

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0380-17

**DATE:** September 14, 2017

**SUBJECT** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION ONE HUNDRED AND NINETY SIX THOUSAND THREE HUNDRED AND SIXTY TWO DOLLARS (\$2,196,362.00) FOR THE CONSTRUCTION OF A CHAPTER BUILDING REPLACEMENT FOR THE TONALEA CHAPTER; WAIVING 12 N.N.C. § 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

**PURPOSE:** The purpose of this legislation is to approve a supplemental appropriation for \$2,196,362.00 for the construction of a new replacement building for the Tonalena Chapter.

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 10:10pm 9/15/17  
Posting End Date: 9/20/2017  
Eligible for Action: 9/21/2017

Resources & Development Committee

THENCE

Budget & Finance Committee

THENCE

Naa'bik'íyáti' Committee  
THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23<sup>rd</sup> NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0380-17

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,  
NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL  
FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE  
AMOUNT OF TWO MILLION ONE HUNDRED AND NINETY SIX THOUSAND  
THREE HUNDRED AND SIXTY TWO DOLLARS (\$2,196,362.00) FOR THE  
CONSTRUCTION OF A CHAPTER BUILDING REPLACEMENT FOR THE TONALEA  
CHAPTER; WAIVING 12 N.N.C. § 820(I) AND 860(C) RELATING TO THE CAPITAL  
IMPROVEMENT PROCESS

BE IT ENACTED:

**Section One. Authority**

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

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

3 C. The Navajo Nation Council established the Naabik'iyáti' Committee as a  
4 Navajo Nation standing committee and as such proposed legislation that  
5 requires final action by the Navajo Nation Council shall be assigned to the  
6 Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).

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

- 9 1. When the Controller identifies additional sources of revenues above  
10 and beyond the initial or current revenue projections, supplemental  
11 appropriations may be allocated by the Navajo Nation Council. 12  
12 N.N.C. § 820(L).
- 13 2. Supplemental appropriations made from non-recurring revenues shall  
14 only be made for non-recurring operations or purposes, as set forth at  
15 § 820(F). The Controller of the Navajo Nation shall be responsible for  
16 designating recurring and non-recurring revenues. 12 N.N.C. § 820(L).
- 17 3. All requests for annual operating funds and supplemental funds shall be  
18 submitted to the Office of Management and Budget ("OMB") for budget  
19 impact analysis. 12 N.N.C. § 820(M).

20 E. The Title 12 Capital Improvement Process includes:

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

- iv. Major building improvements that are not routine maintenance expenses and that substantially enhance the value or extend the useful life of a structure;
  - v. Construction of new buildings or facilities including engineering, design, and other pre-construction costs with an estimated cost in excess of an amount to be determined by the Controller; and/or
  - vi. Major equipment or furnishing required to furnish new buildings or other projects, the cost of which is above a certain amount to be established by the Controller.
2. Pursuant to 12 N.N.C. § 820 (I), the “[d]evelopment of the Capital Budget shall be coordinated with development of the Operating Budget. All budget requests for capital improvements shall be in compliance with an adopted Capital Improvement Plan and shall not be approved unless in compliance with the Plan.”
  3. Pursuant to 12 N.N.C. § 860 (C)(2) “[t]he appropriation portion of the Capital Improvement Plan is subject to approval of the Navajo Nation Council upon recommendation of the Budget and Finance Committee. Any modification or amendment affecting the approved Capital Improvement Plan is subject to review and concurrence by the Resources and Development Committee prior to consideration by the Navajo Nation Council.”

## **Section Two. Findings**

- A. The existing Tonalea Chapter Building is the subject of an Administrative Order of Condemning and Order of Permanent Closure. See Exhibit D.
- B. This is a funding request for the construction of the new chapter building replacement for the Tonalea Chapter. See Exhibit D.
- C. The supplemental funding request forms are attached as Exhibit A.
- D. The Office of Management and Budget has provided a memorandum satisfying the requirements of 12 N.N.C. § 820(M) and is attached as Exhibit B.

- 1 E. The Office of the Controller has provided a memorandum dated September 8,  
2 2017 indicating the balance in the Unreserved, Undesignated Fund Balance as  
3 of September 8, 2017 is \$31,258,307. This memorandum is provided to meet  
4 the requirements of 12 N.N.C, 820 (L), however the Controller of the Navajo  
5 Nation has not designated the funds as recurring or non-recurring. This  
6 memorandum is attached as Exhibit C.
- 7 F. The request for funds for construction of the Tonelea Chapter Building  
8 Replacement Project within the Tonalea Chapter is not included in the Title  
9 12 Capital Improvement Plan because the Plan was rescinded by Navajo  
10 Nation Council. CAP-23-17
- 11 G. Any modification or amendment affecting the approved Capital Improvement  
12 Plan is subject to review and concurrence by the Resources and Development  
13 Committee prior to consideration by the Navajo Nation Council. 12 N.N.C.  
14 § 860.
- 15 H. The Navajo Nation finds it in the best interest to waive 12 N.N.C. §§ 820(I)  
16 and 860 (C) regarding the Capital Improvement for the Tonalea Chapter  
17 Building Replacement Project.
- 18 I. The Navajo Nation finds it in the best interest of the Navajo people to approve  
19 this supplemental appropriation request.  
20

