

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

August 14, 2022

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

RE: CJY-38-22, *An Act Relating to Budget and Finance, Health, Education, and Human services, and Naabik'iyáti Committees, and the Navajo Nation Council; Approving \$13,334,871 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Renovations Necessary at Certain Navajo Nation Government Facilities to Provide Access to Persons With Disabilities; and Waiving 12 N.N.C. § 820 (M) Regarding OMB Review*

Dear Speaker Damon,

Thank you to the Navajo Nation Council, Delegate Eugene Tso, and the Division of General Services for presenting Resolution no. CJY-38-22. In 2018, the Council adopted the *Navajo Nation Civil Rights of Individuals with Disabilities Act*. It is long overdue that we address the accessibility of our Navajo Government offices to provide better service to our disabled citizens and elders. We also have many Navajo Nation employees whom are disabled. The renovations will allow them to access their work space safely and comfortably. As individuals, we all value our autonomy and ability to carry out daily tasks with minimal assistance; these renovations will foster that sense of independence for those living with disabilities.

We realize these funds are not enough to cover renovations for all government facilities on the Nation but it is a step in the right direction. We support this project and approve the requested \$13,334,871 from the UUFB. We look forward to working with the Council on continuing projects to address additional renovations of our government facilities to better serve the Navajo people. Pursuant to the authority vested in the Navajo Nation President, I am signing CJY-38-22 into law.

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

AN ACT

RELATING TO THE BUDGET AND FINANCE, HEALTH, EDUCATION, AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$13,334,871 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") FOR THE RENOVATIONS NECESSARY AT CERTAIN NAVAJO NATION GOVERNMENT FACILITIES TO PROVIDE ACCESS TO PERSONS WITH DISABILITIES; AND WAIVING 12 N.N.C. § 820(M) REGARDING OMB REVIEW

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Budget and Finance Committee as a Navajo Nation Council standing committee, and authorized the Committee to review and recommend to the Navajo Nation Council the management of all funds, which includes the Navajo Nation's Unreserved, Undesignated Fund Balance ("UUF"). 2 N.N.C. § 164(A)(9); 2 N.N.C. § 300(A); 2 N.N.C. § 301(B)(2).
- B. The Health, Education, and Human Services Committee is a Navajo Nation Council standing committee with oversight authority over the Division of General Services. 2 N.N.C. § 401(A); 2 N.N.C. § 401(C)(1).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee, and all proposed legislation that requires final action by the Navajo Nation Council is assigned to the Naabik'íyáti' Committee for its review and consideration. 2 N.N.C. § 164(A)(9); 2 N.N.C. § 700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A). As such, the Council ". . . may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set forth at § 820(J)." 12 N.N.C. § 820(L). Generally, supplemental funding is appropriated from the UUF.

E. The Title 12 restrictions on supplemental appropriations from the UUFB, include:

1. Payment of recurring government operating expenses shall be from recurring revenues, and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB funds. 12 N.N.C. § 820(E); 12 N.N.C. § 820(F).
2. Specifically, the UUFB shall not be used for recurring government expenditures or operations. 12 N.N.C. § 820(J); 12 N.N.C. § 820(L).
3. Nonrecurring revenues such as UUFB funds may be used only after the Controller determines whether or not such revenues are subsidizing an imbalance between the Navajo Nation's recurring revenues and expenditures, and government expenditures shall only be authorized if a long-term (3-year to 5-year) forecast shows that the operating deficit will not continue; otherwise, nonrecurring revenues will be added to the Unreserved, Undesignated Fund Balance. 12 N.N.C. § 820(F).
4. The above provisions in Title 12 may be amended or waived by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council. 12 N.N.C. § 820(F); 12 N.N.C. § 880.
5. Pursuant to 12 N.N.C. § 820(F) all UUFB funding requests must be reviewed by the Controller. Such review is also required because the Controller determines which revenues and expenses are recurring and which are non-recurring. 12 N.N.C. § 820(L).
6. Pursuant to 12 N.N.C. § 820(M) all UUFB funding requests must be submitted to the Office of Management and Budget ("OMB") for a budget impact analysis.

## SECTION TWO. FINDINGS

- A. The Facilities Maintenance Department within the Division of General Services ("FMD") is requesting \$13,334,871 from the UUFB in order to pay for the costs to renovate existing Navajo Nation government public facilities to make them accessible to disabled persons. **EXHIBIT A.**
- B. This substantial task affecting dozens of Navajo Nation government buildings and facilities across the Navajo Nation was mandated by the Navajo Nation Council in Resolution No. CJY-63-18, wherein the Council adopted the "Navajo Nation Civil

Rights Of Individuals With Disabilities Act of 2018" ("CRIDA"). Resolution No. CJY-63-18 is attached hereto as EXHIBIT B.

C. The CRIDA specifically provides:

§ 4508. Government Services

No otherwise qualified person with a disability shall, by reason of such disability, be denied or excluded from the benefit of any service, program or activity offered by any governmental or public entity on the Navajo Nation, unless no reasonable accommodations can be made which will afford access to and participation in such service, program or activity. 10 N.N.C. § 4508.

- D. FMD is now requesting \$13,334,871 from the UUFB to pay for the extensive renovations needed for the Navajo Nation government to come into compliance with the CRIDA, because no funding was allocated when CJY-63-18 was approved back in 2018.
- E. FMD has provided an Appendix K "Supplemental Funding Proposal Summary" for its UUFB request. EXHIBIT C.
- F. FMD has also provided completed and signed Budget Forms 1, 2, and 4, for its UUFB request. EXHIBIT D.
- G. A comprehensive list of all Navajo Nation government facilities needing renovation for CRIDA compliance, and the cost of such work for each building and other structure, broken down by Agency, is attached at EXHIBIT E.
- H. The Office of the Controller's memorandum required by 12 N.N.C. § 820(L) is attached as EXHIBIT F. The Controller has indicated that FMD's proposed expenditures are considered "non-recurring" expenses.

SECTION THREE. APPROPRIATING \$13,334,871 FROM THE UUFB FOR THE RENOVATIONS NECESSARY AT CERTAIN NAVAJO NATION GOVERNMENT FACILITIES TO PROVIDE ACCESS TO PERSONS WITH DISABILITIES; AND WAIVING 12 N.N.C. § 820(M) REGARDING OMB REVIEW

- A. The Navajo Nation hereby allocates \$13,334,871 from the UUFB to the Division of General Services/Facilities Maintenance Department for its use in performing (or administering contracts for) necessary renovations to certain Navajo Nation government buildings, structures, and facilities, as shown in the attached EXHIBITS C, D, and E.



- B. This supplemental appropriation shall be from those funds that exceed the minimum fund reserve balance in the UUFB required by 12 N.N.C. § 820(J), as determined by the Controller.
- C. The Navajo Nation hereby waives the requirement for OMB review of this UUFB funding request pursuant to 12 N.N.C. § 820(M), and approves the requested \$13,334,871 in UUFB funds despite the lack of OMB's budget impact analysis.
- D. This supplemental appropriation shall not lapse at the end of the fiscal year, as would otherwise occur pursuant to 12 N.N.C. § 820(N). However, any UUFB funds not spent or encumbered within thirty-six (36) months of the date the funds are provided to the FMD shall immediately revert to the UUFB, unless otherwise approved by both the Health, Education, and Human Services Committee and the Naabik'íyáti' Committee of the Navajo Nation Council.

#### SECTION FOUR. EFFECTIVE DATE

This Act shall become effective as provided in 2 N.N.C. § 221(B) and 2 N.N.C. § 164(A)(17).

#### SECTION FIVE. SAVING CLAUSE

If any portion of this Act is invalid by the Supreme Court of the Navajo Nation, or by any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> 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 26<sup>th</sup> day of July 2022.

  
 Honorable Seth Damon, Speaker  
 24<sup>th</sup> Navajo Nation Council

  
 DATE

Motion: Honorable Edison J. Wauneka  
 Second: Honorable Pernell Halona

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 14 day of August, 2022.

