

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0046-23\_

SPONSOR: Vince R. James

**TITLE: An Action Relating to Resources and Development Committee; Approving a Reallocation of \$1,790,553.82 in Cost Savings from Certain NTUA Powerline Projects in the Teec Nos Pos, Kinlichee, Klagetoh, Chilchinbeto, and Wide Ruins Chapters, to New NTUA Projects, in Accordance with Section Four(B)(3) of CAP-35-18**

*Date posted:* March 30, 2023 5:25 PM

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## **SUMMARY OF PROPOSED LEGISLATION**

TrackingNo. 0046-23

Date: March 30, 2023

**Re: AN ACTION RELATING TO THE RESOURCES & DEVELOPMENT COMMITTEE; APPROVING A REALLOCATION OF \$1,790,553.82 IN COST SAVINGS FROM CERTAIN NTUA POWERLINE PROJECTS IN THE TEEC NOS POS, KINLICHEE, KLAGETOH, CHILCHINBETO, AND WIDE RUINS CHAPTERS, TO NEW NTUA PROJECTS, IN ACCORDANCE WITH SECTION FOUR(B)(3) OF CAP-35-18**

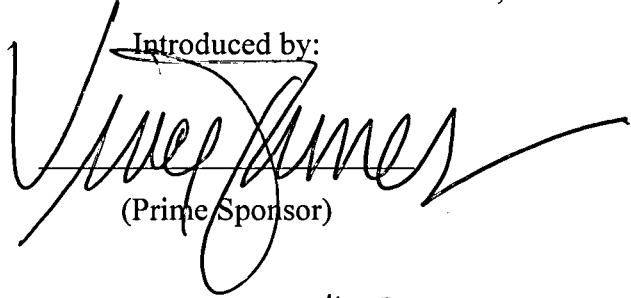
### **Purpose of this Legislation:**

to approve a reallocation of \$1,790,553.82 in cost savings from NTUA powerline projects funded and approved for NTUA under CAP-35-18; said funds will be used for new NTUA projects in the same five chapters, or in the Council District of the same four Delegates, in accordance with Section FOUR(B)(3) of CAP-35-18.

OLC No. 23-059-1

5-DAY BILL HOLD PERIOD: A Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-04-23  
Eligible for Action: 04-05-23

PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:  
  
(Prime Sponsor)

Tracking No. 0046-23

**AN ACTION**  
**RELATING TO THE RESOURCES & DEVELOPMENT COMMITTEE;**  
**APPROVING A REALLOCATION OF \$1,790,553.82 IN COST SAVINGS FROM**  
**CERTAIN NTUA POWERLINE PROJECTS IN THE TEEC NOS POS, KINLICHEE,**  
**KLAGETOH, CHILCHINBETO, AND WIDE RUINS CHAPTERS, TO NEW NTUA**  
**PROJECTS, IN ACCORDANCE WITH SECTION FOUR(B)(3) OF CAP-35-18**

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

A. The Resources & Development Committee (“RDC”) is a standing committee of the Navajo Nation Council with oversight authority over Chapter activities. 2 N.N.C. §500(C). The RDC also has the authority to review operations of Navajo Nation Enterprises, including the Navajo Tribal Utility Authority (“NTUA”). 2 N.N.C. §501(B)(4)(e).

B. In April of 2018 the Navajo Nation Council approved Resolution No. CAP-35-18, titled: “Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the Capital Improvement Process.” Resolution No. CAP-35-18 is incorporated herein by reference.

C. In CAP-35-18 the Navajo Nation Council approved a Sihasin Fund Expenditure Plan for

1 NTUA, along with funding in the amount of \$18,696,787.92, for NTUA to implement  
2 numerous powerline projects to connect many Navajo homes to the electric power grid.

3 D. Navajo Nation President Russell Begaye line-item vetoed CAP-35-18, but the Síhasin Fund  
4 Expenditure Plan for NTUA and the approved funding for NTUA's projects were not  
5 affected.

6 E. CAP-35-18, at Section FOUR(B)(3), states:

7 With the approval of the Resources & Development Committee, any project  
8 costs saved or reduced through leveraging or otherwise shall be available for  
9 expenditure on any other project within the respective Chapter deemed  
10 construction-ready by CPMD; if there are no construction-ready projects  
11 within the respective Chapter, then, with the approval of the Resources &  
12 Development Committee, the saved or reduced costs shall be available for  
13 expenditure on any other project within the respective District.

14 F. Pursuant to this Section FOUR(B)(3), the Resources & Development Committee is solely  
15 authorized by the Navajo Nation Council to give final approval for the reallocation of cost  
16 savings on certain projects to be used on different projects, so long as such reallocations  
17 comply with the "Chapter" and "District" restrictions set forth in Section FOUR(B)(3).

