

LEGISLATIVE SUMMARY SHEET

Tracking No. 0034-21

DATE: March 2, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE OF PROJECT AND CHANGE OF FUNDING YEAR IN RESOLUTION CAP-35-18, FOR KAYENTA CHAPTER

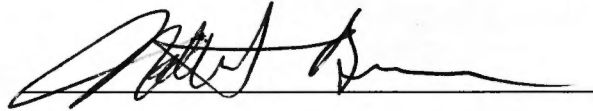
PURPOSE: The purpose of this resolution is to approve a change to the project description in Resolution No. CAP-35-18 for the Kayenta Chapter, deleting the Diversion Dam Rehabilitation Project and replacing it with the Comb Ridge/El Capitan Powerline Project, and moving the Project from Year 2 to Year 3.

5-DAY BILL HOLD PERIOD: 1 Business
Website Posting Time/Date: 03-10-21 2:25 PM
Posting End Date: 03-15-2021
Eligible for Action: 03-16-2021

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24TH NAVAJO NATION COUNCIL - Third Year, 2021

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0034-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND
FINANCE COMMITTEES; APPROVING A CHANGE OF PROJECT AND CHANGE
OF FUNDING YEAR IN RESOLUTION CAP-35-18, FOR KAYENTA CHAPTER

BE IT ENACTED:

Section One. Authority

- A. The Resources and Development Committee exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 501(C)(1).
- B. The Budget and Finance Committee of the Navajo Nation Council exercises authority over budgeting, appropriation, investment and management of all funds. 2 N.N.C. § 301 (B)(2).
- C. Council Resolution CAP-35-18 provides, “[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.” CAP-35-18, Section Four, Paragraph C.

1 **Section Two. Findings**

- 2 A. On April 17, 2018, the Navajo Nation Council adopted Council Resolution No. CAP-
3 35-18, "Adopting the Síhasin Fund Powerline and Chapter Projects Expenditure Plan
4 Pursuant to CD-68-14, as Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as
5 Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to
6 the Capital Budget and Capital Improvement Process." Resolution No. CAP-35-18
7 is incorporated herein by reference.
- 8 B. Kayenta Chapter requests to amend CAP-35-18 to delete the Kayenta Diversion Dam
9 Rehabilitation Project (identified as Project No. D-63 on Exhibit D to Resolution No.
10 CAP-35-18, attached hereto as **Exhibit 3**) and replace it with the Comb Ridge/El
11 Capitan Powerline Project and to move the Project to Year 3. The project funding of
12 \$1,344,623.31 will remain the same and will be expended in Year 3.
- 13 C. The Síhasin Project Amendment Certification, attached hereto as **Exhibit 1**, has been
14 signed by the Navajo Nation Council Delegate representing the Kayenta Chapter's
15 council district as required by CAP-35-18, section 4, paragraph C.
- 16 D. The Capital Projects Management Department, through its signature in section IV of
17 **Exhibit 1**, has indicated the project is construction ready. Supporting documents for
18 the project from the Navajo Tribal Utility Authority are attached as **Exhibit 2**.

19
20 **Section Three. Approval**

21 The Navajo Nation hereby approves the project change requested by the Kayenta
22 Chapter in accordance with the attached **Exhibit 1**.

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CAPITAL PROJECTS MANAGEMENT DEPARTMENT
SIHASIN PROJECT AMENDMENT CERTIFICATION
CAP-35-18

I. PROJECT DETAILS

DATE SUBMITTED September 3, 2020

PROJECT NAME: Kayenta Diversion Dam Rehabilitation Project

REFERENCE NUMBER: _____

PROJECT TYPE: Design & Construction

ORIGINAL DATE APPROVED: November 28, 2019

II. NATURE OF CHANGE AND COST DETAILS

EXHIBIT & PROJECT NO.	PROJECT DESCRIPTION	FUNDING				FUNDING AMOUNT ADDED OR DELETED
		YEAR 1	YEAR 2	YEAR 3	TOTAL FUNDING	
D #63	Kayenta Diversion Dam Rehabilitation Project		\$1,344,623.31			DELETED
D #63	Amendment: Change Project Description to					
	<i>Kayenta Chapter Comb Ridge/El Capitan Powerline</i>			\$1,344,623.31	\$1,344,623.31	ADDED
	<i>Project and to move to Year 3</i>					
TOTAL: [] INCREASED / [] DECREASED FUNDING:					\$1,344,623.31	