  
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 \_\_\_\_\_, 2022 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 budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jonathan Nez, President  
Navajo Nation

# THE NAVAJO NATION

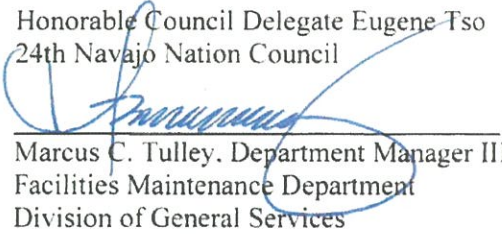
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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

**TO:** Honorable Council Delegate Eugene Tso  
24th Navajo Nation Council

**FROM:**   
Marcus C. Tulley, Department Manager III  
Facilities Maintenance Department  
Division of General Services

**DATE:** March 24, 2022

**SUBJECT: FACILITIES MAINTENANCE DEPARTMENT  
RE: UNMET NEED REQUEST**

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Per your request, attached is the cost estimate information for unmet needs to address tribal government building deficiencies to comply with Resolution CJY-63-18 Navajo Nation Civil Rights of Individuals with Disabilities Act of 2018. As stated in prior meetings, the Navajo Nation Facilities Maintenance Department's (FMD) annual budgetary allocations are limited to routine maintenance and repairs. Since funds are not available to address all ADA building deficiencies, FMD is restricted to addressing parking pads and access ramps in small increments. It is estimated that a total of \$11,112,393.00 would be needed to address the deficiencies noted during our building evaluation assessment to be in compliance with the CJY-63-18 Resolution. The attached information identifies specific buildings and associated improvements needed to adequately provide accessibility for those with disabilities.

Further, the second set of documents depict projects we are currently planning to complete within the next five (5) years pending availability of funds. Our department has been only addressing parking pad and ramps due to limited funding, but every year funding is reduced or eliminated, and limitations set. For instance, in the past, fixed cost allocations could be used to address major building deficiencies. However, policy changes restrict use to routine maintenance and repairs.

Therefore, on behalf of FMD, I appreciate your interest and assistance to seek additional funds to improve tribal facilities and bring FMD into compliance with ADA standards. Should you have any questions you may contact my office at (928) 729-4258.

**CC:** Jonathan Nez, President  
Tom Platero, Division Director - DGS  
Chrono

Attachment

CJY-63-18

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ENACTING THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES ACT OF 2018; DELETING TITLE 10, CHAPTER 13, §1402; CREATING THE "CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES" IN TITLE 13, CHAPTER 55, §§ 4501-4510; AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT; AMENDING TITLE 13, CHAPTER 57, §§ 4801-4809, THE PLAN OF OPERATIONS FOR THE NAVAJO NATION ADVISORY COUNCIL ON DISABILITIES

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council established the Health, Education, and Human Services Committee (HEHSC) as a Standing Committee, and empowered HEHSC to establish Navajo Nation policy governing health, social services, education, human services and general government services of the Navajo Nation and its tribal organizations, entities and enterprises; and to review and recommend resolutions relating to social services, health, education, veterans and veteran's services, employment, and labor. 2 N.N.C. §§ 400, 401(B)(1) and (6)(a).
- B. The Navajo Nation Council established the Law and Order Committee (LOC) as a Standing Committee, and empowered LOC to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. §§ 600(A), 601(B)(14).
- C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Standing Committee, and directed that any resolution requiring final action by the Navajo Nation Council shall be assigned to that committee prior to consideration by the Navajo Nation Council. 2 N.N.C. §§ 700(A), 701 (A)(3).
- D. Final approval of all enactments of positive law rests with the Navajo Nation Council. 2 N.N.C. §164(A).



**Section Two. Findings**

- A. According to an analysis of 2000 U.S. Census data by the Navajo Nation Division of Economic Development, 70.4% of all Navajos aged 65 and over are individuals with disabilities, in the population of Navajos aged 16-64, 27.5% are individuals with disabilities, and in the population of Navajos aged 5-15, 4.6% are individuals with disabilities. See Navajo Nation Data from US Census 2000, attached as **Exhibit A**. In harmony with traditional and common law, it is the policy of the Navajo Nation to respect, revere and protect all individuals, their communities, and their unique qualities. It must not be forgotten that in Diné teachings, a human being is more than his or her limitations. Consistent with Navajo traditional and common law and the Navajo Bill of Rights, the Navajo Nation finds that discrimination against any individual with a disability is *naayéé'* and not only violates the fundamental individual rights of Navajos but also disrupts efforts to maintain *hózhó* across all of Diné Bikéyah.
- B. On April 25, 1979, the Navajo Nation Council approved the Navajo Affirmative Action Plan to ensure that "Navajo [individuals with disabilities] have equal access to employment opportunities and to public buildings in the Navajo Nation," and adopted a plan of operation for the Navajo Nation Advisory Council on Disabilities. See CAP-12-79, attached as **Exhibit B**.
- C. The Affirmative Action Plan was grounded on the premise that "all persons should have an opportunity to realize their greatest potential to the extent of their mental and/or physical capabilities," and directed affirmative steps to be taken by numerous Navajo Nation programs to ensure non-discrimination in hiring and employment and access for the individuals with disabilities to all public buildings, private businesses, and public activities and services. See **Exhibit B**.
- D. Later, in the Navajo Sovereignty in Education Act of 2005, the Navajo Nation Council included a section entitled *Vocational Rehabilitation and Opportunities for Individuals with Disabilities*, which directed all public and private entities to cooperate with the Navajo Nation Advisory Council on Disabilities in recognizing "[p]eople with disabilities as potentially productive members of society", and in making "reasonable accommodation to the special needs of persons with disabilities, including the need for site accessibility, in regard to employment, housing, public accommodations,

social services, transportation, recreation, educational and training opportunities and community services and assure the availability of these services on an equitable, non-discriminatory basis." 10 N.N.C. §1402(A). See CJY-37-05, attached as **Exhibit C**.

- E. In addition to the Navajo Nation Advisory Council on Disabilities referred to above, there are references in the statutes to both the Navajo Nation Advisory Council on the HANDI-Capable (10 N.N.C. §1402) and the Navajo Nation Council on Handicapped (13 N.N.C. §§4801-4809). The Navajo Nation Council finds that all such designations are intended to refer to the Navajo Nation Advisory Council on Disabilities (NNACD), as set forth in 13 N.N.C. §§ 4801-4809, as amended herein. No other entities would be eliminated by this change, and this amendment is meant only to eliminate the confusion bred by multiple and obsolete references to the same body.
- F. On November 17, 2014, Navajo Nation President Ben Shelly issued Executive Order No. 14-2014, "Ensuring the Rights of Navajos with Disabilities to Full Access to All Navajo Nation Buildings and Services" and while this Executive Order mandated that "all Navajo Nation Divisions, Departments, Enterprises or Entities shall develop, update or amend current policies and procedures to insure that services are provided in an equitable and non-discriminatory manner so that individuals with disabilities have access to community services, employment opportunities, housing, social services, transportation, recreation, education, training, and elections", such agency action is far from complete, leaving individuals with disabilities vulnerable to policies and procedures that may lead to inaccessibility, discrimination, or both. See Executive Order No. 14-2014, attached as **Exhibit D**.
- G. The Navajo Nation Council finds that despite the clearly stated policy and intent of the Navajo Nation to ensure that individuals with disabilities have full access to employment, housing and public services, that goal has never been realized, and individuals with disabilities remain at a severe disadvantage in having full access to equal opportunity in all those areas.
- H. The Navajo Nation Council finds that the most likely reasons for that failure have been the lack of funding for and any clear authority of the Navajo Nation Advisory Council on Disabilities; the absence of mandatory directives to programs on the Navajo Nation, whether those programs be public or



private; and the absence of provisions in Navajo law for the enforcement of the rights of individuals with disabilities.

- I. The Navajo Nation Council therefore finds that the most effective means of ensuring that individuals with disabilities are provided equal access to employment, housing, education, services and buildings, be they governmental or private in nature, is to incorporate those rights into the Navajo Nation Code and to replace 10 N.N.C. § 1402 with more substantive civil rights at 13 N.N.C. §§ 4701-4705 to make the law both specific and enforceable.

### **Section Three. Enacting the Civil Rights of Individuals with Disabilities Act of 2018**

#### **A. PURPOSE**

By amending various sections of the Navajo Nation Code, this Act identifies and defines the civil rights of individuals with disabilities, and provides remedies and mechanisms for enforcement of those rights.

#### **B. ENACTMENT**

THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES ACT OF 2018, consisting of amendments to 15 N.N.C. § 604(B), 10 N.N.C. § 1402, 13 N.N.C. §§ 4501-4510 and 4801-4809, and, is hereby enacted as set forth herein.

