

LEGISLATIVE SUMMARY SHEET

Tracking No. 0138-20

DATE: June 22, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; ADOPTING A NAVAJO NATION POSITION SUPPORTING CONTINUED DIALOGUE AND PARTNERSHIP WITH THE CITY OF LOS ANGELES TO FACILITATE THE DEVELOPMENT OF CLEAN ENERGY PROJECTS ON THE NAVAJO NATION AND SUPPORTING EFFORTS FOR THE NAVAJO NATION'S RIGHTS TO USE 500 MWs OF CAPACITY ON THE NAVAJO GENERATING STATION SOUTHERN AND WESTERN TRANSMISSION SYSTEMS

PURPOSE: The purpose of this legislation is to: 1. support continued dialogue with the City of Los Angeles, its City Council Delegates and representatives of the Los Angeles Department of Water and Power to determine the feasibility of partnerships with the Navajo Nation on developing clean energy projects on Navajo land; as long as any such projects include components of tribal ownership; 2. authorize a group of Delegates to lead discussions and/or negotiations with officials from the City of Los Angeles; and 3. authorize the group of designated Delegates to host a formal visit of city officials to the Navajo Nation with the purpose of identifying potential projects for Navajo Nation and the Los Angeles Department of Water and Power to partner on.

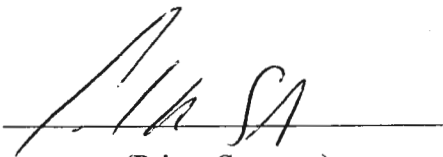
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 6/28/2020
Eligible for Action: 6/29/2020

Resources & Development Committee
Naabik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY:


(Prime Sponsor)

TRACKING NO. 0138-20

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE
AND THE NAABIK'ÍYÁTI' COMMITTEE; ADOPTING A NAVAJO NATION
POSITION SUPPORTING CONTINUED DIALOGUE AND PARTNERSHIP
WITH THE CITY OF LOS ANGELES TO FACILITATE THE DEVELOPMENT
OF CLEAN ENERGY PROJECTS ON THE NAVAJO NATION AND
SUPPORTING EFFORTS FOR THE NAVAJO NATION'S RIGHTS TO USE
500 MWs OF CAPACITY ON THE NAVAJO GENERATING STATION
SOUTHERN AND WESTERN TRANSMISSION SYSTEMS

WHEREAS:

- A. The Navajo Nation Council, the governing body of the Navajo Nation, established the Resources and Development Committee to oversee the regulation of activities on Navajo Nation lands for disposition or acquisition of resources. 2 N.N.C. §102(A); 2 N.N.C. § 500 (C) (2).
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700 (A).
- C. The Naabik'iyáti' Committee has the power to coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation

1 government to provide the most efficient delivery of services to the Navajo Nation.
2 2 N.N.C. § 701 (A) (4).

3 D. The Naabik'íyáti' Committee further has to power to review and continually
4 monitor the programs and activities of federal and state departments and to assist
5 development of such programs designed to serve the Navajo People and Navajo
6 Nation through intergovernmental relationships between the Navajo Nation and
7 such entities. 2 N.N.C. § 701 (A) (7).

8 E. The Navajo Nation and the City of Los Angeles collaborated for more than 40
9 years on energy matters, through the Los Angeles Department of Water and
10 Power's ownership stake in Navajo Generating Station, and the benefits the city
11 derived from electricity generated by the plant.

12 F. In April 2019, the City of Los Angeles adopted an ambitious energy and climate
13 policy that establishes a goal of 100% carbon-free energy across all of the city's
14 energy sectors –electricity, buildings and transportation – by 2050, with
15 benchmarks of 55% renewable electricity by 2025; 80% by 2036; and 100% by
16 2045. Los Angeles' Green New Deal (2019).

17 G. In February 2020, the Los Angeles City Council has passed a resolution to
18 “consider entering into a new partnership with the Navajo Nation to implement
19 solar/clean energy projects on tribal land,” which the city says will allow it to
20 “obtain cost-effective clean energy while ensuring environmental justice and
21 economic equity to members of the Navajo Nation.”

22 H. The Navajo Nation has lost more than \$40 million in revenue from the closure of
23 Navajo Generating Station and Kayenta Mine; and the closures have also caused
24 significant economic hardship for workers and communities on the Navajo Nation.

