



NMFA Projects with Tribal Entities

*Presentation to
New Mexico Finance Authority
Oversight Committee*

July 6, 2018



Public Project Revolving Fund (PPRF) History with Tribal Entities:

- ❖ The PPRF gained the ability to lend to tribal entities when the NMFA Act was expanded when SB 583 (Senator Kysar sponsor) of the 1996 Regular Session authorized tribal entities and tribal wholly owned corporate entities to be qualified entities under the program.
- ❖ The PPRF did not make its first tribal loan until 2004, which was to a tribally owned utility authority.
- ❖ Since 2004, the PPRF has made 22 loans to 12 different tribal entities totaling more than \$215.6 million



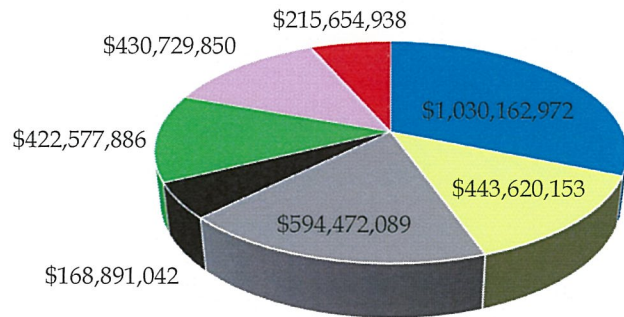
Public Project Revolving Fund (PPRF) History with Tribal Entities:

- ❖ The PPRF requires the following for all its tribal loans:
 - Limited waiver of sovereign immunity
 - Consent to jurisdiction of the First Judicial District Court
 - No gaming certificate
 - Annual submission of financial audit and/or auditor's statement on the pledged revenue
- ❖ Additional requirements and compliance items have included:
 - Monthly ACH Agreements
 - External auditor's certification of pledged revenue value and expected debt service coverage
 - Requirement of Debt Service Reserve Funds



Public Project Revolving Fund (PPRF) History with Tribal Entities:

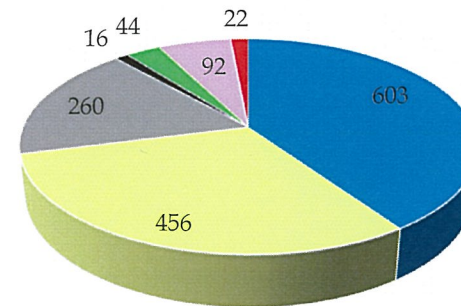
PPRF Loans by \$ Since Inception



- Municipality
- Public Schools
- State
- Tribal
- County
- Higher Education
- Special District/Political Subdivision

Of the \$3.3 billion in PPRF loans funded, tribal loans have received \$215 million representing 6.52%.

PPRF Loans by # Since Inception



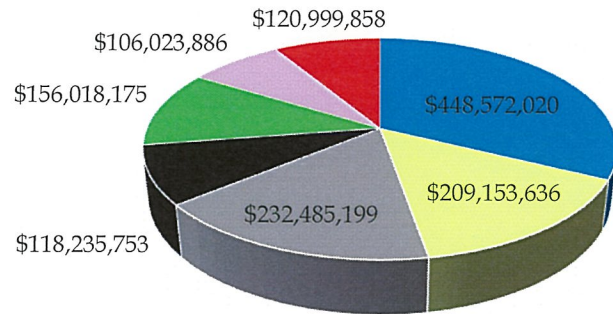
- Municipality
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Of the 1,493 number of loans the PPRF has closed, there have been 22 tribal loans closed representing 1.5%.



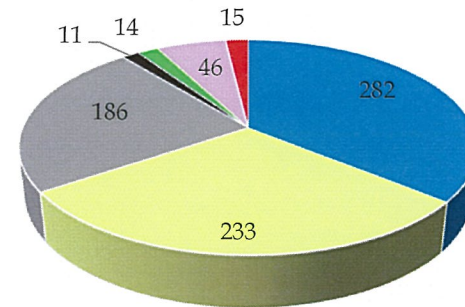
Public Project Revolving Fund (PPRF) History with Tribal Entities:

Outstanding PPRF Loans by \$



- Municipality
- Public Schools
- State
- Tribal
- County
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Outstanding PPRF Loans by #



- Municipality
- Public Schools
- State
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- County
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Of the \$1.39 billion of loans outstanding, tribal loans represent 8.7%.

Of the 787 number of loans outstanding, tribal loans represent 1.9%.