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### **Section Four. Amendment of Title Fifteen of the Navajo Nation Code**

The Navajo Nation Council hereby amends 15 N.N.C. § 604(B) as follows:

#### **NAVAJO NATION CODE ANNOTATED TITLE 15. LABOR AND EMPLOYMENT CHAPTER 7. NAVAJO PREFERENCE IN EMPLOYMENT ACT**

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#### **§604. NAVAJO EMPLOYMENT PREFERENCE**

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#### **B. Specific Requirements for Navajo Preference:**

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7. All employers shall use non-discriminatory job qualifications and selective criteria in employment. No

person otherwise qualified for a job shall be denied selection for or retention in employment because of his or her disability so long as reasonable accommodations can be made that will allow that person to perform his or her employment duties. See the Civil Rights of Individuals with Disabilities Act of 2018, 13 N.N.C. § 4504.

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C. Irrespective of the qualifications . . . :

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3. Among a pool of applicants or candidates who are solely Navajo and meet the necessary qualifications, the Navajo with the best qualifications shall be selected or retained, as the case may be.

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#### **Section Five. Amendment of Title Ten of the Navajo Nation Code**

The Navajo Nation Council hereby amends 10 N.N.C. § 1402 as follows:

#### **NAVAJO NATION CODE ANNOTATED TITLE 10. EDUCATION CHAPTER 13. ADULT EDUCATION**

~~§1402. VOCATIONAL REHABILITATION AND OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES~~ [Reserved]

~~A. All Navajo people are entitled to participate fully in the economic, social, cultural and political life of the Navajo Nation regardless of the person's disability. All public and private entities within the Navajo Nation shall cooperate with the Navajo Nation Advisory Council on the HANDI-Capable in implementing this policy. Every public and private entity within the Navajo Nation shall:~~

- ~~1. Recognize Navajo people with disabilities as potentially productive members of society;~~
- ~~2. Encourage the Navajo population with disabilities to reach optimum levels of economic independence and political, societal and cultural participation; and~~
- ~~3. Make reasonable accommodation to the special needs of persons with disabilities, including the need to site accessibility, in regard to employment, housing, public accommodations, social services, transportation,~~



~~recreation, educational and training opportunities, and community services and assure the availability of these services on an equitable, non-discriminatory basis.~~

~~B. The Navajo Nation Advisory Council on the HANDI-Capable is responsible for assuring that all Navajo people have the opportunity to realize their potential to the extent of their physical and mental capabilities. The Council has such powers and responsibilities as are prescribed in its Plan of Operation and in other applicable Navajo Nation law. The Council shall work with other appropriate Navajo Nation governmental entities and with all service providers, public and private, to:~~

- ~~1. Establish coordination and joint planning for delivery of services to Navajo persons with disabilities from birth through adulthood as close to home as possible;~~
- ~~2. Establish a continuum of appropriate services for all degrees of disability and all stages of the life cycle;~~
- ~~3. Eliminate service gaps and avoid duplication of services; and~~
- ~~4. Maximize available resources.~~

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#### **Section Six. Amendment of Title Thirteen of the Navajo Nation Code**

The Navajo Nation Council hereby amends 13 N.N.C. §§ 4501-4510 as follows:

#### **NAVAJO NATION CODE ANNOTATED**

#### **TITLE 13. HEALTH AND WELFARE**

#### **CHAPTER 53. ~~{Reserved}~~ CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES**

~~§§ 4501 to 4527. {Reserved}~~

#### **§ 4501. Purpose**

In harmony with traditional and common law, it is the policy of the Navajo Nation to respect, revere and protect all individuals, their communities, and their unique qualities. It must not be forgotten that in Diné teachings, a human being is more than his or her limitations. Consistent with Navajo traditional and common law and the Navajo Bill of Rights, the Navajo Nation finds that discrimination against any individual with a disability is naayéé' and disrupts efforts to maintain hózhó across all of Diné Bikéyah.

§ 4502. DefinitionsA. Definitions.

Throughout the Navajo Nation Code, the following definitions will apply:

1. Disability: A physical or mental impairment that substantially limits an individual's ability to engage in one or more major life activity.
2. Major Life Activity: Major life activities would include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Additional major life activities would include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
3. Reasonable Accommodation: A necessary and appropriate modification not imposing a disproportionate or undue hardship, needed to ensure that a person with a disability is able to obtain, access, or participate in a particular right, benefit or opportunity.
4. Undue Hardship: An action requiring significant difficulty or expense, when considering the following factors:
  - a. The nature and cost of the accommodation needed;
  - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
  - c. The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
  - d. The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the



geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

B. Application of Definitions and Burdens of Proof

1. Medical evidence is necessary to establish that an individual has a disability. Sources of medical evidence may include documentation or testimony from medical facilities, such as the hospitals of the Indian Health Services, or from traditional sources, such as the testimony of medicine men. An individual seeking the protection of the civil rights stated in this chapter as an individual with a disability will have to demonstrate to a court, by a preponderance of evidence, that he or she has a disability as defined in 13 N.N.C. § 4502(A)(1).
2. The denial of a request for reasonable accommodation can only be made by demonstrating undue hardship, as defined in 13 N.N.C. § 4502(A)(4), to a court by a preponderance of the evidence.

§ 4503. Housing

1. Any provider of public housing on the Navajo Nation must make such reasonable accommodations in its policies, practices, premises and provision of services as will afford a tenant or prospective tenant with a disability the opportunity to occupy, use and enjoy a dwelling and its premises to the same extent as any other tenant.
2. No provider of private or public housing on the Navajo Nation shall discriminate against individuals with disabilities in the provision of housing.

§ 4504. Employment

No person with a disability shall be denied selection for or retention in employment because of his or her disability so long as reasonable accommodations can be made that will allow that individual to perform his or her employment duties.

§ 4505. Education

No student with a disability attending any school located on the Navajo Nation shall be denied a free appropriate public education designed to meet his or her unique needs in the least restrictive environment.

§ 4506. Voting

No individual with a disability shall be denied reasonable accommodations in the exercise of that individual's right to vote. Reasonable accommodations shall be given in all processes required to exercise the right to vote, including, but not limited to, becoming a registered voter, accessing public polling places, and engaging in early voting or alternative voting.

§ 4507. Incarcerated Individuals with a Disabilities

No incarcerated individual with a disability shall be denied reasonable accommodations during such individual's time in Navajo Nation custody.

§ 4508. Government Services

No otherwise qualified person with a disability shall, by reason of such disability, be denied or excluded from the benefit of any service, program or activity offered by any governmental or public entity on the Navajo Nation, unless no reasonable accommodations can be made which will afford access to and participation in such service, program or activity.

§ 4509. Public Accommodations

All private businesses and commercial operations must make such reasonable accommodations as are necessary to ensure that individuals with disabilities have access to goods and services offered equal to the access afforded to individuals without disabilities.

§4510. Remedies

1. Any person injured in violation of this chapter and their fundamental rights as the result of an action or failure to act may seek remedies for such violation in the form of legal and equitable relief in the courts of the Navajo Nation.

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The Navajo Nation Council hereby amends 13 N.N.C. §§ 4801-4809 as follows:



NAVAJO NATION CODE ANNOTATED  
TITLE 13. HEALTH AND WELFARE  
CHAPTER 57. NAVAJO NATION ADVISORY COUNCIL ON HANDICAPPED  
DISABILITIES

**\$4801. Purpose**

- A. The Navajo Nation Advisory Council on Handicapped Disabilities (NNACOH~~D~~) will serve as an advocate for handicapped Navajo People individuals with disabilities and their families. The NNACOH~~D~~ will be composed of handicapped consumers individuals with disabilities and their immediate family members, and representatives of public and private service providers that seek to maximize the independence of individuals with disabilities and other groups concerned with services to handicapped Navajo People, representatives of the business community, and other interested persons. The NNACOH~~D~~ win be responsible for insuring that Navajo handicapped persons have shall identify problems concerning and advocate on behalf of individuals with disabilities to bring about equal access to employment, education, housing, public safety, communication, recreation, medical treatment, and to public and private buildings, and to any and all programs or services on the Navajo Nation. and to otherwise The NNACD shall promote the concept that all persons should have an opportunity to realize achieve their potential to the fullest extent of their mental and physical capabilities.
- B. The NNACD is responsible for identifying problems concerning and advocating on behalf of all individuals with disabilities to secure the opportunity to realize each individual's potential to the extent of his or her physical and mental capabilities. The Council has such powers and responsibilities as are prescribed herein and in other applicable Navajo Nation law. The Council shall work with other appropriate Navajo Nation governmental entities and with all service providers, public and private, to:
1. Establish coordination and joint planning for delivery of services to individuals with disabilities from birth through adulthood as close to home as possible;
  2. Establish a continuum of appropriate services for all degrees of disability and all stages of the life cycle;
  3. Address service gaps and avoid duplication of services; and

4. Maximize available resources.

**\$4802. Objectives**

A. Advocacy: Identifying the Needs of Individuals with Disabilities

1. The NNACD shall identify the needs of ~~handicapped Navajo People~~ individuals with disabilities and their families and assist in meeting those needs. To identify needs, the NNACD will conduct periodic needs assessments, including surveys, focus groups, etc., to prioritize resource allocation in advocating for individuals with disabilities.

