THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

January 6, 2020

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CD-46-19, *An Action Relating to Resources and Development, Budget and Finance and Naabik'iyati Committees, and Navajo Nation Council; Approving and adopting the Tselani (Cottonwood) Powerline Extension Project Sihasin Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C§§ 2501-2508*

Dear Speaker Damon,

Pursuant to the authority vested in the Navajo Nation President, I am exercising the Line Item Veto authority in CD-46-19.

I understand the importance of this Resolution and the need for providing services to our People; however, the use of the Sihasin Fund is becoming murky and untenable for all those involved, including the Navajo Nation Council. For instance, there is no or limited pre-planning for major projects and no evaluation or re-evaluation of these projects. Also, there should be equity for all 24 Council Delegates who should have an opportunity to sit down with the Division of Community Development to update their communities' needs and those of their constituents. Should future projects come before the Navajo Nation Council I strongly urge a status update from the Division of Community Development, proper fund expenditure plans of the amount of funding to properly carry out the project, and a serious discussion on the priorities on the Navajo Nation for use of the Sihasin Fund.

For this reason, I am exercising the Line Item Veto authority granted to me and strike the $1,203,253 appropriated in CD-46-19.

Sincerely,

Jonathan Nez, President
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE TSELANI (COTTONWOOD) POWERLINE EXTENSION PROJECT SÍHASIN EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 - 2508

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 Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

C. The Resources and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over Navajo Nation chapters. 2 N.N.C. § 501 (C)(1).

D. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301 (B) (2).

SECTION TWO. THE NAVAJO NATION SÍHASIN FUND

A. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund ("Síhasin Fund") is as follows:

§2502 Purpose

A. The purposes of this Fund are to provide financial support and/or financing for:

1. The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and

2. Education opportunities for members of the Navajo Nation.

B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 N.N.C. § 1301(F) or TCDCJY-77-99.

C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund, including loan financing from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in whole.

12 .N.N.C. § 2502, as amended by CJA-03-18

B. The Síhasin Fund provides that Fund Principal shall consist of all deposits made to the Síhasin Fund and that Fund Income shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

SECTION THREE. FINDINGS

A. The Tselani (Cottonwood) Chapter is requesting funding assistance of $1,203,253.15 from the Síhasin Fund for Phase I of a powerline extension project to provide power to eight homes.

B. The Detailed project information is provided in the project proposal attached as **Exhibit 1.**

C. The total cost estimate of the project is $1,367,685.65 in order to construct 9.49 miles of main trunk lines and 2.31 miles of line extensions to 8 homes in the Tsebanizini area for Phase I of the project.

D. The recipients for phase I of the project are as follows:

1. Danielle Totsoni
2. Angelita Totsoni
3. Ruth Yazzie
4. Edgar James
5. Harold James
6. Dorthea Chee
7. Lucy Begay
8. Larry Gorman

E. The availability of electricity will allow for household lighting and proper refrigeration of food and medicine.

F. Tselani/Cottonwood Chapter will contribute $164,432.50 of the funding awarded through CAP-35-18. NTUA has provided a cost estimate for phase 1 of the project, which is in **Exhibit 1, Tab 4.**

G. The Chapter Resolution from Tselani/Cottonwood Chapter is attached as **Exhibit 2**

SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLAN FROM SÍHASIN FUNDS

A. The Navajo Nation hereby approves and adopts the Tselani (Cottonwood) Powerline Extension Project Síhasin Expenditure Plan, attached and incorporated herein as **Exhibit 1.**

B. ~~The Navajo Nation hereby approves a funding request to Navajo Tribal Utility Authority ("NTUA") for the Tselani (Cottonwood) Powerline Extension Project Síhasin Expenditure Plan in the amount of $1,203,253 (one million two hundred three thousand~~ JMN

~~two hundred fifty-three dollars) during Navajo Nation Fiscal Year 2020.~~ JMN

C. The Síhasin Funds allocated for the Tselani (Cottonwood) Powerline Extension Project Expenditure Plan may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Síhasin Fund Earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

SECTION FIVE. APPROVAL AND ADOPTION OF EXPENDITURE PLAN ADMINISTRATION

A. ~~The Navajo Nation hereby approves administration of the Tselani (Cottonwood) Powerline Extension Project Síhasin Expenditure Plan as follows:~~ JMN

1. ~~The Navajo Nation Controller shall determine whether the source of the of $1,203,253 (one million two hundred three thousand two hundred fifty-three dollars) will be Síhasin Fund Principal or Income or a combination of both~~ JMN

2. The funds allocated to NTUA for Tselani (Cottonwood) Chapter shall be used to design, plan, and construct the Tselani (Cottonwood) Powerline Extension Project, as set forth in **Exhibit 1**, and NTUA shall return any and all cost-savings to the Síhasin Fund once the Tselani (Cottonwood) Powerline Extension Project is fully completed. NTUA shall not raise the cost estimate set forth in **Exhibit 1, Exhibit D**, until the project is completed.

3. The Navajo Nation Controller shall release the funds to NTUA during Navajo Nation Fiscal Year 2020 pursuant to a project budget plan or other such schedule agreed to by the Office of the Controller and NTUA within thirty (30) days of the formal adoption of this legislation;

4. The funds allocated for the Tselani (Cottonwood) Powerline Extension Project shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be returned to or deposited in the Síhasin Fund Principal or Navajo Nation General Fund until the earlier of five (5) years from the date of adoption of this legislation or such time as the Tselani (Cottonwood) Powerline Extension Project, as set forth in **Exhibit 1**, is fully completed.

B. NTUA and Tselani (Cottonwood) Chapter shall report the status of the project, to the Naabik'íyáti' Committee on a quarterly basis.

SECTION SIX. DIRECTIVE

The Office of the Controller, Office of Management and Budget, and Division of Community Development are to complete the administrative processes necessary to release the funds within 90 days from the date the resolution is approved.

SECTION SEVEN. EFFECTIVE DATE

The Tselani (Cottonwood) Powerline Extension Project Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 16 in Favor, and 07 Opposed, on this 19th day of December 2019.

Honorable Seth Damon, Speaker
24th Navajo Nation Council

12/27/19
DATE

Motion: Honorable Vince James
Second: Honorable Wilson Stewart, Jr.

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of _____, 2019.

_____
Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2019 for the reason(s) expressed in the attached letter to the Speaker.

_____
Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the 2010 Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this 6th day of January, ~~2019~~ 2020.

_____
Jonathan Nez, President
Navajo Nation

EXHIBIT
1

PROPOSAL TITLE

TBN Power Line Extension Project
(Phase I)

PROJECT LOCATION

Power Line Extension Project is located 10.5 miles east of the Tselani/Cottonwood Chapter House

AMOUNT OF FUNDS REQUESTED

$1,203,253.15

SUBMITTED BY:

Jay M. Kee, Engineering Tech
Tselani/Cottonwood Chapter #35
P.O. Box 1139
Chinle, Arizona 86503
(928)725-3765

DATE

Friday, July 19, 2019

Received
Kee Allon Begay Jr
7/23/19

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ABSTRACT OR SUMMARY

PROJECT OVERVIEW

The Tselani/Cottonwood Chapter is requesting the assistance from the Navajo Nation 24th Council for funding in the amount of **$1,203,253.15** for Phase I Power Line Extension to provide electricity to (8) homes. The Tselani/Cottonwood Chapter is responsible in preparing these homes for electricity connections.

The entire project of TBN Power Line consist of (18) homes. The cost estimate of $1,367,685.65 is to construct 9.49 miles of main trunk lines and 2.31 miles of line extensions to (8) homes on Phase I. The Navajo Nation Council approved $100 Million Dollars from the Sihasin Funding "Exhibit-E", to be directly used towards Infrastructure Projects; within the 110 Chapters that surrounds the Navajo Nation. Tselani/Cottonwood Chapter received **$265,000 LEGISLATION NO: 0371-17**; but partial of the allocated amount will only satisfy the Project's Right-of-Way Assessments (EX: Archeological Clearances, Environmental Assessments, Biological Assessments and Legal Survey for Right-of-Way Acquisition @ **$164,432.50**. The second phase consist of 3.54 miles of electric line extensions off the main trunk lines from Phase I Project to accommodate (10) homes at a cost of $415,652.40. The project cost estimates are included as "Exhibit-D".

INTRODUCTION

CHAPTER PROFILE

Tselani/Cottonwood Chapter house is located in the Cottonwood community just off Indian route 4 between Blue Gap and Chinle, AZ. The Tselani/Cottonwood Chapter serves to its vast community members from the beautiful Black Mountains to the sloping valley foothills of the Balakai Mountains, east from the world renowned Chinle Valleys to the red sunsets of the

Blue Gap landscapes. In History, the Dine people and the Navajo Nation Tribal Government approved Tselani/Cottonwood Chapter #35 as a local government entity that caters to its registered members. The Chapter boundaries are outlined by natural landmarks like mesas, foothills, washes and ridges that our elders established within District 10 of the Range Management Plan under the Bureau of Indian Affairs. Today, Tselani/Cottonwood Chapter is in the process of becoming Local Governance certified pursuant to the Navajo Nation Code Title 26. The community of Tselani/Cottonwood has great potential for growth in government as well as economically thus; the Community Base Land Use Planning Committee is Local Governance Act (LGA) Certified and is in process of updating its infrastructure master plan to benefit the community people.

HISTORY AND BACKGROUND OF THE PLANNED PROJECT

This Infrastructure Project has been in Tselani/Cottonwood Chapter's master plan for over 25 years and deserves priority over other projects. The community has been patiently waiting for this proposed Power Line Extension to become a reality. The popularity and faith within the Chapter's ability to complete projects has decreased tremendously and reflects the attendance at Chapter Meetings. This project deserves priority since electricity relates directly to protecting the public health and safety. Electricity is used in operating medical equipment, refrigerating medications, safer home heating and cooking, and lighting provides home security.

This project became a priority project of the Tselani/Cottonwood Chapter and was approved by Chapter Resolution on July 19, 2015 "Exhibit-B". Documentation shows this project was in planning as far back as 1990. Since that time on, there were many discussions during planning meetings and at regular meetings.

PRIMARY INTENT/OUTCOME

The Tselani/Cottonwood Chapter's primary intent is to provide electricity and eliminate any health risk to the community.

Lighting is a necessity to ensure the quality of life to our community.

The Outcome of this project is to have all recipients of new electricity to have a better quality of life, increasing opportunities for our youth, adults, and our elderly, having proper refrigeration of foods and medications positively impacting health. Also, education opportunities will improve since computers are the main tool used today in completing homework and reports for school. Most importantly, the community will no longer live using generators and harmful fuels to light, heat, and cooking preparations.

ADMINISTRATIVE CAPACITY

Tselani/Cottonwood Chapter Administration consist of a Chapter Community Service Coordinator (CSC) and an Accounts Maintenance Specialist (AMS). The primary duties of the Chapter Community Service Coordinator (CSC) is to overlook the entire Chapter's operation and adhere to Navajo Nation Policies as well as achieving the Chapter's overall purpose. The Accounts Maintenance Specialist (AMS) duties are responsible for the accounting and specialize in the Chapter's Five Management System.

The Tselani/Cottonwood Chapter has hired an Engineering Technician, his primary focus is to manage all Chapter Infrastructure Projects and also acts as a Project Manager for Active or Future Infrastructure Projects.

Within the last 4 years, Tselani/Cottonwood Chapter has completed (4) Power Line Projects, house wired over 55 homes and passed Service Entrance Inspections (SEI) from NTUA (Navajo Tribal Utility Authority). As for other projects that shows capacity, this Chapter has provided 124 homes with water service by completing 47 bathroom additions in the past 4 years, helping the Office of Environmental Health (O.E.H.) successfully completing 6 waterline projects totaling 124 homes. Tselani/Cottonwood has complete capacity in Power Line Projects, from house wiring to meter-loop setups; which is now serving 55 homes within the service areas.

The Tselani/Cottonwood Chapter has accomplished numerous projects by hiring an Engineering Technician, his primary focus is to manage all Chapter Infrastructure Projects by coordinating with various departments. This project will require close coordination with NTUA and Tselani/Cottonwood Chapter; which the Chapter is currently already doing with two other Power Line Projects.

PROJECT MANAGEMENT EXPERIENCE

Jay M. Kee, Tselani/Cottonwood Chapter's Engineering Technician, acts as the Project Manager for all Infrastructure Projects in Tselani/Cottonwood service areas. This person's sole purpose is to concentrate on current active/future projects.

Charlene Wallace, Tselani/Cottonwood Chapter's Community Service Coordinator, has the proper experience with Chapter Projects and guidelines that are implemented with Infrastructure Projects.

Caroline Dale, Tselani/Cottonwood Chapter's Vice President, Senior Homesite Agent/Supervisor, has been working with Navajo Nation Land Department, Division of Natural Resource, for over 29 years. Caroline supervises and oversees the Chinle Agency Chapters, including three other Agency Chapters to supervise the homesite lease application process in coordination with all entities to obtain signatures and general requirements to obtain a lease.

LAND USE PLAN

The Resources and Development Committee (RDC) of the 23rd Navajo Nation Council certified the Tselani/Cottonwood Chapter's Community Based Land Use Plan on November 7, 2018. The RDC as part of the Local Governance Act (LGA); which stipulates that a Community Based Land Use Plan shall:

"Project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial and public purposes, and based upon the guiding principles and vision as articulated by the community."

CHAPTER RESOLUTION

A Chapter Resolution has been passed for NTUA to precede with the feasibility studies "Exhibit-B". Preliminary routes have been established with Preliminary Estimates. The Chapter has taken care of all preliminary house wiring requirements for participants.

NEED FOR AND GOALS OF THIS PROJECT

Tselani/Cottonwood Chapter's ultimate goal is to fulfill the needs of the community by achieving the overall master infrastructure plan, to provide electricity services to all primary homes within the Tselani/Cottonwood Chapter community.

The Tselani/Cottonwood Chapter in focused collaborations with NTUA has created a common goal for the community to seek funding and construct this Power Line. Tselani/Cottonwood Chapter identified families in most need of this electric service and NTUA produced geographic maps of homes to be served; homes have been plotted. Documentation of Feasibility Studies, Project Design, and Right of Way are attached along with Quad Maps, "Exhibit-C".

JUSTIFICATION

The "TBN" Phase I & Phase II Power Line Project is to fulfill the needs of the Tselani/Cottonwood Far East, "Tsebanizini" residents with much needed electricity services. The need for electricity and how it would benefit our community is clear & evident. To improve safety, health, and the quality of life for both communities by:

- Electric will reduce the need/usage for kerosene, gasoline, wood, and propane thus, making the home safer from possible fire incidents.
- Community elders would be able to receive health care at their homes rather than at elderly care facilities by having medical equipment that runs on electric installed at home.

