

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council --- Third Year, 2021

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; CONFIRMING THE
APPOINTMENT OF A MEMBER OF THE RESOURCES AND DEVELOPMENT
COMMITTEE TO SERVE ON THE NAVAJO TRIBAL UTILITY AUTHORITY
MANAGEMENT BOARD OF DIRECTORS FOR A TERM OF THREE YEARS FROM
OCTOBER 2021 TO OCTOBER 2024

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 501(B)(9), the Resources and Development Committee has authority to grant final confirmation of appointments to enterprise boards.
- B. Pursuant to 21 N.N.C. § 9(A) the members of the Navajo Tribal Utility Authority (NTUA) Management Board were formerly appointed by the Government Services Committee of the Navajo Nation Council, whose authority to confirm appointments to enterprise boards has since been delegated to the Resources and Development Committee pursuant to 2 N.N.C. § 501(B)(9). See also Resolution No. CO-45-12.

SECTION TWO. FINDINGS

- A. Pursuant to 21 N.N.C. § 5(A)(1-6), NTUA was established with the general purpose 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 a reasonable cost to residents of the Navajo Nation consistent with the economical operation of the Enterprise.

- B. Pursuant to 21 N.N.C. § 7(A)(1) the NTUA Management Board shall have the authority and responsibility for the management and operation of the Enterprise, among other powers and duties. See 21 N.N.C. § 7(A)(2-13); 21 N.N.C. § 7(B)(1-13); and 21 N.N.C. § 7(C).
- C. The 24th Navajo Nation Council Resources and Development Committee previously appointed Mr. Mark Freeland pursuant to Resolution No. RDCJN-022-19 for a three-year term from October 2019 to October 2021. See Resolution No. RDCJN-022-19.
- D. Pursuant to 21 N.N.C. § 9(B)(1), four of the directors shall be members of the Navajo Nation who speak English with fluency and who have sufficient education and experience to qualify them for learning utility business practices and procedures and making sound judgments.
- E. Pursuant to 21 N.N.C. § 9(C)(2), term appointment shall be for a period of three (3) years.
- F. The Resolution of the Management Board of the Navajo Tribal Utility Authority NTUA-25-21 recommending the reappointment of Mark Freeland, Resources and Development Committee Member, to the Management Board of the Navajo Tribal Utility Authority is attached as **Exhibit A**.

SECTION THREE. APPOINTMENT AND CONFIRMATION

The Resources and Development Committee hereby appoints and confirms Mark A. Freeland to serve on the Navajo Tribal Utility Authority's Management Board of Directors for a term of three (3) years from October 2021 until the annual board meeting in October 2024.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 10th day of November 2021.

A handwritten signature in black ink, appearing to be 'R. Nez'.

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

Motion: Honorable Kee Allen Begay, Jr.

Second: Honorable Thomas Walker, Jr.

Chairperson Rickie Nez not voting.



**RESOLUTION
OF THE MANAGEMENT BOARD
OF THE NAVAJO TRIBAL UTILITY AUTHORITY**

NTUA-35-21

**Recommending the Reappointment of Mark Freeland to the
Management Board of the Navajo Tribal Utility Authority**

WHEREAS:

1. The Management Board of the Navajo Tribal Utility Authority (NTUA or Authority) has been advised that the term of Mark Freeland will expire in October 2021; and
2. NTUA's Plan of Operation under 21 N.N.C. §9 states that the Management Board shall consist of seven (7) persons serving staggered 3-year terms; and
3. The Plan of Operation provides for the reappointment of members and Mark Freeland was previously selected by the Resources and Development Committee for his qualifications to be appointed to the NTUA Management Board; and
4. In view of the complexities of the utility industry and the challenges facing NTUA and to maintain continuity of experience and leadership on the Management Board, it is recommended that Mark Freeland be reappointed to the NTUA Management Board.

NOW THEREFORE BE IT RESOLVED THAT:

The Management Board of the Navajo Tribal Utility Authority strongly recommends to the Resources and Development Committee of the Navajo Nation Council that Mark Freeland be reappointed as a member of the NTUA Management Board for a 3-year term, which shall commence at the annual meeting of the Management Board in October 2021.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered at a meeting of the Management Board of the Navajo Tribal Utility Authority conducted by conference call at which a quorum was present and the same was duly approved by a vote of 5 in favor, 0 opposing, and 1 abstaining this 24th day of September 2021.


Arash N. Moalemi, Secretary

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

THIRD YEAR 2021

**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0225-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; CONFIRMING THE APPOINTMENT OF A MEMBER OF THE RESOURCES AND DEVELOPMENT COMMITTEE TO SERVE ON THE NAVAJO TRIBAL UTILITY AUTHORITY MANAGEMENT BOARD OF DIRECTORS FOR A TERM OF THREE YEARS FROM OCTOBER 2021 TO OCTOBER 2024. *Sponsor: Honorable Thomas Walker, Jr.*

Date: November 10, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee members called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Kee Allen Begay, Jr. **S:** Thomas Walker, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

Amendment #1:

M: Herman M. Daniels **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee

Rodney L. Tane

Rodney L. Tane, *Legislative Advisor*
Office of Legislative Services