B. Providing Advocacy and Raising Awareness

- 2.1. The NNACD shall ~~stimulate~~ promote the development of a full continuum of appropriate support services to all age groups of ~~Navajo handicapped persons~~ individuals with disabilities in the least restrictive environment. The NNACD shall assist the Navajo Nation in planning efforts for long-term, comprehensive service programs that will meet the many different needs of individuals with disabilities. Potential areas of interest include, but are not limited to:
  - a. ~~Prevention of~~ Public education and training regarding developmental disabilities and other handicapping conditions;
  - b. Early identification of these conditions in children;
  - c. The provision ~~quality~~ of effective and appropriate healthcare related services;
  - d. The provision of effective and appropriate mental and behavioral health care services;
  - ~~d.e.~~ The provision ~~quality~~ of effective and appropriate educational services;
  - ~~e.f.~~ The provision of adequate, affordable, and accessible integrated housing;
  - ~~f.g.~~ The provision ~~creation~~ of effective and appropriate vocational rehabilitation and independent living services employment opportunities; and
  - ~~g.h.~~ Return of institutionalized Navajos to their homes and communities; Community reintegration services



for individuals returning from residential programs and nursing facilities;

i. Accessibility to public and private buildings for individuals with disabilities;

j. Transportation services to meet the needs of individuals with disabilities; and

k. Voting rights and accessibility for participation in the election process.

~~3. Monitor the activities of all employers conducting operations on the Navajo Nation to insure compliance with the Navajo Nation Affirmative Action Plan for the Handicapped;~~

24. Promote activities to recognize exemplary efforts of employers in improving employment opportunities and working conditions for handicapped individuals Navajo Nation Disability Awareness Week, reestablished through the Navajo Nation Proclamation of October 20, 2015, and any other annual conferences and/or events promoting public awareness regarding the needs, issues, and successes of individuals with disabilities; and

35. Provide incentives to handicapped persons by presenting an annual award to the "Outstanding Handicapped Employee of the Year." Recognize an individual for outstanding work in the disability arena, such as self-advocacy, advocacy for a family member, demonstrating outstanding public work for people with disabilities, or serving people with disabilities with great impact each year as that year's "Disability Advocate of the Year."

#### B. Planning:

~~1. Encourage the development of planning efforts leading to long-range, comprehensive service programs which will meet the many different needs of these people;~~

~~2. Provide technical assistance for the development of these plans;~~

~~3. Review these plans for completeness and appropriateness; and~~

~~4. Develop priorities for the expansion of service programs to meet the needs of the target population.~~

## C. Evaluation:

1. ~~Evaluate the quality and effectiveness of programs serving handicapped Navajo People and their families;~~
2. ~~Report the results of these evaluations and make recommendations for program improvement to those entities responsible for the funding of these service programs; and~~
3. ~~Provide technical assistance and consultation to these service programs with the aim of improving their quality.~~

C. D. These advocacy, planning and evaluation efforts will be directed toward The identification of needs in the community of individuals with disabilities and the advocacy and awareness efforts to serve and promote those needs will be coordinated with the Navajo Nation's Executive, Legislative, and Judicial branches and the Navajo Nation Council Standing Committees; the Navajo Nation Office of Special Education and Rehabilitation Service, in accordance with its Plan of Operations and the rules and regulations of the Navajo Nation Trust Fund for Disability Services; the Bureau of Indian Affairs; and other federal agencies; the states of Arizona, New Mexico, and Utah; any other federal, state, or tribal governmental organizations; any public or private service providers; and any other groups concerned with the needs of handicapped Navajo People individuals with disabilities.

**§4803. Membership**

A. Appointment. Any vacancy, whether created by resignation or a term ending, will be filled using the following procedure: The NNCOH shall, at all times, include in its membership, representatives of the principal governmental and non-governmental agencies, private business, and groups concerned with services to handicapped Navajo People. All geographic areas of the Navajo Nation shall be represented on the Council.

1. The NNACD shall take out an advertisement in the Navajo Times to give notice of the vacancy and to encourage potential applicants to apply.
2. Applicants will be directed to the Navajo Nation Office of Special Education and Rehabilitative Services (OSERS) for an application.
3. Once received, applications will be reviewed by NNACD.



4. NNACD shall pass its recommendations to the Navajo Nation Office of the President and Vice President.
  5. The Navajo Nation President shall confirm the appointment of any new member in a memorandum to the NNACD.
  6. OSERS shall contact all applicants with an update once the appointment is made official by the Navajo Nation President.
- B. At least one-third A majority of the membership of the NNACOH D will consist of either handicapped persons individuals with disabilities. Other members may include or immediate family members of their families individuals with disabilities or those who provide services to individuals with disabilities.
  - C. Potential mMembers are can also be recommended by the community of those individuals employed or otherwise involved in human service the delivery of services to individuals with disabilities and are may be appointed considered by the NNACD by the President of the Navajo Nation.
  - D. The number of NNACOH D members shall be 10 no less than 15 and no more than 20.
  - E. Members, once selected appointed and confirmed by the Navajo Nation President, will serve for three four years. At the end of an appointed term, a member may renew his or her term, provided the NNACD allows renewal by a majority vote.
  - F. If a member misses three consecutive meetings, whether excused or not excused, he or she will be removed from the NNACD. Absences will be excused only for health reasons, personal emergencies, such as bereavement leave or family illness, or inclement weather.
  - F G. Resignation of a NNACOH D member must be submitted done by a written letter to this effect to the Chairman President of the NNACOH D with a courtesy copy to the Navajo Nation's Office of the President and Vice President of the Navajo Nation.
  - G. A vacancy created by a member resigning will be filled by appointment at the earliest possible date by the President of the Navajo Nation after review of NNCOH recommendations.

#### **\$4804. Meetings**

- A. The NNACOH D will meet every other month and at special meetings when needed at least four times a year and more frequently if necessary to carry out the Council's business.



Meeting notices will be sent out to members by postal mail or email at least two weeks prior to the regular meetings. Notices shall include a proposed agenda. Members and officers are to contact the President prior to the meeting for proposed agenda topics. Members not able to attend a particular meeting are required to notify the President to request to be excused. ~~send an alternate to the meeting to represent them.~~ Emergency Special meetings may be called by the President or the Executive Committee. ~~under special circumstances by the chairman or by the Executive Committee.~~ Phone or ~~mailgram~~ email notices shall be given for emergency special meetings.

- B. A simple majority of the voting membership shall constitute a quorum.
- C. All appointed members shall have the right to vote on all matters related to the functions of the NNACOH. ~~An alternate attending a meeting in the place of a regular member shall be eligible to vote for that member.~~ Decisions are made by a simple majority vote, with the chairman President voting only in case of ties.

#### **§4805. Officers**

- A. The officers shall consist of a President chairman, Vice-President ~~vice-chairman~~, and a Secretary secretary, ~~and a treasurer.~~
- B. The President chairman shall set the agenda for and preside over ~~at~~ all meetings of the NNACOH. He shall serve as a liaison between NNACOH and the Navajo Nation Executive, Legislative, and Judicial branches Council. Upon the President's request, OSERS will produce a report on the financial status of the NNACD. Such requests may come no more frequently than on a quarterly basis.
- C. The ~~vice-chairman~~ Vice-President shall exercise all rights and duties of the chairman President in his or her absence.
- D. The Secretary secretary, ~~with the help of the NNCOH secretarial staff,~~ shall record and keep an accurate and complete account of all the council meetings ~~and the distribution of council minutes.~~ NNACD meeting records shall be kept at the Navajo Nation OSERS office. The Secretary shall work in collaboration with the Navajo Nation OSERS staff to maintain said records.
- E. ~~The treasurer, with the help of NNCOH's financial officer, shall maintain, review, and report on the financial standing of the council.~~



~~FE.~~ The President chairman, Vice-President vice-chairman, and Secretary secretary, and treasurer, plus two other members of the council as appointed by the chairman, shall constitute the Executive Committee executive committee.