- Lighting and electricity inside the home will make it possible to work beyond night fall increasing educational success and family productivity.
- Heating a home will not have to require the tremendous work of hauling wood for the winter.
- Home cooking by electric stove is more affordable than propane.
- Having refrigeration that runs off electric to keep food, dairy products, and medicine fresher three times longer.
- The community will be more informed of news and events since all television and radios run on electric power.
- Electric will provide our younger generation the ability to dramatically improve in education allowing them the opportunity the use of computers for school work.
- Security light during night hours will now provide sense of security and productivity outside.
- Electricity at homes will increase home based businesses, boosting the local economy, eliminating the need to travel outside the reservation.
- Electric power is an essential element in homes and will allow the opportunity for future proposed Power Line Extensions. Electricity heaters and pumps that operate on electric are required before electricity line projects becomes construction ready.
- This proposed Power Line Extension will also provide opportunity for landline phones to the community since phone lines run on the exact same poles as the electric.

The Urgency of this project is vastly important as this Power Line Extension has been in the planning for the last 25 years, to further delay this needed project is only to cheat our community members of a basic and essential need.

Just imagine if electric power was available even 50 years ago, our scholars would have had extensive achievements and be more successful in life. Why? By the use of electric technology devices. These devices excel the learning at an early age. Today, the young scholars in this area would have to use a generator to power a computer to do homework, print and internet to do research. If there isn't any generator for power, they would have to stay after school to do the homework that is required to be completed by computer, then the student would have to find transportation back home.

This Power Line Extension was planned back in the 1990's and to further delay is to deny our community of modernization. If power was available when this project was first planned. Our scholars would be better off in life, increasing the chances of students going off to college after all they would have been exposed to this technology at an earlier stage in life. The Tselani/Cottonwood Chapter has inspected eight homes and has earmark funds for professional services to complete all house wiring as a pre-requisite to begin the extension of the power line. Urgency for project is also important when it comes to existing pre-wired homes becoming dilapidated.

Infrastructure improvements were prohibited by the lack of funds in the past. It is only recent that some form of funding sources has become available that has enabled Tselani/Cottonwood to apply. Tselani/Cottonwood Chapter will fulfill this project and use it as measurement towards the overall master plan for the community. Tselani/Cottonwood Chapter considers the Chapter a servant to its community who constantly work to improve and upgrade their community environment.

SELECTION PROCESS

Tselani/Cottonwood Chapter has complied the list names during an update of the Chapter Electric Infrastructure profile and by onsite feasibility studies, along with request of the community. The Chapter have selected these homes for Phase I and Phase II of this project. Total Homes: (18)

RECIPIENTS

Homes in PHASE I Project are as follows:

1. Danielle Totsoni	109°46'16.43"W, 35°57'50.50"N
2. Angelita Totsoni	109°46'16.08"W, 35°57'51.27"N
3. Ruth Yazzie	109°44'52.54"W, 35°58'08.07"N
4. Edgar James	109°44'39.21"W, 35°58'06.49"N
5. Harold James	109°47'06.37"W, 35°58'07.68"N
6. Dorothea Chee	109°42'30.98"W, 36° 0'23.56"N
7. Lucy Begay	109°42'32.88"W, 36° 1'53.02"N
8. Larry Gorman	109°41'41.35"W, 36° 3'27.93"N

Homes in PHASE II Project are as follows:

9.	Majel Brown	109°46'04.37"W, 35°56'40.48"N
10.	Barbara Benally	109°44'46.13"W, 35°58'30.94"N
11.	Nelson Gorman	109°43'34.06"W, 36° 1'16.45"N
12.	Shirley Marie Chee	109°42'02.34"W, 36° 0'15.62"N
13.	Elroy Chee	109°43'07.92"W, 36° 0'24.19"N
14.	Edward Chee Lee	109°42'03.12"W, 36° 0'15.13"N
15.	Jerome James	109°44'38.52"W, 35°58'05.88"N
16.	Sylvia Wanenka	109°42'01.10"W, 36° 0'16.69"N
17.	Elouise James	109°44'38.02"W, 35°58'06.78"N
18.	Elousie Talcula	109°47'09.27"W, 35°58'09.32"N

IMPACT AND BENEFITS

The Tselani/Cottonwood Community will be affected the most if this project is not funded. The community will continue to live using generators and harmful fuels to light, heat, and cooking preparations. Education opportunities would not improve since computers are the main tool used today in completing homework and reports for school. Families will still live without proper refrigeration of foods and medications impacting health. The most impacting element to the public is lighting. Lighting is a necessity to ensure the quality of life to our community and increases opportunities for our youth, adults, and our elderly.

The direct benefits for households with electricity have better levels of income, expenditures, and education than those without electricity. In rural areas, it helps with household lighting, it allows for consumption by different electric appliances such television, radio, electric fans, refrigerator, computer, and heaters. The major use of electricity improves children's education, information access, and improves the home and family time.

PROJECT COMMUNITY OBJECTIVE

The Tselani/Cottonwood Chapter has a mission statement:

"The mission of the Tselani/Cottonwood Chapter is to enhance the quality of life by providing services with respect and dignity in maintaining accountability while sustaining self-governance with integrity".

By accomplishing this project, the community will be served by this mission statement that the Chapter holds dearly.

SCOPE OF WORK

PROJECT DESCRIPTION AND CONSTRUCTION

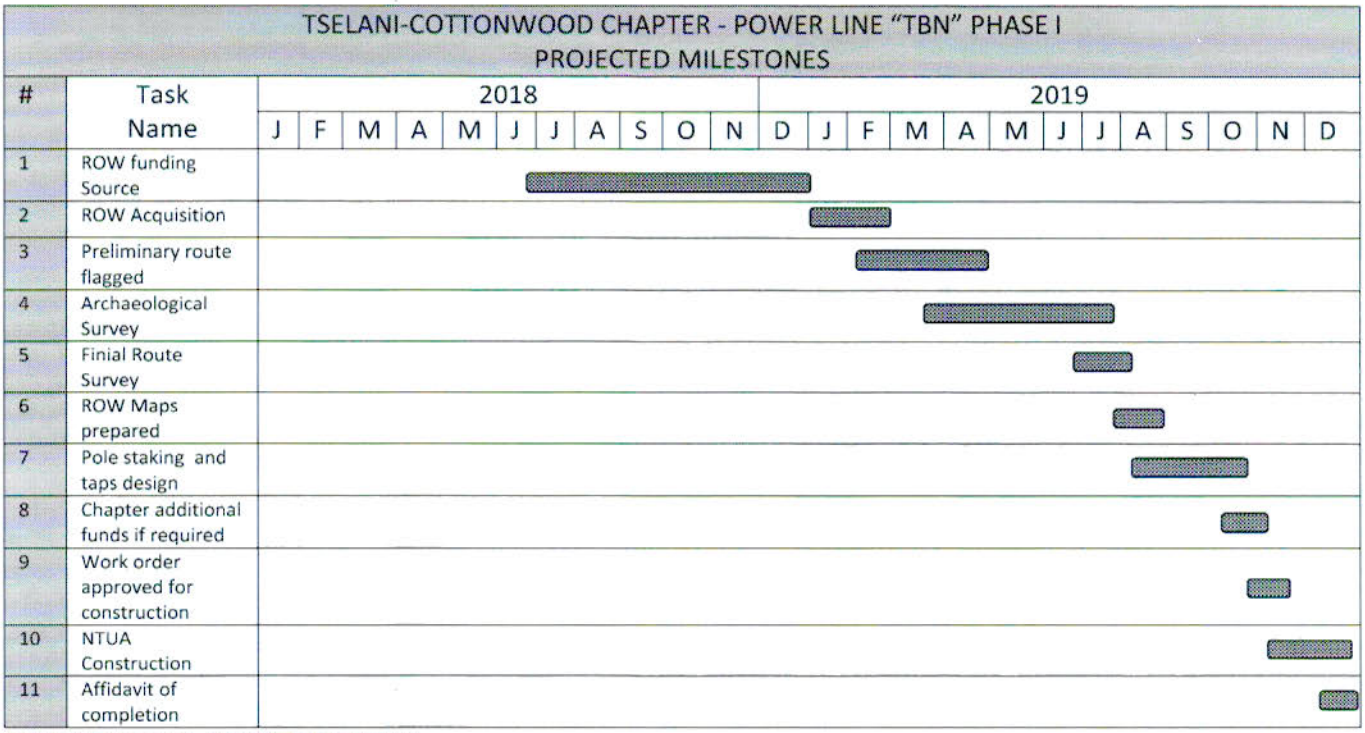
The proposed project of Tselani/Cottonwood Chapter is identified as Power Line Extension named "TBN" Power Line Project (Phase I). Phase I Power Line is 9.49 miles of main electricity line with 2.31 miles member extensions off that main trunk line; totaling 11.80 miles of electric service that will serve (8) homes near the Tsebanizini area.

Once the project starts, NTUA will manage and control the work, including:

- Identifying, tracking managing and resolving project issues
- Proactively disseminating project information to all stakeholders
- Identifying, managing and mitigating project risk
- Ensuring that the solution is of acceptable quality
- Proactively managing scope to ensure that only what was agreed to be delivered, unless changes are approved through scope management
- Defining and collecting metrics to give a sense for how the project is progressing and whether the deliverables produced are acceptable
- Managing the overall schedule to ensure work is assigned and completed on time and within budget

NTUA staking sheets approach will be used for this project. Pole staking design of main line taps using staking sheets has proven to be more efficient than that of traditional methods. Technological innovations like GPS, GIS and TMS make this project time and cost efficient. GPS (Global Positioning System) is a powerful, cost effective, data gathering tool which captures various site data directly in the field and is easily intergraded into GIS (Geographic information System) for use in map abstractions and detailed analyzes and significantly improves the quality of information. These technological advances minimize labor cost while increasing construction productivity. Whereas before,

there would be at least seven workers surveying for weeks now only require two workers to surveying for a couple of weeks making it very productive than traditional surveying methods.



PROJECTED MILESTONES

The milestone schedule provides an estimated timeline for the life of the project. The milestones include all project activities and interim steps needed to implement the project. The schedule includes milestones for the planning, development, construction, evaluation and reporting of the project's implementation. The milestone dates are only projected dates based on an anticipated grant award. These dates may change depending on the timing of the grant award.

PROJECT TEAM

Mr. Jay M. Kee, Tselani/Cottonwood Chapter Engineering Technician
Mr. Charlene Wallace, Tselani/Cottonwood Chapter Community Service Coordinator
Ms. Caroline Dale, Tselani/Cottonwood Chapter Vice President, Senior Homesite Agent/Supervisor at Navajo Nation Land Department.
Mr. Lemanuel James, NTUA Customer Service Representative, Chinle District Office.
Ms. Ethelind A. Johns, Projects Administrator Supervisor, NTUA Headquarters Fort Defiance.
Mr. James Adakai, Acting Department Manager, Navajo Nation Capital Projects Management Department.
Ms. Irma Julian, Project Manager, Navajo Nation Capital Projects Management Department.

QUALITY ASSURANCE

When the community Power Line is completed, and all homes have house wiring Service Entrance Inspections (SEI), it will be inspected by the appropriate personnel from NTUA with representatives of the Navajo Nation Capital Projects Management Department and Tselani/Cottonwood Chapter to detect possible construction deficiencies. A list of deficiencies, if any, will be compiled and agree upon. Deficiencies identified will be corrected by the responsible construction agency.

OPERATION AND MAINTENANCE

Upon completion of this project, Operation and Maintenance of Electric Power Line procured and/or constructed will be NTUA responsibility. The ownership of individual on-site facilities will be transferred to the individual homeowners. After proper training, the Operation and maintenance will be the responsibility of the homeowners.

The families whom receive Electrical Power will be responsible for their monthly usage fees and maintenance of house wiring; while NTUA will cover the insurance coverage to conduct business as a Navajo Nation Enterprise.

PROJECT MAP

The project map for this project is displayed as "Exhibit-C".

BUDGET INFORMATION

Tselani/Cottonwood Chapter has been actively budgeting for funds from annual supplemental allocations and is fortunate to allocate funds this year for the preliminary house wiring activities for this Power Line Project. Our Chapter has also contributed funds for the professional services to have these homes ready for NTUA, this is on-going and once this is

completed, the construction of the Power Line will begin immediately.

Leverage Funding Sources	Amount	Percentage
1. NTUA's Contribution & Discounts	$ 12,000.00	.9%
2. Navajo Nation Sihasin (Spring Session 2018) Contribution	$ 164,432.50	11.0%
3. Navajo Nation Council (2019) Contribution	**$ 1,203,253.15**	88.1%
4. Tselani/Cottonwood Contribution	$ 0	0%
Construction Total	$ 1,379,685.65	100%

Detailed budget for the Tselani/Cottonwood TBN Powerline Extension Phase I is provided under "Exhibit-D".