21 **Section Three. Waiving 12 N.N.C. §§ 820(I) 1 And 860 (C) Regarding Funding for**  
22 **the Tonalea Chapter Building Replacement Project.**

23 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(I) and 860(C)  
24 with regard to the Tonalea Chapter Building Replacement Project.  
25

26 **Section Four. Approving the Supplemental Appropriation from the Unreserved,**  
27 **Undesignated Fund Balance in the Amount of \$2,196,362.00 for the**  
28 **construction of the Tonalea Chapter Building Replacement Project.**

- 29 A. This supplemental appropriation of \$2,196,362.00 shall be from that amount  
30 of funds that exceeds the minimum fund balance of the Unreserved,

Undesignated Fund Balance as determined by the Office of the Controller  
and to Business Unit Number *—new number*.

- B. The Navajo Nation hereby approves the supplemental appropriation from the  
Unreserved, Undesignated Fund Balance to the Tonalea Chapter Building  
Replacement Project, Business Unit *New Number* for \$2,196,362.00.

#### **Section Five. Effective Date**

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





## THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE-PRESIDENT



### Memorandum

Date: September 8, 2017

To: Honorable Russell Begaye, President  
Office of the President/Vice President

Honorable Lorenzo Bates, Speaker  
Navajo Nation Council

Honorable Thomas J Holgate, Acting Chief Justice  
Judicial Branch

From:   
Pearlne Kirk, Controller  
Office of the Controller

Subject: Financial Update-(General Fund Revenue, Expenditures, UUFB)

The gross General Fund Revenues, (see Exhibit "A"), as of August 31, 2017 is \$203,053,235, (see Footnote 1). The total General Fund set asides is \$ \$51,749,599 (Footnote 2). The Net Revenue for the General Fund is \$151,303,727 (see Footnote 3). The permanent fund income transfer is \$24,411,000 (Footnote 4). The reserve taken for the permanent fund income transfer is \$2,885,000 (Footnote 5). The grand total revenue for the General Fund is \$172,829,727 (see Footnote 6) which is 98.78% of the projection.

Next, are the total expenditures by Branch, (see Exhibit "B"), as of August 31, 2017, the Legislative Branch has expenditures of \$14,836,331 (see Footnote 1a); encumbrances of \$822,493 (see Footnote 1b) with a remaining budget of \$3,307,669 (see Footnote 1c). The Executive Branch expenditures are \$162,500,722 (see Footnote 2a); encumbrances are \$7,206,122 (see Footnote 2b) with a remaining budget of \$37,797,219 (see Footnote 2c). The Judicial Branch expenditures are \$11,718,156 (see Footnote 3a); with encumbrances of \$73,692 (see Footnote 3b) and remaining budget of \$2,356,349 (see Footnote 3c). Total General Fund expenditures are \$189,055,209 (see Footnote 4a); total encumbrances are \$8,102,307 (see Footnote 4b) with an overall remaining budget of \$43,461,236 (see Footnote 4c).

The updated Undesignated Unreserved Fund Balance (UUFB), (see Exhibit "C") as of September 8, 2017 is \$31,258,217. The Fiscal Year 2016 audited numbers were approved via CJY-51-17 and an amount of \$11, 728,198 that was previously reserved for debt service for capital projects was returned back to the UUFB with the approval of CJY-50-17. These two amounts have been incorporated into this new schedule.

Thank you, if you should have any question please feel free to call me at tribal extension X6308.



THE NAVAJO NATION  
General Fund Revenue Schedule  
(Unaudited)  
August 31, 2017