#### **\$4806. Election**

- A. Election of officers will be held at the first meeting of ~~each~~ the calendar year, as appropriate. Officers will serve for a period of ~~one~~ four years from the date of the election. Vacancies will be filled by majority vote at a meeting where a quorum is present.
- B. ~~A nominating committee will be selected by the chairman prior to the election date. It will recommend one member for each office. Members may nominate from the existing membership for each officer position. Each nominee will accept or decline the position for which he or she is nominated. Members will not be nominated for office without asking them first. Once the nominating committee reports, candidates may be nominated from the floor. Once nominations are complete, the NNACD will vote on each officer position. The nominee receiving a plurality of votes will be deemed the winner.~~
- C. If, within an officer's four-year term, an officer resigns or is removed from the NNACD, an election will be held under the process above to fill the vacancy for the remainder of the four-year term.

#### **\$4807. Expenses**

When the funds are available, expenses related to attendance by council members and any personal care attendants or alternates at meetings will be reimbursed. Members attending in an official capacity from their agency or through administrative leave will not receive ~~should not expect~~ reimbursement. Cost of reimbursements for per diem, mileage, and other expenses shall be set and approved by the NNACD. This schedule shall not exceed the rates used by the Navajo Nation Council.

#### **\$4808. Rule of order**

Except where already stated in this Chapter, questions of order and parliamentary procedure will be resolved by Robert's Rules of Order Revised.

#### **\$4809. Reports and Legislative Oversight**

The ~~Chairman~~ President and Vice-President of the NNACD shall appear before the Diné Education Department and the Health,

Education and Human Social-Services Committee of the Navajo Nation Council at least once annually to give a full report of the activities, findings, and recommendations of the council NNACD.

**Section Seven. Codification**

The provisions of this Act that amend existing sections or adopt new sections of the Navajo Nation Code shall be codified by The Office of Legislative Counsel, and incorporated into the next codification or supplement of the Navajo Nation Code.

**Section Eight. Savings Clause**


Should any provision of this Act be determined invalid in the courts of the Navajo Nation, the remainder of the Act shall remain the Law of the Navajo Nation.

**Section Nine. Effective Date**

This Act shall become effective in accordance with 2 N.N.C. §221(B).

**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 14 in Favor and 02 Opposed, on this 18<sup>th</sup> day of July 2018.



LoRenzo C. Bates, Speaker  
23rd Navajo Nation Council

July 27, 2018

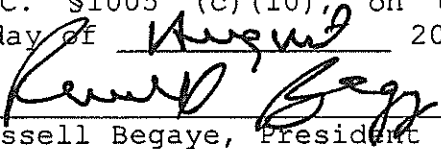
Date

Motion: Honorable Steven Begay  
Second: Honorable Nathaniel Brown

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 6th day of August 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

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Facilities Maintenance Department</u>	
Division/Branch: <u>General Services/Executive</u>		Amount Requested: \$ <u>13,334,871.00</u>	Prepared By: <u>Katarina M. Nelson</u>
Phone No.: <u>928-729-4258</u>		Email Address: <u><a href="mailto:marcustulley@navajo-nsn.gov">marcustulley@navajo-nsn.gov</a></u>	

**PART II. REASON FOR REQUEST AND STATEMENT OF NEED:**

The Navajo Nation Facilities Maintenance Department (FMD) annual budget allocations are limited to routine maintenance and repairs. Since funds are not available to address all ADA building deficiencies, FMD is restricted to addressing parking pads and access ramps in all increments. The attached information identifies specific buildings and associated improvements needed to adequately provide accessibility for those with disabilities. The estimated total amount is \$11,112,393.00, however, due to the increase in the cost of materials, FMD is requesting for \$13,334,871.00 to complete this project.


  

**PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:**

UUF8

**PART IV. AFFIRMATION IS PROVIDED THAT THE BUDGET AND PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL AS A PRIORITY.**

  
4/14/2022

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

REVIEWED BY: Tom Platero, Division Director/DGS Date

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date



THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.:		Program Title:		CJY-63-18 ADA Assessability Compliance		Division/Branch:		General Services	
Prepared By: Kayla L. Wilson, Senior Office Specialist		Phone No.:		(928) 729-4258		Email Address:		marcuslulley@navajo-nsn.gov	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY				
UUFB			13,334,871.00	100%	Fund Type Code	Original Budget	Proposed Budget	Difference or Total	
					2001 Personnel Expenses				
					3000 Travel Expenses				
					3500 Meeting Expenses				
					4000 Supplies				
					5000 Lease and Rental				
					5500 Communications and Utilities				
					6000 Repairs and Maintenance	0	13,334,871	13,334,871	
					6500 Contractual Services				
					7000 Special Transactions				
					8000 Public Assistance				
					9000 Capital Outlay				
					9500 Matching Funds				
					9500 Indirect Cost				
					TOTAL	\$0.00	13,334,871.00	13,334,871	
					PART IV. POSITIONS AND VEHICLES				
					Total # of Positions Budgeted:		0		0
					Total # of Vehicles Budgeted:		0		0
					TOTAL:		\$13,334,871.00		100%

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

SUBMITTED BY: Marcus C. Tulley, Department Manager III  
Marcus C. Tulley  
 Program Manager's Printed Name  
 Program Manager's Signature and Date 3/31/22

APPROVED BY: Tom Platero, Division Director  
Tom Platero  
 Division Director/ Branch Chief's Printed Name  
 Division Director/ Branch Chief's Signature and Date 6/21/2022

## THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		Program Name/Title: C.JY-63-18 ADA Assessibility Compliance									
Business Unit No.:											
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:											
PART III. PROGRAM PERFORMANCE CRITERIA:											
		1st QTR		2nd QTR		3rd QTR		4th QTR			
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:											
Construct Restrooms to meet ADA assessibility requirements											
Program Performance Measure/Objective:											
Complete 21 ADA restroom modification and install hardware and fixtures per qtr		0	0	0	0	0	21		21		
2. Goal Statement:											
Construct 28 entry and hallway to meet ADA requirements											
Program Performance Measure/Objective:											
Complete 7 entry doors, widen hallway, install automatic door openers per qtr		0	0	0	0	0	7		7		
3. Goal Statement:											
Construct 64 site improvement to meet ADA assessibility requirements											
Program Performance Measure/Objective:											
Construct 16 site improvements with ramps, side walks, parking pads, signage per qtr		0	0	0	0	0	16		16		
4. Goal Statement:											
Program Performance Measure/Objective:											
5. Goal Statement:											
Program Performance Measure/Objective:											
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.											
Marcus C. Tulley, Department Manager III Program Manager's Printed Name <i>(Signature)</i> Program Manager's Signature and Date 7/31/22						Tom Platero, Division Director Division Director/Branch Chief's Printed Name <i>(Signature)</i> 6/29/2022 Division Director/Branch Chief's Signature and Date					



THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2022

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____		Facilities Maintenance Department		Business Unit No.: _____		NEW	
<b>PART II. DETAILED BUDGET:</b>							
(A)		(B)		(C)		(D)	
Object Code (LOD 6)		Object Code Description and Justification (LOD 7)		Total by DETAILED Object Code (LOD 6)		Total by MAJOR Object Code (LOD 4)	
		<b>6000 REPAIRS AND MAINTENANCE</b> Per the Navajo Nation Legislation CJY-63-18 and the NN Advisory Council on Disabilities, the ADA Building Accessibility is deemed essential for individuals with disabilities. This project will include, wheelchair accessibility, parking pad modifications, improvement on weatherproof porches with ramps, steps, railing, non-slip walkways. Construction on concrete parking pads, parking bumpers, signage installation (in accordance with the 2010 ADA Standards for Accessibility Design) for handicap parking, wheelchair ramps and parking pads. \$11,112,393.00 was the estimated cost at the start of this ADA project, however, due to the cost of materials increasing the estimated amount to complete this project is \$13,334,871.00.				13,334,871	
5200		External Contractors 6290 General Contractors		\$ 13,334,871.00		13,334,871	
		TOTAL		13,334,871		13,334,871	