Public Project Revolving Fund (PPRF) History with Tribal Entities:

- ❖ Tribal entities who have received PPRF loan funding include:
 - Jicarilla Apache Utility Authority/Jicarilla Apache Nation
 - Santo Domingo Pueblo
 - Institute of American Indian and Alaska Native Culture and Arts Development (IAIA)
 - San Felipe Pueblo
 - Mescalero Apache Housing Authority
 - Isleta Pueblo
 - Ohkay Owingeh Pueblo
 - Tesuque Pueblo
 - Santa Ana Pueblo
 - Santa Clara Pueblo
 - Acoma Pueblo



Public Project Revolving Fund (PPRF) History with Tribal Entities:

- ❖ Revenues pledged to PPRF loans by tribes include:
 - Gross Receipts Tax
 - Gasoline Tax
 - Cigarette Tax
 - Lodger's Tax
 - Capital Improvement Tax (i.e. severance tax)
 - Possessory Interest Tax
 - Right-of-Way Lease Revenue
 - Water Lease Revenue
 - Net System Revenues of the Utility (Water and Electric)
 - Investment Account
 - General Obligation - Full Faith and Credit



Public Project Revolving Fund (PPRF) History with Tribal Entities:

- ❖ Projects funded by tribal PPRF loans include:
 - Water system improvements
 - Wastewater treatment plants and system improvements
 - Dormitory/student housing
 - Law enforcement equipment
 - Health care facility
 - Road and utility expansion
 - Fire/EMS/Safety Complex
 - Head Start Facility
 - Tribal Services Complex (Admin, Court services, Police and Fire Dept.)
 - Community Center
 - Acquisition and improvement of an electric utility
 - Flood prevention improvements
 - Refundings



Water Trust Board History with Tribal Entities:

- ❖ Since its inception in 2001, two members of the Water Trust Board represent Native American interests:
 - ❖ the president of the Navajo Nation or his designee; and
 - ❖ one member appointed by Department of Indian affairs
- ❖ Tribal entities have been eligible to receive funding from the Water Project Fund since the program was broadened in 2003 (SB 841)
- ❖ Under the Water Trust Board policies, all applicants are required to provide a local match and accept the WTB funds in the form of part loan/part grant.
 - ❖ Since 2007, the Policies have provided Tribal Entities the ability to provide an additional local match in lieu of any required loan component, thus making funding from the Water Project Fund 100% grant



Tribal Projects and the Water Trust Board:

- ❖ Despite this provision, NMFA was unsuccessful in making finalizing two WTB awards to the Navajo Nation due to conflicts between NMFA's statute and the Navajo Constitution regarding presiding Court of Jurisdiction.
- ❖ The funds from the 2006 and 2007 awards (totaling \$5,885,865) were ultimately reverted to the State and re-appropriated to the New Mexico Environment Department which ultimately made grants to the to the city of Gallup for the Navajo-Gallup Pipeline project.
- ❖ To date, the Water Project Fund has funded 18 different awards to 11 different tribal entities totaling \$12.9 million.



Water Project Fund/Water Trust Board (WTB) History with Tribal Entities:

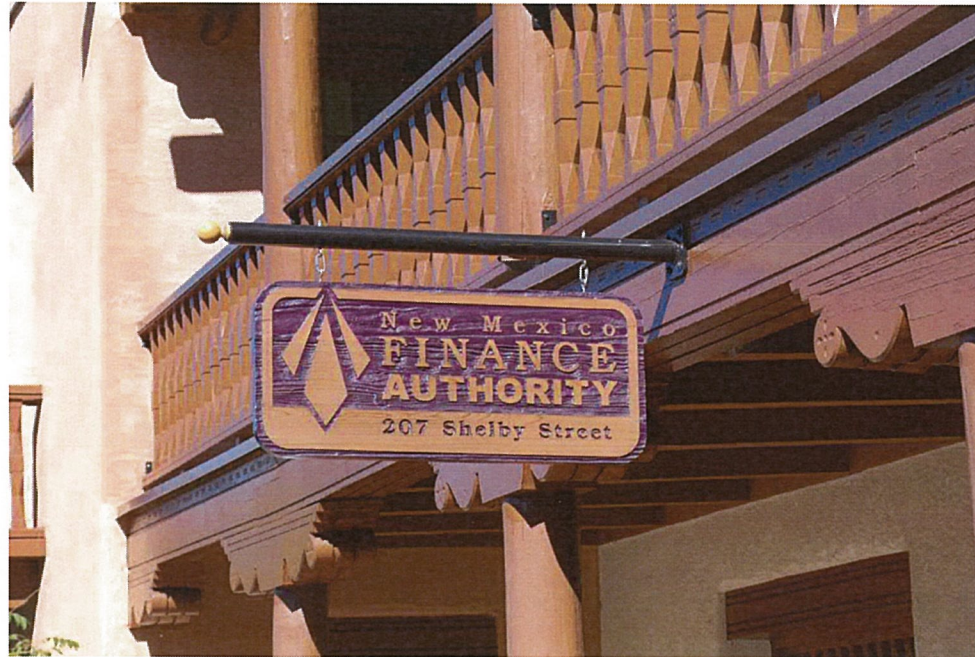
| Entity | County | Project Description | Grant | Loan | Award Amount | Match | Closing Date | Project Status |
|-----------------------|------------|---|-------------|-----------|--------------|------------|--------------|------------------|
| Taos Pueblo War Chief | Taos | Watershed Restoration and Management | \$ 145,500 | \$ - | \$ 145,500 | \$ - | 10/3/2003 | Project Complete |
| Pueblo of Pojoaque | Santa Fe | Pojoaque Valley Regional Water Project | \$1,000,000 | \$ - | \$ 1,000,000 | \$ - | 9/15/2006 | Project Complete |
| Pueblo of Taos | Taos | Watershed Restoration and Management | \$ 750,000 | \$ - | \$ 750,000 | \$ - | 12/8/2006 | Project Complete |
| Pojoaque, Pueblo of | Santa Fe | Water/Wastewater Treatment Facility | \$ 900,000 | \$100,000 | \$ 1,000,000 | \$ - | 9/21/2007 | Project Complete |
| Santo Domingo Tribe | Sandoval | Watershed Restoration | \$ 293,000 | \$ - | \$ 293,000 | \$ - | 8/1/2008 | Project Complete |
| Ohkay Owingeh | Rio Arriba | Storage Conveyance Delivery | \$ 45,000 | \$ - | \$ 45,000 | \$ 4,500 | 10/17/2008 | Project Complete |
| Santa Clara Pueblo | Rio Arriba | Storage Conveyance | \$ 978,780 | \$ - | \$ 978,780 | \$ 146,817 | 10/31/2008 | Project Complete |
| Ohkay Owingeh | Rio Arriba | Water Storage, Conveyance | \$ 300,000 | \$ - | \$ 300,000 | \$ 60,000 | 10/1/2010 | Project Complete |
| Laguna Pueblo | Cibola | Water Storage, Conveyance, | \$ 300,000 | \$ - | \$ 226,097 | \$ 45,219 | 10/1/2010 | Project Complete |
| Santa Clara Pueblo | Rio Arriba | Water Storage, Conveyance, and Delivery | \$1,463,032 | \$162,559 | \$ 1,625,591 | \$ 325,118 | 10/1/2010 | Project Complete |
| Ohkay Owingeh | Rio Arriba | Water Storage, Conveyance, and Delivery | \$ 962,000 | \$ - | \$ 962,000 | \$ 336,700 | 9/16/2011 | Project Complete |
| Isleta Pueblo | Bernalillo | Watershed Restoration | \$1,000,000 | \$ - | \$ 1,000,000 | \$ 250,000 | 10/21/2011 | Project Complete |
| Cochiti Pueblo | Sandoval | Flood Prevention | \$ 968,300 | \$ - | \$ 968,300 | \$ 193,660 | 5/2/2014 | Project Complete |
| Cochiti Pueblo | Sandoval | Watershed Restoration | \$ 731,100 | \$ - | \$ 731,100 | \$ 146,220 | 5/2/2014 | Project Complete |
| Santa Clara Pueblo | Rio Arriba | Water Storage, Conveyance and Delivery | \$ 666,666 | \$ - | \$ 666,666 | \$ 133,333 | 5/8/2015 | Project Complete |
| Santa Clara Pueblo | Rio Arriba | Watershed Restoration | \$1,000,000 | \$ - | \$ 1,000,000 | \$ 200,000 | 12/11/2015 | In Construction |
| Mescalero Apache | Otero | Watershed Restoration | \$ 750,000 | \$ - | \$ 750,000 | \$ 150,000 | 3/18/2016 | In Construction |
| Tesuque Pueblo | Santa Fe | Water Storage, Conveyance and Delivery | \$ 497,560 | \$ - | \$ 497,560 | \$ 99,512 | 12/16/2016 | Project Complete |



Local Government Planning Fund (LGPF) History with Tribal Entities:

- ❖ The Local Government Planning Fund was created in 2002 and utilizes the PPRF’s definition of “qualified entity,” which includes tribal entities
- ❖ To date, the NMFA has made 8 grants totaling \$352,969 to five entities and has one project pending completion of the planning document:

| Entity | County | Project Description | Award Amount | Match | Closing Date | Project Status |
|--------------------|----------|----------------------|--------------|-----------|--------------|--|
| Zia Pueblo | Sandoval | LEDA | \$ 50,000 | \$ - | 7/22/2011 | Plan Complete |
| Cochiti Pueblo | Sandoval | Economic Dev Plan | \$ 50,000 | \$ - | 12/19/2014 | Plan Complete |
| Northern Pueblo HA | Santa Fe | Water Master Plan | \$ 50,000 | \$ - | 1/9/2015 | Plan Complete |
| Tesuque Pueblo | Santa Fe | Comprehensive Plan | \$ 48,964 | \$ - | 3/7/2015 | Plan Complete |
| Tesuque Pueblo | Santa Fe | AMP | \$ 48,458 | \$ - | 3/7/2015 | Plan Complete |
| Picuris Pueblo | Taos | Economic Feasibility | \$ 50,000 | \$ - | 11/13/2015 | Plan Complete |
| Northern Pueblo HA | Santa Fe | EID | \$ 30,000 | \$ 5,000 | 12/4/2015 | Plan Complete |
| Picuris Pueblo | Taos | Comprehensive Plan | \$ 25,547 | \$ 12,500 | 2/10/2017 | Plan Complete |
| Acoma Pueblo | Cibola | ED Feasibility Study | \$ 50,000 | | | Grant Approved 12/6/17; planning underway |



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