## 18 19 **SECTION TWO. FINDINGS**

20 A. During Year 2 of the Síhasin Fund Expenditure Plan approved for NTUA in CAP-35-18,  
21 NTUA implemented 22 projects located in 8 Navajo Nation communities, and NTUA  
22 experienced significant savings with those projects. NTUA requested reallocation of the  
23 savings, and NTUA was then able to connect another 33 homes to the electric grid, with an  
24 additional 34 customers who are currently waiting for rights-of-way approvals, and others  
25 whose homesite and powerlines are in various stages of approval and construction. NTUA  
26 has up to March 8, 2024 to use the reallocated funds for these pending projects. See RDCJN-  
27 19-20; RDCN-37-21.

28 B. At this point, NTUA has identified an additional \$1,790,553.82 in cost savings remaining  
29 after the completion of the numerous powerline projects under its approved Síhasin Fund  
30 Expenditure Plan. These completed projects are located in the Teec Nos Pos, Kinlichee,

1 Klagetoh, Chilchinbeto, and Wide Ruins Chapters. NTUA has provided an explanation of its  
2 project cost savings and its \$1,790,553.82 calculation. **EXHIBIT A.**

3 C. NTUA has also provided a new report dated February 9, 2023, titled: “NTUA Síhasin  
4 Electric Projects - Legislation CAP-35-18 - Update #2” that further explains NTUA’s cost  
5 savings, its completed projects, and its \$1,790,553.82 calculation. **EXHIBIT B.**

6 D. In accordance with Section FOUR(B)(3) of CAP-35-18, NTUA desires to use the  
7 \$1,790,553.82 in cost savings for other powerline projects that will be located either in the  
8 same Teec Nos Pos, Kinlichee, Klagetoh, Chilchinbeto, and Wide Ruins Chapters, or in other  
9 Chapters located within the Council Districts of Delegates Curtis Yanito, Vince James,  
10 Lomardo Aserat, and Shaandiin Parris.

11 E. The Resources & Development Committee has determined that approval of NTUA’s  
12 requested reallocation of \$1,790,553.82 in cost savings to new NTUA projects, in accordance  
13 with Section FOUR(B)(3) of CAP-35-18, is in the best interest of the Navajo Nation and the  
14 Navajo People.

15  
16 **SECTION THREE. APPROVAL OF REALLOCATION**

17 A. The Resources & Development Committee of the Navajo Nation Council hereby approves  
18 the reallocation of \$1,790,553.82 in cost savings available after the completion of numerous  
19 powerline projects under NTUA’s approved Síhasin Fund Expenditure Plan, which  
20 completed projects are located in the Teec Nos Pos, Kinlichee, Klagetoh, Chilchinbeto, and  
21 Wide Ruins Chapters, as shown in EXHIBIT A and EXHIBIT B.

22 B. The Resources & Development Committee of the Navajo Nation Council further approves  
23 use of the reallocated \$1,790,553.82 by NTUA for new powerline projects located within the  
24 same 5 Chapters listed above, or within other Chapters in the Council Districts of Delegates  
25 Curtis Yanito, Vince James, Lomardo Aserat, and Shaandiin Parris.

26  
27 **SECTION FOUR. DIRECTIVE**

28 A. As a condition of the approval of the \$1,790,553.82 reallocation in this Action, no later than  
29 90 calendar days after the effective date of this Action, NTUA shall present a verbal and  
30 written report to the Resources & Development Committee. Said report shall describe all of

1 NTUA's new projects to be implemented with the \$1,790,553.82 reallocation of cost savings.  
2 B. NTUA's new projects, if construction ready, must be located within the same Teec Nos Pos,  
3 Kinlichee, Klagetoh, Chilchinbeto, and Wide Ruins Chapters; and if not construction ready,  
4 NTUA's new projects must be located within other Chapters in the Council Districts of  
5 Delegates Curtis Yanito, Vince James, Lomardo Aserat, and Shaandiin Parris. Such  
6 restrictions are necessary for NTUA to comply with Section FOUR(B)(3) of CAP-35-18.

7  
8 **SECTION FIVE. EFFECTIVE DATE**

9 This Action shall become effective pursuant to Section FOUR(B)(3) of CAP-35-18, and 2  
10 N.N.C. §221(C).

11  
12 **SECTION SIX. SAVING CLAUSE**

13 If any provision of this Action is determined invalid by the Supreme Court of the Navajo Nation,  
14 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the  
15 provision(s) not determined invalid shall remain the law of the Navajo Nation.