

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.



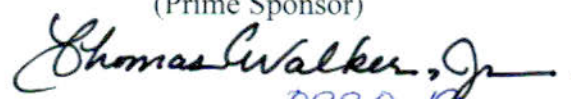
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2388
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'iyati 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).

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

3 D. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all
4 proposed legislation which requires final action by the Navajo Nation Council. 2
5 N.N.C. §164(A)(9)
6

7 **Section Two. The Navajo Nation Síhasin Fund**

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

13 B. The Navajo Nation Code provides the purpose of the Síhasin Fund is as follows:
14 §2502 Purpose

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

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

23 2. Education opportunities for members of the Navajo Nation.

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

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

30 12 N.N.C. §2502, as amended by CJA-03-18

1 C. The Sihasin Fund provides that "Fund Principal" shall consist of all deposits made to
2 the Sihasin Fund and that "Fund Income" shall consist of all earnings (interest,
3 dividends, etc.) generated and realized by the Fund Principal, and that Fund Income
4 shall be deposited in and added to the Fund Principal until such time as a Fund
5 Expenditure Plan is duly adopted. 12 N.N.C. §§2504 and 2505(C).
6

7 **Section Three. Findings**

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

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

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

1 \$10,500. The fees for obtaining surveys, easements, permits and clearances is
2 substantial. Therefore, the Nation finds that the allocation of one million dollars
3 (\$1,000,000) from the Sihasin Fund to the Navajo Tribal Utility Authority to assist
4 Navajo families in paying for costs associated with surveys, easements, permits and
5 clearances is within the best interest of the Navajo Nation.

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

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

13 F. The Navajo Nation finds that the allocation of one million dollars (\$1,000,000) to the
14 Navajo Tribal Utility Authority to address the need for electrical powerline extensions is
15 regional infrastructure and therefore meets the requirements for “planning and
16 development of regional infrastructure supporting economic and community
17 development, including housing, within the Navajo Nation,” as required by 12 N.N.C.
18 2502(A).

19 **Section Four. Approval and Adoption of Expenditure Plan**

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

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

1 **Section Five. Approval and Adoption of Expenditure Plan Administration**

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

- 4 1. The Navajo Nation Controller shall determine whether the source the one
5 million dollars (\$1,000,000.00) will be Síhasin Fund Principal or Income or a
6 combination of both.
- 7 2. The funds allocated to NTUA shall be used to pay the fees, charges,
8 assessments and other costs associated with the acquisition of Right of Ways
9 and Service Lines to connect Navajo homes to the electric grid, and NTUA shall
10 utilize all cost-savings for additional projects to connect Navajo families to the
11 electric grid.
- 12 3. The funding for the NTUA Right of Way and Service Line Project shall be
13 distributed to NTUA during the Navajo Nation Fiscal Year 2020, or earlier,
14 pursuant to a project budget plan or other such schedule agreed to by the Office
15 of the Controller and NTUA within fifteen (15) days of the formal adoption of
16 this legislation.
- 17 4. The funds allocated for the NTUA Right of Way and Service Line Project shall
18 not lapse on an annual basis pursuant to 12 N.N.C. § 820 (N) or otherwise be
19 returned or deposited in the Síhasin Fund Principal or Navajo Nation General
20 Fund, however, any funds not spent or encumbered within five (5) years of the
21 date funds are made available to NTUA shall revert back to the Síhasin Fund
22 principal, unless approved by the Naabik'iyati Committee.
- 23

24 **Section Six. Effective Date**

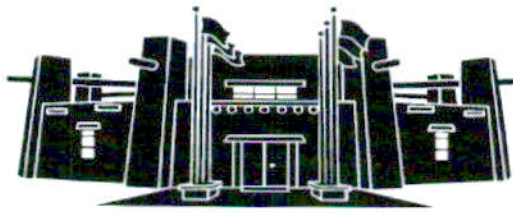
25 The NTUA Right of Way and Service Line Expenditure Plan, as set forth above, shall become
26 effective pursuant to 12 N.N.C. §2505.