ATTACHMENTS AND EXHIBITS

REQUIRED DOCUMENTS:

CHAPTER COMMUNITY INVOLVEMENT	EXHIBIT A
PROJECT SUPPORT CHAPTER RESOLUTION	EXHIBIT B
PROJECT MAP - RECIPIENTS LOCATIONS	EXHIBIT C
DETAIL PROJECT COST	EXHIBIT D
SIHASIN FUNDING - RESOLUTION NO. CAP-35-18	EXHIBIT E
NAVAJO NATION UUFB - LEGISLATION NO: 0371-17	EXHIBIT F

Tselani/Cottonwood Chapter - Power Line Project

Sihasin Funding: YEAR 2

PHASE I (8 HOMES) - *LEGISLATIVE TRACKING NO. 0371-17*

LINE A/TAP A LINES

Main Trunk Line: 5.65 Miles	$ 547,484.22		
Member Extensions: 1.27 Miles	$ 151,256.34		
SUBTOTAL	$ 698,740.56		
		SUBTOTAL	
		$	698,740.56
LINE B/TAP B LINES		$	516,512.59
		$	1,215,253.15
Main Trunk Line: 3.84 Miles	$ 371,408.90		
Member Extensions: 1.04 Miles	$ 145,103.69		
SUBTOTAL	$ 516,512.59		
ASSESSMENTS		***SUBTOTAL***	
		$	1,215,253.15
Arch. Clearance, E.A. & R.O.W. (11.80 Miles)	$ 164,432.50	$	164,432.50
		$	1,379,685.65
NTUA CONTRIBUTION		***SUBTOTAL***	
		$	1,379,685.65
8 Homes @ $1,500.00	$ 12,000.00	$	12,000.00
		$	1,367,685.65
CONTRIBUTION REQUIRED PRIOR TO CONSTRUCTION		$	1,367,685.65
		SUBTOTAL	
ALLOCATED FUNDING		$	1,367,685.65
N.N. SIHASIN - YEAR 2	$ 265,000.00	$	164,432.50
R.O.W. COSTS	$ 164,432.50	SHORTFALL =	$ 1,203,253.15
AVAILABLE BALANCE	$ 100,567.50		

Tselani/Cottonwood Chapter - Power Line Project

Sihasin Funding: YEAR 2

PHASE II (10 HOMES) - *LEGISLATIVE TRACKING NO. 0371-17*

TAP A (1), TAP B (3), TAP C (3), TAP D (1), TAP E (1), TAP F (1)

Member Extensions: 3.05 Miles	$ 383,747.40		
		SUBTOTAL	
		$	383,747.40
ASSESSMENTS		$	46,905.00
		$	430,652.40
Arch. Clearance, E.A. & R.O.W. (3.54 Miles)	$ 46,905.00		
SUBTOTAL	$ 430,652.40		
NTUA CONTRIBUTION		***SUBTOTAL***	
		$	430,652.40
10 Homes @ $1,500.00	$ 15,000.00	$	15,000.00
		$	415,652.40
CONTRIBUTION REQUIRED PRIOR TO CONSTRUCTION		$	415,652.40
		SUBTOTAL	
ALLOCATED FUNDING		$	415,652.40
N.N. SIHASIN - YEAR 2	$ 100,567.50	$	46,905.00
R.O.W. COSTS	$ 46,905.00	SHORTFALL =	$ 368,747.40
AVAILABLE BALANCE	$ 53,662.50		

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2020 - 2025

Tselani/Cottonwood

CHAPTER PROJECT SUMMARY

Id	Year Rank	Project Title	Category	Amount Secured	2020	2021	2022	2023	2024	2025	Total Project Cost	Amount Not Yet Funded
TFEPIPI50123-002428	2020 - 1	TBN - Far East Phase I & Phase II	Single Phase	$211,337	$1,203,253	$368,747	$0	$0	$0	$0	$1,783,337	$1,572,000
SE50123-002429	2020 - 2	Scattered Extensions	Single Phase	$38,350	$281,879	$0	$0	$0	$0	$0	$320,229	$281,879
WHWP50123-001917	2020 - 3	White Hill Waterline Project	Water System	$265,000	$152,000	$0	$0	$0	$0	$0	$417,000	$152,000
PNNL50123-002373	2020 - 4	N251 North Loop	Roads/Streets	$0	$1,242,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$0	$9,242,000	$9,242,000
SPL50123-002434	2020 - 5	2018 Scattered Power Line	Single Phase	$0	$237,000	$0	$0	$0	$0	$0	$237,000	$237,000
CT50123-002415	2020 - 6	Cell Tower	Telecommunication Towers	$0	$280,800	$0	$0	$0	$0	$0	$280,800	$280,800
PDCPS50123-001158	2020 - 7	Pln, Dsgn, Cnstr Head Start	Head Start	$0	$55,000	$394,500	$5,000	$0	$0	$0	$454,500	$454,500
PDCNSC50123-002436	2020 - 8	Pln, Dsgn, Cnstr New Senior Center	Senior Citizen's	$0	$3,000,000	$0	$0	$0	$0	$0	$3,000,000	$3,000,000
CHE50123-002433	2020 - 9	Chapter Heavy Equipment	Heavy Equipment	$0	$50,000	$0	$0	$0	$0	$0	$50,000	$50,000
CSF50123-000117	2020 - 10	Chapter Warehouse	Storage	$0	$312,000	$0	$0	$0	$0	$0	$312,000	$312,000
FSERF50123-000327	2020 - 11	Fire Station/Emergency Response Facilty	Emergency Management Services	$0	$8,502,000	$0	$0	$0	$0	$0	$8,502,000	$8,502,000
CSPL50123-002431	2020 - 12	Cottonwood Scattered Power Line	Single Phase	$49,976	$0	$0	$0	$0	$0	$0	$49,976	$0
TSPL50123-002430	2020 - 13	Tselani-Steamboat Power Line	Single Phase	$324,300	$0	$0	$0	$0	$0	$0	$324,300	$0
			TOTAL	$888,963	$15,315,932	$2,763,247	$2,005,000	$2,000,000	$2,000,000	$0	$24,973,142	$24,084,179

EXHIBIT
A
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TSEL-15-283

RESOLUTION OF THE TSELANI/COTTONWOOD CHAPTER
REQUESTING THE CHAPTER COUNCIL DELEGATE AND THE DIVISION OF COMMUNITY DEVELOPMENT TO SEEK AND PURSUE CAPITAL IMPROVEMENT FUNDING ON BEHALF OF THE TSELANI/COTTONWOOD CHAPTER.

WHEREAS:

1. The Tselani/Cottonwood Chapter is governed by the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over local matters that are consistent with existing Navajo Laws and Tradition; and

2. The Tselani/Cottonwood Chapter and the community realizes that the annual allocation to the chapter is not adequately funded for Capital Improvement Project Preconstruction Activity and Construction phase; and

3. The Tselani/Cottonwood Chapter and the community further finds that the proposed community projects which are listed on the Navajo Nation WIND System and those that are on the Navajo Nation CIP 5-year plan needs are not adequately funded for Pre-Construction and Construction Activities;

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Tselani/Cottonwood Chapter hereby requests that the Tselani/Cottonwood Chapter Council Delegate seek and pursue additional Capital Improvement Project Funds from all available sources on behalf of the Tselani/Cottonwood Chapter.

2. Further, the Tselani/Cottonwood Chapter requests that the Capital Improvement Office, the Design and Engineering Section develop a need based CIP budget to be submitted to the Navajo Nation Council to be used for allocating additional funds for proposed community capital projects;

CERTIFICATION

We, hereby certify that the foregoing resolution was considered by the Tselani/Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 26 in favor, 0 opposed and 14 abstained this 16th day of August, 2015.

Motion: Harry Gorman

Second: Bessie Tso

Thomas Gorman, Chapter President

Caroline Dale, Chapter Vice President

Marlene Burbank, Chapter Secretary/Treasurer

TSELANI-COTTONWOOD CHAPTER
COMMUNITY LAND USE PLANNING COMMITTEE

POST OFFICE BOX 1139
CHINLE, AZ 86503
928-725-3765

BENSON MITCHELL, *PRESIDENT*
STEVEN TSOSIE, *VICE-PRESIDENT*
CARLTON E. TSOSIE, *SECRETARY*
STEPHEN BURBANK

RESOLUTION OF TSELANI-COTTONWOOD COMMUNITY BASED LAND USE PLANNING COMMITTEE

CBLUPC -08-1315

SUPPORTING THE TSELANI/COTTONWOOD CHAPTER REQUEST TO THE NAVAJO NATION COUNCIL DELEGATE, KEE ALLEN BEGAY JR., TO SOLICIT AND PURSUE FOR CAPITAL IMPROVEMENT FUNDING ON BEHALF OF THE TSELANI/COTTONWOOD CHAPTER COMMUNITY.

1. The Tselani/Cottonwood Community Base Land Use Planning Committee was certified on June 25, 2009 by Transportation & Community Development Community (TCDC) pursuant to legislation No. 0246-09, the Navajo Nation Council adopted the Navajo Nation Governance Act (LGA) Title26 of the Navajo code; And

2. To accommodate the short and long term basic needs of the chapter relating to community economic and infrastructure development. In the process, preserving grazing and culturally significant areas. The Tselani/Cottonwood chapter governs in the best interest of the community, therefore, establishing a Community Land Use Planning Community (CLUPC) to begin the planning process towards community development; And

3. The CBLUPC has inadequate budget to have the capacity to effectively plan for the community and the committee is requesting for assistance from our Council Delegate, Kee Allen Begay, to collect funding for the chapter and the committee; And

4. The CBLUPC also request of the Council Delegate to seek additional project funding form sources like County, State, and the Federal Government to fund chapter projects and land use planning initiatives.

NOW, THEREFOR, BE IT RESOLVED THAT:

THE TSELANI/COTTONWOOD CHAPTER COMMUNITY BASED LAND USE PLANNING COMMITTEE SUPPORTS THE TSELANI/COTTONWOOD CHAPTER REQUEST TO THE NAVAJO NATION COUNCIL DELEGATE, KEE ALLEN BEGAY JR., TO SOLICIT AND PURSUE FOR CAPITAL IMPROVEMENT FUNDING ON BEHALF OF THE TSELANI/COTTONWOOD CHAPTER COMMUNITY..

C E R T I F I C A T I O N

We hereby certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter CBLUPC Committee at a duty called meeting at Cottonwood, Navajo Nation, Apache County, Arizona, at which a quorum was present and that same was passed with a vote of _2_ in favor, _0_ opposed, and _1_ abstained, on this 13th day of August 2015.

Motioned: ____Stephen Burbank_____ Seconded: ____Steven Tsosie_____

Benson Mitchell, CBLUPC President _____

THOMAS GORMAN, PRESIDENT CAROLINE DALE, VICE-PRESIDENT MARLENE BURBANK, SECRETARY/TREASURER STEVEN TSOSIE, GRAZING OFFICIAL HONORABLE ROLAND TSO, DELE

Tselani/Cottonwood Chapter
Post Office Box 1139
Chinle, AZ 86503
Ph: 928-725-3765
Fx: 928-725-3767

CHESTER FRANCIS, COMMUNITY SERVICES COORDINATOR NELARITA TSO, ACCOUNTS MAINTENANCE SPECIALIST

RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL- 269

APPROVING THE TSELANI/COTTONWOOD PRIORITY INFRASTRUCTURE PROJECTS FOR THE FISCAL YEAR 2015.

WHEREAS:

1. The Tselani-Cottonwood Chapter is governed by the Navajo Nation Code title 26 Local Governance Act as a unit of government with delegated authority to make decision over the local matters that are consistent with existing Navajo laws including tradition; and

2. The Tselani-Cottonwood Chapter prioritized its major projects as following:

   a. Cottonwood Far-East Power line Project - TBN
   b. Cottonwood Pre-School Building
   c. Cottonwood Chapter Government Facility
   d. Cottonwood Fire Station and Emergency Response Facility

3. This chapter priority projects is subject to change due to funds availability and chapter amendment within its strategic planning.

4. This following priority list is required for funding considerations from various departments within the Navajo Nation and outside entities.

NOW, THEREFORE, BE IT RESOLVED THAT:

THE TSELANI/COTTONWOOD APPROVES THE FISCAL YEAR 2015 PRIORITY INFRASTRUCTURE PROJECTS.

C E R T I F I C A T I O N

I, hereby, certify that the foregoing resolution was duly considered by the Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 37 in favor, 00 opposed and 03 abstained on this 19th day of July 2015

Motioned: Benson Mitchell Seconded: Billy Nez

Thomas Gorman, Chapter President

Caroline Dale, Chapter Vice President Caroline Dale

Marlene Burbank, Chapter Secretary-Treasurer Marlene Burbank

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EXHIBIT
B

RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-18-450

REQUESTING THE NAVAJO TRIBAL UTILITY AUTHOURITY (NTUA) FOR AN UPDATED CONSTRUCTION COST ESTIMATE FOR THE TSELANI CHAPTER (EAST PHASE I), TSELANI CHAPTER (EAST PHASE II) AND TSELANI/COTTONWOOD CHAPTER (SCATTERED EXTENSIONS) POWER LINE PROJECTS COVERING 21 HOMES

WHEREAS:

1. The Tselani-Cottonwood Chapter is governed the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over the local matters that are consistent with existing Navajo Laws including tradition; and

2. Tselani-Cottonwood Chapter pursuant to 26 N.N.C., Section 1(B) is vested with the authority to review all matters affecting the community, make appropriate decisions when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and

3. The last construction cost estimates to provide service to residents in the Tselani Chapter East Phase I and Tselani Chapter East Phase II were dated January 8, 2016; and Tselani/Cottonwood Chapter Scattered Extension was dated December 1, 2016, the Chapter received; AND

4. It is known construction costs increase annually so the Tselani/Cottonwood Chapter community would like to request an updated cost estimates for the Tselani Chapter East Phase I, II and Scattered Extension Power Line Project; AND

5. Tselani Chapter East Phase I project is proposed to serve eight homes: Ruth Yazzie, Edgar James, Harold James, Angelita Totsoni, Danielle Totsoni, Lucy Begay, Larry Gorman and Dorothy Chee; Tselani Chapter East Phase II project is proposed to serve nine homes: Majel Brown, Barbara Benally, Elousie Talcula, Elouise James, Jerome James, Nelson Gorman, Sylvia Wanenka, Shirley Marie Chee, Edward Chee Lee and Elroy Chee; and Tselani/Cottonwood Scattered Extension project is proposed to serve three homes: Anderson Reid, Clarence Reid & Gene Curley and Andrew & Dorothy Poola currently are without power; AND

6. The Cost Estimate provided to the chapter in 2016 is outdated and the increase rate of construction cost it would be wise to update the cost estimate and proceed with the project.

NOW, THEREFORE, BE IT RESOLVED THAT:

Requesting the Navajo Tribal Utility Authority (NTUA) for an updated Construction Cost Estimate for the Tselani Chapter East Phase I, Tselani Chapter East Phase II and Tselani/Cottonwood Scattered Extension Power Line projects covering 21 homes.

CERTIFICATION

I, hereby, certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Apache, County, Arizona) at which a quorum was present and that same was passed by a vote of 32 in favor, 00 opposed and 06 abstained on this 14th day of May, 2018.

Motioned by Bessie Tso

Seconded by Lorraine Williams

Thomas Gorman, Chapter President

Caroline Dale, Vice-President

Marlene Burbank, Sec/Treasurer

Kee Allen Begay, Jr., Council Delegate

RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-15-275

REQUESTING THE NAVAJO TRIBAL UTIILITY AUTHORITY TO UPDATE THE FEASIBILITY STUDY FOR THE ELECTRICAL POWERLINE EXTENSION PROJECT FOR TSELANI EAST "TBN".

