LEGISLATIVE SUMMARY SHEET
Tracking No. 0330-19

DATE: October 30, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; ALLOCATING ONE MILLION DOLLARS ($1,000,000) TO THE NAVAJO TRIBAL UTILITY AUTHORITY FROM THE SÍHASIN FUND FOR TO ASSIST IN FUNDING RIGHTS OF WAY AND SERVICE LINES TO CONNECT NAVAJO HOMES TO THE ELECTRIC GRID UNDER INITIATIVES SUCH AS LIGHT UP NAVAJO AND APPROVING AND ADOPTING THE RIGHT OF WAY AND SERVICE LINE EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §§ 2501 – 2508

PURPOSE: The purpose of this resolution is to approve allocation from the Síhasin Fund to NTUA to connect Navajo homes to the electric grid.

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

5-DAY BILL HOLD PERIOD: 2330
Website Posting Time/Date: 11/07/19 2:57PM
Posting End Date: 11/12/19
Eligible for Action: 11/13/19

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0330-19

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; ALLOCATING ONE MILLION DOLLARS ($1,000,000) TO THE NAVAJO TRIBAL UTILITY AUTHORITY FROM THE SÍHASIN FUND FOR TO ASSIST IN FUNDING RIGHTS OF WAY AND SERVICE LINES TO CONNECT NAVAJO HOMES TO THE ELECTRIC GRID UNDER INITIATIVES SUCH AS LIGHT UP NAVAJO AND APPROVING AND ADOPTING THE RIGHT OF WAY AND SERVICE LINE EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §§ 2501 – 2508

BE IT ENACTED:

Section One. Authority

A. The Resources and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over matters involving communication and utilities, chapter activities, economic and community development, public utilities, telecommunication and housing. 2 N.N.C. §§500 (A) and (C).

B. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §301(B)(2) and (5).

C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

D. 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)

Section Two. The Navajo Nation Síhasin Fund

A. The Naabik'iyati' Committee established the Naabik'iyati Síhasin Fund Subcommittee to recommend to the Naabik'iyati' Committee and the Navajo Nation Council financial support and/or financial plan(s) for the purpose designated in the Síhasin Fund. Approval by the Naabik'iyati Síhasin Fund Committee is not required for this legislation. NABIAP-20-15.

B. The Navajo Nation Code provides the purpose of the Síhasin Fund is as follows:

§2502 Purpose

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

1. The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and

2. Education opportunities for members of the Navajo Nation.

B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 N.N.C. §1310(F) or TCDCJY-77-99

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

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

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

Section Three. Findings

A. Under Phase I of the Light Up Navajo Project, the Navajo Tribal Utility Authority (NTUA) partnered with the American Public Power Association with a shared goal of connecting Navajo homes on the Navajo Nation to the electric grid for the first time. Between April and May 2019 over 28 utility companies and their communities from across 13 states and over 138 external non-NTUA volunteers and 349 NTUA volunteers came to the Navajo Nation and fulfilled their goal by connecting 233 Navajo homes to the electric grid. The Navajo families that benefited from the Light Up Navajo project are located throughout the Navajo Nation within the states of Arizona, New Mexico and Utah.

B. In August 2019 NTUA decided to initiate Phase II of the Light Up Navajo Project with the goal of connecting 300 Navajo homes to the electric grid for the first time. NTUA kicked off the project with a plan for a recruitment campaign in late August 2019 to enroll eligible Navajo families for Light Up Navajo II. Complete LUN Applications are due no later than October 31, 2019 with preference given to the disabled, elderly and veterans. From November 1, 2019 to March 2020 NTUA will assist Navajo families with obtaining the proper field surveys, easements, permits and clearances. The anticipated construction of powerlines and installation of meters will begin by LUN volunteers from April to June 2020. It is important to understand that NTUA is working diligently to make Phase II of Light Up Navajo happen, but there is no absolute guarantee that Phase II will occur.