27

28 **Section Seven. Directives**

29 The NTUA General Manager and Management Board, as well as Navajo Nation Programs
30 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 and Vice President on the progress of their respective tasks.



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'YATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; ALLOCATING ONE MILLION DOLLARS (\$1,000,000) TO THE NAVAJO TRIBAL UTILITY AUTHORITY FROM THE SIHASIN 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'iyáti' 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'iyáti' 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

Posted: November 07, 2019 at 2:57 PM

5 DAY Comment Period Ended: November 12, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

11/13/19 8:24am

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 COMMITTEE
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

BUDGET AND FINANCE COMMITTEE REPORT

24TH Navajo Nation Council

SECOND YEAR 2020

Mr. Speaker,

The Budget and Finance Committee to whom has been assigned:

Legislation 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 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

Sponsor: Honorable Otto Tso

Co-Sponsors: Honorable Thomas Walker, Jr., Honorable Mark Freeland and
Honorable Carl R. Slater

Has had it under consideration and reports a **DO PASS** recommendation with an amendment.

Page 5 of 6, line 4, Delete ~~whether~~, and
line 5, delete ~~Principal or and or a~~, and
line 6, delete ~~combination of both~~

And thence Legislation 0330-19 is referred to the Naabik'iyati' Committee.

Respectfully Submitted,



Honorable Jamie Henio, Chairperson

Date: January 7, 2020 --- Regular Meeting

Meeting Location: Budget and Finance Committee Conference Room
Window Rock, AZ

Main Motion: Hon. Jimmy Yellowhair

Seconded: Hon. Nathaniel Brown

Yeas: Hon. Jimmy Yellowhair, Hon. Raymond Smith, Jr., & Hon. Nathaniel Brown

Nays: Hon. Amber K. Crotty

Vote: 3-1-1 (Chairperson not voting)

BUDGET AND FINANCE COMMITTEE

7 January 2020

Regular Meeting

VOTE TALLY SHEET:

Legislation 0330-19: An Action Relating to the Resources and Development Committee, Budget and Finance Committee, Naabik'iyáti' 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 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 *Sponsored by Otto Tso, Thomas Walker, Jr., Mark Freeland and Carl R. Slater, Council Delegates*

Motion: Jimmy Yellowhair

Second: Nathaniel Brown

Vote: 3-1, Chairman not voting

Vote Tally:

Jamie Henio		
Jimmy Yellowhair	yay	
Raymond Smith Jr.	yay	
Elmer P. Begay		
Amber K. Crotty		nay
Nathaniel Brown	yay	

Absent: Elmer P. Begay



Jamie Henio, Chairman
Budget & Finance Committee



Martha Ellison, Legislative Advisor
Budget & Finance Committee

24th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Second Year 2020

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0330-19

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

Sponsored by: Honorable Otto Tso

Co-Sponsored by: Honorable Mark A. Freeland

Co-Sponsored by: Honorable Carl R. Slater

Co-Sponsored by: Honorable Thomas Walker, Jr.

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Eugenia Charles-Newton, Chairwoman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE*

9 January 2020

MAIN MOTION

Motioned by: Honorable Thomas Walker, Jr.

Seconded by: Honorable Edison J. Wauneka

Vote: 13 in Favor, 01 Opposed (Chairwoman Pro Tem Charles-Newton Not Voting)

NAVAJO NATION

407

1/9/2020

Naa'bik'iyati Committee Meeting

03:05:31 PM

Amd# to Amd#	Legislation 0330-19: Allocating	PASSED
MOT Walker, T	On Million Dollars (\$1,000,000)	
SEC Wauneka, E	to the Navajo Tribal Utility	
	Authority from the Sihasin....	