WHEREAS:

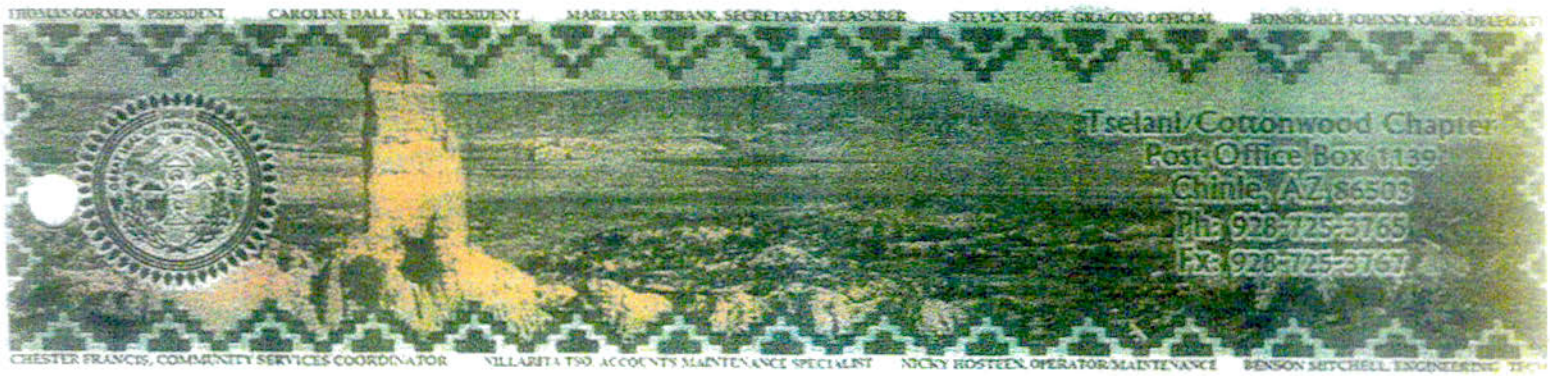
1. The Tselani-Cottonwood Chapter is governed by the Navajo Nation Code title 26 Local governance Act as a unit of government with delegated authority to make decision over the local matters that are consistent with existing Navajo laws including tradition; and

2. The Tselani/Cottonwood Chapter has identified this area to be lacking the most important infrastructure, Electric Service, that is needed to improve the safety, health, and the quality of life of our residents living in these areas; and

3. The Tselani/Cottonwood Chapter community in these areas have been requesting for electric services for over 30 years and now have resulted in some homes vacant. People have started renting in nearby towns to raise their families using the benefits of electric; and

4. The need for this proposed power lines are clear; to improve safety, health, and the quality of life for both communities by these benefits:

   - Refrigerator that runs off electric will now keep food, dairy, and medicine fresher three times longer.
   - Security light during night hours will now provide sense of security.
   - Heating a home will not have to require the tremendous work of hauling wood for the winter.
   - Home cooking by electric stove is more affordable than propane.
   - Electric will reduce the need for kerosene, gasoline, wood, and propane thus, making the home safer from fire.
   - The community will be more informed of news and events since all television and radios run on electric power.



- Electric will provide our younger generation the ability to dramatically improve in education by the use of computers and printing homework documents for school work.
- Lighting the home site areas and in homes will make it possible to work beyond night fall increasing education success and family productivity.
- Electricity at homes will increase home based businesses, boosting the local economy eliminating the need to travel outside the reservation.
- Electric power is an essential element in homes with waterline proposed areas. Water heaters and pumps that operate on electric are required before water line project becomes construction ready.
- This proposed power line extension will also provide opportunity for landline phones to the community since phone lines run on the exact same poles as the electric.

The urgency of this project is important. This power line extension was planned back in the 1900's and to further delay is to cheat our community of modernization. Imagine if power was available when this project was first planned. Our scholars would be better off in life, increasing the chances of students going off to college after all they would have been exposed to this technology at an earlier stage in life. Urgency for project is also important when it comes to existing pre-wired homes becoming dilapidated; and

5. This chapter is continuously coordinating with the Navajo Nation Capital Improvement Office, and Navajo Tribal Utility Authority to ensure that the chapter infrastructure development is a priority. The chapter is responsible for organizational flow of this project and has this TBN project current in the priority project list for 2015; and

6. This infrastructure project is been in Tselani-Cottonwood Chapter master plan for over 30 years and deserves priority over other projects. The community has been patiently waiting for this power line extension to become a reality. The popularity and faith within the chapter's ability to complete projects has decreased tremendously and reflects on the low attendance from these communities at the monthly chapter meetings. This project deserves priority since electricity relates directly to protecting the public health and safety. Electricity is used in operating medical

equipment, refrigerating medications, safer home heating and cooking, and lighting provides home security.

7. Tselani/Cottonwood Chapter has complied the list names by onsite feasibility studies and have selected home for phase one and phase two of this project.

Homes in the PHASE ONE project are as follows:

1. Danielle Totsoni	109°46'16.43"W, 35°57'50.50"N
2. Angelita Totsoni	109°46'16.08"W, 35°57'51.27"N
3. Ruth Yazzie	109°44'52.54"W, 35°58'8.07"N
4. Edgar James	109°44'39.21"W, 35°58'6.49"N
5. Harold James	109°47'6.37"W, 35°58'7.68"N
6. Dorothy Chee	109°42'30.98"W, 36° 0'23.56"N
7. Lucy Begay	109°42'32.88"W, 36° 1'53.02"N
9. Larry Gorman	109°41'41.35"W, 36° 3'27.93"N

Homes in PHASE TWO are as follows:

9. Majel Brown	109°46'4.37"W, 35°56'40.48"N
10. Barbara Benally	109°44'46.13"W, 35°58'30.94"N
11. Nelson Gorman	109°43'34.06"W, 36° 1'16.45"N
12. Shirley Marie Chee	109°42'2.34"W, 36° 0'15.62"N
13. Elroy Chee	109°43'7.92"W, 36° 0'24.19"N
14. Edward Chee Lee	109°42'3.12"W, 36° 0'15.13"N
15. Jerome James	109°44'38.52"W, 35°58'5.88"N
16. Sylvia Wanenka	109°42'1.10"W, 36° 0'16.69"N
17. Elouise James	109°44'38.02"W, 35°58'6.78"N
18. Elousie Talcula	109°47'9.27"W, 35°58'9.32"N

9. This resolution supersedes ANY previous resolutions pertaining to "TBN Powerline Project" and will function as an updated resolution for NTUA cost estimates.

NOW, THEREFORE, BE IT RESOLVED THAT:

THE TSELANI/COTTONWOOD CHAPTER IS REQUESTING THE NAVAJO TRIBAL UTIILITY AUTHORITY TO UPDATE THE FEASIBILITY STUDY FOR THE ELECTRICAL POWERLINE EXTENSION PROJECT FOR TSELANI EAST "TBN".

C E R T I F I C A T I O N

I, hereby, certify that the foregoing resolution was considered at a duly called meeting at Tselani-Cottonwood Chapter, Navajo Nation, Apache County at which a quorum was present and the same passed with a vote of 31 in favor, 00 opposed and 07 abstained on this 19th day of July 2015.

Motioned by Phyllis John Seconded by Jerry Chee Lee

Thomas Gorman, Chapter President

Caroline Dale, Chapter Vice President

Marlene Burbank, Secretary / Treasure

EXHIBIT

C

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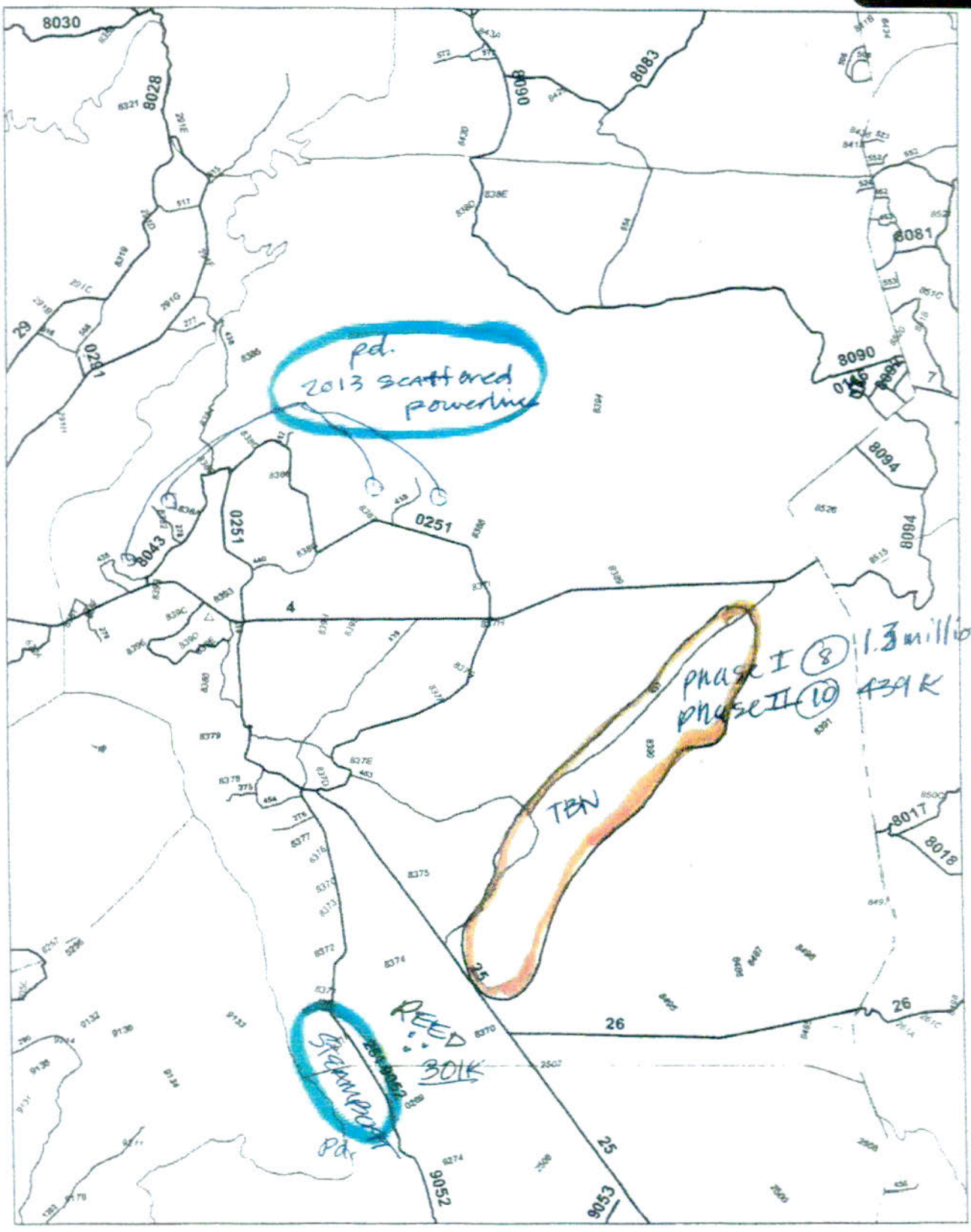
TSELANI/COTTONWOOD CHAPTER



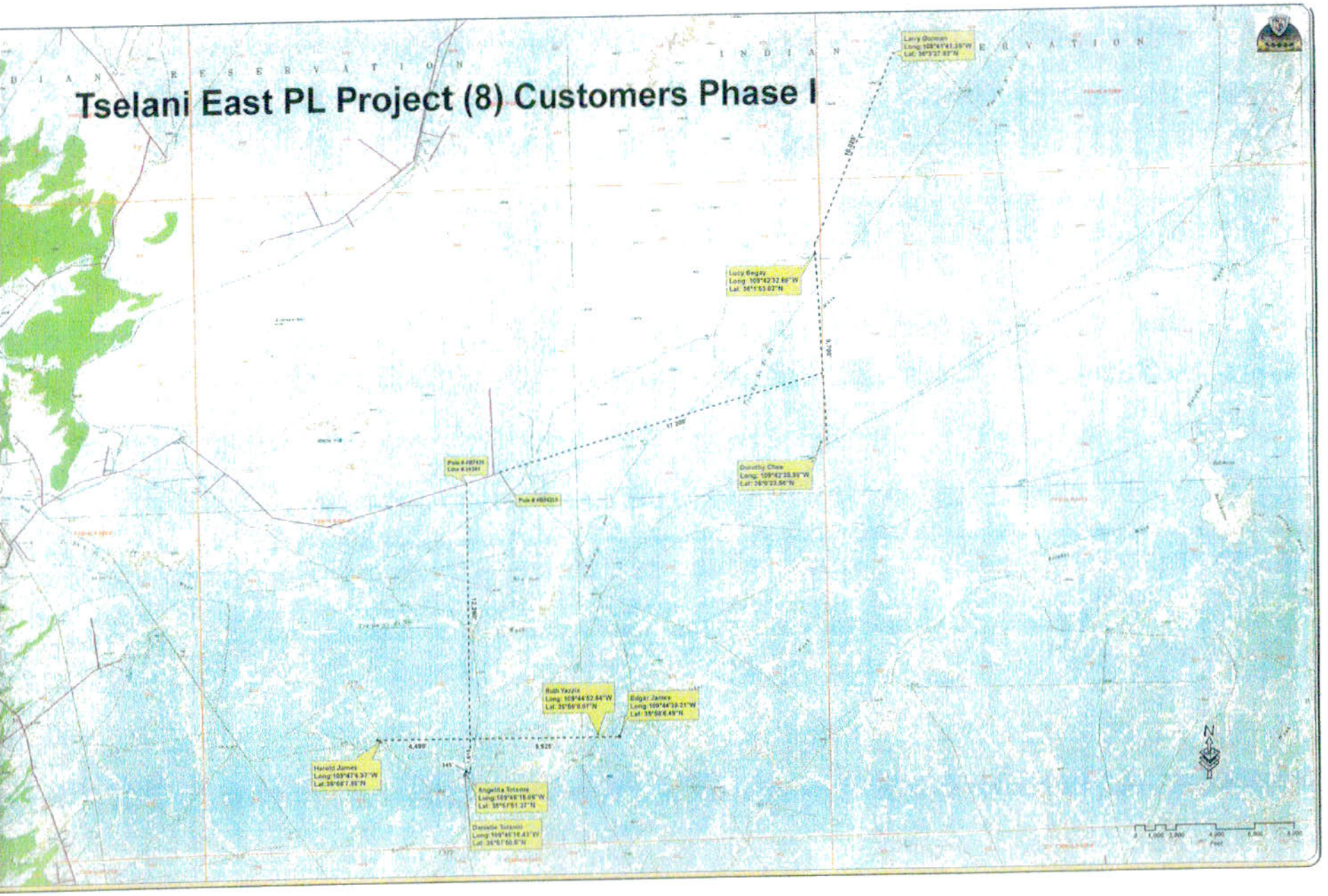
Legend

Chapter Points — State — Chapters — Reservation
BIA — County — County — CongressDistrict
Tribe — US Highways — Agency — State

N

0 0.5 1 2 3 Miles

Tselani East PL Project (8) Customers Phase I



Tab 4

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NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

June 13, 2019

RECEIVED
JUN 1 1 2019
TSELANI - COTTONWOOD CHAPTER
ADMINISTRATION OFFICE

Ms. Charlene Wallace, Community Service Coordinator
Tselani/Cottonwood Chapter
P.O. Box 1139
Chinle, Arizona 86503

RE: Tselani/Cottonwood (East Phase I) Power Line Project

Dear Ms. Wallace:

NTUA is pleased to provide the revised **PRELIMINARY** construction cost estimates to provide service to residents located in the Tselani/Cottonwood Chapter area, referencing Resolution TSEL-18-450. These costs will supersede all previous costs. The following items are provided for your information:

1. The ownership of the power lines will belong to the Navajo Tribal Utility Authority. The Navajo Tribal Utility Authority will handle the operation and maintenance responsibilities.

