

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

AN ACTION

**RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
PROJECT COST SAVINGS OF \$2,317,120.42 FROM NTUA POWERLINE PROJECTS
TO BE USED BY NTUA FOR OTHER PROJECTS IN ACCORDANCE WITH THE
SÍHASIN FUND POWER LINE AND CHAPTER PROJECT EXPENDITURE PLAN AS
APPROVED IN NAVAJO NATION COUNCIL RESOLUTION NO. CAP-35-18**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council that has oversight authority over matters involving communication and utilities, chapter activities, economic and community development, public utilities, telecommunications and housing. 2 N.N.C. § 500(A) and § 500(C).
- B. The Resources and Development Committee is authorized to approve expenditures of costs saved under the Síhasin Fund Power Line and Chapter Expenditure Plan. Resolution No. CAP-35-18, Section 4(B)3.

SECTION TWO. FINDINGS

- A. The Navajo Nation Council approved the Síhasin Fund Powerline and Chapter Projects Expenditure Plan ("Síhasin Expenditure Plan") in Resolution No. CAP-35-18. The Síhasin Expenditure Plan governed capital expenditures from the Síhasin Fund in the total amount of one-hundred-million, six-hundred-thousand dollars \$100,600,000.00 (less amounts that were line-item vetoed by the Navajo Nation President), with a total of \$18,696,787.92 allocated to Navajo Tribal Utility Authority ("NTUA") for dozens of power line projects for Navajo families across the Navajo Nation.
- B. In Resolution No. CAP-35-18 the Navajo Nation Council provided that "[w]ith the approval of the Resources & Development Committee, any project costs saved or reduced through leveraging or otherwise shall be available for expenditure on any other project within the respective Chapter deemed construction-ready by CPMD [Capital Projects Management Department]; if there are no construction-ready projects within

the respective Chapter, then, with the approval of the Resources & Development Committee, the saved or reduced costs shall be available for expenditure on any other project within the respective District." Resolution No. CAP-35-18, Section 4(B)3.

- C. During Year One of the Expenditure Plan, NTUA initiated fifteen (15) different projects in eight (8) communities and realized savings within such projects through initiatives such as the Light Up Navajo Project and also the Coronavirus Aid, Relief, and Economic Stimulus ("CARES") Act.
- D. Under the Light up Navajo Project, NTUA partnered with the American Public Power Association with the shared goal of connecting Navajo families on the Navajo Nation to the electric grid for the first time. Between April and May 2019 over 28 utilities and their communities 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 families to the electric grid for the first time. 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.
- E. In March of 2020, the Federal Government passed the CARES Act to help address the negative economic impacts of the COVID-19 pandemic. The Navajo Nation received \$714,000,000 in CARES funds. Resolution No. CMY-44-20 approved the CARES funding expenditure plan for the Navajo Nation. Using its allocated portion of CARES funds, NTUA was able to connect 737 Navajo homes to the electric grid.
- F. From its previous projects approved pursuant to Resolution No. CAP-35-18, for which NTUA received allocations from the Sihasin Fund, the Light Up Navajo Project, and the CARES Act, the total amount of costs savings identified by NTUA is **\$2,317,120.42**. A line-item breakdown of the particular source of the project savings is attached hereto as **EXHIBIT A**. As a result of the cost-saving measures achieved by NTUA under its many projects, the **\$2,317,120.42** is now available to connect more Navajo families to the electric grid.

SECTION THREE. APPROVAL

In accordance with Resolution No. CAP-35-18, Section 4(B)3, the Resources and Development Committee hereby approves the expenditure of **\$2,317,120.42** in cost savings from NTUA's power line projects, as shown in **EXHIBIT A**. Such funds shall be used by NTUA for other

projects within the respective Chapters that are deemed construction-ready by the Capital Projects Management Department, or for other projects within the respective Districts of the Navajo Nation Council Delegates.

SECTION FOUR. EFFECTIVE DATE

This legislation shall become effective pursuant to 2 N.N.C. § 221(C).

SECTION FIVE. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Supreme Court of the Navajo Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the provision(s) not determined invalid shall remain as Navajo Nation law.

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.



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.