Yeas : 13

Nays : 1

Excused : 17

Not Voting : 1

Yea : 13

Begay, E
Daniels
Halona, P
Henio, J

Slater, C
Smith
Stewart, W

Tso, C
Tso, D
Tso, E

Walker, T
Wauneka, E
Yellowhair

Nay : 1

Crotty

Excused : 17

Begay, K
Begay, P
Brown
Damon

Freeland, M
James, V
LA1
LA2

LA4
LC
Nez, R
PR1

PR2
PR3
Tso, O
Yazzie

Not Voting : 1

DOJ

Presiding Speaker: Charles-Newton

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'iyáti' 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	1) Walter W. Haase, General Manager, NTUA
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

1/29/20 3:20pm
Date/Time



NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

MEMORANDUM

TO: Honorable 24th Navajo Nation Council

FROM: 
Walter W. Haase, General Manager

DATE: January 24, 2020

SUBJECT: Legislation No. 0330-19, \$1M Sihasin Funding to NTUA to Connect Navajo Homes to the Electric Grid under Initiatives such as Light Up Navajo! FOR COSTS ASSOCIATED WITH THE ACQUISITION OF RIGHTS-OF-WAY (ROWs) and SERVICE LINE AGREEMENTS (SLAs)

The Navajo Tribal Utility Authority (NTUA) provides this letter of explanation and support for Legislation No. 0330-19.

NEED

There are approximately 15,000 families on the Navajo Nation that are not connected to the electric grid. This represents approximately 70% of all the households in the United States that do not have electricity. Over the last 11 years NTUA has connected 5,213 homes to the electric grid, an average of 474 homes per year.

Over the last three years it has cost an average of approximately \$40,000 per family to connect to the electric grid. To connect all 15,000 families to the electric grid would cost about \$600 million. To construct the necessary electric transmission and distribution stations to support the connection of the 15,000 families would cost an additional \$400 million. The total project cost would be over \$1 billion. If NTUA borrows the \$1 billion and finances it over 40 years, even at zero percent interest, NTUA would have to raise residential electric rates to over \$6,000 per year per family. No one could afford these rates!

RESPONSE

In an effort to increase the amount of families connected to the electric grid without causing a significant electric rate increase, NTUA piloted a unique and innovative project called Light Up Navajo last year.

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

We partnered with the American Public Power Association (APPA) to bring 138 utility line workers from 13 states to help connect more Navajo families to the grid. These 138 individuals brought donated labor, resulting in NTUA stretching every dollar NTUA has a little bit further. While the employers donated the labor costs, the 138 individuals donated any time that would be considered overtime and they voluntarily left their families and their respective 28 communities for a week or two at a time.

In addition, 347 NTUA employees volunteered over 1,200 hours of personal time to the initiative. The individuals contributed nearly 33 crew weeks and over 10,000 man hours toward the 2019 Light Up Navajo initiative. Both NTUA and the laborers constructed over 50 miles of electric distribution lines in six (6) weeks, connecting 233 families for the first time to the electric grid.

During the June 2019 Navajo Nation Council session, several Delegates commented that they wanted to see Light Up Navajo continued **and expanded**. Several Delegates expressed that they felt that the Navajo Nation should contribute to future initiatives and challenged NTUA to expand future initiatives so that more families could be helped.

NTUA is stepping up to the Council's challenge by increasing the families served by Light Up Navajo II from 223 to 300. In addition, NTUA has extended the Light Up Navajo project from 6 to 12 weeks, starting April 6, 2020. We now have a blueprint based on the pilot project.

The partnerships that developed from last year's Light Up Navajo are growing and include more utilities. The roster for outside electric crews is filled. There will be crews from 48 cities/communities representing 12 states.

We are able to grow Light Up Navajo II from 33 crew weeks of labor to 48 crew weeks of labor. Additional partners for Light Up Navajo II include the Navajo Land Department, the Navajo Forestry Department, the Bureau of Indian Affairs, and the Navajo Nation Council.