2. The cost estimates that are submitted are **PRELIMINARY**. Final construction cost estimates will be based upon the results of archaeological and legal surveys and final engineering design.

3. Notice of funding for right-of-way acquisition has been received (Navajo Nation Sihasin Year 2 – Resolution No. CAP-35-18). NTUA has commenced with the archaeological clearance, environmental assessment, and legal surveys; and final engineering and design. This amount is shown on the attached estimate and contributes to the total project cost.

4. The Navajo Tribal Utility Authority will budget $1,500.00 per customer provided their house is wired and ready for hook up prior to construction.

NOTE: If all homes are not wired, the NTUA Contribution will be adjusted downward to reflect the actual number of homes wired at the time of construction. This will result in an increase in contribution required by the Tselani/Cottonwood Chapter.

If you have any questions concerning these cost estimates, you may contact Ms. Janice Harvey, Project Supervisor, Chinle District at (928) 729-5721, extension 4729 or myself at (928) 729-5721, extension 4685.

Sincerely yours,

NAVAJO TRIBAL UTILITY AUTHORITY

Louella Chee

Louella Chee, Project Administrator
Electric System Planning Section

CC: Kee Allen Begay, Tselani/Cottonwood Chapter
Thomas Gorman, Tselani/Cottonwood Chapter
Jay M. Kee, Tselani/Cottonwood Chapter
Srinivasa Venigalla, Electric and Information Systems Division, NTUA
Lester Lee, Electric Systems Division, NTUA
Bernice (Niecy) Tsosie, Electric System Planning Section, NTUA
Ethelind Johns, Electric System Planning Section, NTUA
Shannon Burnette, Electric System Planning Section, NTUA
Sherrell White, Electric System Planning Section, NTUA
William Nez, Electric System Planning Section, NTUA
Jonathan Curley, Chinle District, NTUA
Janice Harvey, Chinle District, NTUA
Rhonda Lomakema, Chinle District, NTUA

Tselani/Cottonwood (East Phase II) Power Line Project

Main Line A	5.65 Miles	$ 547,484.22
Member Extensions	1.27 Miles	$ 151,256.34
Main Line B	3.84 Miles	$ 371,408.90
Member Extensions	1.04 Miles	$ 145,103.69
Subtotal		$ 1,215,253.15
Archaeological Clearance, Environmental Assessment, and Legal Survey for Right-of-Way (11.80 Miles)		$ 164,432.50
Subtotal		$ 1,379,685.65
NTUA Contribution (8 Homes @ $1,500.00)		(12,000.00)
Contribution Required Prior to Construction		**$ 1,367,685.65**

NAVAJO TRIBAL UTILITY AUTHORITY
Proposed Power Line Extension

CHAPTER: TSELANI/COTTONWOOD

REMARKS: Tselani/Cottonwood Chapter (East Phase I) Power Line Project

No	Customer's Name	Description	House Yes	Wired No	Comments
	LINE A (Secondary Service Off Of Main Line)				
1.	Larry Gorman				
	TAP A-1				
2.	Dorothy Chee				
	TAP A-2				
3.	Lucy Begay				
	LINE B (Secondary Service Off Of Main Line)				
4.	Edgar James				
5.	Ruth Yazzie				
	TAP B-1				
6.	Harold James				
	TAP B-2				
7.	Angelita Totsoni				
8.	Danielle Totsoni				

NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

January 8, 2016

Mr. Chester Francis, Community Service Coordinator
Tselani-Cottonwood Chapter
P.O. Box 1139
Chinle, Arizona 86503

RE: Tselani Chapter (East Phase I) Power Line Project

Dear Mr. Francis:

Provided herewith are **PRELIMINARY** construction costs estimates to provide service to residents within the East Phase I area of Tselani-Cottonwood Chapter. These costs will supersede all previous costs. The following items are provided for your information:

1. The ownership of the power lines will belong to the Navajo Tribal Utility Authority. The Navajo Tribal Utility Authority will handle the operation and maintenance responsibilities.

2. The cost estimates that are submitted are **PRELIMINARY**. Final construction cost estimates will be based upon the results of archaeological and legal surveys and final engineering design.

3. Notice of funding for right-of-way acquisition must be received before NTUA can commence with the archaeological clearance, environmental assessment, and legal surveys: and final engineering and design. This amount is shown on the attached estimate and contributes to the total project cost.

4. The Navajo Tribal Utility Authority will budget $1,500.00 per customer provided their house is wired and ready for hook up prior to construction.

NOTE: If all homes are not wired, the NTUA Contribution will be adjusted downward to reflect the actual number of homes wired at the time of construction. This will result in an increase in contribution required by the Tselani-Cottonwood Chapter.

If you have any questions concerning these cost estimates, you may contact Mr. Alfred Guy, Acting Customer Service Supervisor, Chinle District at (928) 729-5721, extension 4735 or the Electric System Planning Department at (928) 729-4685.

Sincerely yours,

NAVAJO TRIBAL UTILITY AUTHORITY

Louella Chee

Louella Chee, Project Administrator
Electric System Planning Section

CC: Thomas Gorman, Tselani-Cottonwood Chapter
Niecy Tsosie, Electric System Planning Section, NTUA
Ethelind Johns, Electric System Planning Section, NTUA
Shannon Burnette, Electric System Planning Section, NTUA
Sherrell White, Electric System Planning Section, NTUA
Rubianne Dugi, Chinle District, NTUA
Alfred Guy, Chinle District, NTUA
Lemanuel James, Chinle District, NTUA

Tselani Chapter (East Phase I) Power Line Project

Main Trunk Line	4.20 Miles	$ 416,680.49
Member Extensions	1.22 Miles	$ 137,614.69
Main Trunk Line	6.33 Miles	$ 620,890.50
Member Extensions	.66 Miles	$ 70,398.57
Subtotal		$ 1,245,584.25
Archaeological Clearance, Environmental Assessment, and Legal Survey for Right-of-Way Acquisition (12.41 Miles)		$ 162,881.25
Subtotal		$ 1,408,465.50
NTUA Contribution (8 Homes @ $1,500.00)		(12,000.00)
Contribution Required Prior to Construction		**$ 1,396,465.50**

NAVAJO TRIBAL UTILITY AUTHORITY
Proposed Power Line Extension

CHAPTER: TSELANI-COTTONWOOD

REMARKS: Tselani Chapter (East Phase I) Power Line Project

No	Customer's Name	Description	House Yes	Wired No	Comments
	LINE A (Secondary Service Off of the Main Line)				
1.	Ruth Yazzie				
2.	Edgar James				
	TAP A-1				
3.	Harold James				
	TAP A-2				
4.	Angelita Totsoni				
5.	Danielle Totsoni				
	LINE B (Secondary Service Off of the Main Line)				
6.	Lucy Begay				
7.	Larry Gorman				
	TAP B-1				
8.	Dorothy Chee				

EXHIBIT
E
SUPPLYJUSTICE.COM

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker
Navajo Nation Council

FROM: Russell Begaye, *President*
THE NAVAJO NATION

DATE: May 7, 2018

SUBJECT: **Resolution No. CAP-35-18: RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SISHASIN 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 BUDGET AND CAPITAL IMPROVEMENT PROCESS**

Pursuant to 2 N.N.C. 1005 (C)(10), action for Resolution No. CAP-35-18 is being submitted to the Navajo Nation Council, through the Office of the Speaker within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164 (A)(17).

After review of **Resolution No. CAP-35-18,** I hereby exercise my line-veto to:

1. **Section Three. Approval and Adoption of Expenditure Plan.**
2. **Section Four. Approval and Adoption of Expenditure Plan Administration.**
3. **EXHIBIT D. SISHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN**

a. **NO. 42 YEAR 1 Funding $46,100.00, YEAR 2 Funding $143,250.00, YEAR 3 Funding $643,983.00, SIHASIN FUNDS REQUESTED in the total amount of $833,333.00.**

b. **NO. 70 YEAR 1 Funding $350,000.00, SIHASIN FUNDS REQUESTED in the total amount of $350,000.00**

After consultation with the impacted Divisions, I have decided to exercise my line-item veto authority. The justification and details for use of the President's line-item veto is set forth below.

a. **NO. 42 YEAR 1 Funding $46,100.00, YEAR 2 Funding $143,250.00, YEAR 3 Funding $643,983.00, SIHASIN FUNDS REQUESTED in the total amount of $833,333.00.**

b. **NO. 70 YEAR 1 Funding $350,000.00, SIHASIN FUNDS REQUESTED in the total amount of $350,000.00**

First, the 110 Chapters have millions in unexpended dollars and should expend these fund for the many uses and projects on this Sihasin project listing. There are still many people that need water and electricity and these dollars should be priority for these funds. Second, the two projects vetoed are Bureau of Indian Affairs (BIA) projects and should remain under the BIA funding. Third, I support these appropriations as they also fulfill our four (4) pillars for Veterans, Youth and Elders, Jobs and Infrastructure.

I am pleased to sign this legislation into law as it will stimulate our economy by creating much needed jobs and bringing in infrastructure for our People.

Therefore, I will exercise my line-item veto authority to only two (2) items.

CAP-35-18

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN 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 BUDGET AND CAPITAL IMPROVEMENT PROCESS

BE IT ENACTED:

Section One. Authority

A. The Health Education and Human Services Committee of the Navajo Nation Council is empowered to provide legislative oversight on matters involving health, social services, education, general governmental services and human services. 2 N.N.C. §400 (C) (1).

B. The Resource Development Committee of the Navajo Nation Council is empowered to exercise oversight authority on matters involving roads and transportation, communications and utilities, information technology, chapter activities, economic and community development, rights-of-way, public utilities and housing. 2 N.N.C. § 500 (C).

C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §§ 301 (B) (2) and (5).

D. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164 (A) (9).

E. The Naabik'íyáti' Committee additionally has the authority to delegate its authority as appropriate for efficiency and streamlining of government process to appropriate entities

and to establish a subcommittee that consists of committee members which the committee selects. 2 N.N.C. §§ 186 and 701 (B). The Naabik'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]".

F. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

Section Two. Findings

A. On November 1, 2006, the 20th Navajo Nation Council unanimously passed Resolution No. CN-57-06 authorizing the Navajo Nation Attorney General to file a lawsuit against the United States for the alleged breach of its fiduciary duties to the Nation arising under treaties, executive orders, public laws, statutes, regulations and contracts due to its mismanagement of the Nation's tribal trust assets, including tribal trust funds and select tribal resources, specifically excluding water and assets held in trust for individual Navajo members. Resolution No. CN-57-06 was signed into law by the President of the Navajo Nation on November 13, 2006.

B. On September 26, 2013, the Naabik'íyáti' Committee of the Navajo Nation Council passed NABIS-42-13 creating a Trust Mismanagement Litigation Task Force ("Task Force"), composed of Council Delegates, from each agency and each standing committee, as well as Presidential appointees, to assist and consult with the Navajo Nation Office of the Attorney General, Department of Justice, outside legal counsel and the Office of the Navajo Nation President & Vice-President in evaluating whether any proposals put forth by the United States to settle the lawsuit, *Navajo Nation v. United States*, No. 06-945L, (United States Court of Federal Claims) were in the best interests of the Nation.

C. On May 16, 2014, the United States made a settlement offer that was acceptable to the Nation's Attorney General, outside legal counsel, the Task Force and the Office of the President & Vice-President as being in the best interests of the Navajo Nation and on May 30, 2014, the 22nd Navajo

Nation Council adopted Resolution No. CMY-28-14 accepting a settlement of the Navajo Nation's lawsuit, *Navajo Nation v. United States*, No. 06-945L, against the United States for its historical mismanagement of the tribe's trust assets and its failure to ensure that the Navajo Nation received all funds due and owed under the United States' trust obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by the President of the Navajo Nation on June 4, 2014.

D. The 22nd Navajo Nation Council recognized that during the many decades that the United States was in breach of its trust obligations and fiduciary duties to the Nation and engaged in the mismanagement of the Nation's tribal trust assets and resources, the tribal government was without sufficient funds to provide basic services and amenities to the Diné of past generations. The tribal government was also without funds to develop an infrastructure within the four sacred mountains that would support the growth and development of opportunities crucial for the prosperity of future generations of Diné. *See* Resolution No. CMY-28-14.

E. Between October 6, 2014 and November 8, 2014, the Office of the Speaker held seven (7) Public Hearings, as directed by the Navajo Nation Council's Naabik'iyati' Committee, to receive input from Navajo Nation members on how the net proceeds from *Navajo Nation v. United States'* should be used. During that same time period, the Office of the President & Vice-President also held five (5) town hall meetings for a similar purpose.

F. On December 13, 2014, in the best interests of the Nation and consistent with the collective wishes expressed by its members, the 22nd Navajo Nation Council adopted Resolution No. CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014 (hereinafter "2014 Act") and establishing the Navajo Nation Sihasin Fund at 12 N.N.C. § 2501 et seq. The President of the Navajo Nation signed Resolution No. CD-68-14 into law on December 31, 2014.

G. On January 31, 2018, the 23rd Navajo Nation Council adopted Resolution No. CJA-03-18 enacting amendments to CD-68-14 clarifying the intent of the 22nd Navajo Nation Council, including that Sihasin Fund infrastructure projects were not to be limited by 12 N.N.C. § 1310(F) (Navajo Nation Bond Financing Act) or by TCDCJY-77-99 (Capital Improvement Projects Guidelines Policies and Procedures).

Resolution No. CJA-03-18 was signed into law by the President of the Navajo Nation on February 8, 2018.

H. The 2014 Act, as amended by CJA-03-18, mandates that the net proceeds and earnings thereon received by the Navajo Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L, be deposited into the Síhasin Fund and managed and invested to provide financial support and/or financing for (1) the planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterlines, solid waste management development, powerline projects, transportation and communication systems, within the Navajo Nation; and/or (2) education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501 and § 2502 (A), as amended.

I. The 2014 Act, as amended, also established that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund, including loan financing from the Fund for the purposes in § 2502 (A)(1), shall be favored over direct funding in whole". 12 N.N.C § 2502 (C), as amended.

J. The 2014 Act further established that with the exception of outstanding and accrued litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act, as amended, at 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council. *See* 12 N.N.C. § 2505 (A).

K. On April 9, 2015, the Naabik'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]".

L. Between April 2015 and March 2018, the Subcommittee, assisted by the Office of Legislative Services, Office of the Speaker, Office of Legislative Counsel and outside legal counsel, met on more than thirty (30) occasions in either work sessions or official meetings to review and evaluate comments and recommendations from the Navajo

People; hear proposals from Navajo Nation entities, Chapters, programs and officials; and develop expenditure plan(s) for the Síhasin Fund Principal and Income consistent with the purposes set forth in the 2014 Act, as amended.