C. Obtaining the proper surveys, easements, permits and clearances to connect a Navajo home to the electric grid is time consuming and costly. The average cost of simply obtaining a service line or right of way to connect a Navajo homes to the electric grid is

$10,500. The fees for obtaining surveys, easements, permits and clearances is substantial. Therefore, the Nation finds that the allocation of one million dollars ($1,000,000) from the Síhasin Fund to the Navajo Tribal Utility Authority to assist Navajo families in paying for costs associated with surveys, easements, permits and clearances is within the best interest of the Navajo Nation.

D. The electric power lines and infrastructure that will be built within these rights of way and service lines by NTUA will serve future generations. In addition, NTUA will be able to extend power lines to serve additional Navajo homes off of the power lines and infrastructure that will be built within the rights of way and service lines.

E. Due to their experience and expertise, NTUA will have the discretion over the expenditure of the funding with the ultimate goal of connecting as many Navajo families to the electric grid as possible.

F. The Navajo Nation finds that the allocation of one million dollars ($1,000,000) to the Navajo Tribal Utility Authority to address the need for electrical powerline extensions is regional infrastructure and therefore meets the requirements for "planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation," as required by 12 N.N.C. 2502(A).

Section Four. Approval and Adoption of Expenditure Plan

A. The Navajo Nation hereby approves and adopts funding to the Navajo Tribal Utility Authority in the amount of one million dollars ($1,000,000) to assist in funding Rights of Way and Service Lines to connect Navajo homes to the electric grid.

B. The Navajo Nation hereby approves and adopts the NTUA Right of Way and Service Line Expenditure Plan to support projects and initiatives such as Light Up Navajo. The Síhasin Funds allocated for the NTUA Right of Way and Service Line Expenditure Plan may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. §§ 1300 et seq., as amended, using Síhasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

Section Five. Approval and Adoption of Expenditure Plan Administration

A. The Navajo Nation hereby approves administration of the NTUA Right of Way and Service Line Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source the one million dollars ($1,000,000.00) will be Síhasin Fund Principal or Income or a combination of both.
2. The funds allocated to NTUA shall be used to pay the fees, charges, assessments and other costs associated with the acquisition of Right of Ways and Service Lines to connect Navajo homes to the electric grid, and NTUA shall utilize all cost-savings for additional projects to connect Navajo families to the electric grid.
3. The funding for the NTUA Right of Way and Service Line Project shall be distributed to NTUA during the Navajo Nation Fiscal Year 2020, or earlier, pursuant to a project budget plan or other such schedule agreed to by the Office of the Controller and NTUA within fifteen (15) days of the formal adoption of this legislation.
4. The funds allocated for the NTUA Right of Way and Service Line Project shall not lapse on an annual basis pursuant to 12 N.N.C. § 820 (N) or otherwise be returned or deposited in the Síhasin Fund Principal or Navajo Nation General Fund, however, any funds not spent or encumbered within five (5) years of the date funds are made available to NTUA shall revert back to the Síhasin Fund principal, unless approved by the Naabik'iyati Committee.

Section Six. Effective Date

The NTUA Right of Way and Service Line Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. §2505.

Section Seven. Directives

The NTUA General Manager and Management Board, as well as Navajo Nation Programs named in this legislation, shall be held accountable for the progress of tasks under their

responsibility and control and shall report on quarterly to the Naabik'iyati' Committee and the Office of the President andVice President on the progress of their respective tasks.