FY 2017

GENERAL FUND REVENUE	Original Budget	Revised Budget	Actual Revenue Received	Revenue to be collected	% Revenue of Total
TNN: ROYAL; GAS; OIL	\$ 24,700,000	\$ 24,700,000	22,503,079	\$ 2,196,921	91.11
TNN: COAL REVENUES	55,850,000	55,850,000	51,709,402	4,140,598	92.59
TNN:OTR MINERALS REV			79,149	(79,149)	
TNN: LAND REVENUES	58,450,000	58,450,000	59,393,523	(943,523)	101.61
TNN: BUSINESS FEES			80,415	(80,415)	
TNN: INTEREST INCOME	1,600,000	1,600,000	4,249,477	(2,649,477)	265.59
TNN: TAX REVENUES	64,150,000	64,150,000	63,125,774	1,024,226	98.40
COURT FINES + FEES	400,000	400,000	379,897	20,103	94.97
TNN: OTHER REVENUES	500,000	500,000	1,270,889	(770,889)	254.18
BIA: ROYAL; GAS; OIL			111,327	(111,327)	
BIA: COAL REVENUES			114	(114)	
BIA:OTR MINERALS REV				-	
BIA: LAND REVENUES			150,280	(150,280)	
<b>TOTAL REVENUE</b>	<b>\$ 205,650,000</b>	<b>\$ 205,650,000</b>	<b>203,053,325</b>	<b>(1) \$ 2,596,675</b>	<b>98.74</b>
<b>LESS:SET ASIDES</b>					
CAPITAL OUTLAY MATCH	\$ (2,000,000)	\$ (2,000,000)	(2,000,000)	\$ -	100.00
LAND FUND TRANSFER	(4,113,000)	(4,113,000)	(4,061,067)	(51,933)	98.74
PERMANENT FUND TRNSF	(24,678,000)	(24,678,000)	(24,366,399)	(311,601)	98.74
WATER RIGHTS CLAIM FU	(2,000,000)	(2,000,000)	(2,000,000)	-	100.00
DINE' HIGHER EDUCATIO	(11,200,000)	(11,200,000)	(11,200,000)	-	100.00
VETERANS TRUST FUND S	(8,226,000)	(8,226,000)	(8,122,133)	(103,867)	98.74
<b>TOTAL SET ASIDE</b>	<b>\$ (52,217,000)</b>	<b>\$ (52,217,000)</b>	<b>\$ (51,749,599)</b>	<b>(2) \$ (467,401)</b>	<b>99.10</b>
<b>SUB TOTAL</b>	<b>\$ 153,433,000</b>	<b>\$ 153,433,000</b>	<b>\$ 151,303,727</b>	<b>(3) \$ 2,129,273</b>	<b>98.61</b>
<b>PERMANENT FUND INCOME TRANSFER</b>					
OTHER REVENUE TRANSFER	\$ 24,411,000	\$ 24,411,000	\$ 24,411,000	(4) \$ -	100.00
LESS: PF FIVE-YEAR CONTINGENCY	(2,885,000)	(2,885,000)	(2,885,000)	(5) -	100.00
<b>TOTAL PFI TRANSFER</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ -</b>	<b>100.00</b>
<b>NET PFI TRANSFER</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ -</b>	<b>100.00</b>
<b>GRAND TOTAL</b>	<b>\$ 174,959,000</b>	<b>\$ 174,959,000</b>	<b>\$ 172,829,727</b>	<b>(6) \$ 2,129,273</b>	<b>98.78</b>

(1) Gross General Fund Revenues

(2) Total Set Asides for General Fund Revenue

(3) Net General Fund Revenue

(4) Permanent Fund Income allocation to General Fund

(5) Permanent Fund Income allocation reserve (CO-54-16)

