

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0227-21_

SPONSOR: Vince R. James

TITLE: 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 Sihasin Fund Power Line and Chapter Project Expenditure Plan as Approved in Navajo Nation Council Resolution No. CAP-35-18

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LEGISLATION SUMMARY SHEET

TRACKING NO. 0227-21

DATE: October 12, 2021

TITLE OF LEGISLATION: 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

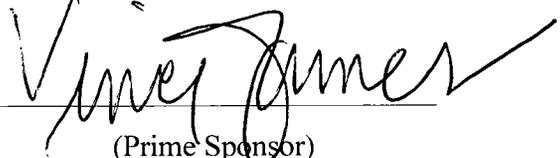
PURPOSE OF THIS LEGISLATION: to approve \$2,317,120.42 in cost savings experienced by NTUA from their previous projects approved under Resolution No. CAP-35-18; to allow NTUA to use this \$2,317,120.42 for other projects in accordance with Section 4(B)3 of CAP-35-18.

OLC No. 21-295-1

5-DAY BILL HOLD PERIOD: VSpredhuul
Website Posting Time/Date:
Posting End Date: November 9, 2021
Eligible for Action: November 10, 2021

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Third Year, 2021

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 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 SIHASIN 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 communications, 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 new or revised expenditures of costs saved from completed projects funded pursuant to the Sihasin 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 Sihasin Fund Powerline and Chapter Projects

1 Expenditure Plan (“Síhasin Expenditure Plan”) in Resolution No. CAP-35-18. The Síhasin
2 Expenditure Plan governed capital expenditures from the Síhasin Fund in the total amount of
3 one-hundred-million, six-hundred-thousand dollars \$100,600,000.00 (less amounts that were
4 line-item vetoed by the Navajo Nation President), with a total of \$18,696,787.92 allocated to
5 Navajo Tribal Utility Authority (“NTUA”) for dozens of power line projects for Navajo
6 families across the Navajo Nation.

7 B. In Resolution No. CAP-35-18 the Navajo Nation Council provided that “[w]ith the approval
8 of the Resources & Development Committee, any project costs saved or reduced through
9 leveraging or otherwise shall be available for expenditure on any other project within the
10 respective Chapter deemed construction-ready by CPMD [Capital Projects Management
11 Department]; if there are no construction-ready projects within the respective Chapter, then,
12 with the approval of the Resources & Development Committee, the saved or reduced costs
13 shall be available for expenditure on any other project within the respective District.”
14 Resolution No. CAP-35-18, Section 4(B)3.

15 C. During Year One of the Expenditure Plan, NTUA initiated fifteen (15) different projects in
16 eight (8) Navajo Nation communities and realized cost savings within such projects through
17 initiatives such as the Light Up Navajo Project and also the Coronavirus Aid, Relief, and
18 Economic Stimulus (“CARES”) Act.

19 D. Under the Light up Navajo Project, NTUA partnered with the American Public Power
20 Association with the shared goal of connecting Navajo families on the Navajo Nation to the
21 electric grid for the first time. Between April and May 2019 over 28 utilities and their
22 communities across 13 states and over 138 external non-NTUA volunteers and 349 NTUA
23 volunteers came to the Navajo Nation and fulfilled their goal by connecting 233 Navajo
24 families to the electric grid for the first time. The Navajo families that benefited from the Light
25 Up Navajo Project are located throughout the Navajo Nation within the states of Arizona,
26 New Mexico and Utah.

27 E. In March of 2020, the Federal Government passed the CARES Act to help address the
28 negative economic impacts of the COVID-19 pandemic. The Navajo Nation received
29 \$714,000,000 in CARES funds. Resolution No. CMY-44-20 approved the CARES funding
30 expenditure plan for the Navajo Nation. Using its allocated portion of CARES funds, NTUA

1 was able to connect 737 Navajo homes to the electric grid.

2 F. From its previous projects approved pursuant to Resolution No. CAP-35-18, for which NTUA
3 received allocations from the Sihasin Fund, the Light Up Navajo Project, and the CARES
4 Act, the total amount of costs savings identified by NTUA is **\$2,317,120.42**. A line-item
5 breakdown of the particular source of the project savings is attached hereto as **EXHIBIT A**.
6 As a result of the cost-saving measures achieved by NTUA under its many projects, the
7 **\$2,317,120.42** is now available to connect more Navajo families to the electric grid.

8 9 **SECTION THREE. APPROVAL**

10 In accordance with Resolution No. CAP-35-18, Section 4(B)3, the Resources and Development
11 Committee hereby approves the expenditure of **\$2,317,120.42** in cost savings from NTUA's
12 power line projects, as shown in **EXHIBIT A**. Such funds shall be used by NTUA for other
13 projects within the respective Chapters that are deemed construction-ready by the Capital
14 Projects Management Department, or for other projects within the respective Districts of the
15 Navajo Nation Council Delegates.

16 17 **SECTION FOUR. DIRECTIVE TO NTUA**

18 NTUA is hereby directed to prepare a report describing all projects that will be paid for with the
19 **\$2,317,120.42** in funds approved in this legislation. This report shall be provided to the
20 Resources and Development Committee within thirty (30) calendars days following the effective
21 date of this legislation.

22 23 **SECTION FIVE. EFFECTIVE DATE**

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

25 26 **SECTION SIX. SAVING CLAUSE**

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