RESOLUTION OF THE NAABIK'ÍYÁTI'COMMITTEE OF THE NAVAJO NATION COUNCIL

23RD Navajo Nation Council --- First Year 2015

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI'; SUPPORTING SCHOOL CONSTRUCTION PROJECT FOR COVE DAY SCHOOL; AUTHORIZING OFFICE OF FACILITIES, PROPERTY AND SAFETY MANAGEMENT, INDIAN AFFAIRS, U.S. DEPARTMENT OF INTERIOR TO DESIGN AND CONSTRUCT, AND FURTHER AUTHORIZING THE SAME OFFICE TO ASSUME OWNERSHIP OF PROJECT ONCE COMPLETED

BE IT ENACTED: Section One. Findings

- The United States Department of Interior, through the Office of Facilities, Property and Safety Management, Indian Affairs, has provided notice to the Navajo Nation that funds will become available for a replacement school construction project at Cove Day School. With respect to design and construction relative to the project, the Office is seeking input from the Navajo Nation whether it wishes to proceed with such design and construction under P.L. 83-38 (Option 1) or to have the Office of Facilities, Property and Safety Management (Indian Affairs) proceed with such responsibilities in accordance with applicable codes, standards and regulations (Option 2). options presented to the Navajo Nation are discussed in attached Exhibit "A," letter of Deputy Director of Office of Facilities, Property and Safety Management, Indian Affairs dated January 13, 2015.
- B. The United States Department of Interior, through the Office of Facilities, Property and Safety Management, Indian Affairs, is also seeking input of the Navajo Nation as to ownership of facilities once construction is completed. The options presented to the Navajo Nation are whether it will accept or not ownership of the facilities once completed. See Exhibit "A," letter of Deputy Director of Office of Facilities, Property and Safety Management, Indian Affairs dated January 13, 2015.

- C. The school board of Cove Day School supports the construction project of the Office of Facilities, Property and Safety Management, Indian Affairs. See Exhibit "C," resolution (of the school board) passed and dated February 4, 2015.
- D. The Navajo Nation Department of Diné Education, through its Superintendent of Schools, supports the construction project for Cove Day School, as proposed by Office of Facilities, Property and Safety Management, Indian Affairs. The department also requests that ownership of the facilities, once constructed, remain with the U.S. Department of Interior, through its Office of Facilities, Property and Safety Management, Indian Affairs. See attached Exhibit "D," letter of Dr. Tommy Lewis, Superintendent of Schools, dated February 12, 2015.
- E. The Navajo Nation Council has delegated oversight authority to the Health, Education and Social Service Committee over matters relative to health, education and social services within the Navajo Nation. 2 N.N.C. § 401. The Navajo Nation Council further delegated to the Naabik'íyáti' Committee the authority to review, coordinate and monitor federal and state programs relative to services provided to the Navajo people. 2 N.N.C. §§ (A) (4) and (7).

Section Two. Authorizing Design, Construction and Ownership

- A. The Navajo Nation hereby authorizes the United States Department of Interior, through the Office of Facilities, Property and Safety Management, Indian Affairs, to proceed with design and construction of the replacement construction project for Cove Day School, as provided in Option 1 of the options presented (by the Office of Facilities, Property and Safety Management, Indian Affairs). See Exhibits "A" and "B."
- B. Regarding options presented to the Navajo Nation as to ownership, notice is hereby provided that the Navajo Nation, upon construction completion, will not accept ownership responsibilities of new school facilities at Cove Day School. Ownership responsibilities shall rest with the United States Department of Interior, through the Office of Facilities, Property and Safety Management, Indian Affairs.

C. The Navajo Nation President, in implementing the intent and purpose of this resolution, is authorize to sign all necessary documents, including those presented to the Navajo Nation by the United States Department of Interior, through the Office of Facilities, Property and Safety Management, Indian Affairs (Exhibit "B").

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd 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 14 in favor, 0 oppose, 0 Abstain this 12th Day of March, 2015.

Honorable LoRenzo C. Bates, Chairperson Naabik'íyáti' Committee

Motion: Honorable Walter Phelps

Second: Honorable Tuchoney Slim, Jr.



United States Department of the Interior

INDIAN AFFAIRS

Office of Facilities, Property and Safety Management
Office of Facilities Management & Construction
1011 Indian School Road, NW, Suite 335
Albuquerque, New Mexico 87104-2303

DECEIVED

JAN 15 2014

IN REPLY REFER TO: Office of the Deputy Director

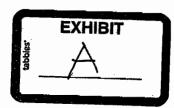
JAN 13 2015

DEPARTMENT OF DINE EDUCATION
ADMINISTRATION

FEDEX DELIVERY

Honorable Ben Shelly President, Navajo Nation Tribal Hill Drive Window Rock, AZ 86515 Received

JAN 15 2015



Office of the President & Vice President

Dear President Shelly,

The Office of Facilities Management & Construction (OFMC), Indian Affairs (IA) would like to consult with the Navajo Nation regarding a possible replacement school construction project for Cove Day School. While there is no guarantee of immediate funding for design and construction, we anticipate that funds may become available for a replacement school construction project at Cove Day School.