Delegation	NO.	CHAPTER	PROJECT DESCRIPTION	Year Funded	SHASHIN Funds Allocated	Chapter Payments	CARES Payments	Total Payments from Customers (F & H)	Actual Cost to Date	CARES ELIGIBLE Expenses	Shashin Expenses	Projected Cost Saving	Cost Saving Approved by RDC	UPDATE
Elmer P Bagby		Whitewater ROW & Const	Powerline Scattered	Year 1	\$70,000.00		\$48,914.13	\$118,914.13	\$123,058.99	\$48,914.13	\$74,144.86			Projects are all closed
				Year 3	\$164,333.49			\$164,333.49				\$160,188.69		
					\$234,333.49	\$0.00	\$48,914.13	\$283,247.62	\$123,058.99	\$48,914.13	\$74,144.86			
Ken A Bagby		Mary Farms ROW & Const	Powerline Phase II	Year 1	\$37,433.20		\$88,883.02	\$124,316.22	\$147,110.13	\$88,883.02	\$40,227.11			Closed to PIS
				Year 2	\$27,567.80			\$27,567.80				\$204,772.89		
					\$265,001.00	\$0.00	\$88,883.02	\$353,884.02	\$147,110.13	\$88,883.02	\$40,227.11			
Vince James		Jonidjichil Const.	Single-Phase Powerline Est. EME - 9 Customers	Year 2	\$371,279.00	\$35,385.00	\$116,448.86	\$523,562.86	\$309,932.34	\$116,448.86	\$193,483.48			Projects are closed
					\$371,279.00	\$35,385.00	\$116,448.86	\$523,562.86	\$309,932.34	\$116,448.86	\$193,483.48	\$215,630.52		
Raymond Smith, Jr.		Hewick ROW & Const.	Powerline 4 Customers	Year 1	\$80,000.00	\$61,556.25	\$169,450.38	\$311,006.63	\$418,464.54	\$169,450.38	\$249,014.16			1 project closed to PIS
				Year 2	\$73,278.00			\$73,278.00				\$249,014.16		
					\$353,278.00	\$61,556.25	\$169,450.38	\$584,364.63	\$418,464.54	\$169,450.38	\$249,014.16	\$169,230.00		
Paul Bagby		Coppertine Const.	IV P/L Project 3 Customers	Year 2	\$400,000.00	\$95,222.41	\$234,408.68	\$729,631.09	\$468,233.64	\$234,408.68	\$233,824.96			closed
					\$400,000.00	\$95,222.41	\$234,408.68	\$729,631.09	\$468,233.64	\$234,408.68	\$233,824.96	\$261,397.45		
Paul Bagby		Salbeto ROW & Const	No 1. Powerline Project 18 SLA customers	Year 1	\$319,187.50	\$0.00	\$311,591.55	\$530,779.05	\$550,436.01	\$311,591.55	\$338,844.46			1 project closed to PIS
				Year 2	\$460,812.50			\$460,812.50						
					\$880,000.00	\$0.00	\$311,591.55	\$991,591.55	\$550,436.01	\$311,591.55	\$338,844.46	\$441,155.54		
Herman M Daniels, Jr.		Hewick Mountain Const.	Rainbow Plateau MAIN Rainbow Plateau EME	Year 2	\$1,041,666.66	\$160,135.00	\$426,336.48	\$1,628,138.14	\$1,187,743.53	\$426,336.48	\$796,417.05			closed
					\$1,041,666.66	\$160,135.00	\$426,336.48	\$1,628,138.14	\$1,187,743.53	\$426,336.48	\$796,417.05	\$440,374.61		
Thomas Walker, Jr.	18	Blind Springs ROW & Partial Const	Powerline Est. Phase III MAIN Phase III EME - 12 Customers	Year 1	\$84,105.00		\$356,501.04	\$340,606.04	\$560,053.35	\$356,501.04	\$303,552.31			closed to PIS
				Year 2	\$649,238.00			\$649,238.00						
					\$733,343.00	\$0.00	\$356,501.04	\$989,844.04	\$560,053.35	\$356,501.04	\$303,552.31	\$429,780.00		

\$2,317,120.42
Total Cost Saving

Cost Saving with Legislation

Delegation	NO.	CHAPTER	PROJECT DESCRIPTION	Year Funded	SHASHIN Funds Allocated	Chapter Payments	CARES Payments	Total Payments from Customers F & H	Actual Cost to Date	CARES ELIGIBLE Expenses	Shashin Expenses	Projected Cost Saving	Cost Saving Approved by RDC	UPDATE
Elmer P Bagby		Treviso	Treviso Scattered Powerline	Year 2	\$331,273.00	\$39,917.86	\$0.00	\$371,200.86	\$144,010.88		\$144,010.88		\$ 188,777.12	Legislation RDCIN-8110-20
Jimmy Yellowhair		Black Mesa	Powerline MAIN	Year 1	\$147,929.52	\$188,606.25	\$0.00	\$1,661,535.77	\$1,201,100.70		\$1,201,100.70		\$ 288,888.18	Legislation RDCIN-24-20

\$2,775,785.64

CARES fund verified against listing provided by ACTING

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EXHIBIT

A

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

THIRD YEAR 2021

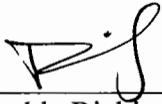
**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0227-21: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING PROJECT COST SAVINGS OF \$2,317,120.42 FROM NTUA POWERLINE PROJECTS TO BE USED BY NTUA FOR OTHER PROJECTS IN ACCORDANCE WITH THE SÍHASIN FUND POWER LINE AND CHAPTER PROJECT EXPENDITURE PLAN AS APPROVED IN NAVAJO NATION COUNCIL RESOLUTION NO. CAP-35-18. *Sponsor: Honorable Vince R. James*

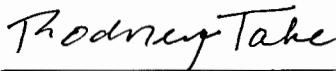
Date: November 10, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee members called in via teleconference from their location within the boundary of the Navajo Nation.

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*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



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