(6) Grand total General Fund Revenues

**EXHIBIT "A"**

Prepared by:  
General Accounting  
9/8/2017





# FY 2017 EXHIBIT "B"

## The Navajo Nation Budget Status Income Statement As of August 31, 2017

Branch / Object Account	Original Budget	Revised Budget	Actual Expenses	Encumbrances	Budget Available	% Available
<b>LEGISLATIVE BRANCH</b>						
2001 - Personnel Expenses	\$ 10,851,778	\$ 12,278,822	\$ 10,019,465		\$ 2,259,357	18.40
3000 - Travel Expenses	1,321,631	1,765,310	1,572,327	46,213	545,274	30.89
3500 - Meeting Expenses	159,932	399,826	210,881	-	204,416	51.13
4000 - Supplies	196,565	744,678	455,884	31,130	248,147	33.32
5000 - Lease & Rental	212,423	226,684	179,129	10,417	50,024	22.07
5500 - Communications & Utilities	119,336	158,833	134,035	-	60,813	38.83
6000 - Repairs & Maintenance	44,547	152,091	74,100	7,525	57,978	38.12
6500 - Contractual Services	541,691	1,553,788	963,771	462,824	197,091	12.88
7000 - Special Transactions	294,373	619,408	411,587	42,876	239,264	38.53
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	20,000	1,069,274	815,172	221,509	586,817	54.88
9500 - Matching & Indirect Cost	-	-	-	-	-	-
<b>Total LEGISLATIVE BRANCH</b>	<b>\$ 13,562,275</b>	<b>\$ 18,966,493</b>	<b>\$ 14,836,331</b>	<b>(1a) \$ 822,493</b>	<b>(1b) \$ 3,307,669</b>	<b>(1c) 17.44</b>
<b>EXECUTIVE BRANCH</b>						
2001 - Personnel Expenses	82,554,098	85,757,948	67,342,879	-	18,415,068	21.47
3000 - Travel Expenses	9,499,593	9,498,299	8,499,697	8,235	990,367	10.43
3500 - Meeting Expenses	981,047	1,713,064	1,321,407	-	381,657	22.86
4000 - Supplies	5,400,663	7,963,841	4,549,358	897,024	2,517,459	31.61
5000 - Lease & Rental	1,751,399	1,669,091	1,196,102	28,114	444,875	25.85
5500 - Communications & Utilities	7,305,566	8,123,429	6,513,700	589,673	1,020,057	12.56
6000 - Repairs & Maintenance	3,914,876	8,788,252	5,571,378	1,030,316	2,186,567	24.88
6500 - Contractual Services	4,653,568	12,886,818	6,849,248	2,804,762	3,212,809	24.97
7000 - Special Transactions	10,318,377	11,986,749	10,083,552	322,518	1,580,681	13.19
8000 - Assistance	41,728,697	48,837,762	45,579,345	1,174,985	2,083,432	4.27
9000 - Capital Outlay	764,670	2,746,354	1,563,730	350,497	832,127	30.30
9300 - Other Income and Expense	-	-	-	-	-	-
9500 - Matching & Indirect Cost	7,552,457	7,552,457	3,430,326	-	4,122,131	54.58
<b>Total EXECUTIVE BRANCH</b>	<b>\$ 176,423,011</b>	<b>\$ 207,504,063</b>	<b>\$ 162,500,722</b>	<b>(2a) \$ 7,206,122</b>	<b>(2b) \$ 37,797,219</b>	<b>(2c) 18.22</b>
<b>JUDICIAL BRANCH</b>						
2001 - Personnel Expenses	\$ 12,523,143	\$ 12,586,722	\$ 10,812,000		\$ 1,754,722	13.96
3000 - Travel Expenses	433,764	419,940	243,969	-	175,971	41.90
3500 - Meeting Expenses	-	28,807	10,955	-	15,852	56.13
4000 - Supplies	68,291	378,953	241,164	27,553	110,238	29.09
5000 - Lease & Rental	9,000	45,670	19,012	-	26,658	58.37
5500 - Communications & Utilities	69,206	90,472	68,386	-	22,087	24.41
6000 - Repairs & Maintenance	-	210,010	99,988	46,094	63,927	30.44
6500 - Contractual Services	-	89,627	50,671	-	38,956	43.46
7000 - Special Transactions	103,339	274,160	172,011	44	102,105	37.24
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	-	45,834	-	-	45,834	100.00
9300 - Other Income and Expense	-	-	-	-	-	-
<b>Total JUDICIAL BRANCH</b>	<b>\$ 13,208,743</b>	<b>\$ 14,148,196</b>	<b>\$ 11,718,156</b>	<b>(3a) \$ 73,682</b>	<b>(3b) \$ 2,356,349</b>	<b>(3c) 16.65</b>
<b>GRAND TOTAL:</b>	<b>\$ 203,192,029</b>	<b>\$ 240,618,752</b>	<b>\$ 189,055,209</b>	<b>(4a) \$ 8,102,307</b>	<b>(4b) \$ 43,461,236</b>	<b>(4c) 18.06</b>

### Footnotes:

#### Legislative Branch

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

#### Executive Branch

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

#### Judicial Branch

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

#### Total General Fund

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

**EXHIBIT "C"**

Memo Dated Sept. 8, 2017

Financial Update

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

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

Prepared by: General Accounting

9/8/2017

5:00 PM

**TONALEA CHAPTER PROPOSAL  
for  
NEW CHAPTER COMMUNITY BUILDING REPLACEMENT**



**Amount of Funds Requested:  
\$ 2,196,362.20**

July 17, 2017



For additional information, please contact:

MARLINDA WHITEROCK, Chapter Manager  
TONALEA CHAPTER  
P.O. Box 207  
Tonalea, Arizona 86044  
Phone No: (928) 283-3430/31  
Email: [tonalea@navajochapters.com](mailto:tonalea@navajochapters.com)

## TONALEA CHAPTER NEW COMMUNITY BUILDING REPLACEMENT

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### REFERENCES

#### EXHIBITS

- A. 1. Administrative Order of Condemning and Order of Permanent Closure by the Office of Environmental Health/Code Enforcement  
2. Order of Closure to Tonalea Chapter Administration by Navajo Nation Department of Health
- B. 1. Tonalea Chapter Replacement Building Updated Project Schedule
- C. 1. Tonalea Chapter Replacement Building Site Plan  
2. Tonalea Chapter Replacement Building Floor Plan  
3. Tonalea Chapter Replacement Building Exterior Elevations
- D. 1. Letter of Commitment for chapter matching funds  
2. *Tonalea Chapter Resolution No. TN17-03-NB05 /Budget Modification*  
3. MIP Budget Line Item
- E. 1. *Tonalea Chapter Resolution No. TN17-07-01-SPC*  
2. Project Description Form with Budget Cost Breakdown  
3. Construction Cost Estimate  
4. Project Budget Summary Form 1  
5. Project Budget and Justification Form 2  
6. Project Budget Schedule



## **I. SUMMARY**

Of the 110 Chapter buildings within the Navajo Nation, eight were condemned by the Navajo Nation Division of Health, Office of Environmental Health Code Enforcement federal government, which included the Tonalea Chapter facility. Tuba City Regional Health Care Corporation: Office of Environmental Health recommended closure of the Tonalea Chapter due to numerous contributing factors of unsafe conditions. As a result, a licensed structural engineer inspected the Tonalea Chapter for structural soundness and integrity. The primary concern was for the safety and welfare of the Tonalea Chapter Staff, Officials and the general public upon their use of the facility and general services on a daily basis.