In accordance with the Assistant Secretary's commitment to and support of Tribal self-governance and self-determination, we are soliciting your input regarding an appropriate method for completing the design and construction of this replacement school project.

In anticipation of receiving funds, Indian Affairs is requesting that the Navajo Nation select a procurement method from the following options:

Option Number 1. P.L. 93-638 - The Tribal Governing Body or Tribal Organization (contractor) may Contract with this office using P.L. 93-638, Section 102 authority. The P.L. 93-638 contractor will be responsible for completing the scope of work in accordance with requirements and all applicable federal, state, and local building codes and standards.

<u>Option Number 2.</u> The Office of Facilities Management and Construction (OFMC) will be responsible for completing the scope of work in accordance with all applicable federal, state, and local codes, standards and regulations.

If Option 1 or 2 is selected, an informational meeting will be scheduled to discuss the required application process and other matters related to this project. If Option No. 2 is selected, we assure you that the facility users and your designated tribal representative(s) will be fully involved throughout each phase of the project.

<u>Project Management Responsibilities:</u> OFMC, IA must adhere to stringent deadlines and milestones for beginning work on the project. It will be necessary for us to work closely together to achieve these milestones.

Although similar requirements have been included in such previous agreements, it has been common practice to grant time extensions when milestones are missed. We do not anticipate that to be the case in this situation. Failure to meet these requirements will force Indian Affairs to withdraw or withhold and redirect the use of all project funds to other projects and to postpone this project until some future date.

Deadline for a Tribal Response to this Consultation Letter: We request you select one of the above implementation options and inform our office within thirty (30) business days from the date of receipt of this letter, or no later than March 2, 2015. If we do not receive a response from your office within the thirty (30) business days, Indian Affairs will initiate this project using Option Number 2. A tribal resolution will be required should you decide to use Option 1. Please attach the tribal resolution with your notice of selection.

We would like to take this opportunity to request a decision and Tribal Resolution on ownership of the new facilities once construction has been completed and a Certificate of Occupancy has been issued.

Ownership of the Educational Facilities: The existing education facility involved in this project is BIA owned. We are also requesting a tribal decision, by resolution, specifying the ownership of the new educational facilities once the proposed project is finished. This decision is necessary so our office may begin the process of designating the status of the property as either Bureau Ownership or Tribal Stewardship. Your decision will greatly aid our process of capitalizing this construction project at a later date.

For your convenience, a response form is attached. Please sign and date and return this form to OFMC within the 30 day deadline. You may fax your response to (505) 563-5106 or email to: dennis.rodriguez@bia.gov. The original documents are requested to be submitted by mail.

Sincerely,

Emerson Eskeets, Deputy Director

Office of Facilities Management & Construction

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Indian Affairs

Enclosure

Sharon A. Pinto, Regional Director, Navajo Region, BIA
 Dianne Gutierrez, Acting Deputy Regional Director, Indian Services, Navajo Region, BIA
 Joe Bitsie, Regional Facility Manager, Navajo Region, BIA
 Vicki Forrest, Deputy Bureau Director, BIE
 Emily Arviso, Acting Associate Deputy Director, Navajo Region
 Dr. Leo Johnson, Acting Principal, Cove Day School
 Lee B. Roy, School Board President, Cove Day School

DECISION OF THE NAVAJO NATION TRIBAL COUNCIL:

EXHIBIT Signature of the second of the secon

Proposed Project Name:		Cove Day School	
Project Description:		Replacement School Construction	
1.	TRIBAL DECISION	: PROJECT MANAGEMENT	
	We will use Option Nu	mber 1: P.L. 93-638 Tribal/Federal Contra	net
	We will use Option Nu of the project.	mber 2: OFMC will complete the design a	nd construction phases
2.	TRIBAL DECISION	OWNERSHIP OF THE SCHOOL FAC	CILITY
		hip of the school's new buildings when the has been granted, and a Certificate of Occupion.	
	We will not accept own project. Please provide	nership of the school's new buildings upon a tribal resolution.	completion of the
Ben	Shelly, President, Navaj	o Nation	Date



United States Department of the Interior BUREAU OF INDIAN EDUCATION Office of Indian Education Program



Cove Day School P.O. Box 2000 Red Valley, Arizona 86544

APPROVING SELECTION OF OPTION NO. 2 TO HAVE OFFICE OF MANAGEMENT (OFMC) WILL BE RESPONSIBLE FOR COMPLETING THE SCOPE OF WORK IN ACCORDANCE ALL APPLICABLE LAWS.

