

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0077-16

**DATE:** March 1, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; CONFIRMING THE APPOINTMENT OF ALTON JOE SHEPHERD TO SERVE ON THE NAVAJO TRIBAL UTILITY AUTHORITY MANAGEMENT BOARD OF DIRECTORS FOR A THREE YEAR TERM THAT EXPIRES IN OCTOBER 2018

**PURPOSE:** The resolution's purpose is to confirm Honorable Alton Joe Shepherd as a Navajo Tribal Utility Authority Management Board of Director.

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

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 3:58pm, 3/10/16  
Posting End Date: 3/15/2016  
Eligible for Action: 3/10/2016

PROPOSED STANDING COMMITTEE RESOLUTION  
23rd NAVAJO NATION COUNCIL -- Second Year 2016  
INTRODUCED BY

  
(Sponsor)

TRACKING NO. 0077-16

AN ACTION  
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; CONFIRMING  
THE APPOINTMENT OF ALTON JOE SHEPHERD TO SERVE ON THE NAVAJO  
TRIBAL UTILITY AUTHORITY MANAGEMENT BOARD OF DIRECTORS FOR A  
THREE YEAR TERM THAT EXPIRES IN OCTOBER 2018

BE IT ENACTED:

**Section One. Standing Committee Authority and Power**

The Resources and Development Committee has authority to grant final confirmation of appointments to enterprise boards. 2 N.N.C. § 501(B)(9).

**Section Two. Findings**

A. Navajo Nation established an enterprise known as the Navajo Tribal Utility Authority (NTUA) whose general purpose, in accordance with 21 N.N.C. § 5(A)(1-6), is to operate, maintain and promote existing utility systems furnishing electric, gas, water, sewer utility services, generation, and telecommunications and information services for the benefit of residents of the Navajo Nation, including the establishment, ownership, operation and maintenance of electric generating, telecommunications and information services on or off the Navajo Reservation; and to provide utility generation, telecommunications and information services on a non-profit basis and at

1 a reasonable cost to residents of the Navajo Nation consistent with the economical  
2 operation of the Enterprise. 21 N.N.C. § 2.

3 B. The NTUA Management Board shall have the authority and responsibility for the  
4 management and operation of the Enterprise, among other powers and duties. *See* 21  
5 N.N.C. § 7(A)(2-13); 21 N.N.C. § 7(B)(1-13); 21 N.N.C. § 7(C). 21 N.N.C. §  
6 7(A)(1).

7 C. The management board shall consist of seven persons, all of whom were formerly  
8 appointed by the Government Services Committee of the Navajo Nation Council,  
9 whose authority to confirm appointments to enterprise boards has since been  
10 delegated to the Resources and Development Committee pursuant to 2 N.N.C. §  
11 501(B)(9), *see also* CJA-03-13. 21 N.N.C. § 9(A).

12 D. Directors appointed to the Management Board are eligible for reappointment. 21  
13 N.N.C. § 9(C)(1).

14 E. Four of the directors shall be members of the Navajo Nation who speak English with  
15 fluency and who have sufficient education and experience to qualify them for  
16 learning utility business practices and procedures and making sound judgments. 21  
17 N.N.C. § 9(B)(1).

18 F. Directors shall be elected for three year terms and shall hold office until the  
19 qualification and selection of their successors. 21 N.N.C. §§ 9(C) and 9(C)(2).

20 G. On December 3, 2014, the Resources and Development Committee confirmed the  
21 reappointment of the Honorable Leonard Tsosie to service on the Navajo Tribal  
22 Utility Authority's Management Board of Directors for a term of three years until the  
23 annual board meeting in October 2015. RDCD-88-14, 22<sup>nd</sup> Navajo Nation Council  
24 (Dec. 3, 2014).

25 H. As stated above, Directors shall hold office until the selection of their successors. 21  
26 N.N.C. § 9(C).

27 I. On January 26, 2016, the Honorable Leonard Tsosie resigned as a Navajo Tribal  
28 Utility Authority Management Board member. EXHIBIT A.