25 I. The Navajo Nation Council, in accordance with its fiduciary responsibilities to the
26 Navajo Nation and its oversight authority for the Navajo Nation budget, is seeking
27 ways to ameliorate the economic impact of the financial losses resulting from the
28 closure of Navajo Generating Station and Kayenta Mine.

29 J. The past and present owners of Navajo Generating Station, having decided to close
30 down the plant, giving the Navajo Nation little time to plan, have a responsibility

1 to assist the tribe in making the economic transition to a post-coal economy; and to
2 date, none of the past or present owners have yet committed any direct financial
3 resources toward that transition or yet made any binding commitments to
4 partnering with the Navajo Nation on clean energy projects.

5 K. In April 2019, Navajo President Jonathan Nez and Vice President Myron Lizer
6 issued the Navajo Háyoókáál (Sunrise) Proclamation, which states that the Navajo
7 Nation will prioritize renewable energy development for the long-term benefit of
8 the Navajo people.

9 L. The Cameron Chapter recently acted by resolution to withdraw land specifically
10 for the purpose of developing utility-scale solar projects on the land; and other
11 chapters in the Navajo Nation are also pursuing clean energy development.

12 M. The Navajo Tribal Utility Authority, which provides electricity to Navajo homes
13 and businesses, has established a strong track record of developing and operating
14 solar projects, having completed two 27-megawatt solar projects at Kayenta,
15 Arizona.

16 N. On December 11, 2019, Los Angeles City Council member Mitch O'Farrell and
17 Council President Nury Martinez introduced a motion to direct the Los Angeles
18 Department of Water and Power to explore a partnership with the Navajo Nation to
19 develop clean energy projects that are good for the ratepayers of the City of Los
20 Angeles, while ensuring environmental justice and economic equity to members of
21 the Navajo Nation.

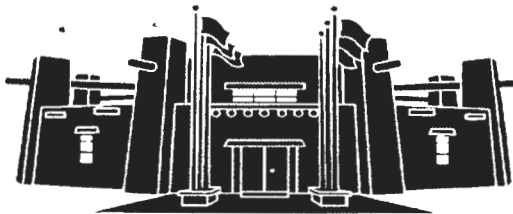
22
23 **NOW, THEREFORE BE IT RESOLVED:**
24

25 A. The Navajo Nation Council's Naabik'íyáti' Committee hereby supports continued
26 dialogue with the City of Los Angeles, its City Council Delegates, and
27 representatives of the Los Angeles Department of Water and Power to determine
28 the feasibility of partnerships with the Navajo Nation on developing clean energy
29 projects on Navajo land; as long as any such projects include components of tribal
30 ownership.

1 B. The Navajo Nation Council's Naabik'íyáti' Committee hereby authorizes a group
2 of Navajo Nation Council Delegates to lead discussions and/or negotiations with
3 officials from the City of Los Angeles.

4 C. The Navajo Nation Council's Naabik'íyáti' Committee hereby authorizes the
5 group of designated Navajo Nation Delegates to host a formal visit of city officials
6 to the Navajo Nation with the purpose of identifying potential projects for Navajo
7 Nation and the Los Angeles Department of Water and Power to partner on.

8 D. The Navajo Nation Council's Naabik'íyáti' Committee hereby directs the
9 Executive Director of the Navajo Office of Legislative Services to transmit copies
10 of this resolution to Los Angeles Mayor Eric Garcetti, Los Angeles City Council,
11 and the Los Angeles Department of Water and Power Board of Commissioners.



MEMORANDUM

TO: Honorable Carl R. Slater
Lukachukai, Round Rock, Tsaile/Wheatfields, Tse Ch'izhi, Rock Point Chapters

FROM:

Mariana Kahn

Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: June 19, 2020

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; ADOPTING A NAVAJO NATION POSITION SUPPORTING CONTINUED DIALOGUE AND PARTNERSHIP WITH THE CITY OF LOS ANGELES TO FACILITATE THE DEVELOPMENT OF CLEAN ENERGY PROJECTS ON THE NAVAJO NATION AND SUPPORTING EFFORTS FOR THE NAVAJO NATION'S RIGHTS OF THE APPROXIMATELY 500 MW (LOS ANGELES DEPARTMENT OF WATER AND POWER SHARE OF TRANSMISSION) OF CAPACITY ON THE SOUTHERN AND WESTERN TRANSMISSION SYSTEM

I have prepared the above-referenced proposed resolution and associated legislative summary sheet. 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.

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).

You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you have any questions regarding this legislation, call or come into the Office of Legislative Counsel to discuss the matter with me.