WHEREAS:

- The Cove Day School Board has the authority to advocate and enact on issues regarding School Construction. The Cove Day School Board is working closely with Federal, State, Dine' Bi Olta Association and the Navajo Nation Education Committee (Oversight Committee) of the Navajo Nation to support and secure the funding for the school replacement construction for the Cove Day School.
- 2. The Cove Day School Board recognizes that it's long overdue that the Department of Interior has promised to provide a safe school Environment for our Navajo students.
- The Cove Day School Board members are aware of the current deteriorating condition of the Cove Day School; therefore we are requesting to remain on the Replacement School Construction Priority listing.
- 4. The Cove Day School has documentation through Office of Environmental Health, Facilities Department and through (INFR) Back-Log data's that evidences the School is in dire need of a Replacement School Construction. The Cove Day School has over the years, expended funds trying to correct those deficiencies.

NOW THEREFORE BE RESOLVED THAT;

Cove Day School Board

- 1. The Local School Board of Cove Day School is hereby submitting a Resolution, Approving and Supporting the Replacement School Construction for Cove Day School.
- 2. On February 4, 2015, the Cove Day School Board members approved option #2 to go with the Office of Management and Construction (OFMC) will be responsible for completing the scope of work in accordance with all applicable federal, state and locals codes, standards & regulations.

CERTIFICATION

We, hereby certify that the foregoing resolution was considered at a duly called meeting in Cove, Arizona (Navajo Nation) at which a quorum was present, and that same was motioned by Kathleen Tsasie, and was seconded by Isa bell Zohnie. As was considered an approved, with votes of z in favor, O opposed, and I abstained on February 04, 2015.

"Our mission is to instill academic skills in the lives of our children, so that they are independent, respectful, and productive learners within society."

Cove Day School Principal

COV-15-033

RESOLUTION OF THE COVE CHAPTER OF THE NAVAJO NATION

SUPPORTING/APPROVING TO HAVE COVE DAY SCHOOL GO WITH OPTION #2, TO HAVE THE OFFICE OF FACILITIES MANAGEMENT (OFMC) BE RESPONSIBLE FOR COMPLETING THE SCOPE OF WORK IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES STANDARDS AND REGULATIONS.

WHEREAS:

- 1. Pursuant to the "Local Governance Act", Title 26 N.N.C. Chapter 1, Section 3 (s), the Cove Chapter was established as a Chapter of the Navajo Nation Government by the Navajo Nation Council Resolution Number CAP-34-98; and
- 2. Pursuant to Chapter 1, Sub Chapter 1, Section 131 (1) (2), of the Same "Act" The Cove Chapter has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community people, programs, property, and
- 3. Pursuant to the same resolution No. CAP-34-98, the Cove Chapter is a duly certified chapter of the Navajo Nation Government and is vested with the authority and responsibility to plan and implement projects in the best interest of the community and
- 4. The Cove Chapter is supporting the Cove Day School Board Members on the new school replacement which was passed by the CFR. The education facility replacement is needed due to the deficiencies founded by Occupational Safety and Health Administration (OSHA) and Public Health Services (PHS). The Cove Chapter oversees the community suitable interest to provide healthy, safety, functional, economical, and energy efficient education facility for the children attending Cove Day School.
- 5. The Cove Chapter and community members is aware of the current condition of the Cove Day School, therefore; the Cove Chapter is approving and supporting the Cove School Board's continue to proceed with their request for the Office of Facilities Management and Construction (OFMC) will be responsible for completing the scope of work.
- Cove Day School board members had their board meeting on February 4, 2015, and approved to select
 Option #2 to have Office of Facilities Management to develop a scope of work in accordance with all
 applicable laws.

NOW THERFORE BE IT RESOLVED THAT:

1. Supporting/Approving to have Cove Day School go with Option #2, to have the Office of Facilities Management (OFMC) will be responsible for completing the Scope of Work in accordance with all applicable Federal, State, and local codes standards and regulations.

COV-15-033

CERTIFICATION

We, the undersigned certify the foregoing resolution was presented to the Cove Chapter at a duly called meeting at the Cove, Navajo Nation, Arizona and which a quorum was present and that same was passed by a vote 28 in favor 00 oppose 01 abstention, this 5th of February 2015.

