

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0246-22_

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to Resources and Development Committee, the Naabik'iyáti' Committee and the Navajo Nation Council; Amending CO-50-13; Approving Amendments to the Plan of Operation for the Navajo Nation Division of Natural Resources Administration; and Approving the Plan of Operation for the Clean Energy and Strategic Development Planning Office

Date posted: December 12, 2022 at 9:30PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0246-22

DATE: December 8, 2022

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CO-50-13; APPROVING AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO NATION DIVISION OF NATURAL RESOURCES ADMINISTRATION; AND APPROVING THE PLAN OF OPERATION FOR THE CLEAN ENERGY AND STRATEGIC DEVELOPMENT PLANNING OFFICE

PURPOSE: This resolution, if approved, will approve an amendment to Resolution CO-50-13, authorizing the development of the Clean Energy and Strategic Development Planning Office within the Division of Natural Resources in phases, and, at a future date, when the Clean Energy and Strategic Development Planning Office has developed sufficient capacity, the structure should be revisited to determine if the office should be separate and distinct from the Division of Natural Resources. This resolution, if approved, will also approve an amendment to the plan of operation for the Navajo Nation Division of Natural Resources Administration and will approve the Plan of Operation for the Clean Energy and Strategic Development Planning Office.

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: Johnson
Website Posting Time/Date: _____
Posting End Date: 12-17-22
Eligible for Action: 12-18-22

Resources & Development Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Fourth Year, 2022
INTRODUCED BY

(Prime Sponsor)

Wesley

TRACKING NO. 0246-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE
NAABIK'ÍYÁÍ' COMMITTEE AND THE NAVAJO NATION COUNCIL;
AMENDING CO-50-13; APPROVING AMENDMENTS TO THE PLAN OF
OPERATION FOR THE NAVAJO NATION DIVISION OF NATURAL RESOURCES
ADMINISTRATION; AND APPROVING THE PLAN OF OPERATION FOR THE
CLEAN ENERGY AND STRATEGIC DEVELOPMENT PLANNING OFFICE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Council established the Naabik'iyati' Committee was a Navajo Nation Council Standing Committee. All proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyati' Committee. 2 N.N.C. §§ 164 (A) (9), 700 (A).
- C. The Resources and Development Committee (RDC) is established as a Standing Committee of the Navajo Nation Council with oversight authority for the Division of Natural Resources. 2 N.N.C. § 501 (C) (1).

SECTION TWO. FINDINGS

- 1 A. The Navajo Nation Council adopted the Navajo Nation Energy Policy of 2013
2 (“Energy Policy”) through Resolution CO-50-13 which is attached as **Exhibit 1**.
- 3 B. Exhibit A of CO-50-13, the Energy Policy, calls for the creation of an Energy Office
4 that “should be separate and distinct from all existing divisions, departments,
5 programs, enterprises and any other Navajo Nation entities or political subdivisions,
6 and with appropriate staffing and budget.” See, **Exhibit 1**, CO-50-13, Exhibit A,
7 page 10, Section 13 (b) (Navajo Energy Office).
- 8 C. The Division of Natural Resources has developed a plan of operation for the creation
9 of the Energy Resources and Strategic Development Planning Office (the “Energy
10 Office” or “Energy Resources and Strategic Development Planning Office”) in
11 fulfillment of the Energy Policy. The plan of operation will place the Energy Office
12 within the Division of Natural Resources.
- 13 D. The Executive Director, Division of Natural Resources, recommends that the Energy
14 Office be developed in phases and at a future date, after the Energy Office develops
15 sufficient capacity, the structure should be revisited to determine if the Energy Office
16 should be separate and distinct from the Division of Natural Resources.
- 17 E. The proposed amended Plan of Operation for the Navajo Nation Division of Natural
18 Resources Administration is attached as **Exhibit 2**.
- 19 F. The proposed Plan of Operation for the Navajo Nation Clean Energy and Strategic
20 Development Planning Office is attached as **Exhibit 3**.
- 21 G. The Navajo Nation supports the creation of the Energy Office within the Division of
22 Natural Resources as shown by funding of \$252,245.00 in the Navajo Nation’s
23 Comprehensive Budget for Fiscal Year 2023. Page 1 of the Division of Natural
24 Resources Report A, Fiscal Year Budget, Division Summary by Fund Type
25 Resolution, CS-42-22, Exhibit K (Detail Budget Book), is attached as **Exhibit 4**.
- 26 H. The Resources and Development Committee is authorized to approve plans of
27 operation for the Division of Natural Resources. 2 N.N.C. §501 (B) (2) (g).
28 However, with the need to establish the Energy Office within an expedited manner,
29 the Navajo Nation Council, as the governing body of the Navajo Nation, will approve
30 the initial Plan of Operation for the Clean Energy and Strategic Development