The Navajo Nation Division of Health: Office of Environmental Health/Code Enforcement, issued an Administrative Order of Condemning and Order of Permanent Closure, copy enclosed as **Exhibit A.1**, of the Tonalea Chapter building. Results from the structural inspection of the defects found in the Fall of 2012 by the Federal Division of Environmental Health Services.

## **II. BACKGROUND**

The Tonalea Chapter is a certified chapter and is one of the 110 Chapter Governments on the Navajo Nation. The chapter was granted LGA Certification on December 2, 2014 by the Navajo Nation Resource and Development Committee. The chapter is a local governmental entity and is delegated certain authorities and responsibilities with respect to local matters consistent with the Navajo Nation Laws. Pursuant to Title 2, Section 402 (a), the Tonalea Chapter has the authority to review all matters affecting the local communities and make appropriate recommendations to the Navajo Nation, County, State and Federal government agencies that are in the best interest and welfare of the local communities.

The Western Navajo Agency is the largest land base of the five agencies on the Navajo Nation that extends into the rural areas of the State of Arizona and Utah, with an estimated land size of 2,359,122 acres. The Tonalea Chapter is one of the eighteen Chapters in the Western Navajo Agency with an estimated land base of 153,000 +/- acres. It is located along U.S. Highway 160 at Milepost 344, ½ mile north on Bureau of Indian Affairs (BIA) highway N-21, 36°19'4"N 110°58'13"W, Tonalea, Arizona. Tonalea is in a very rural area with limited resources in terms of law enforcement, education, telecommunication/utilities, transportation, commercial, and healthcare access to serve the community and general public.

The Chapter population according to the 2010 U.S. Census is recorded at 2,595. According to 1990 U.S. Census records, the population was 2,072.

There is limited employment opportunities available in the community, thus, the rate of unemployment is increasing. The Tonalea Day School, two grocery stores – Old Red Lake Trading Post and Tonalea General Store, Tonalea Chapter, Tonalea Senior Citizen Center, Navajo Nation Community Health Office and the two (2) Navajo Head Start



Program all employ a limited number of people. Over 70% of the community members rely on general welfare with Navajo Nation General Assistance, Navajo Nation Program for Self-Reliance and food stamps through the Department of Economic Security. Elders and disabled rely on Social Security and/or Disability benefits.

The Tonalea Chapter is focused on improving the safety, social, economic, health and educational conditions of the families residing in the community. To promote these plans, the community recognizes that infrastructure development is the most important. The community has also been affected by the land disputes between the Navajo and Hopi Tribes that prohibited any construction or developments. The construction prohibition was lifted in 2009; future projects will improve the living conditions of the people by continuous community education and functions by the local community government.

### **III. PROBLEM STATEMENT AND NEED ASSESSMENT**

On October 9, 2012, the Federal Division of Environmental Health Services conducted a physical inspection of the Tonalea Chapter building. Due to a severe shift in the foundation and load bearing walls, it resulted a possible danger of the building roof collapsing. There was possible presence of asbestos and lead paint in the walls, roof, plumbing, and ceiling areas. In 1959, the building was built of cinderblocks and lumber by local unskilled laborers. The building had most of the original plumbing and electrical work laid over half a century before.

On October 15, 2012, the Federal Division of Environmental Health Services (DEHS) generated an inspection report that outlined a recommendation to the Tonalea Chapter to be closed due to numerous contributing factors. It was also recommended that a certified structural engineer inspect the Tonalea Chapter for any structural integrity. The interested parties' primary concern is for the safety and welfare of the Tonalea Chapter Staff, Officials and the general public upon their use of the facility, and daily general services to the public.

On October 19, 2012, Tonalea Chapter Staff and the Executive Director of Division of Community Development, in cooperation with the Navajo Nation Capital Improvement Office (CIO) and Navajo Nation Design and Engineer Services (DES), A visual inspection was conducted of the Chapter building's compromised load bearing walls and stress cracks in the concrete floor of the assembly room.

In November 2012, the Tonalea Chapter administration moved into the chapter's Tin Blue Warehouse meant for storage. Despite it possessing serious health, safety, and hazardous concerns, chapter administration staff continued to operate out of the Tin Blue Warehouse.

On May 20, 2013, the Navajo Nation Division of Health: Office of Environmental Health/Code Enforcement issued an Administrative Order of Condemning and Order of Permanent Closure, (see **Exhibit A.1.**), of the Tonalea Chapter building after a visual

inspection of the compromised structure and integrity was found in the Fall of 2012 by the Federal Division of Environmental Health Services.