Acknowledgement of Project Amendment:

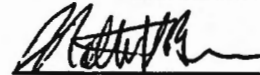
PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Nathaniel Brown

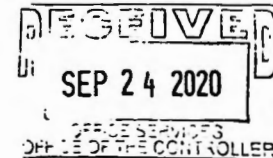


12/25/20

III. REASON FOR AMENDMENT

CPMD has reviewed the CAP-35-18 Project Change Form and concurs that:

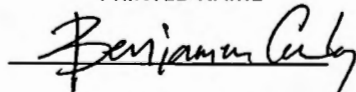
1. The total amount of funding for the added projects equals the total amount of funding for the deleted projects;
2. Each added project has a completed Project Check-Off List signed off by CPMD and attached to this Form; and
3. After the projects have been added and deleted, the total CAP-35-18 funding for the Council District does not exceed \$4,166,666.67.
4. Add language to legislation "**EXHIBIT D**" Funding Use/Year.



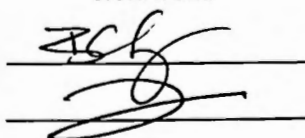
IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE DEEMED CONSTRUCTION-READY.

CPMD Project Manager

PRINTED NAME



SIGNATURE



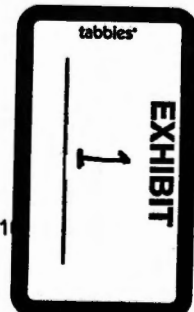
CPMD Department Manager

James Adakai

DATE

9/23/20
9-21-20

Dev. CPMD 1





NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

March 29, 2019

Mr. Stanley Clitso, President
Kayenta Chapter
P.O. Box 1088
Kayenta, Arizona 86033

RE: Kayenta Chapter (Comb Ridge/El Capitan Area) Power Line Project

Dear Mr. Clitso:

Provided herewith are **PRELIMINARY** construction costs estimates to provide service to residents within the Comb Ridge and El Capitan areas of Kayenta Chapter referencing the enclosed Chapter Resolution K18-387-09 we received for this project. 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**. Firm construction costs will be based upon final engineering and design.
3. Notice of funding for right-of-way acquisition must be received before NTUA commences 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 Kayenta Chapter.

Home Office
P.O. BOX 170
FT DEFIANCE, AZ 86504

KAYENTA
P.O. BOX 37
KAYENTA, AZ 86033

TUBA CITY
P.O. BOX 368
TUBA CITY, AZ 86045

SHIPROCK
P.O. BOX 1749
SHIPROCK, NM 87420

CHINLE
P.O. BOX 549
CHINLE, AZ 86503

FORT DEFIANCE
P.O. BOX 587
FT DEFIANCE, AZ 86504

DILCON
HC 83 BOX D
WINSLOW, AZ 86047

CROWNPOINT
P.O. BOX 1825
CROWNPOINT, NM 87313

CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

Letter to Mr. Stanley Clitso, Kayenta Chapter
RE: Kayenta (Comb Ridge/El Capital Area) Power Line Project
March 29, 2019
Page Two

If you have any questions concerning these cost estimates, you may contact Ms. Marcella Black, Project Supervisor, Kayenta District at (928) 729-5721 extension 4762 or me at (928) 729-6236.

Sincerely yours,

NAVAJO TRIBAL UTILITY AUTHORITY



Ethelind Johns, Project Administration Supervisor
Electric System Planning Section

CC: Nathaniel Brown, Kayenta Chapter
Srinivasa Venigalla, Electric and Information Systems, NTUA
Lester Lee, Electric Systems Division, NTUA
Niecy (Bernice) Tsosie, Electric System Planning Section, NTUA
Shannon Burnette, Electric System Planning Section, NTUA
Sherrell White, Electric System Planning Section, NTUA
Louella Chee, Electric System Planning Section, NTUA
Vircyntia Charley, Kayenta District, NTUA
Marcella Black, Kayenta District, NTUA
Darlene Begay, Kayenta District, NTUA

Letter to Mr. Stanley Clitso, Kayenta Chapter
RE: Kayenta Chapter (Comb Ridge/El Capitan Area) Power Line Project
March 29, 2019
Page Three