1 Planning Office and the amended Plan of Operation for the Navajo Nation Division
2 of Natural Resources Administration.

- 3 I. After the Navajo Nation Council approves this amendment to Section 13(b) of CO-
4 50-13's Exhibit A, the Plan of Operation for the Navajo Nation Clean Energy and
5 Strategic Development Planning Office and the amended Plan of Operation for the
6 Navajo Nation Division of Natural Resources Administration, the Resources and
7 Development Committee shall approve amendments to the plan of operation for the
8 Energy Office and the Navajo Nation Division of Natural Resources Administration.
9 J. The Energy Resources and Strategic Development Planning Office Plan of Operation
10 has been reviewed by the Department of Justice and determined to be sufficient. The
11 Section 164 Review Form is attached as **Exhibit 5**.

12
13 **SECTION THREE. AMENDING CO-50-13, THE NAVAJO NATION ENERGY**
14 **POLICY OF 2013**

15 The Navajo Nation hereby amends CO-50-13, Exhibit A, Section 13 (b) as follows:
16

17 (b) Structure. A Navajo Energy Office should be ~~separate and distinct from all~~
18 ~~existing divisions, departments, programs, enterprises and any other Navajo Nation~~
19 ~~entities or political subdivisions and with appropriate staffing and budget developed~~
20 within the Division of Natural Resources in phases, and, at a future date, when the
21 office has developed sufficient capacity, the structure should be revisited to determine
22 if the office should be separate and distinct from the Division of Natural Resources.
23

24 **SECTION FOUR. WAIVING 2 N.N.C. §501 (B) (2) (g)**

25 The Navajo Nation hereby waives 2 N.N.C. §501 (B) (2) (g) to the extent necessary for
26 the Navajo Nation Council to approve and amend plans of operations of programs within
27 the Division of Natural Resources. This is intended as a one-time waiver. Any further
28 amendments made to the Division of Natural Resources programs' plans of operations
29 addressed in this resolution are within the oversight authority of the Resources and
30 Development Committee.

1 **SECTION FIVE. APPROVING THE AMENDMENTS TO THE PLAN OF**
2 **OPERATION FOR THE DIVISION OF NATURAL RESOURCES**
3 **ADMINISTRATION AND APPROVING THE PLAN OF OPERATION FOR**
4 **THE NAVAJO NATION CLEAN ENERGY AND STRATEGIC**
5 **DEVELOPMENT PLANNING OFFICE**

6 A. The Navajo Nation hereby approves the amended Plan of Operation for the
7 Navajo Nation Division of Natural Resources Administration, attached as
8 **Exhibit 2.**

9 B. The Navajo Nation hereby approves the Plan of Operation for the Navajo Nation
10 Clean Energy and Strategic Development Planning Office, attached as **Exhibit 3.**

11
12 **SECTION SIX. DIRECTIVES**

13 A. The Navajo Nation hereby directs all energy-related Navajo Nation enterprises
14 and utilities, including Navajo Transitional Energy Company, Navajo Nation Oil
15 and Gas Company, and Navajo Tribal Utility Authority, and all related Navajo
16 Nation divisions, programs, departments, and agencies to work collaboratively
17 with the Energy Office to maximize the potential opportunities available from the
18 Navajo Nation's energy resources consistent with Navajo values.

19 B. The Navajo Nation hereby directs the Energy Office to provide technical
20 assistance and information regarding the energy environment to Navajo Nation
21 communities. This technical assistance will be done in coordination with the
22 Division of Community Development.

23
24 **SECTION SEVEN. EFFECTIVE DATE**

25 The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.
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