPS must move out of the old DPS building located at the corner of Morgan Blvd. and Route 164 by December 31, 2017. I have attached the reports of the Navajo Nation Facility Maintenance/Indigenous Designs and the Capital Projects Management Department. The Navajo Nation Department of Environmental Health, the Department of Health will be issuing Closure of this facility by December 31, 2017.

If you should have any questions, please feel free to contact either Delores Greyeyes, Director, NDOC at (928) 871-7555.

Attachments (5)

CONCURRENCE:

*Donna*

**23<sup>rd</sup> NAVAJO NATION COUNCIL**

Fourth Year 2018

Mr. Speaker:

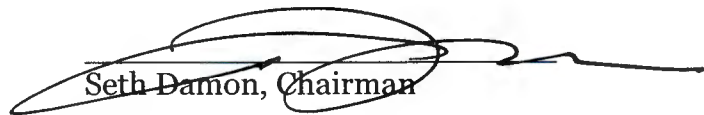
The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

**NAVAJO LEGISLATIVE BILL # 0281-18:**

An Action Relating to the Budget and Finance Committee; Approving a Budget Reallocation in Fixed Cost Accounts *Sponsored by LoRenzo C. Bates, Council Delegate*

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

Respectfully submitted,

  
Seth Damon, Chairman

Adopted:   
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

**23 August 2018**

The vote was **4** in favor **1** opposed Yeas: *Leonard Tsosie, Lee Jack, Sr., Dwight Witherspoon, Seth A. Damon Nay: Tuchoney Slim, Jr.*

Motion: *Leonard Tsosie*

Second: *Lee Jack, Sr.*

## BUDGET AND FINANCE COMMITTEE

August 23, 2018

Special Meeting

### VOTE TALLY SHEET:

#### Legislation No. 0281-18:

An Action Relating to the Budget and Finance Committee; Approving a Budget Reallocation in Fixed Cost Accounts *Sponsored by LoRenzo C. Bates, Council Delegate*

*Motion: Leonard Tsosie*

*Second: Lee Jack, Sr.*

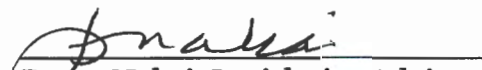
*Vote: 4-1, Chairman voting*

#### Vote Tally:

|                    |            |  |
|--------------------|------------|--|
| Seth A. Damora     | <b>Yea</b> |  |
| Dwight Witherspoon | <b>Yea</b> |  |
| Tom T. Chee        |            |  |
| Lee Jack, Sr.      | <b>Yea</b> |  |
| Leonard Tsosie     | <b>Yea</b> |  |
| Tuchoney Slim, Jr. | <b>Nay</b> |  |

Absent: Tom T. Chee

  
Seth A. Damora, Chairman  
Budget & Finance Committee

  
Peggy Nakai, Legislative Advisor  
Budget & Finance Committee