M. After reviewing the comments and recommendations submitted during the Public Hearings and town hall meetings, as well as the reports and comments made during Síhasin Fund Subcommittee meetings, the Subcommittee determined that powerline projects and Chapter capital and economic development projects were a high priority for Navajo communities and that the funding of such projects would afford Navajo communities the opportunity to start and complete local projects currently stalled by the lack of sufficient funds, apply for additional state and federal funds requiring an identified match, as well as support CMY-28-14's intent to expand infrastructure(s) on the Navajo Nation, spur economic development at the local level and provide amenities to Navajo communities.

N. In November of 2017, the Subcommittee issued a directive to the Speaker of the Navajo Nation Council to develop a nationwide powerline projects expenditure plan combining Undesignated Unreserved Fund Balance ("UUFB") and Síhasin Funds to total one hundred million dollars ($100,000,000.00) divided equally amongst the twenty-four Council Delegate Districts equaling $4,166,666.67 per District. On February 15, 2018, the Navajo Nation Council issued a further directive to the Speaker to have his staff meet with Navajo Nation Council Delegates and the Chapters they represent to develop a nationwide powerline and chapter projects expenditure plan for one hundred million dollars ($100,000,000.00) divided equally amongst the twenty-four Council Delegate Districts with the Síhasin Fund as the intended funding source.

O. Between March 5, 2018 and March 16, 2018, Office of the Speaker staff, contract legal counsel, Captial Projects Management Department ("CPMD") staff, and Navajo Tribal Utilities Authority ("NTUA") staff, met twice with each Council Delegate and their Chapter representatives, including but not limited to Chapter Officials, Chapter Managers and Community Service Coordinators, to review each District's proposed projects for (1) compliance with the 2014 Act's, as amended, purpose of "the planning and development of economic development and regional

infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterlines, solid waste management development, powerline projects, transportation and communication systems, within the Navajo Nation"; and (2) readiness status, e.g., project ready, construction ready or shovel ready, as applied by CPMD.

P. Powerline, economic development and infrastructure projects were proposed at the March meetings including, but not limited to, Head Start facilities, senior and veteran centers, and road improvements. A listing of the proposed projects, including match and contribution funding, is included on attached **Exhibits A through E.**

Q. To ensure that Síhasin Funds are not prematurely withdrawn and continue to earn investment earnings for as long as possible, CPMD, with the assistance of the Office of the Speaker and NTUA, compiled the proposed projects into nationwide three-year funding plans, i.e., Chapter Projects, NTUA Powerlines, Non-NTUA Powerlines, and Waterlines, attached as **Exhibits A through E,** based on individual project readiness status.

R. On March 23, 2018, contract legal counsel and CPMD updated the Síhasin Subcommittee on the Office of the Speaker's efforts to develop the powerline and Chapter projects expenditure plan, including the identification of almost twenty million dollars ($20,000,000.00) in already secured project matching funds.

S. During the update to the Síhasin Subcommittee, the following accountability and implementation measures were discussed:

1. Due to their experience and expertise, as well as economies of scale, the funding and responsibility for implementing Chapter projects and Non-NTUA Powerline projects should be allocated to CPMD with a template in place, e.g., Memorandum of Agreement or other form of grant agreement, for CPMD to transfer the project funds and responsibilities to Local Governance Act Certified Chapters at their request;

2. Due to their experience and expertise, as well as community need to lock-in project pricing, the funding

and responsibility for NTUA Powerline and waterline projects should be allocated directly to NTUA;

3. If the funding for NTUA Powerline and Waterline projects is disbursed directly to NTUA and the funding for Chapter and non-NTUA Powerline projects is disbursed directly to CPMD, the funding for projects at Chapters sanctioned pursuant to 12 N.N.C. § 9 should not be subject to § 9 (B)'s ten percent (10%) withholding;

4. All of the proposed projects were vetted by CPMD and NTUA, respectively, for project readiness before being apportioned into the three-year plans based on project readiness status; therefore, if the funding for a project is not spent or encumbered within twenty-four (24) months of distribution, the project funds should revert to the Síhasin Fund; and

5. To support expeditious administration and implementation of the more than two hundred (200) Chapter projects, CPMD operations should be supplemented with administrative costs.

T. In addition, during the District meetings with Delegates and their Chapter officials and community representatives to select and vet powerline and Chapter projects, concerns were raised that the President's line-item veto of even a single project would disrupt the equal distribution of funds among the Districts, as well as, negate local choice in project selection and impair Chapter and community efforts to procure additional matching funds from federal and state sources.

U. The Navajo Nation Council finds that the Powerline and Chapter Projects Expenditure Plan proposal, attached as **Exhibits A through E**, meets the purposes of the 2014 Act, as amended, i.e., "the planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterlines, solid waste management development, powerline projects, transportation and communication systems, within the Navajo Nation"; as well as the leveraging preference criteria of the 2014 Act, as Síhasin Funds will only fund a portion of the overall total cost of the projects with at least $19,440,279.45, as

set forth on **Exhibits A through E**, of projects' costs covered by other Navajo Nation funds or federal, state or private entities through match funding, joint funding, contribution funding, cost-share funding or similar arrangements and agreements.

V. The Navajo Nation Council also finds that the proposed Powerline and Chapter Projects Expenditure Plan proposal, attached as **Exhibits A through E**, supports community choice and addresses CMY-28-14's intent to expand infrastructure(s) on the Navajo Nation, provide economic development at the local level and provide amenities to Navajo communities.

W. The Navajo Nation Council hereby determines that allocating Síhasin Funds to implement the Powerline and Chapter Projects Expenditure Plan, as set forth in **Exhibits A through E**, fits within the priorities established under the July 20, 2015 One Nation, One Voice Navajo Nation Three Branch Agreement and that it is in the best interests of the Navajo Nation, as well as in the best interests of community development, the expansion of infrastructure(s) on the Navajo Nation, economic development at the local level and the provision of amenities to Navajo communities, to adopt the Síhasin Fund Powerline and Chapter Projects Expenditure Plan, attached as **Exhibits A through E**.

Section Three. Approval and Adoption of Expenditure Plan

A. The Navajo Nation hereby approves and adopts the Síhasin Fund Powerline and Chapter Projects Expenditure Plan, attached and incorporated herein as **Exhibits A through E**.

B. The Navajo Nation hereby approves and adopts total funding from the Síhasin Fund in the amount of one hundred million six hundred thousand dollars ($100,600,000.00) with $18,696,787.92 allocated to Navajo Tribal Utility Authority ("NTUA") for powerline projects; $4,242,192.99 allocated to NTUA for waterline projects; $74,076,413.86 allocated to Captial Projects Management Depart ("CPMD") for Chapter projects; $3,584,605.24 allocated to CPMD for Non-NTUA powerline projects; as summarized in **Exhibit A**, to implement the Síhasin Fund Powerline and Chapter Projects Expenditure Plan as follows:

1. Year 1: The distribution of $42,294,332.87 of Síhasin Funds in Navajo Nation Fiscal Year 2018 allocated as

follows: $2,866,370.94 to NTUA for the first year of NTUA Powerline projects, as set forth in **Exhibit B**; $560,557.00 to NTUA for the first year of Waterline projects, as set forth in **Exhibit E**; $37,423,205.14 to CPMD for the first year of Chapter projects and administrative costs ($200,000.00), as set forth in **Exhibit D**; and $1,444,199.79 to CPMD for the first year of Non-NTUA Powerline projects, as set forth in **Exhibit C**.

2. Year 2: The distribution of $46,203,956.06 of Síhasin Funds in Navajo Nation Fiscal Year 2019 allocated as follows: $12,154,756.58 to NTUA for the second year of NTUA Powerline projects, as set forth in **Exhibit B**; $1,068,666.66 to NTUA for the second year of Waterline projects, as set forth in **Exhibit E**; $31,124,968.21 to CPMD for the second year of Chapter projects and administrative costs ($200,000.00), as set forth in **Exhibit D**; and $1,855,564.61 to CPMD for the second year of Non-NTUA Powerline projects, as set forth in **Exhibit C**.

3. Year 3: The distribution of $12,101,711.08 of Síhasin Funds in Navajo Nation Fiscal Year 2020 allocated as follows: $3,675,660.40 to NTUA for the third year of NTUA Powerline projects, as set forth in **Exhibit B**; $2,612,969.33 to NTUA for the third year of Waterline projects, as set forth in **Exhibit E**; $5,528,240.51 to CPMD for the third year of Chapter projects and administrative costs ($200,000.00), as set forth in **Exhibit D**; and $284,840.84 to CPMD for the third year of Non-NTUA Powerline projects, as set forth in **Exhibit C**.

C. The Síhasin Funds allocated for the Síhasin Fund Powerline and Chapter Projects Expenditure Plan may be further leveraged by the Navajo Nation through bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Síhasin Fund Earnings for repayment and financing costs upon the recommendation of the Budget & Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

Section Four. Approval and Adoption of Expenditure Plan Administration

A. The Navajo Nation hereby approves administration of the Síhasin Fund Powerline and Chapter Projects Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source(s) of the annual distributions of the $100,600,000.00 will be Síhasin Fund Principal or Income or a combination of both;

2. **NTUA Powerline and Waterline Projects**. The annual distributions for NTUA Powerline and Waterline Projects, as set forth in **Exhibits B and E**, shall be released to NTUA through Grant Agreement(s), executed pursuant to 2 N.N.C. §164 (B), as amended, as follows:

   a. The First Year (Fiscal Year 2018) distributions shall be released to NTUA by no later than the end of Navajo Nation Fiscal Year 2018;

   b. The Second and Third Year (Fiscal Years 2019 and 2020) distributions shall be released to NTUA by no later than the end of the first quarter of the respective Navajo Nation Fiscal Year;

   c. NTUA shall not require the Navajo Nation, including its Chapters, nor Navajo individuals, to contribute more funding to complete any project listed in **Exhibits B and E**, regardless of year funded;

   d. Any individual Powerline or Waterline project funds that are not spent or encumbered within twenty-four (24) months of distribution to NTUA shall be returned to the Síhasin Fund; and

   e. NTUA shall account for the Síhasin Funds spent and such accounting or expenditure report, including project status, shall be submitted to CPMD, the Office of President & Vice-President, and the Resources and Development Committee on a quarterly basis.

3. **Chapter and Non-NTUA Powerline Projects**. The annual distributions for Chapter and Non-NTUA Powerline Projects, as set forth in **Exhibits C and D**, shall be released to CPMD as follows:

a. The First Year (Fiscal Year 2018) distributions, including administration costs, shall be released to CPMD by no later than the end of the third quarter of Navajo Nation Fiscal Year 2018;

b. The Second and Third Year (Fiscal Years 2019 and 2020) distributions, including administration costs, shall be released to CPMD by the end of the first quarter of the respective Navajo Nation Fiscal Year;

c. Annual distributions to CPMD for administration costs shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be returned to or deposited in the Síhasin Fund principal or Navajo Nation General Fund until such time as all Chapter Projects listed on Exhibit C are fully completed;

d. 12 N.N.C. § 9 (B) is hereby waived and individual Chapter and non-NTUA Powerline Projects implemented and administered by CPMD shall not be subject to 12 N.N.C. § 9 (B)'s ten percent (10%) withholding;

e. Individual Chapter and non-NTUA Powerline Projects shall be implemented and administered by CPMD consistent with the Navajo Nation Budget Instruction Manual, as amended, unless inconsistent with other provisions of this resolution;

f. If requested, CPMD may transfer individual Chapter Project funds, accountability, and responsibility to a Local Governance Act ("LGA") Certified Chapter pursuant to a Memorandum of Agreement or other form of grant agreement executed pursuant to 2 N.N.C. § 164 (B), as amended;

g. Any individual Chapter or non-NTUA Powerline Project funds that are not spent or encumbered within twenty-four (24) months of distribution to CPMD or transfer to a LGA Certified Chapter shall be returned to the Síhasin Fund;

h. With the exception of project funds and responsibilities transferred to LGA Certified Chapters, CPMD shall account for the Sihasin Funds spent and such accounting or expenditure report shall be included as part of the Executive Branch's quarterly program report submitted to the Resources and Development Committee; and

i. LGA Certified Chapters that have been granted Sihasin Fund project funds and responsibilities, shall account for the money spent and such accounting or expenditure report, including project status, shall be submitted to CPMD, the Office of President & Vice-President, and the Resources and Development Committee on a quarterly basis.

B. NTUA, CPMD and LGA Certified Chapters shall have the authority to enter into match, funding, partnership, cooperative and other cost saving or cost sharing arrangements or leveraging agreements with Navajo Nation entities and enterprises, Navajo Nation Chapters and other political subdivisions, other Navajo Nation programs and federal and state agencies and such agreements shall not be deemed procurement contracts subject to the Navajo Nation Procurement Act, 12 N.N.C. §§ 301 - 371 or Navajo Business Opportunity Act 5 N.N.C. §§ 201 - 215.

1. Notwithstanding the above, all Chapters, working in conjunction with NTUA and/or CPMD, shall have the continuing responsibility to identify ways to further leverage the allocated Sihasin Funds;

2. NTUA and CPMD shall each present an annual leveraging report to the Resource & Development Committee and Budget & Finance Committee during the first quarter of each Navajo Nation Fiscal Year identifying the efforts and success of Chapter(s) in securing additional matching or contribution funding; and

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

Resources & Development Committee, the saved or reduced costs shall be available for expenditure on any other project within the respective District.

C. A chapter project, powerline, or waterline project may be changed, including the year funded, or added to Exhibits A through E with the concurrence of the Delegate representing the chapter's Council District and the approvals of the Resources and Development Committee and Budget and Finance Committee, as long as such project has been certified as construction-ready by CPMD or NTUA and the total Síhasin Funding for the District does not exceed $4,166,666.67.

D. NTUA, CPMD and LGA Certified Chapters shall report the status of the Síhasin Funds allocated or transferred to them to implement the Powerline and Chapter Projects Expenditure Plan, specifically including the use and status of the Síhasin Funds and the status of projects for which they are responsible, to the Resources & Development, Budget & Finance and Naabik'íyáti' Committees and Office of the President & Vice-President on a quarterly basis.

Section Five. Waiving Navajo Nation Code Provisions Regarding the Capital Budget and Capital Improvement Process Effective Date

Notwithstanding that Síhasin Fund projects are specifically *not* subject to the Capital Improvement Projects Guidelines Policies and Procedures set forth by TCDCJY-77-99, the Navajo Nation hereby waives the application of 12 N.N.C. § 810 (F), §§ 820 (I) and (M) and § 860 (C) regarding the Capital Budget and Improvement processes to the Powerline and Chapter Projects Expenditure Plan.