The Chapter Administration staff was housed in the chapter's Tin Blue Warehouse for over three (3) years. The Chapter Administration staff had to endure the extreme cold weather in the winter months and extreme heat in the summer months due to poor insulation. The administrative staff dealt with vermin, lizards and snakes entering the warehouse due to dilapidated exterior panels. The Warehouse was never meant to be utilized as an office space, but for storage only.

On December 8, 2015, the Navajo Department of Health issued the Order of Closure to the Tonalea Chapter Administration - see **Exhibit A.2**. The Administration was granted limited re-entry to collect only necessary administrative items. The Order of Closure explicitly stated, "There shall be no administrative function during this duration." The Administration was given until December 11, 2015 by 5:00 p.m. to vacate the premise.

After December 11, 2015, Tonalea Chapter Administration staff moved out of the Tin Blue Warehouse with no alternative office space. There was no other building available in Tonalea Community for the Administration staff to utilize as an alternate office space.

Thereafter, Tonalea Chapter entered into a Memorandum of Agreement with the Navajo Nation Division of Community Development to temporarily relocate the Tonalea Chapter Administration Staff to the Administrative Services Center in Tuba City, AZ. This was the only viable alternative. This resulted in serving the community from Tuba City that required Tonalea community members to commute 25 miles southwest of Tonalea. Educational services and other social functions for the community were discontinued, and in despair.

Due to community demands of continuing local services and functions in Tonalea, this required collaboration with the Tonalea Senior Citizen Center in identifying an office space for the chapter administration staff. The Tonalea Chapter Administration is currently utilizing a space in the Tonalea Senior Citizen Center. Within the 10'x10' space being occupied, the laundry room inside the Tonalea Senior Citizen Center has become the new chapter administration office.

Space limitation in Tonalea remains the same along with providing necessary services to the community, which continues to be a challenge. A couple of other challenging factors are improvements on increasing productivity for the chapter administration staff to meet the demands of the community and the general public, and most public meetings continue to be held at the Tonalea Senior Citizen Center with very limited space. At times, public meetings in the senior center becomes overcrowded exceeding the maximum occupancy of 54. It causes a safety and health concern, and deters community members away. Despite these challenging factors with no local community facility, the Tonalea Chapter continues to encourage the community and general public to attend public meetings and/or other social functions that are important for community awareness.

Space limitation has also caused limited spending on the chapter's Summer Youth Employment and Public Employment Program funds. The need to spend the Summer Youth and Public Employment Program funds to employ in the community is essential to help the chapter complete local projects. This also allows youth pay for books, clothes, school supplies, registration fees, etc., for the upcoming school year.

#### **IV. OBJECTIVES AND GOALS**

The objective of this project is to provide a healthy and safe environment, and to enhance the overall quality of life for the general public of the Tonalea community, Administrative Staff, and the Chapter Officials. Tonalea community members have had many challenges including disruption of basic human services over the last forty years caused by federally imposed construction prohibition. Through the successful and timely completion of this project, the Chapter will exemplify its ability to continue working with various agencies and organization in fulfilling community prioritized needs of the Tonalea Chapter. The completion of this project will also contribute to further capital development. Examples are additional power line extensions, waterline extensions, road improvements for safer accessibility of schools, law enforcement, emergency medical services, community health representatives to attend to high risk patients, etc. In order to meet the Tonalea community needs and goals, the Navajo Nation Capital Project Management Department (CPMD), formerly known as Navajo Nation DES, supports and encourages the approval of the grant that is being requested.

Overall, this will allow Tonalea Chapter to ensure commitment of the four pillars identified by the Navajo Nation Office of President and Vice-President that were mandated by the Navajo people – veterans, elders, youth, employment and infrastructure.

#### **V. SCOPE OF WORK**

The construction of a new Tonalea Chapter building were proposed in three (3) phases: 1) demolition of the old chapter building with abatement of asbestos, lead paint and removal [Completed, 2015]; 3) design of a new chapter building 2) construction of a new chapter building.

Phase one of the project is complete that entailed testing for asbestos, lead paint, mercury, chlorofluorocarbon (CFCs) and polychlorinated biphenyls (PCBs) in the building. These harmful materials were tested by a specialized licensed Inspector, Iina Ba, Inc. Materials that tested positive were removed by a specialized contractor and transported to an authorized location where the contaminated materials were disposed of. This phase of the demolition project's cost estimate was approximately \$150,000.00 for planning, developing and implementing

Phase two of the project design is almost complete with a cost estimate of \$364,000.00. Chapter design of the new building was reduced from 8,400 square feet to 6,795 square feet. Reduction of the building was the chapter's desire to manage a smaller building



due to fiscal reasons.

Phase three of the project is estimated at \$2,196,000.00 for the construction of the new Tonalea Chapter building. The ultimate goal is to complete the construction of the new Tonalea Chapter building on its scheduled time line and within the proposed budget. Our first scheduled milestone is to communicate the construction site plan to the community with the design planning team. The team will utilize visual aids such as graphics and 3-D models to emphasize the changes from the old building to the new building designs by incorporating the local culture, philosophy, and tradition. This will be followed by the ground breaking to begin construction.

