TITLE: An Action Relating To Law And Order, And Resources And Development, Budget And Finance, And NAABIK’IYATI Committee And The Navajo Nation Council, Approving Amendments To 21 N.N.C. §7 (b) (12) Increasing The Navajo Tribal Utility Authority’s Debt Limit

Date posted: July 11, 2019 at 11:42 AM

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DATE: June 28, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL, APPROVING AMENDMENTS TO 21 N.N.C. §7 (b) (12) INCREASING THE NAVAJO TRIBAL UTILITY AUTHORITY'S DEBT LIMIT

PURPOSE: The purpose of this proposed resolution is to make amendments to 21 N.N.C. §7 (b) (12), regarding the Navajo Tribal Utility Authority's total outstanding long-term debt from two hundred million dollars ($200,000,000) to one billion five hundred million dollars ($1,500,000,000).

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 NAVAJO NATION COUNCIL. RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

[Signature]

(Prime Sponsor)

TRACKING NO. 01910-19

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE
NAVAJO NATION COUNCIL, APPROVING AMENDMENTS TO
21 N.N.C. §7 (b) (12) INCREASING THE NAVAJO TRIBAL UTILITY
AUTHORITY’S DEBT LIMIT

BE IT ENACTED:

Section One. Authority

A. The Law and Order Committee empowered to review and make
recommendations to the Navajo Nation Council on proposed Navajo Nation
Code amendments and enactments. 2 N.N.C. § 601 (B)(14).

B. The Resources and Development Committee has oversight authority over public
utilities. 2 N.N.C. § 500.

C. The Budget and Finance Committee has oversight authority over finance matters
of the Nation. 2 N.N.C. § 300.

D. The Navajo Nation Council established the Naabik'iýati' Committee as a
Navajo Nation standing committee and as such proposed legislation that requires
final action by the Navajo Nation Council shall be assigned to the Naabik'iýati'
Committee. 2 N.N.C. § 700 (A).
E. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A).

Section Two. Findings

A. The Navajo Tribal Utility Authority plans to make significant investments intended to improve and expand NTUA’s utility facilities as well as acquire new facilities to serve customers within the Navajo Nation.

B. The Navajo Tribal Utility Authority’s current Ten Year Plan exceeds the current debt limit of $500 million.

C. The Navajo Tribal Utility Authority requests to increase its borrowing capacity to $1.5 billion.

Section Three. Amendments to 21 N.N.C. § 7 (b) (12)

The Navajo Nation hereby amends Title 21, Navajo Nation Code as follows:

NAVajo Nation CoDe AnnotateD
Title 21. Public UtiliTes and Communications
Chapter 1. NavaJo TribaL UtiliTy Authority
Subchapter 1. Generally

§ 7. Management Board: purpose; duties and powers

* * * * *

B. Enumerated powers. Subject to Navajo Nation Council approval where required, and applicable Navajo Nation and federal laws and regulations, and solely in furtherance of the limited purposes set forth in 21 N.N.C. § 5, the management board shall have the following powers:
12. To borrow funds. To borrow money, make and issue notes, obligations and bonds of the authority for any of its purposes and to secure payment thereof by pledge of, or lien on, all or any of its fixtures, personality, revenues, income or contracts. The total outstanding long-term debt of the authority at any one time shall not exceed two hundred million dollars ($200,000,000) one billion five hundred million dollars ($1,500,000,000).

Section Four. Effective Date

The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221.

Section Five. Codification

The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section Six. Saving Clause

Should any provisions of this ordinance be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.