KAYENTA CHAPTER (Comb Ridge/El Capitan Area)
POWER LINE PROJECT

Line A – Main Trunk Line	13.65 Miles	\$1,322,362.40
Member Extensions	7.33 Miles	<u>875,920.06</u>
Subtotal		\$2,198,282.46
Archaeological Clearance, Environmental Assessment, and Legal Survey for Right-of-Way Acquisition (20.98 Miles)		<u>222,388.00</u>
Subtotal		\$ 2,420,670.46
NTUA Contribution (24 Homes @ \$1,500.00)		(<u>36,000.00</u>)
Contribution Required Prior to Construction		\$2,384,670.46

NAVAJO TRIBAL UTILITY AUTHORITY
Proposed Power Line Extension

CHAPTER: KAYENTA

REMARKS: Kayenta Chapter (Comb Ridge/El Capitan Area) Power Line Project

Page 1 of 2

No	Customer's Name	Description	House Yes	Wired No	Comments
	LINE A (Secondary Service Off Of Main Line)				
1.	Tulley Whitehorse				
2.	Timothy Whitehorse				
3.	Benny/Carlotta Black				
4.	Ken Whitehorse				
5.	Ellen Begaye				
6.	Nathaniel Whitehorse				
7.	Raydel Reddye				
8.	Tara Clitso				
	TAP A-1				
9.	Marlene Gray				
	TAP A-2				
10.	Wanda Allen				
11.	Stanley Gray				
	TAP A-2A				
12.	Ellison Whitehorse				
	TAP A-3				
13.	John Whitehorse				
	TAP A-4				
14.	Edmond White				
15.	Effie Black				
	TAP A-4A				
16.	Mary Speck				
17.	Michael Speck				

CHAPTER: KAYENTA

Page 2 of 2

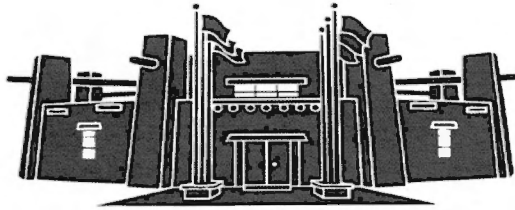
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**SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN**

EXHIBIT:

D

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
48	Lukachukai	Chapter Senior Center	Construction	12 months	\$86,427.00	\$0.00	\$0.00	\$0.00	\$86,427.00
49	Lukachukai	Chapter Welding Machinery	Major Equipment	6-8 months	\$7,000.00	\$0.00	\$0.00	\$0.00	\$7,000.00
50	Lukachukai	Chapter Roping Box	Major Equipment	6-8 months	\$3,503.00	\$0.00	\$0.00	\$0.00	\$3,503.00
51	Crystal	Fire Suppression System	Construction	6-12 months	\$876,000.00	\$0.00	\$0.00	\$285,000.00	\$876,000.00
52	Fort Defiance	Solar Street Lights	Construction	12 months	\$0.00	\$972,025.00	\$0.00	\$283,503.00	\$972,025.00
53	Fort Defiance	Street Rehabilitation	Design/Construction	24 months	\$69,641.67	\$0.00	\$0.00	\$0.00	\$69,641.67
54	Red Lake	Utility System Upgrade	Design/Construction	1-6 months	\$70,000.00	\$0.00	\$0.00	\$0.00	\$70,000.00
55	Red Lake	Street Improvement	Design/Construction		\$100,000.00	\$250,000.00	\$300,000.00	\$0.00	\$650,000.00
56	Red Lake	Chapter Complex	Plan/Design/Construction		\$0.00	\$0.00	\$321,666.67	\$0.00	\$321,666.67
57	Sawmill	Bathroom Additions	Construction	12 months	\$150,000.00	\$0.00	\$0.00	\$0.00	\$150,000.00
58	Sawmill	Renovate Chapter House	Construction	6 months	\$250,000.00	\$250,000.00	\$0.00	\$0.00	\$500,000.00
59	Sawmill	N7 Road Rehab	Design		\$271,666.67	\$0.00	\$0.00	\$0.00	\$271,666.67
60	Dennehotso	Transfer Station	Design/Construction	24 months	\$40,000.00	\$100,000.00	\$0.00	\$0.00	\$140,000.00
61	Dennehotso	Veterans Park	Construction	36 months	\$0.00	\$225,000.00	\$0.00	\$7,000.00	\$225,000.00
62	Dennehotso	Warehouse	Construction	12 months	\$0.00	\$162,025.82	\$0.00	\$20,000.00	\$162,025.82
63	Kayenta	Diversion Dam Rehabilitation Project	Design/Construction	24-36 months	\$0.00	\$1,344,623.31	\$0.00	\$455,000.00	\$1,344,623.31
64	Kayenta	Multi-Purpose Building	Plan/Design/Construction	24 months	\$350,000.00	\$0.00	\$0.00	\$0.00	\$350,000.00
65	Chilchinbeto	Mutli Purpose Building	Plan/Design/Construction		\$300,000.00	\$0.00	\$0.00	\$0.00	\$300,000.00
66	Shiprock	Chapter Renovation	Design/Construction	12 months	\$50,000.00	\$400,000.00	\$0.00	\$0.00	\$450,000.00
67	Shiprock	Senior Center	Construction	12 months	\$80,000.00	\$0.00	\$0.00	\$0.00	\$80,000.00
68	Shiprock	Elderly Care Site	Planning	8 months	\$17,000.00	\$0.00	\$0.00	\$0.00	\$17,000.00
69	Shiprock	Wellness Center	Design/Construction	12 months	\$0.00	\$200,000.00	\$0.00	\$0.00	\$200,000.00
70	Shiprock	Former BIA Compound	Testing/Planning	24 months	\$350,000.00	\$0.00	\$0.00	\$0.00	\$350,000.00
71	Shiprock	Utility Hook-Up/Restroom Renovations	Construction	8 months	\$60,000.00	\$0.00	\$0.00	\$0.00	\$60,000.00
72	Shiprock	River Trail & Community Park	Construction	9 months	\$56,000.00	\$0.00	\$0.00	\$0.00	\$56,000.00
73	Shiprock	15 Secure Land Designation	Planning	24 months	\$200,000.00	\$0.00	\$0.00	\$0.00	\$200,000.00
74	Shiprock	Rural Addressing	Construction	12 months	\$100,000.00	\$0.00	\$0.00	\$0.00	\$100,000.00
75	Shiprock	Roads-Indian Village	Major Equipment	12 months	\$318,000.00	\$0.00	\$0.00	\$0.00	\$318,000.00
76	Shiprock	South Side Incident Command Center	Construction	24 months	\$1,000,000.00	\$0.00	\$0.00	\$0.00	\$1,000,000.00