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

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Otto Tso
24th Navajo Nation Council

FROM: Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: October 30, 2019

SUBJECT: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; ALLOCATING ONE MILLION DOLLARS ($1,000,000) TO THE NAVAJO TRIBAL UTILITY AUTHORITY FROM THE SÍHASIN FUND FOR TO ASSIST IN FUNDING RIGHTS OF WAY AND SERVICE LINES TO CONNECT NAVAJO HOMES TO THE ELECTRIC GRID UNDER INITIATIVES SUCH AS LIGHT UP NAVAJO AND APPROVING AND ADOPTING THE RIGHT OF WAY AND SERVICE LINE EXPENDITURE PLAN PURSUANT TO 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: _0330-19_____ SPONSOR: Otto Tso

TITLE: An Action Relating to the Resources and Development Committee, Budget and Finance Committee, Naabik'íyáti' Committee and the Navajo Nation Council; Allocating One Million dollars ($1,000,000) to the Navajo Tribal Utility Authority from the Sihasin Fund to assist in funding rights of way for service lines to connect Navajo Homes to the Electric Grid under initiatives such as Light Up Navajo and approving and adopting the Right of Way and Service Line Expenditure Plan pursuant to 12 N.N.C. §§ 2501-2508

Date posted: November 7, 2019 at 2:57pm

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.: 0330-19

SPONSOR: Honorable Otto Tso

TITLE: An Action Relating to the Resources and Development Committee, Budget and Finance Committee, Naabik'íyáti' Committee and the Navajo Nation Council; Allocating One Million dollars ($1,000,000) to the Navajo Tribal Utility Authority from the Síhasin Fund to assist in funding rights of way for service lines to connect Navajo Homes to the Electric Grid under initiatives such as Light Up Navajo and approving and adopting the Right of Way and Service Line Expenditure Plan pursuant to 12 N.N.C. §§ 2501-2508

Posted: November 07, 2019 at 2:57 PM

5 DAY Comment Period Ended: November 12, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

11/13/19 8:34Am
Date/Time

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 # 0330-19:** An Action Relating to Resources and Development, Budget and Finance Committees, Nabi'Iyati Committees and the Navajo Nation Council; Allocating One Million Dollars ($1,000,000) to NTUA from the Sihasin Fund to Assist in Funding Rights of Ways for Service Line to Connect Navajo Homes for Electric Grid Under Initiatives, as Light Up Navajo and Approving and Adopting the Right of Ways and Service Line Expenditure Plan Pursuant to 12 N.N.C. §§2501-2508. *Sponsor: Honorable Otto Tso Co-Sponsor: Honorable Mark A. Freeland*

Has had it under consideration and reports a **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: November 13, 2019 – Regular Meeting
Meeting Location: Tsidii Tohii Chapter\
Birdsprings, Arizona

MAIN MOTION:
M: Thomas Walker, Jr. S: Herman M. Daniels Vote: 3-0-1(CNV)
YEAS: Mark A. Freeland, Thomas Walker, Jr., and Herman M. Daniels
EXCUSED: Wilson C. Stewart, Jr., and Kee Allen Begay, Jr.

RESOURCES AND DEVELOPMENT COMIMTTEE
24th Navajo Nation Council
Regular Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0330-19: An Action Relating to Resources and Development, Budget and Finance Committees, Naabi'Iyati Committees and the Navajo Nation Council; Allocating One Million Dollars ($1,000,000) to NTUA from the Sihasin Fund to Assist in Funding Rights of Ways for Service Line to Connect Navajo Homes for Electric Grid Under Initiatives, as Light Up Navajo and Approving and Adopting the Right of Ways and Service Line Expenditure Plan Pursuant to 12 N.N.C. §§2501-2508. *Sponsor: Honorable Otto Tso Co-Sponsor: Honorable Mark A. Freeland*

Date: November 13, 2019
Meeting Location: Tsidii Tohi Chapter, Birdsprings, Arizona

MAIN MOTION:
M: Thomas Walker, Jr. S: Herman M. Daniels Vote: 3-0-1 (CNV)
YEAS: Mark A. Freeland, Thomas Walker, Jr., and Herman M. Daniels
EXCUSED: Wilson C. Stewart, Jr., and Kee Allen Begay, Jr.

Honorable Rickie Nez, Presiding Chairman
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services