29 J. The appointment would be for a period of three years retroactive to October 2015 and  
30 would expire with the annual board meeting in October 2018. 21 N.N.C. § 9(C)(2).

1 **Section Three. Appointment Approval**

2       The Navajo Nation confirms the appointment of the Honorable Alton Joe Shepherd to  
3       serve on the Navajo Tribal Utility Authority's Management Board of Directors for a  
4       term of three years until the annual board meeting in October 2018.  
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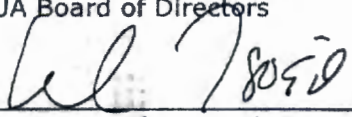
January 26, 2016

**MEMORANDUM:**

TO: Honorable Lorenzo Bates, Speaker  
The Navajo Nation Council

Honorable Alton Joe Shepherd, Chairman  
Resources Development Committee

Sid Dietz, Chairman  
NTUA Board of Directors

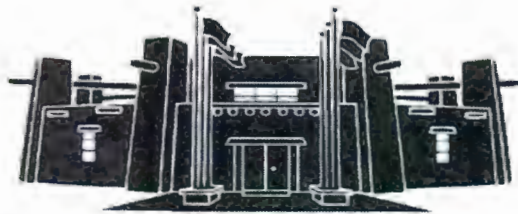
FROM:   
Leonard Tsosie, Council Delegate  
23rd Navajo Nation Council

SUBJECT: Resignation from NTUA Board of Directors

I have continuously fought for Infrastructure development to Navajo homes across the Navajo Nation. Navajo Tribal Utility Authority (NTUA) provides different utilities to almost all of the Navajo homes. I also serve on the Board of Directors for NTUA and my effort to help Navajo homes in extending these utilities is seen as a possible conflict of interest. Extending these utilities is too important and I wish to remain involve. To avoid the appearance of any future conflict of interest, I hereby resign as a Board member on the NTUA Board of Directors, effective immediately. It has been a pleasure to serve on the Board and I wish NTUA well.


Thank you, and your understanding is appreciated. Please contact me 928-814-7283 or at my email address, [leonardtsose@navajo-nsn.gov](mailto:leonardtsose@navajo-nsn.gov), if you have any questions.





## MEMORANDUM

**TO:** Honorable Walter Phelps  
23<sup>rd</sup> Navajo Nation Council Delegate

**FROM:**   
Carolyn R. West, Attorney  
Office of Legislative Counsel

**DATE:** March 1, 2016

**SUBJECT:** OLC Service Request Number 16-230-1: An Action Relating to Resources and Development Committee; Confirming the Appointment of Alton Joe Shepherd to Serve on the Navajo Tribal Utility Authority Management Board of Directors for a Three Year Term that Expires in October 2018

As requested, I prepared the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge. You are encouraged to review the proposed resolution to ensure this is drafted to your satisfaction.

The Office of Legislative Council recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

If you are satisfied with the proposed resolution, please sign as "Primary Sponsor" and submit to the Office of Legislative Services where the proposed resolution will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0077-16\_\_\_\_\_ SPONSOR: Walter Phelps

**TITLE: An Action Resources And Development Committee; Confirming The Appointment Of Alton Joe Shepherd To Serve On The Navajo Tribal Utility Authority Management Board Of Directors For A Three Year Term That Expires In October 2018.**

**Date posted: March 10, 2016 at 3:58pm**

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) 871-7590

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.: 0077-16**

**SPONSOR: Honorable Walter Phelps**

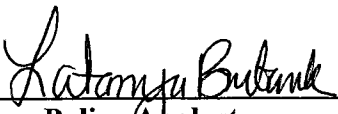
**TITLE: An Action Resources And Development Committee; Confirming The Appointment Of Alton Joe Shepherd To Serve On The Navajo Tribal Utility Authority Management Board Of Directors For A Three Year Term That Expires In October 2018.**

**Posted: March 6, 2016 at 3:58 pm**

**5 DAY Comment Period Ended: March 15, 2016**

**Digital Comments received:**

<b>Supporting Comments</b>	<i>None</i>
<b>Opposing Comments</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

3/16/16 8:22am  
\_\_\_\_\_  
**Date/Time**