CENTRAL AGENCY				
	Facility	Bldg No.	Project Name	Estimate
1	Criminal Investigation Trailer, Chinle, AZ	2378	ADA Ramp and Stair Replacement	\$ 31,782.00
2	Division of Community Development - Admin, Chinle, AZ	2492	ADA Restroom Renovation	\$ 34,580.00
3	FMD Maintenance Shop, Chinle, AZ	2535	ADA Interior Improvements	\$ 705.00
4	Fleet Motor Pool, Chinle, AZ	2546	ADA Restroom Renovation	\$ 115,503.00
5	Tribal Office Building - NDOT, Chinle, AZ	2751	ADA Ramp Replacement	\$ 16,508.00
6	WIC Modular Trailer, Chinle, AZ	2832	ADA Ramp Replacement	\$ 15,891.00
7	Judicial Building, Chinle, AZ	2910	ADA Site Improvements	\$ 535,142.00
8	Judicial Building Chinle, AZ	2910	ADA Interior Upgrades	\$ 49,224.00
9	Prosecutors Office, Chinle, AZ	6535	ADA Restroom Renovation	\$ 17,814.00
10	Prosecutors Office, Chinle, AZ	6535	ADA Ramp Replacement	\$ 16,508.00
11	CHR / AIDS Trailer, Chinle, AZ	7582	ADA Restroom Renovation	\$ 34,580.00
12	Workforce Development, Chinle, AZ	3938	ADA Interior Upgrades	\$ 44,220.00
13	Workforce Development, Chinle, AZ	3938	ADA Site Improvements	\$ 285,981.00
14	Fire Station, Kayenta, AZ	2895	ADA Restroom Renovation	\$ 34,580.00
15	Office of Prosecutor, Kayenta, AZ	5252	ADA Restroom Renovation	\$ 34,580.00
EASTERN AGENCY				
	Facility	Bldg No.	Project Name	Estimate
16	District Court, Alamo, NM	3952	ADA Site Improvements	\$ 5,781.00
17	District Court, Alamo, NM	3952	ADA Restroom Upgrades	\$ 705.00
18	CHR Outreach Program, Crownpoint, NM	8065	ADA Signage Upgrade	\$ 1,783.00
19	Fleet Management, Crownpoint, NM	2548	ADA Restroom Renovation	\$ 222,757.00



### EASTERN AGENCY (cont.)

	Facility	Bldg No.	Project Name	Estimate
20	Food Distribution Warehouse, Crownpoint, NM	2561	ADA Restroom Renovation	\$ 66,002.00
21	Rehabilitation Center, Crownpoint, NM	2312	ADA Restroom Renovation	\$ 49,501.00
22	Tribal Offices Election PRO, Crownpoint, NM	2652	ADA Restroom Renovation	\$ 495,015.00
23	Eastern RBDO Building, Churchrock, NM	2848	ADA Interior Upgrades	\$ 1,410.00
24	Water Resources - Office and Shop, Canoncito, NM	3906	ADA Signage Upgrade and other	\$ 1,859.00
25	Water Resources - Office and Shop, Canoncito, NM	3906	ADA Restroom Renovation	\$ 79,202.00
26	Judicial District Court, Ramah, NM	2911	ADA Restroom Upgrades	\$ 353.00
27	Court, To'hajiilee, NM	3908	ADA Restroom Upgrade	\$ 1,410.00
28	Court, To'hajiilee, NM	3908	ADA Site Improvements	\$ 7,003.00
29	Water Resource Const. and Op., Vanderwagon, NM	5486	ADA Restroom Renovation Completion	\$ 52,802.00

### FORT DEFIANCE AGENCY

	Facility	Bldg No.	Project Name	Estimate
30	District Police Office, Dilcon, AZ	2401	ADA Restroom Upgrades	\$ 9,040.00
31	Water Resources - OF, Dilcon, AZ	2807	ADA Restroom Renovation	\$ 43,098.00
32	Water Resources - OF, Dilcon, AZ	2807	ADA Hardware Upgrade	\$ 5,588.00
33	PD Modular Trailer, Dilcon, AZ	5298	ADA Restroom Renovation	\$ 62,702.00
34	Animal Humane Shelter, Fort Defiance, AZ	2319	ADA Sidewalk Replacement	\$ 20,349.00
35	Animal Humane Shelter, Fort Defiance, AZ	2319	ADA Restroom Renovation	\$ 34,580.00
36	FMD Locksmith Shop, Fort Defiance, AZ	2429	ADA Stair Replacement	\$ 13,785.00
37	FMD Appliance / Welding, Fort Defiance, AZ	2430	ADA Restroom Renovation	\$ 77,964.00

FORT DEFIANCE AGENCY (cont.)				
	Facility	Bldg No.	Project Name	Estimate
38	FMD Administration, Fort Defiance, AZ	2431	ADA Interior Improvements	\$ 2,635.00
39	Food Distribution Nutrition Building, Fort Defiance, AZ	2463	ADA Restroom Renovation	\$ 57,752.00
40	Food Distribution Nutrition Building, Fort Defiance, AZ	2463	ADA Site Improvement	\$ 17,144.00
41	Forestry Green House, Fort Defiance, AZ	2465	ADA Restroom Renovation	\$ 57,752.00
42	Forestry Administration, Fort Defiance, AZ	2466	ADA Sidewalk Replacement	\$ 18,067.00
43	Forestry Administration, Fort Defiance, AZ	2466	ADA Interior Signs	\$ 2,496.00
44	Forestry Administration, Fort Defiance, AZ	2466	ADA Restroom Renovation	\$ 297,009.00
45	Forestry Office / Shop, Fort Defiance, AZ	2468	ADA Restroom Renovation	\$ 297,009.00
46	Minerals Geologist, Fort Defiance, AZ	2539	ADA Ramp Upgrade	\$ 18,002.00
47	Minerals, Fort Defiance, AZ	2540	ADA Ramp and Stair Replacement	\$ 33,015.00
48	NEPA / Water Resources, Fort Defiance, AZ	2577	ADA Door Hardware	\$ 5,588.00
49	Airport Terminal & Office, Window Rock, AZ	2311	ADA Restroom Renovation	\$ 115,503.00
50	EPA Air & Toxic Administration, Window Rock, AZ	2318	ADA Site Improvement	\$ 43,071.00
51	EPA Air & Toxic Administration, Window Rock, AZ	2318	ADA Restroom Renovation	\$ 99,003.00
52	Legislative Trailer #4, Window Rock, AZ	2321	ADA Entrance Improvement	\$ 6,071.00
53	Legislative Trailer #4, Window Rock, AZ	2321	ADA Hardware Upgrade	\$ 5,386.00
54	Legislative Trailer #4, Window Rock, AZ	2321	ADA Restroom Renovation	\$ 69,161.00
55	BB #1 Census / Public Defender / Vital Records, Window Rock, AZ	2353	ADA Restroom Renovation	\$ 115,503.00
56	Legislative Trailer #3 Council Delegate, Window Rock, AZ	2390	ADA Restroom Addition	\$ 99,779.00



# FORT DEFIANCE AGENCY (cont.)

	Facility	Bldg No.	Project Name	Estimate
57	DOL Office Double Wide, Window Rock, AZ	2409	ADA Entrance Improvement	\$ 30,538.00
	Property Management #2, Fort Defiance, AZ	2638	ADA Restroom Renovation	\$ 33,001.00
	Property Management #2, Fort Defiance, AZ	2638	ADA Door Hardware	\$ 2,794.00
	Property Management #2, Fort Defiance, AZ	2638	ADA Sink Upgrade	\$ 1,929.00
	Water Resources - Maintenance Shop, Fort Defiance, AZ	2792	ADA Restroom Addition	\$ 67,480.00
	Water Resources - Administration, Fort Defiance, AZ	2798	ADA Door Hardware	\$ 6,435.00
	Water Resources - Administration, Fort Defiance, AZ	2798	ADA Ramp Replacement	\$ 16,508.00
	Water Resources - Administration, Fort Defiance, AZ	2798	ADA Ramp Replacement	\$ 2,821.00
	Water Resources - Guard / Drilling, Fort Defiance, AZ	2804	ADA Restroom Upgrade	\$ 705.00
	Water Resources - Station 10, Fort Defiance, AZ	2804	ADA Restroom Renovation	\$ 66,002.00
	EPA, Fort Defiance, AZ	2837	ADA Ramp Upgrade	\$ 748.00
	EPA, Fort Defiance, AZ	2837	ADA Restroom Upgrade	\$ 1,410.00
	Donated Food Warehouse, Fort Defiance, AZ	2863	ADA Restroom Upgrade	\$ 1,410.00
	Agency CHR Building Service Unit, Fort Defiance, AZ	2873	ADA Restroom Upgrade	\$ 1,410.00
	CHR Building Service Unit, Fort Defiance, AZ	2873	ADA Ramp Landing Installation	\$ 8,254.00
	Agency CHR Training, Fort Defiance, AZ	2874	ADA Restroom Renovation	\$ 1,410.00
	Agency CHR Training, Fort Defiance, AZ	2874	ADA Ramp Replacement	\$ 16,508.00
	NAAA / Comm. Service / LGSC / Housing Improvement, Fort Defiance, AZ	F006	ADA Restroom Renovation	\$ 34,580.00

