

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016**

**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 WHICH
SHALL EXPIRE IN OCTOBER 2018**

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 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); 21 N.N.C. § 7(C).

C. Pursuant to 21 N.N.C. § 9(A) the Management Board shall consist of seven persons; the Resources and Development Committee previously appointed Mr. Leonard Tsosie, a member of the Resources and Development Committee, to the NTUA Management Board on July 11, 2012 whose term expired at the NTUA annual board meeting in October 2012. See Resolution RDCJY-116-12. Mr. Leonard Tsosie was reappointed pursuant to Resolution RDCD-88-14 for a three year term from October 2012 to October 2015.

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), the appointment would be for a period of three (3) years to expire with the annual board meeting in October of 2018.

Section Three. Approval of Appointment

The Navajo Nation hereby confirms the appointment of Mr. Alton Joe Shepherd to serve on the Navajo Tribal Utility Authority's Management Board of Directors for a term of three (3) years to apply until the annual board meeting in October 2018.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Chinle Apache County Administrative Complex, (Navajo Nation) Chinle, Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, 1 abstained this 22nd day of March, 2016.



**Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

**Motion: Honorable Walter Phelps
Second: Honorable Leonard Pete**

LEGISLATIVE SUMMARY SHEET

Tracking No. 0075-14

DATE: March 7, 2016

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; 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 WHICH SHALL BE RETROACTIVE TO OCTOBER 2015 AND EXPIRE IN OCTOBER 2018

PURPOSE: This resolution, if approved, will confirm the reappointment by the Resources and Development Committee, who has the authority to grant final confirmation of appoints to enterprise broads pursuant to 2 N.N.C. § 501(B)(9), of a member of the Resources and Development Committee to the Navajo Tribal Utility Authority Management Board of Directors for a term of three (3) years, which shall be retroactive to October 2015 and expire as of the annual board meeting in October 2018.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 3:48 pm 3/16/16
Posting End Date: 3/15/2016
Eligible for Action: 3/16/2016

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

INTRODUCED BY


(Sponsor) 

TRACKING NO. 0075-16

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 WHICH SHALL BE RETROACTIVE TO OCTOBER 2015 AND EXPIRE IN
OCTOBER 2018

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 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

1 services for the benefit of residents of the Navajo Nation, including the establishment,
2 ownership, operation and maintenance of electric generating, telecommunications and
3 information services on or off the Navajo Reservation; and to provide utility
4 generation, telecommunications and information services on a non-profit basis and at
5 a reasonable cost to residents of the Navajo Nation consistent with the economical
6 operation of the Enterprise.

7 B. Pursuant to 21 N.N.C. § 7(A)(1) the NTUA Management Board shall have the
8 authority and responsibility for the management and operation of the Enterprise,
9 among other powers and duties. See 21 N.N.C. § 7(A)(2-13); 21 N.N.C. § 7(B)(1-
10 13); 21 N.N.C. § 7(C).

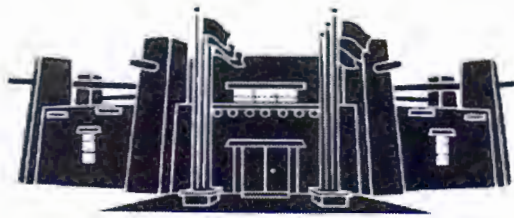
11 C. Pursuant to 21 N.N.C. § 9(A) the Management Board shall consist of seven persons;
12 the Resources and Development Committee previously appointed Mr. Leonard
13 Tsosie, a member of the Resources and Development Committee, to the NTUA
14 Management Board on July 11, 2012 whose term expired at the NTUA annual board
15 meeting in October 2012. See Resolution RDCJY-116-12. Mr. Leonard Tsosie was
16 reappointed pursuant to Resolution RDCD-88-14 for a three year term from October
17 2012 to October 2015.

18 D. Pursuant to 21 N.N.C. § 9(B)(1), four of the directors shall be members of the Navajo
19 Nation who speak English with fluency and who have sufficient education and
20 experience to qualify them for learning utility business practices and procedures and
21 making sound judgments.

22 E. Pursuant to 21 N.N.C. § 9(C)(2), the appointment would be for a period of three (3)
23 years retroactive to October 2015 and would expire with the annual board meeting in
24 October of 2018.

25 26 Section Three. Approval of Appointment

27 The Navajo Nation hereby confirms the appointment of Mr.
28 _____ to serve on the Navajo Tribal Utility Authority's Management
29 Board of Directors for a term of three (3) years to apply retroactively from October 2015
30 until the annual board meeting in October 2018.



MEMORANDUM

To : Honorable Davis Filfred
Mexican Water, To'likan, Teenospos, Aneth, Red Mesa Chapters

From : Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

Date : March 7, 2016

Re : PROPOSED STANDING COMMITTEE RESOLUTION; 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 WHICH SHALL BE RETROACTIVE TO
OCTOBER 2015 AND EXPIRE IN OCTOBER 2018

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. **Please note that a blank space has been left in the legislation for the RDC to place the name of a Committee member.** 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 his 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.

Thank you for your service to the Navajo Nation.

16-250-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0075-16_____ SPONSOR: Davis Filfred

TITLE: An Action 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 Which Shall Be Retroactive To October 2015 And Expire In October 2018.

Date posted: March 10, 2016 at 3:48pm

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 Nav, ajo 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.: 0075-16

SPONSOR: Honorable Davis Filfred

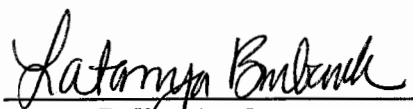
TITLE: An Action Relating to Resources and Development Committee; Confirming the Appointment of a Member of the Resources and Development Committee to Serve on the Navajo Tribal Utility Authority Management Board of Directors for a Term of Three Years which shall be retroactive to October 2015 and Expire in October 2018

Posted: March 6, 2016 at 3:48 pm

5 DAY Comment Period Ended: March 15, 2016

Digital Comments received:

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


**Policy Analyst
Office of Legislative Services**

3/16/16 8:21am
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23rd NAVAJO NATION COUNCIL

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The RESOURCES AND DEVELOPMENT COMMITTEE to whom has been assigned:

LEGISLATION: 0075-16: 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 Which Shall be Retroactive to October 2015 and Expire in October 2018. *Sponsor: Honorable Davis Filfred*

Has had it under consideration and reports the same with the following amendments:

AMENDMENT # 1: (Davis Filfred/Leonard Pete/5-0-1 (VCNV))

Page 2, Line 28, Insert "Alton Joe Shepherd".

AMENDMENT # 2: (Leonard Pete/Walter Phelps/4-0-1 (VCNV))

Page 1, Line 15, Delete "~~be retroactive to October 2015 and~~"; and

Page 2, Line 22, delete "~~be for a period of the three (3) years retroactive to October 2015 and would~~"; and

COMMITTEE REPORT - Legislation # 0075-16
Page 2

AMENDMENT # 2 (Continued):

Page 2, Line 29, delete "~~retroactively from October 2015~~"

Thereafter the matter was respectfully approved and Resolution # RDCMA-17-16 was issued

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ben Bennett', with a stylized flourish at the end.

Benjamin Bennett, Vice-Chairperson
Resources and Development Committee of
the 23rd Navajo Nation Council

Date: March 22, 2016
Main Motion: Walter Phelps
Second: Leonard Pete
Vote: 5-0-1 (VCNV) With Two Amendments