LEGISLATION NO: _0087-19_____  SPONSOR: Wilson Stewart, Jr.

TITLE: An Action Relating To Resources And Development; Approving Amendments To The Navajo Nation Water Use Fee Structure

Date posted: April 12, 2019 at 4:18pm

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DATE: April 3, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING AMENDMENTS TO THE NAVAJO NATION WATER USE FEE STRUCTURE

PURPOSE: If approved, this legislation would amend the Navajo Nation Water Use Fee Structure as proposed by the Navajo Nation Water Resources Department, Navajo Nation Division of Natural Resources.

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.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0087-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING
AMENDMENTS TO THE NAVAJO NATION WATER USE FEE STRUCTURE

BE IT ENACTED:

Section One. Authority

A. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 500(C), exercises oversight authority over water.

B. The Resources and Development Committee of the Navajo Nation Council is oversight authority over the Division of Navajo Nation Natural Resources. 2 N.N.C. § 501 (C) (1).

C. The Resources and Development Committee of the Navajo Nation Council is authorized to impose reasonable fees for the use of the waters of the Navajo Nation. 22 N.N.C. § 1307.

Section Two. Findings

A. The Navajo Nation Water Resources Department, Navajo Nation Division of Natural Resources is proposing amendments to the Navajo Water Use Fee Structure.

B. In 1997, by resolution RCAP-65-97, Exhibit A, the Resources Committee established a water use fee structure.
C. In 2010, by resolution RCJA-04-10, Exhibit B, the Resources Committee amended the Navajo Water Use Fee Structure by increasing the Construction, Industrial and Mining Water Use Fee from $2.70 per 1,000 gallons to $4.00 per 1,000 gallons as a result of inflation. The other water use fees remained unchanged.

D. Due to continuing inflation, the rising cost of administration, and the increased costs to operate and maintain the Nation’s water delivery systems (Sec, Exhibit C), the Navajo Nation Water Resources Department recommends amending the Commercial Water Use Fee from 27¢ per 1,000 gallons to 50¢ per 1,000 gallons; the Government Agency Water Use Fee from 13.5¢ per 1,000 gallons to 27¢ per 1,000 gallons; the Construction, Industrial and Mining Water Use fee from $4.00 per 1,000 gallons to $5.50 per 1,000 gallons; rescinding the waiver of the collection of the water use fee from commercial water users using less than 40,000 gallons of water during any three-month billing period; and applying the Navajo Nation 6% Sales Tax to the total water rate cost. All other water use fees will remain unchanged.

E. The Executive Review Form Document Number 011212 and Navajo Nation Department of Justice Document Review Request Form are attached as Exhibit D and shown to be “sufficient.”

Section Three. Approval

A. Resources and Development Committee of the Navajo Nation Council hereby approves the amendments to the Navajo Nation Water Use Fee Structure as follows:

1. The Commercial Water Use Fee from 27¢ per 1,000 gallons to 50¢ per 1,000 gallons;

2. The Government Agency Water Use Fee from 13.5¢ per 1,000 gallons to 27¢ per 1,000 gallons;

3. The Construction, Industrial and Mining Water Use fee from $4.00 per 1,000 gallons to $5.50 per 1,000 gallons;
4. Rescinding the waiver of the collection of the water use fee from commercial water users using less than 40,000 gallons of water during any three-month billing period;

5. Applying the Navajo Nation 6% Sales Tax to the total water rate cost.

B. All other water use fees will remain unchanged.