# FORT DEFIANCE AGENCY (cont.)

Facility	Bldg No.	Project Name	Estimate
NAAA / Comm. Service / LGSC / Housing Improvement, Fort Defiance, AZ	F006	ADA Ramp Replacement	\$ 16,508.00
Veterinary Double D, Tse Bonito, NM	6331	ADA Restroom Renovation	\$ 297,009.00
Navajo Hopi Legal Service Building, Tohatchi, NM	T015-037	ADA Restroom Renovation	\$ 69,161.00
Fish and Wildlife Administration, Window Rock, AZ	2457	ADA Restroom Renovation	\$ 79,202.00
Fish and Wildlife Warehouse, Window Rock, AZ	2458	ADA Restroom Renovation	\$ 123,754.00
Department of Information Technology, Window Rock, AZ	2498	ADA Restroom Renovation	\$ 198,006.00
Police Department, Window Rock, AZ	2516	ADA Signage Upgrade	\$ 14,744.00
Police Department, Window Rock, AZ	2516	ADA Interior Upgrade	\$ 86,660.00
Police Department, Window Rock, AZ	2516	ADA Restroom Addition	\$ 223,981.00
Police Department, Window Rock, AZ	2516	ADA Site Improvements	\$ 93,659.00
Police Department, Window Rock, AZ	2516	ADA Restroom Renovation	\$ 198,006.00
DOJ (Old Club), Window Rock, AZ	2521	ADA Site Improvements	\$ 368,757.00
DOJ (Old Club), Window Rock, AZ	2521	ADA Restroom Renovation	\$ 69,161.00
Communication and Utilities, Window Rock, AZ	2528	ADA Door Hardware Replacement	\$ 4,020.00
Communication and Utilities, Window Rock, AZ	2528	ADA Restroom Upgrade	\$ 13,400.00
Museum / Library / Visitors Center, Window Rock, AZ	2550	ADA Signage Upgrade	\$ 17,830.00
NASBA Office, Window Rock, AZ	2552	ADA Restroom Renovation	\$ 57,752.00



# FORT DEFIANCE AGENCY (cont.)

Facility	Bldg No	Project Name	Estimate
NASBA Office, Window Rock, AZ	2552	ADA Ramp Replacement	\$ 1,870.00
Education Center, Window Rock, AZ	2556	ADA Interior Improvements	\$ 31,901.00
Education Center, Window Rock, AZ	2556	ADA Drinking Fountain Replacement	\$ 31,060.00
Education Center, Window Rock, AZ	2556	ADA Door Replacement	\$ 352,896.00
Education Center, Window Rock, AZ	2556	ADA Stair Replacement	\$ 32,411.00
Education Center, Window Rock, AZ	2556	ADA Signage Upgrade	\$ 30,709.00
Education Center, Window Rock, AZ	2556	ADA Restroom Renovation	\$ 660,020.00
Council Chambers, Window Rock, AZ	2560	ADA Front Entry Addition	\$ 256,402.00
Council Chambers, Window Rock, AZ	2560	ADA Seating Upgrades	\$ 81,204.00
Council Chambers, Window Rock, AZ	2560	ADA Interior Uogrades	\$ 1,575.00
Council Chambers, Window Rock, AZ	2560	ADA Restroom Renovation	\$ 64,254.00
Council Chambers, Window Rock, AZ	2560	ADA Site Improvements	\$ 559,397.00
President's Executive, Window Rock, AZ	2636	ADA Restroom Renovation	\$ 31,760.00
BB#2 Records / Judicial / NOSHA, Window Rock, AZ	2689	ADA Restroom Renovation	\$ 115,503.00
Navajo EPA Building, Window Rock, AZ	2695	ADA Signage Improvement	\$ 1,426.00
Fleet - Auto Shop, Window Rock, AZ	2744	ADA Door Hardware	\$ 6,407.00
Fleet Body Shop Window Rock, AZ	2745	ADA Restroom Renovation	\$ 34,580.00
Fleet - Tire Shop, Window Rock, AZ	2748	ADA Restroom Renovation	\$ 103,128.00
Veterans Administartion, Window Rock, AZ	2767	ADA Restroom Renovation	\$ 69,161.00
PD Traffic, Window Rock,AZ	2887	ADA Ramp Renovation	\$ 69,161.00
PD Traffic, Window Rock,AZ	2887	ADA Ramp Upgrade	\$ 499.00

### FORT DEFIANCE AGENCY (cont.)

Facility	Bldg No.	Project Name	Estimate
PD Traffic, Window Rock, AZ	2887	ADA Door Hardware	\$ 8,562.00
PD Internal Affairs, Window Rock, AZ	2892	ADA Restroom Renovation	\$ 69,161.00
Fire Station, Window Rock, AZ	2896	ADA Restroom Renovation	\$ 66,002.00
Minerals Trailer Surface Mining, Window Rock, AZ	2920	ADA Ramp Upgrades	\$ 26,075.00
Mneral Department MSHA Trailer, Window Rock, AZ	2960	ADA Site Improvements	\$ 89,965.00
PD Modular #2 - Training, Window Rock, AZ	6159	ADA Ramp Installation	\$ 15,891.00
PD Modular #2 - Training, Window Rock, AZ	6159	ADA Restroom Addition	\$ 101,219.00
EMS Building #2, Window Rock, AZ	6533	ADA Restroom Upgrade	\$ 7,309.00
Zoo / Fish and Wildlife, Window Rock, AZ	7282	ADA Restroom Upgrade	\$ 1,929.00
Zoo / Fish and Wildlife, Window Rock, AZ	7282	ADA Restroom Upgrade	\$ 705.00
Peacemaker / Probation and Parole, Window Rock, AZ	W243	ADA Ramp Upgrade	\$ 24,472.00
Legislative #1 Speakers Office, Window Rock, AZ	W25275	ADA Restroom Renovation	\$ 69,161.00

### NORTHERN AGENCY

Facility	Bldg No.	Project Name	Estimate
San Juan Water Department, Shiprock, NM	2309	ADA Restroom Renovation	\$ 99,003.00
Child Development Warehouse, Shiprock, NM	2364	ADA Restroom Renovation	\$ 57,752.00
Kirtland Food Distribution Warehouse, Shiprock, NM	2462	ADA Restroom Renovation	\$ 247,507.00
Head Start / Argiculture / Comm., Shiprock, NM	2483	ADA Restroom Upgrade	\$ 1,410.00
Head Start / Argiculture / Comm., Shiprock, NM	2843	ADA Site Improvements	\$ 3,842.00