MEMORANDUM

TO : Honorable Nathaniel Brown, Delegate
24th Navajo Nation Council

FROM : *Luralene D. Tapahe*
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

DATE : March 2, 2021

SUBJECT : AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
AND BUDGET AND FINANCE COMMITTEES; APPROVING A
CHANGE OF PROJECT AND CHANGE OF FUNDING YEAR IN
RESOLUTION CAP-35-18, FOR KAYENTA CHAPTER

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation 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. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0034-21_

SPONSOR: Nathaniel Brown

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change of Project and Change of Funding Year in Resolution CAP-35-18, for Kayenta Chapter

Date posted: March 10, 2021 at 2:25PM

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.: 0034-21

SPONSOR: Honorable Nathaniel Brown

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change of Project and Change of Funding Year in Resolution CAP-35-18, for Kayenta Chapter

Posted: March 10, 2021 at 2:25 PM

5 DAY Comment Period Ended: March 15, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

03/16/21 9:41AM

Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

THIRD YEAR 2021

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0034-21: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change of Project and Change of Funding Year in Resolution CAP-35-18, for Kayenta Chapter. *Sponsor: Honorable Nathaniel Brown*

Has had it under consideration and reports the matter was considered with a DO PASS and no amendments

and thereafter the legislation was referred to Budget and Finance Committee.

Respectfully submitted,



Rickie Nez, Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: March 17, 2021 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Wilson C. Stewart, Jr. S: Kee Allen Begay, Jr. Vote: 5-0-1 (CNV)

In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.

In Favor:

Excuse: NONE

Not Voting: Presiding Chairperson Rickie Nez

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

THIRD YEAR 2021

ROLL CALL
VOTE TALLY SHEET

Legislation # 0034-21: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change of Project and Change of Funding Year in Resolution CAP-35-18, for Kayenta Chapter. *Sponsor: Honorable Nathaniel Brown*

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In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.

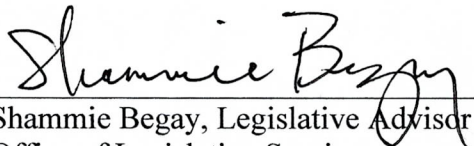
In Favor:

Excuse: NONE

Not Voting: Presiding Chairperson Rickie Nez



Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services