Project milestones: See **Exhibit B** that references the updated Tonalea Chapter Project Schedule.

The new Tonalea Chapter building will be 6,795 square feet with unique designs that will entail energy efficient features and a voltage converter system that meets renewable portfolio standards for the State of Arizona. It will have large windows for cross ventilation and cooling purposes. The electrical wiring will be specific to include an area for future computer lab terminals and the chapter house will provide Wi-Fi/Broadband services to the community. The bathrooms will have Americans with Disability Act (ADA) handicapped accessibility and low water usage toilets. See **Exhibit C.1-C.3** attachments referencing the chapter building – site plan (**C.1.**), floor plan (**C.2.**) and exterior elevations (**C.3.**).

The old building (demolished) was approximately 2,600 square feet and was used as both a government building and community building adjacent to important community resources. There were fourteen rooms total, including three office spaces, a reception area office, a janitor's closet and nursing consultations, four storage closets, two restrooms, computer lab, and about 120 capacity assembly hall used for voting, wedding ceremonies, funeral planning, traditional tribal games and cultural teachings and celebrations.

The Tonalea Chapter administration and CMPD will oversee construction projects and management of the new building. For the past fifty years, the organization has been responsible for the majority of all community procurement and local budgets. Through our vast experience, the administration will use their expertise and knowledge to ensure the new Chapter building project will meet milestones and deadlines by working with CMPD.

The Tonalea Chapter administration maintains and establishes all local utility infrastructures along with managing and operating a watering point for the entire community. Tonalea Chapter staff oversee maintenance of two Head Start buildings and the Senior Center within the community while meeting both federal and tribal standings. In 2010, FEMA entrusted Tonalea with over \$30,000 in monies and equipment to operate Project Snowdrift, plow and salt roads and assist with vehicle accidents and emergencies. They also have had previous experience in construction management, having supervised the complete \$100,000 renovation and remodel of the Chapter's Senior Center in 2011.

Financially, the Tonalea Chapter House oversees an annual budget of \$325,000. They manage a \$90,000 trust that awards bachelor, masters and PhD candidates' annual scholarships. In preparation for the upcoming construction of the new Chapter House, the Tonalea local government has saved more than \$100,000 to put towards the project.

The Tonalea Chapter in collaboration with CMPD have conducted feasibility studies and determined that all utilities are on-site to support the new structure. The site is located within the withdrawn land of the chapter tract that belongs to the Tonalea Chapter and right-of-way access are currently available to the site.

The community watering point is located within the chapter premise. The community watering point remains a primary source for local domestic and livestock use, vital to approximately 60 percent of the community who still lack running water in their homes. Future infrastructure in these areas of the community will improve overtime as the construction of the new chapter building is complete. More community interaction with critical involvement of the stakeholders to guide and contribute in completion of infrastructure projects will decrease the amount of people lacking running water.

The old Tonalea Chapter building was the main artery providing liveliness to the community for over 50 years. Traditional meetings, celebrations, games, educational workshops, and other social events have ceased since October of 2012. Public meetings continue to be held at the Tonalea Senior Citizen Center and nearby churches. Nursing and health consultations have also discontinued. The nearest medical facility is in Tuba City, Arizona – 25 miles away and the mobile clinic has since ceased. A food distribution program to assist families and elderlies in need with limited income to support the local community has closed down.

## **VI. LOCATION OF THE NEW TONALEA CHAPTER BUILDING**

**Below:** The location of the future Tonalea Chapter Building will be located on the same site as the condemned Chapter Building as shown below in red box. The site is located adjacent to the Tonalea Head Start building. The Tonalea School is located about 200 yards east of the yard depicted in white and 50 yards from the Senior Citizen building. The community watering point was relocated near the warehouse north of the existing Senior Center.





In an effort to limit construction costs and meet budget goals, the new Tonalea Chapter building will be reconstructed on the same site as the old chapter building. With the increasing enrollment population and discontinuation of local services, the demand for a new chapter building has increased. No community chapter facility limits meeting the growing needs of the community, this includes veterans, youth, and elders. A new chapter building will extensively help expedite a return of local community culture, tradition, and education, employment, re-opening of scheduled events to encourage community developments and improvements, traditional celebrations, and other social activities for the betterment of Tonalea that includes health promotions and maintaining an active lifestyle. The Chapter anticipates a return of the much needed commodity food program and other welfare services. The Nurse Consultation office will also reopen and a community room will be available for voting, town meetings, weddings, funeral practices, etc. A future computer lab with Wi-Fi Internet access will be available for virtual learning and the Chapter hopes to open a small gym facility for the community seeking a more active lifestyle.