# **NORTHERN AGENCY (cont.)**

Facility	Bldg No.	Project Name	Estimate
Judicial Building, Shiprock, NM	2511	ADA Restroom Renovation	\$ 54,769.00
Judicial Building, Shiprock, NM	2511	ADA Interior Improvements	\$ 13,325.00
Judicial Duplex / Records, Shiprock, NM	2515	ADA Restroom Renovation	\$ 115,503.00
NDET Double Wide Trailer, Shiprock, NM	2569	ADA Restroom Renovation	\$ 115,503.00
Nutrition Building, Shiprock, NM	2569	ADA Restroom Renovation	\$ 23,102.00
Property / Uranium Mining, Shiprock, NM	2644	ADA Restroom Renovation	\$ 115,503.00
Public Safety Building, Shiprock, NM	2651	ADA Signage Improvement	\$ 23,876.00
Public Safety Building, Shiprock, NM	2651	ADA Restroom Renovation	\$ 524,233.00
Public Safety Building, Shiprock, NM	2651	ADA Sidewalk Replacement	\$ 18,067.00
Fleet Management, Shiprock, NM	2743	ADA Restroom Renovation	\$ 123,754.00
Fleet Management, Shiprock, NM	2743	ADA Site Improvements	\$ 7,685.00
Fleet Management, Shiprock, NM	2743	ADA Stair Replacement	\$ 39,621.00
Water Resource / Office Garage, Shiprock, NM	2796	ADA Parking Improvements	\$ 3,968.00
Water Resource / Office Garage, Shiprock, NM	2796	ADA Restroom Renovation	\$ 34,580.00
Donated Food, Shiprock, NM	3914	ADA Restroom Renovations	\$ 45,638.00
Donated Food, Shiprock, NM	3914	ADA Ramp and Stair Replacement	\$ 50,601.00
Donated Food, Shiprock, NM	3914	ADA Ramp Upgrades	\$ 53,126.00
AML Modular Office Building, Shiprock, NM	4736	ADA Ramp Installation	\$ 16,508.00
AML Modular Office Building, Shiprock, NM	4736	ADA Restroom Upgrades	\$ 248.00
CHR Trailer, Shiprock, NM	5064	ADA Signage Upgrade	\$ 892.00

### NORTHERN AGENCY (cont.)

	Facility	Bldg No.	Project Name	Estimate
	Water Management Admin Office, Shiprock, NM	5206	ADA Stair Upgrade	\$ 47,673.00
	Water Management Water Shop, Shiprock, NM	5263	ADA Site Improvements	\$ 26,718.00
	Water Resource / Office Garage, Teecnospos, AZ	2811	ADA Restroom Renovation	\$ 99,003.00
	Water Resource / Office Garage, Teecnospos, AZ	2811	ADA Restroom Addition	\$ 118,089.00

### WESTERN AGENCY

	Facility	Bldg No.	Project Name	Estimate
	Social Service Building, Kaibito, AZ	2713	ADA Restroom Upgrade	\$ 3,859.00
	Water Resource Office Building, Leupp, AZ	2809	ADA Site Improvements	\$ 31,797.00
	Dept. of Workforce Development, Leupp, AZ	3942	ADA Interior Upgrades	\$ 14,558.00
	Dept. of Workforce Development, Leupp, AZ	3942	ADA Exterior Upgrades	\$ 34,602.00
	Water Resource Office Building, Tuba City, AZ	2544	ADA Restroom Renovation	\$ 115,503.00
	Water Resource Office Building, Tuba City, AZ	2544	ADA Ramp Replacement	\$ 16,508.00
	Department of Workforce Office, ADA Ramp and Stair Replacement, Tuba City, AZ	2562/2563	ADA Ramp and Stair Replacement	\$ 63,564.00
	Navajo-Hopi Legal Comm. Trailer, Tuba City, AZ	2566	ADA Restroom Renovation	\$ 57,752.00
	Navajo-Hopi Legal Comm. Trailer, Tuba City, AZ	2566	ADA Ramp and Stair Replacement	\$ 31,782.00
	Fire Station #4, Tuba City, AZ	2894	ADA Restroom Renovation	\$ 34,580.00

WESTERN AGENCY (cont.)			
Facility	Bldg No.	Project Name	Estimate

	Food Distribution Warehouse Building, Tuba City, AZ	2866	ADA Ramp and Stair Replacement	\$ 32,837.00
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[illegible]



# Planned Projects

## FACILITIES MAINTENANCE DEPARTMENT ADA

Building Name and Number

### CROWN POINT AGENCY

1 Behavioral Health #1	2313
2 Behavioral Health #2	2314
3 Fleet Management	2548
4 Facilities Maintenance Department	2534
5 Tribal Offices Elections PRO	2652
6 NN Property Management	2806
7 Modular Water Development	2543
8 Water Resource Shop	2814
9 Social Services- Family	2724
10 WIC Modular Clinic	2823
11 NDET Trailier #1	2571
12 NDET Trailier #2	2571
13 Food Distribution Trailer	2461
14 Food Distribution Warehouse	2561
15 LGSC Modular Office	6746
16 Veterans Admin	6199
17 CHR Outreach Program	8065
18 NAAA	4645

# FACILITIES MAINTENANCE DEPARTMENT ADA

Building Name and Number

## TUBA CITY

1 Facilities Maintenance Dept.	2432
2 Fleet Management	2460
3 Industrial Laundry/Goodwill	2497
4 Land Department	2519
5 Water Resources- Shop	2819
6 Property Management	2842
7 Donated Food Warehouse	2866
8 Fire Station	2894

# FACILITIES MAINTENANCE DEPARTMENT ADA

Building Name and Number

## CHINLE

1 Property Management	2523
2 Facilities Maintenance Shop	2535
3 Water Resource Ofc/Warehouse	2790
4 Fire Station	2893
5 PD Admin	5243
6 Prosecutors Office	6535



# FACILITIES MAINTENANCE DEPARTMENT ADA

Building Name and Number

## FORT DEFIANCE

1 Food Dist. Nutrition Bldg	2463
2 Property Management #1	2639
3 Water Resources- Admin	2798
4 Water Management Branch	2850
5 Donated Food Warehouse	2863
6 Water Resc Water Code Admin	2905
7 Workforce Development	3937
8 Office of Dine Youth	6507
9 New Transit Building	7159

# FACILITIES MAINTENANCE DEPARTMENT ADA

Building Name and Number

## GALLUP

1 Church Rock Eastern RBDO Bldg	2848
2 Social Hygiene Trailer	2869

# FACILITIES MAINTENANCE DEPARTMENT

## ADA

Building Name and Number

### KAYENTA

1 Social Services Trailer	2711
2 CI Trailer SN	2897
3 Modular Office Unit	3940



FACILITIES MAINTENANCE DEPARTMENT  
ADA

Building Name and Number

**MANY FARMS**

1 Water Development Trailer

2786

FACILITIES MAINTENANCE DEPARTMENT  
ADA

Building Name and Number

**PINON**

1 WIC Trailer

2608

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



## Memorandum:

To: 2 NNC § 164 Reviewers  
Delegates & 2 NNC '164 Reviewers  
Navajo Nation Government  
*Robert Willie*

From: Robert Willie, Accounting Manager  
Office of the Controller

Date: June 28, 2022

Subject: UUFB-CJY-63-18 ADA Accessibility Compliance – Facilities Maintenance Department.

The Office of the Controller has reviewed the above referenced document.

1. The unaudited balance of the UUFB as of June 8, 2022, is \$19,966,288.
2. UUFB to fund the ADA Accessibility Compliance requirements set forth in CJY-63-18.  
CJY was passed in 2018 but did not have any funding included in the requirement so this would be an unmet need for Facility Maintenance Department for fulfill this requirement. The request for UUFB is \$13,334,871.
3. This request would be considered **NON-RECURRING** for unmet need to meet the requirements of CJY-63-18.

If you should have any questions, please contact me at tribal extension X6070.



24th Navajo Nation Council  
Special Session  
Tuesday, July 26, 2022

# \_\_\_\_\_


Legislation 0107-22: Approving \$13,334,871 from the Unreserved, Undesignated...

**Motion:** Hon. Edison Wauneka

**Second:** Hon. Pernell Halona

		YEA	NAY
1	Elmer P. Begay	1	
2	Kee Allen Begay, Jr.	1	
3	Paul Begay, Jr.	1	
4	Nathaniel Brown	1	
5	Amber Kanazbah Crotty	1	
6	Eugenia Charles-Newton	1	
7	Seth Damon	Speaker Not Voting	
8	Herman M. Daniels, Jr.	1	
9	Mark Freeland	Excused	Excused
10	Pernell Halona	1	
11	Jaime Henio	1	
12	Vince James	1	
13	Rickie Nez	1	
14	Carl R. Slater	1	
15	Raymond Smith, Jr.	1	
16	Wilson Stewart, Jr.	1	
17	Charlaine Tso	1	
18	Daniel Tso	1	
19	Eugene Tso	1	
20	Otto Tso	1	
21	Thomas Walker, Jr.	1	
22	Edison Wauneka	1	
23	Edmund Yazzie	Excused	Excused
24	Jimmy Yellowhair	1	
	TOTAL	21	0
	Tie Vote		

Certified by:

  
Honorable Seth Damon, Speaker  
24th Navajo Nation Council