Motioned:

Flora Young

Seconded:

lack Lee Frazier

Cove Chapter



DEPARTMENT OF DINÉ EDUCATION THE NAVAJO NATION

The Nexujo Nation

P.O. Box 670 · Window Rock, Arizona 86515 PHONE (928) 871 – 7475 · FAX (928) 871 – 7474

> Rex Lee Jim Vice-President

> > EXHIBIT

Ben Shelly President

MEMORANDUM

To

: Arbin Mitchell, Chief of Staff

Office of the President/Vice President

The Navajo Nation

From

Dr. Tommy Lewis, Superintendent of Schools 2/12/2015

Department of Diné Education

Date

: February 12, 2015

Subject

: Cove Day School, Re: Replacement School Construction

Be informed that Cove Day School is pursuing funding from the United States Department of the Interior, Office of Facilities Management & Construction (OFMC) for replacement school construction project, per the attached letter dated January 13, 2015 from Emerson Eskeets, Deputy Director, OFMC.

This transmittal memorandum from the Department of Diné Education supports and concurs with Cove Day School's Project Management decision with selecting Option 2, whereby OFMC will be responsible for completing the scope of work in accordance with all applicable federal, state, and local codes, standards and regulations. We also support and concur with Cove Day School's decision on Ownership of the School Facility will be Bureau Ownership. These decisions are documented in the attached supporting Resolutions from the Cove Day School Board and the Cove Chapter of the Navajo Nation.

Based on the foregoing information, the Department of Diné Education is requesting the approval from the Honorable President Shelly, Office of the President; and to affix his signature on the document: Decision of the Navajo Nation Tribal Council.

Your assistance with our request on behalf of Cove Day School is appreciated. If there are any questions on this matter, you may contact Dr. Leo Johnson, Acting Principal, Cove Day School at telephone number 928.653.4457.

Attachments

Xc:

Jonathan Hale, Honorable Chairperson: Health, Education & Human Services Committee, The

23rd Navajo Nation Council

Dr. Leo Johnson, Acting Principal, Cove Day School, Cove, AZ

Lee B. Roy, President, Cove Day School Board

Chrono

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Em	ail:	keeikeyazzie@nndode	.org	Phone Number:	928	3-871-7	475
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DEPARTMENT OF DINÉ EDUCATION THE NAVAJO NATION

P.O. Box 670 · Window Rock, Arizona 86515 PHONE (928) 871 – 7475 · FAX (928) 871 – 7474

> Rex Lee Jim Vice-President

MEMORANDUM:

TO:

Program Managers and Staff

Department of Dine Education

FROM:

Dr. Tomany was tr., Separate peent of Schools Department of Diné Education — Administration

SUBJECT:

STANDING DELEGATION OF AUTHORITY - FY 2015 (REVISED)

During my absence from the office, the following individuals are authorized to act on my behalf, in the order they are placed, to ensure the proper and uninterrupted functioning of the Department of Diné Education by performing the routine duties required of the Superintendent of Schools:

ACKNOWLEDGED

- 1. Timothy Benally, Assistant Superintendent
 Department of Diné Education Administration
- 2. Dr. Anselm Davis, Education Program Manager
 North Central Association / AdvancED (NCA/AdvancED
- 3. Ms. Rose Graham, Department Manager II
 Office of Navajo Nation Scholarship and Financial
 Assistance (ONNSFA)

This delegation authorizes my designee to review and approve all routine administrative, financial and personnel documents, with the understanding that they will consult with me as necessary. However, all requests for Off Reservation Travel (ORT) will follow the process outlined in the memo distributed on January 27, 2015 authorizing only the Acting Superintendent to approve those requests.

Please continue to bring all documents requiring the review and approval of the Superintendent of Schools to the Department of Diné Education-Administration Office.

If you have any inquires relative to this matter, contact the DODE Administration Office at 928-871-7475. Your cooperation is expected and appreciated.

xc:

Honorable Ben Shelly, President, The Navajo Nation Honorable Rex Lee Jim, Vice President, The Navajo Nation Arbin Mitchell, Chief of Staff, Office of the President/Vice President Mark Grant, Controller, Office of the Controller Dominic Beyal, Executive Director, Office of Management and Budget

COMMITTEE REPORT

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0080-15

An Action Relating to Health, Education and Human Services And Naabik'iyati; Supporting School Construction Project For Cove Day School; Authorizing Office of Facilities, Property And Safety Management, Indian Affairs, U.S. Department Of Interior To Design And Construct, And Further Authorizing The Same Office To Assume Ownership Of Project Once Completed

Has had under consideration and report the same with the recommendation that it PASS with no amendment and no directive;

And therefore referred the same to the NAABIK'IYATI COMMITTEE OF THE NAVAJO NATION COUNCIL

Honorable Norman M. Begay Vice-Chairperson Health, Education and Human Services Committee

Dated: March 11, 2015

Main Motion

Motion: by: Honorable Tuchoney Slim, Jr. Seconded by: Honorable Nathaniel Brown Vote: 5 in favor: 0 Opposed and 0 Abstain