Section Six. Effective Date

The Síhasin Fund Powerline and Chapter Projects Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Seven. Directives

A. All Navajo Nation programs, specifically including, but not limited to, the Office of Controller, Office of Management & Budget, CPMD, and Chapters, as well as NTUA, shall take all steps necessary to expeditiously implement the Síhasin Fund Powerline and Chapter Projects Expenditure Plan.

B. All Navajo Nation programs, as well as NTUA, named in this legislation shall be held accountable for the progress of tasks under their responsibility and control and shall participate in work group meetings, if any, necessary to expeditiously implement the Sihasin Fund Powerline and Chapter Projects Expenditure Plan.

C. Office of Legislative Services will adjust all figures throughout the legislation and exhibits to reflect amendment totals, with the concurrence of the sponsor. The Navajo Nation directs the Office of Legislative Services to recalculate the final monetary totals such that the figures conform to the amendments passed by the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 21 in favor and 00 opposed, on this 17th day of April 2018.

LoRenzo C. Bates, Speaker
Navajo Nation Council

4-27-18
Date

Motion: Honorable Seth Damon
Second: Honorable Steven Begay

Speaker Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this _____ day of _____ 2018.

_____
Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

_____
Russell Begaye, President
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010, certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this 7th day of May 2018.

Russell Begaye
_____
Russell Begaye, President
Navajo Nation

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN
(COVER SHEET)

EXHIBIT: A

		NUMBER OF PROJECT FOLDERS
CAPITAL PROJECTS	$ 74,076,413.86	182
NTUA POWERLINE PROJECTS	$ 18,696,787.92	29
NON-NTUA PROJECTS	$ 3,584,605.24	9
NTUA WATERLINE PROJECTS	$ 4,242,192.99	9
SUBTOTAL	$ 100,600,000.01	
SIHAASIN APPROPIATION	$ 100,600,000.00	229
	$ (0.01) *(Rounding Error)*	

	YEAR 1	YEAR 2	YEAR 3	MATCHING FUNDS
CAPITAL PROJECTS	$37,423,205.14	$31,124,968.21	$5,528,240.51	$17,842,593.31
NTUA POWERLINE PROJECTS	$2,866,370.94	$12,154,756.58	$3,675,660.40	$540,156.79
NON-NTUA PROJECTS	$1,444,199.79	$1,855,564.61	$284,840.84	$3,913,859.66
NTUA WATERLINE PROJECTS	$560,557.00	$1,068,666.66	$2,612,969.33	$15,110,777.71
	$42,294,332.87	**$46,203,956.06**	**$12,101,711.08**	**$37,407,387.47**

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN
(NTUA POWERLINES)

EXHIBIT: B

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design, Design/Construction)	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
1	Many Farms	Powerline Phase II	Design/Construction	18-24 months	$37,432.20	$227,567.80	$0.00	$0.00	$265,000.00
2	Tselani/ Cottonwood	Powerline Ext. Ph I, II, & Scattered	ROW/Pre-Design	18-24 months	$0.00	$265,000.00	$0.00	$0.00	$265,000.00
3	Tsaile/ Wheatfields	Rural Electrication Project Horseshoe Canyon Powerline Ext.	ROW/Pre-Design	18-24 months	$0.00	$191,493.75	$0.00	$0.00	$191,493.75
4	Sawmill	Powerline ext.	Pre-Design	12 months	$120,000.00	$0.00	$0.00	$0.00	$120,000.00
5	Dennehotso	Scattered Powerline Project	Design/Construction	18-24 months	$40,031.25	$418,220.75	$0.00	$0.00	$458,252.00
6	Chilchinbeto	Powerline-Assayi-2nd phase	Design/Construction	18-24 months	$115,000.00	$1,071,765.53	$0.00	$20,000.00	$1,186,765.53
7	Oljato	Powerline Project	Design/Construction	24-36 months	$0.00	$400,000.00	$641,666.66	$0.00	$1,041,666.66
8	Navajo Mountain	Powerline Project	Design/Construction	18-24 months	$0.00	$400,000.00	$641,666.66	$0.00	$1,041,666.66
9	Shonto	Powerline	Design/Construction	24-36 months	$0.00	$400,000.00	$641,666.66	$0.00	$1,041,666.66
10	Inscription House	Powerline Extenstion	Design/Construction	24-36 months	$0.00	$0.00	$661,666.68	$0.00	$661,666.68
11	Teecnospos	Powerline -North Phase 3	Design/Construction	18-24 months	$0.00	$2,233,813.51	$0.00	$0.00	$2,233,813.51
12	Mexican Water	3-Phase Powerline	Construction	18-24 months	$0.00	$1,634,047.00	$0.00	$0.00	$1,634,047.00
13	Indian Wells	Salt Seep Powerline -	Design/Construction	18-24 months	$40,000.00	$0.00	$0.00	$0.00	$40,000.00
14	Whitecone	Powerline Scattered	Design/Construction	18-24 months	$70,000.00	$0.00	$164,333.49	$0.00	$234,333.49
15	Teesto	Teesto Scattered Powerline	Design/Construction	18-24 months	$0.00	$332,273.00	$0.00	$45,927.86	$332,273.00
16	Dilkon	John Draw Powerline Project	Pre-Design	18-24 months	$250,000.00	$0.00	$0.00	$0.00	$250,000.00
17	Leupp	Powerline Project-Grandfalls	Design/Construction	12-18 months	$0.00	$733,333.00	$0.00	$352,237.50	$733,333.00

PREPARED BY: S. YAZZIE AND L. TSO

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN
(NTUA POWERLINES)

EXHIBIT: B

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design, Design/Construction)	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
18	Birdsprings	Powerline Ext. Phase III	Design-Construction	18-24 months	$84,105.00	$649,228.00	$0.00	$0.00	$733,333.00
19	Kindahlichii	Single-Phase Powerline Ext.	Design/Construction	18-24 months	$0.00	$371,729.00	$0.00	$0.00	$371,729.00
20	Kindahiichii	Powerline (Upper WS Ext.)	Design/Construction	18 months	$0.00	$366,873.00	$0.00	$0.00	$366,873.00
21	Coppermine	IV P/L Project	Design/Construction	18-24 months	$0.00	$400,000.00	$0.00	$0.00	$400,000.00
22	Kaibeto	Poweline Project	Design/Construction	18-24 months	$219,187.50	$460,812.50	$0.00	$0.00	$680,000.00
23	LeChee	Powerline Project	Construction	16 months	$92,006.25	$0.00	$924,660.25	$0.00	$1,016,666.50
24	Klagetoh	Salt Springs Powerline	Design/Construction	36 months	$39,643.15	$421,709.06	$0.00	$0.00	$461,352.21
25	Lupton	Powerline	Pre-Design	37 months	$6,036.07	$89,074.42	$0.00	$49,110.49	$95,110.49
26	Houck	Powerline	Desgin/Construction	12-18 months	$80,000.00	$273,278.00	$0.00	$69,056.25	$353,278.00
27	Wide Ruins	Boggy Lake/Tanner Springs	Design/Construction	24-36 months	$200,000.00	$634,538.26	$0.00	$0.00	$834,538.26
28	Piñon	Scattered Powerline Project	Design Constrution	12-18 months	$0.00	$180,000.00	$0.00	$0.00	$180,000.00
29	Black Mesa	Powerline	Pre-Design/ Design/Construction	24 months	$1,472,929.52	$0.00	$0.00	$227,606.25	$1,472,929.52
					$2,866,370.94	$12,154,756.58	$3,675,660.40	GRAND TOTAL	$18,696,787.92

PREPARED BY: S. YAZZIE AND L. TSO

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable LoRenzo Bates
Speaker
23rd Navajo Nation Council

SUPPLYJUSTICE.COM
EXHIBIT
F

MEMORANDUM

TO: Honorable Kee Allen Begay, Jr.
Navajo Nation Council

FROM: Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: September 14, 2017

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION ONE HUNDRED THIRTY SEVEN THOUSAND AND ONE HUNDRED AND THIRTY EIGHT DOLLARS ($2,137,138.00) FOR THE TSELANI-COTTONWOOD PHASE I AND PHASE II AND SCATTERED POWERLINE EXTENSION PROJECT WITHIN TSELANI-COTTONWOOD CHAPTER; WAIVING 12 N.N.C. § 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0371-17__ SPONSOR: Kee Allen Begay Jr

TITLE: An Action Relating To Resources And Development, Budget And Finance, NAABIK'IYATI', And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million One Hundred Thirty Seven Thousand And One Hundred And Thirty Eight Dollars ($2,137,138.00) For The Tselani-Cottonwood Phase I And Phase II And Scattered Powerline Extension Project Within Tselani-Cottonwood Chapter; Waiving 12 N.N.C. §§ 820 (I) And 860 (C) Relating To The Capital Improvement Process

Date posted: September 14, 2017 at 7:20 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0371-17

SPONSOR: Honorable Kee Allen Begay, Jr.

TITLE: An Action Relating To Resources And Development, Budget And Finance, NAABIK'IYATI', And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million One Hundred Thirty Seven Thousand And One Hundred And Thirty Eight Dollars ($2,137,138.00) For The Tselani-Cottonwood Phase I And Phase II And Scattered Powerline Extension Project Within Tselani-Cottonwood Chapter; Waiving 12 N.N.C. §§ 820 (I) And 860 (C) Relating To The Capital Improvement Process.

Posted: September 14, 2017 at 7:20 PM

5 DAY Comment Period Ended: September 19, 2017

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inclusive Comments	*None*

Policy Analyst
Office of Legislative Services

09.20.17 @ 8:27 AM
Date/Time

LEGISLATIVE SUMMARY SHEET
Tracking No. 0371-17

DATE: September 14, 2017

SUBJECT AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION ONE HUNDRED THIRTY SEVEN THOUSAND AND ONE HUNDRED AND THIRTY EIGHT DOLLARS ($2,137,138.00) FOR THE TSELANI-COTTONWOOD PHASE I AND PHASE II AND SCATTERED POWERLINE EXTENSION PROJECT WITHIN TSELANI-COTTONWOOD CHAPTER; WAIVING 12 N.N.C. § 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

PURPOSE: The purpose of this legislation is to approve a supplemental appropriation for $2,137,138.00 for construction of Phase I and Phase II and Scattered Power Line Project in Tselani-Cottonwood Chapter.

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 review the proposed resolution in detail.

-DAY BILL HOLD PERIOD: N/A
-/ebsite Posting Time/Date: 7:30am 9/19/17
Posting End Date: 9/19/2017
ligible for Action: 9/20/2017

Resources & Development Committee
THENCE
Budget & Finance Committee
THENCE
Naa'bik'íyáti' Committee
THENCE
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0371-17

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION ONE HUNDRED THIRTY SEVEN THOUSAND AND ONE HUNDRED AND THIRTY EIGHT DOLLARS ($2,137,138.00) FOR THE TSELANI-COTTONWOOD PHASE I AND PHASE II AND SCATTERED POWERLINE EXTENSION PROJECT WITHIN TSELANI-COTTONWOOD CHAPTER; WAIVING 12 N.N.C. § 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation established the Resources and Development Committee as a Navajo Nation Council standing committee and as such gave the Committee oversight over Navajo Nation Chapters. 2 N.N.C. §§ 164 (A)(9), 500 (A), 501 (C)(1).

B. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo Nation Council standing committee and as such empowered BFC

to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 164 (A)(9), 300 (A), 301 (B)(2).

C. The Navajo Nation Council established the Naabik'íyáti' 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'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).

D. The Title 12 Appropriations Act Supplemental Appropriation requirements include:

1. When the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be allocated by the Navajo Nation Council. 12 N.N.C. § 820(L).
2. Supplemental appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at § 820(F). The Controller of the Navajo Nation shall be responsible for designating recurring and non-recurring revenues. 12 N.N.C. § 820(L).
3. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget ("OMB") for budget impact analysis. 12 N.N.C. § 820(M).

E. The Title 12 Capital Improvement Process includes:

1. Pursuant to 12 N.N.C. § 810(F), "Capital Improvement" means a major project undertaken by the Navajo Nation that is generally not recurring on an annual basis and which fits within one or more of the following categories:
    i. All projects requiring debt obligation or borrowing;
    ii. Any acquisition or lease of land;
    iii. Purchase of major equipment or vehicles, with a life expectancy of five years or more, valued in excess of an amount to be established by the Controller;

iv. Major building improvements that are not routine maintenance expenses and that substantially enhance the value or extend the useful life of a structure;

v. Construction of new buildings or facilities including engineering, design, and other pre-construction costs with an estimated cost in excess of an amount to be determined by the Controller; and/or

vi. Major equipment or furnishing required to furnish new buildings or other projects, the cost of which is above a certain amount to be established by the Controller.

2. Pursuant to 12 N.N.C. § 820 (I), the "[d]evelopment of the Capital Budget shall be coordinated with development of the Operating Budget. All budget requests for capital improvements shall be in compliance with an adopted Capital Improvement Plan and shall not be approved unless in compliance with the Plan."

3. Pursuant to 12 N.N.C. § 860 (C)(2) "[t]he appropriation portion of the Capital Improvement Plan is subject to approval of the Navajo Nation Council upon recommendation of the Budget and Finance Committee. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council."

Section Two. Findings

A. This is a funding request for the construction of the Tselani-Cottonwood Phase I and Phase II and Scattered Power Line Project within the Tselani-Cottonwood Chapter. See Exhibit D

B. The supplemental funding request forms are attached as Exhibit A.

C. The Office of Management and Budget has provided a memorandum satisfying the requirements of 12 N.N.C. § 820(M) and is attached as Exhibit B.

D. The Office of the Controller has provided a memorandum dated September 8, 2017 indicating the balance in the Unreserved, Undesignated Fund Balance as of September 8, 2017 is $31,258,307. This memorandum is provided to meet the requirements of 12 N.N.C, 820 (L), however the Controller of the Navajo Nation has not designated the funds as recurring or non-recurring. This memorandum is attached as Exhibit C.

E. The request for funds for construction of the Tselani-Cottonwood Phase I and Phase II and Scattered Power Line Project within Tselani-Cottonwood Chapter is not included in the Title 12 Capital Improvement Plan because the Plan was rescinded by Navajo Nation Council. CAP-23-17

F. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council. 12 N.N.C. § 860.

G. The Navajo Nation finds it in the best interest to waive 12 N.N.C. §§ 820(I) and 860 (C) regarding the Capital Improvement for the Tselani-Cottonwood Chapter proposed Phase I and Phase II and Scattered Power Line Project.

H. The Navajo Nation finds it in the best interest of the Navajo people to approve this supplemental appropriation request.

Section Three. Waiving 12 N.N.C. §§ 820(I) 1 And 860 (C) Regarding Funding for the Phase I and Phase II and Scattered Power Line Project for Tselani-Cottonwood Chapter.

The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(I) and 860(C) with regard to the Tselani-Cottonwood Phase I and Phase II and Scattered Power Line Project.