LEGISLATION

The contribution received from donated labor is only part of the cost to provide electric service. Based upon historical costs to acquire ROWs and SLAs for residential electric distribution lines, NTUA averages that it costs roughly \$17,000/mile OR roughly \$5,000 per home.

ROW and SLA costs include but is not limited to engineering costs, survey costs, design costs, archaeologic and cultural services, biological and wildlife services, obtaining consent from permittees, tree cutting, tree trimming, and costs associated with other permits too lengthy to list.

A grant from the Navajo Nation is needed to expand the number of families served from 233 to 300 families. The increase of 67 homes in the Light Up Navajo II project is expected to cost about \$350,000. This is a rough number as each ROW or SLA is unique.

The remaining \$650,000 will be used for future Light Up Navajo projects. In addition, unless there is a community project that is being served by Light Up Navajo II, we can only serve families who can obtain a Service Line Agreement.

This means we can only serve a family that lives within one mile of a power line. With the \$650,000, we are going to be able to grow future Light Up Navajo projects so we can serve families that live beyond one mile of a power line.

The legislation permits NTUA to utilize the \$1 million for up to five years, unless extended, and I am confident NTUA will be able to utilize this funding within a five year time frame.

Finally, the table shows estimated costs for the Light Up Navajo II project.

Light Up Navajo II - Total Budget (300 families)		Time Line
Rights-of Way (ROW)	\$ 1,493,286.25	July 2019 to April 2020
Materials, Equipment, Accommodations	\$ 1,759,780.83	March to June 2020
Labor / A&G	\$ 3,299,715.44	April to June 2020
Total	\$ 6,552,782.52	

As with the previous Light Up Navajo, NTUA will solicit for private and corporate donations and grants from other funding Agencies to cover the costs and minimize the burden to customers. In addition, NTUA will continue to contribute its own resources. To learn more about the success of the 2019 Light Up Navajo project, visit www.publicpower.org/LightUpNavajo or contact Deenise Becenti, Government and Public Affairs Manager, at 928-729-6221 or dbecenti@ntua.com.

24th NAVAJO NATION COUNCIL

ACTION REPORT

Second Year 2020

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0330-19

An Action Relating to the Resources and Development Committee, Budget and Finance Committee, Naabik'iyáti' 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

Sponsored by: Honorable Otto Tso


Co-Sponsored: Honorable Mark A. Freeland

Co-Sponsored: Honorable Carl R. Slater

Co-Sponsored: Honorable Thomas Walker, Jr.

Has had it under consideration and reports the same that the legislation **WAS TABLED**.

Respectfully Submitted,



Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

20 APRIL 2020

TABLING MOTION

Motion to Table Legislation 0330-19 Until the Navajo Nation Council Summer Session.

Motioned by: Honorable Rickie Nez

Seconded by: Honorable Eugenia Charles-Newton

Vote: 13 in Favor, 10 Opposed (Speaker Damon Not Voting)

MAIN MOTION

Motioned by: Honorable Raymond Smith, Jr.

Seconded by: Honorable Pernell Halona

Vote: VOTE PENDING

NAVAJO NATION

304

4/20/2020

Navajo Nation Council Spring Session

11:43:29 AM

Amd# to Amd#

Table Legislation 0330-19 to
the Summer Session

PASSED

MOT Nez, R

SEC Charles-Newton

Yeas : 13

Nays : 10

Excused : 0

Not Voting : 0

Yea : 13

Begay, E
Begay, P
Charles-Newton
Halona, P

Henio, J
James, V
Nez, R

Stewart, W
Tso, D
Walker, T

Wauneka, E
Yazzie
Yellowhair

Nay : 10

Begay, K
Brown
Crotty

Daniels
Freeland, M
Slater, C

Smith
Tso

Tso, C
Tso, E

Excused : 0

Not Voting : 0

Presiding Speaker: Damon