Section Four. Approving the Supplemental Appropriation from the Unreserved,

Undesignated Fund Balance in the Amount of $2,137,138.00 for the construction of the Phase I and Phase II and Scattered Power Line Project for Tselani-Cottonwood Chapter.

A. This supplemental appropriation of $2,137,138.00 shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller and to Business Unit Number108026.

B. The Navajo Nation hereby approves the supplemental appropriation from the Unreserved, Undesignated Fund Balance to the Tselani-Cottonwood Chapter for the Phase I and Phase II and Scattered Power Line Project`, Business Unit Number 108026 for $2,137,138.00.

Section Five. Effective Date

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).

FY 2017

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: 108026 Program Title: Tselani/Cottonwood Chapter Division/Branch: Executive

Prepared By: Hon. Kee Allen Begay, Jr. Phone No.: (928) 871-6380 Email Address: keeallenbegayjr@navajo-nsn.gov

PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total
Undesignated Unreserved Fund (UUFB)	10-1-16 to 9-30-17	$ 2,137,138.00	100%
	TOTAL:	$ 2,137,138.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) (Column B + A)
2001 Personnel Expenses				0
3000 Travel Expenses				0
3500 Meeting Expenses				0
4000 Supplies				0
5000 Lease and Rental				0
5500 Communications and Utilities				0
6000 Repairs and Maintenance				0
6500 Contractual Services				0
7000 Special Transactions				0
8000 Public Assistance	1		$ 2,137,138.00	$ 2,137,138.00
9000 Capital Outlay				0
9500 Matching Funds				0
9500 Indirect Cost				0
TOTAL			$ 2,137,138.00	$ 2,137,138.00

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Permanently Assigned Vehicles:	0	0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Program Manager's Printed Name and Signature / Date

APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date

NNOMB-BF1

FY 2017

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: 108026 Program Name/Title: Tselani/Cottonwood Chapter

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

The Navajo Nation Chapters Plan of Operation is referenced in Title 26 of the Navajo Nation Code.

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area: To improve the safe living environment for members of the community of Many Farms. Goal Statement: Complete required clearances to commence powerline extension projects for families in need.					10		11	
2. Program Performance Area: Abide by the chapter's priority powerline exension projects list. Goal Statement: Complete priority projects for the community, powerline extensions, etc.					10		11	
3. Program Performance Area: Assist the chapter with their CIP projects, by cost sharing or match funds with NTUA, Navajo Nation, etc. Goal Statement: Complete powerline projects that need to be completed, due to lack of funds.					10		11	
4. Program Performance Area: Households need realiable and safe electrical power which will benefit them. Goal Statement: Powerline extension will benefit the 21 families who've lived without power for years.					10		11	
5. Program Performance Area: Goal Statement:								

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Program Manager's Printed Name and Signature/Date

Division Director/Branch Chief's Printed Name and Signature / Date

FY 2017

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:

Program Name/Title: Tselani/Cottonwood Chapter Business Unit No.: 108026

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification				(C) Total by DETAILED Object Code	(D) Total by MAJOR Object Code
	8000 ASSISTANCE					$ 2,137,138.00
8500	INFRASTRUCTURE				$ 2,137,138.00	
	Tselani/Cottonwood Chapter Phase I/II and Scattered Powerline Projects					
	8540: Powerline Extension	East Phase I				
		Main Trunk Line	4.20 miles	$ 416,680.49		
		Member Extension	1.22 miles	$ 137,614.69		
		Main Trunk Line	6.33 miles	$ 620,890.50		
		Member Extension	0.66 miles	$ 70,398.57		
			Sub-total:	$ 1,245,584.25		
		Archaeological Clearance, Environmental Assessment, and				
		Legal Survey for ROW Acquisition (2.95 miles)		$ 162,881.25		
			Sub-total:	$ 1,408,465.50		
		NTUA Contribution (8 homes @ $1,500 per home)		$ (12,000.00)		
		Contribution Required Prior to Construction:		$ 1,396,465.50	$ 1,396,465.50	
		East Phase II				
		Electric Member Extension	3.54 miles	$ 407,663.14		
		Archaeological Clearance, Environmental Assessment, and				
		Legal Survey for ROW Acquisition (3.54 miles)		$ 46,462.50		
			Sub-total:	$ 454,125.64		
		NTUA Contribution (10 homes @ $1,500 per home)		$ (15,000.00)		
		Contribution Required Prior to Construction:		$ 439,125.64	$ 439,125.64	
		Scattered Extension				
		Main Trunk Line	2.59 miles	$ 248,903.66		
		Secondary Service Off of Main Line		$ 20,430.13		
			Sub-total:	$ 269,333.79		
		Archaeological Clearance, Environmental Assessment, and				
		Legal Survey for ROW Acquisition (2.59 miles)		$ 36,713.25		
			Sub-total:	$ 306,047.04		
		NTUA Contribution (3 homes @ $1,500 per home)		$ (4,500.00)		
		Contribution Required Prior to Construction:		$ 301,547.04	$ 301,547.04	
			TOTAL:		$ 2,137,138.18	
					TOTAL:	$2,137,138.00	$2,137,138.00

FY 2017
EXHIBIT "B"

The Navajo Nation
Budget Status_Income Statement
As of August 31, 2017

Branch / Object Account	Original Budget	Revised Budget	Actual Expenses		Encumbrances		Budget Available		% Available
LEGISLATIVE BRANCH									
2001 - Personnel Expenses	$ 10,651,778	$ 12,278,822	$ 10,019,465				$ 2,259,357		18.40
3000 - Travel Expenses	1,321,631	1,765,310	1,572,327		46,213		545,274		30.89
3500 - Meeting Expenses	159,932	399,826	210,861		-		204,416		51.13
4000 - Supplies	196,565	744,678	456,884		31,130		248,147		33.32
5000 - Lease & Rental	212,423	226,584	179,129		10,417		50,024		22.07
5500 - Communications & Utilities	119,335	156,833	134,035		-		60,813		38.83
6000 - Repairs & Maintenance	44,547	152,091	74,100		7,525		57,978		38.12
6500 - Contractual Services	541,591	1,553,786	963,771		482,824		197,091		12.68
7000 - Special Transactions	294,373	819,408	411,587		42,876		239,264		38.63
8000 - Assistance	-	-	-		-		-		
9000 - Capital Outlay	20,000	1,069,274	816,172		221,509		586,817		54.88
9600 - Matching & Indirect Cost	-	-	-		-		-		
Total LEGISLATIVE BRANCH	$ 13,562,275	$ 18,966,493	$ 14,836,331	(1a)	$ 822,493	(1b)	$ 3,307,569	(1c)	17.44
EXECUTIVE BRANCH									
2001 - Personnel Expenses	82,554,098	$ 85,757,945	$ 67,342,879		$ -		$ 18,415,068		21.47
3000 - Travel Expenses	9,499,593	9,498,299	8,499,697		8,235		990,367		10.43
3500 - Meeting Expenses	981,047	1,713,064	1,321,407		-		391,657		22.86
4000 - Supplies	5,400,663	7,963,841	4,549,358		897,024		2,517,459		31.61
5000 - Lease & Rental	1,751,399	1,669,091	1,196,102		28,114		444,875		26.65
5500 - Communications & Utilities	7,305,566	8,123,429	6,513,700		589,673		1,020,057		12.56
6000 - Repairs & Maintenance	3,914,876	8,758,252	5,571,378		1,030,316		2,186,557		24.88
6500 - Contractual Services	4,553,568	12,866,818	6,849,248		2,804,762		3,212,809		24.97
7000 - Special Transactions	10,316,377	11,988,749	10,083,552		322,516		1,580,681		13.19
8000 - Assistance	41,728,697	48,837,782	45,579,345		1,174,985		2,083,432		4.27
9000 - Capital Outlay	764,670	2,746,354	1,563,730		350,497		832,127		30.30
9300 - Other Income and Expense	-	-	-				-		
9500 - Matching & Indirect Cost	7,552,457	7,552,457	3,430,328		-		4,122,131		54.58
Total EXECUTIVE BRANCH	$ 176,423,011	$ 207,804,063	$ 162,500,722	(2a)	$ 7,206,122	(2b)	$ 37,797,219	(2c)	18.22
JUDICIAL BRANCH									
2001 - Personnel Expenses	$ 12,523,143	$ 12,566,722	$ 10,812,000				$ 1,754,722		13.96
3000 - Travel Expenses	433,764	419,940	243,969		-		175,971		41.90
3500 - Meeting Expenses	-	26,807	10,955		-		15,852		59.13
4000 - Supplies	68,291	378,953	241,164		27,553		110,236		29.09
5000 - Lease & Rental	9,000	45,670	19,012		-		26,658		58.37
5500 - Communications & Utilities	68,206	90,472	58,386		-		22,087		24.41
6000 - Repairs & Maintenance	-	210,010	99,988		46,094		63,927		30.44
6500 - Contractual Services	-	89,527	50,571		-		38,956		43.46
7000 - Special Transactions	103,339	274,160	172,011		44		102,105		37.24
8000 - Assistance			-				-		
9000 - Capital Outlay	-	45,834	-		-		45,834		100.00
9300 - Other Income and Expense			-				-		
Total JUDICIAL BRANCH	$ 13,206,743	$ 14,148,196	$ 11,718,156	(3a)	$ 73,692	(3b)	$ 2,356,349	(3c)	16.65
GRAND TOTAL	$ 203,192,029	$ 240,918,752	$ 189,055,209	(4a)	$ 8,102,307	(4b)	$ 43,461,236	(4c)	18.06

Footnotes:

Legislative Branch
- (1a) Legislative Expenses
- (1b) Legislative Encumbrances
- (1c) Legislative Budget Available

Executive Branch
- (2a) Executive Expenses
- (2b) Executive Encumbrances
- (2c) Executive Budget Available

Judicial Branch
- (3a) Judicial Expenses
- (3b) Judicial Encumbrances
- (3c) Judicial Budget Available

Total General Fund
- (4a) General Fund Expenses
- (4b) General Fund Encumbrances
- (4c) General Fund Budget Available

Prepared By General Accounting
9/8/2017

EXHIBIT "C"

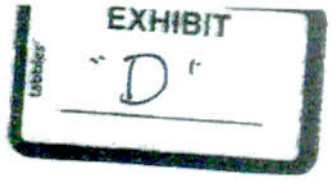
Memo Dated Sept. 8, 2017

Financial Update

Undesignated, Unreserved, Fund Balance (UUFB)
September 8, 2017

09-30-16 UUFB balance (Audited) CJY-15-17		26,763,946
Less Supplementals:		
CO-55-16 Election	510,616	
CN-58-16-Budget	3,848,764	
CJA-05-17 Bennett Freeze	254,656	
CAP-22-17-Dine Bii Association	239,200	
CJN-34-17 Summer Youth Employment	2,161,748	
CJY-37-17- Transportation Stimulus Election	218,943	7,233,927
Total UUFB less Supplementals		19,530,019
Add:		
CJY-50-17 Deposit into UUFB.		11,728,198
UUFB 09-08-17		31,258,217

Prepared by: General Accounting
9/8/2017
5:00 PM



Tselani/Cottonwood Chapter
SUPPLEMENTAL REQUEST

Scattered Phase I	-	$1,396,465.50
Scattered Phase II	-	$ 439,125.64
Scattered Extension-		$ 301,547.04
TOTAL Requested:	-	$2,137,138.18

Thomas Gorman, President Caroline Dale, Vice President Marlene Burbank, Sec./Tres. Kee Allen Begay, Jr., Council Delegate Steven Tsosie, Grazing Official

Charlene Wallace, Coordinator Shalena Tsosie, Account Maintenance Specialist Jay M. Kee, Engineer Technician Lemuel George, Maintenance/Operator

RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-20-551

REQUESTING THE NAVAJO NATION COUNCIL FOR ADDITIONAL FUNDING TO COMPLETE THE TBN POWERLINE EXTENSION PROJECT (PHASE I) IN THE AMOUNT OF $1,323,578.47

WHEREAS:

1. The Tselani-Cottonwood Chapter is governed the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over the local matters that are consistent with existing Navajo Laws including tradition; AND

2. Pursuant to 26 N.N.C., Section 1 (B) Tselani/Cottonwood Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions; AND

3. Tselani/Cottonwood Chapter community is in dire need of infrastructure of extending powerline to homeowners that are construction ready of connecting; AND

4. Tselani/Cottonwood Chapter will advocate and promote the funding resources for the betterment of our community; AND

5. Our Chapter is asking the Navajo Nation Council to designate an additional funds to provide the service to our local community members with powerline extension; AND

6. Tselani/Cottonwood Chapter realized some projects have prolonged due to lack of funding, fortunately this project was partially funded with Sihasin Year 2 Funding ($265,000) Legislative No. 0371-17, enough to cover the Right of Way for this project; AND

7. The local community members have been waiting for the powerline connection for many years and some have moved away to the NHA Housing, due to health issues that may require electricity for such care and services; AND

8. Tselani/Cottonwood Chapter has complied information on eight (8) individuals for the TBN Powerline Extension Project- Phase I (see Exhibit A); AND

9. With the assisted of the Navajo Nation Council, we are asking for the additional funds of $1,203,253.15, plus 10% for cost fluctuation, to complete this project.

NOW, THEREFORE, BE IT RESOLVED THAT:

Tselani/Cottonwood Chapter hereby requesting the Navajo Nation Council for additional funding to complete the TBN Powerline Extension Project (Phase I) in the amount of $1,323,578.47.

CERTIFICATION

I, hereby, certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Apache, County, Arizona) at which a quorum was present and that same was passed by a vote of 27 in favor, 01 opposed and 07 abstained on this 17th day of November, 2019.

Motioned by Nelson Charley

Seconded by Jerry Lee

Thomas Gorman, Chapter President

Caroline Dale

Caroline Dale, Vice-President

Marlene Burbank, Sec/Treasurer

Kee Allen Begay, Jr., Council Delegate

NAVAJO NATION

209

12/19/2019

SPECIAL SESSION

03:01:56 PM

Amd# to Amd#	Legis.No. 0306-19 (as amended)	PASSED
MOT James, V	Approving & Adopting the Tselani	
SEC Stewart, W	Powerline Extension Project	
	Sihasin Expenditure Plan	

Yea : 16 **Nay : 7** **Excused : 0** **Not Voting : 0**

Yea : 16

Begay, K	Daniels	Smith	Walker, T
Begay, P	Freeland, M	Stewart, W	Wauneka, E
Brown	James, V	Tso, C	Yazzie
Charles-Newton	Nez, R	Tso, D	Yellowhair

Nay : 7

Begay, E	Halona, P	Slater, C	Tso, E
Crotty	Henio, J	Tso	

Excused : 0

Not Voting : 0

Presiding Speaker: Damon