#### **VII. BUDGET FOR NEW CHAPTER BUILDING CONSTRUCTION**

<b>Project Cost Activities</b>	<b>Other Funds</b>	<b>State Funds</b>
Building Permit/Inspections		\$5,952.67
Construction		\$1,956,521.45
Other Costs (specify) NTUA 3-Phase Electrical Line		\$150,000.00
<b>TOTALS</b>		<b>\$2,196,362.20</b>

Tonalea Chapter will also provide match funding in the amount of \$116,131.25. This will be used towards construction costs. See **Exhibit D.1.-D.3.)** for Letter of Commitment for Chapter Matching Funds (**D.1.**), *Tonalea Chapter Resolution No. TN17-03-NB05/Budget Modification*, MIP Budget Line Item.

See attachments in **Exhibit E.1-E.6.)** – *Tonalea Chapter Resolution No. TN17-07-01-SPC (E.1.)*, Project Description Form with Budget Cost Breakdown (**E.2.**), Construction Cost Estimate (**E.3.**), Project Budget Summary Form 1 (**E.4.**), Project Budget and Justification Project Form 2 (**E.5.**), and Project Budget Schedule (**E.6.**).



# EXHIBITS A.1.-A.2.

# ORDER OF CLOSURE

Tonalea Chapter House Building

By ORDER of the Navajo Nation Division of Health, Office of Environmental Health / Code Enforcement this facility has been closed and shall not reopen without the approval of the Office of Environmental Health / Code Enforcement

Signed and Enacted

This 20<sup>th</sup> day of May, 2013

At the time of 8:00 a.m./p.m.



Herman Shorty, Director  
Office of Environmental Health / Code Enforcement  
Navajo Division of Health

NOT TO BE REMOVED: PROPERTY OF THE NAVAJO DIVISION OF HEALTH

Navajo Division of Health  
Office of Environmental Health/Code Enforcement  
P.O. Box 1390, Window Rock, Arizona 86515

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IN THE MATTER OF: The Tonalea Chapter House Building Posing a Substantial Public  
Environmental Health and Safety Risk

Mr. Darryl Jim, President  
Tonalea Chapter  
P.O. Box 207  
Tonalea, Arizona 86044

Mr. Colbert Dayzie, Vice President  
Tonalea Chapter  
P.O. Box 207  
Tonalea, Arizona 86044

Ms. Nora Fowler, Secretary/Treasurer  
Tonalea Chapter  
P.O. Box 207  
Tonalea, Arizona 86044

Administrative Order

CONFIRMING  
and  
ORDER OF PERMANENT  
CLOSURE

Information having been presented to and conditions observed by the Navajo Division of Health, Office of Environmental Health Code Enforcement, duly designated as and herein the (Regulatory Authority), of the unsafe dilapidated condition of the Tonalea Chapter House Building, herein the (Chapter House), posing a substantial public environmental health and safety risk as well as posing a substantial liability exposure risk to potential claims of loss by the Chapter House governance, herein the (Chapter Officials), and the Navajo Nation due to existing potential hazards therein. The information presented, in whole or in part, were from the Tuba City Regional Health Care Corporation, Division of Environmental Health Services, duly designated as and herein the (Health Advisor), specifically, survey report of October 15, 2012 and supporting past surveys of November 2001, December 2001, and February 2007.

A site visit was made by the Regulatory Authority on May 6, 2013, accompanied by Chapter Officials, wherein observations were made of the true unsafe dilapidated condition of the Chapter House. In conclusion, the Chapter House building is beyond any feasible rehabilitative initiative to current building standards as well as environmental health and safety standards and/or requirements. Several architectural, engineering, environmental health and safety mitigating factors limit any likelihood of feasible rehabilitation and/or renovation for continued use, specifically: the question of structural integrity is being the main concern. The Chapter House built in 1959 is outgrown by the community's population as evident by two



Navajo Division of Health  
Office of Environmental Health/Code Enforcement  
P.O. Box 1390, Window Rock, Arizona 86515

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additions having been made to accommodate the community's growth. It must be noted that the building additions and renovations made were without any confirmation to any known standards or code oversight. In much discussion and deliberation with Chapter Officials and thorough consideration of the matter and information presented by the Health Advisor it was agreed to that the Chapter Officials request condemning the existing Chapter House and an order of permanent closure in support of the Chapter Official's efforts in the demolition of the Chapter House and move forward in obtaining a new chapter complex.

In addition to the Chapter House, Chapter Officials requested an assessment and evaluation of (3) three abandoned building within the complex, they are: a) A dilapidated wooden hogan structure, property number R002-003; b) A dilapidated wood & stucco structure, property number R002-005; and c) A dilapidated single wide trailer, property number R002-008.

The conclusion from said assessment and evaluation of the above is that they, too, pose a substantial public environmental health and safety risk as well as posing a substantial liability exposure risks to potential claims of loss by the Chapter House governance and the Navajo Nation due to existing potential hazards therein, each in of themselves. Further, it confirms the observations and recommendations of the Health Advisor in their survey of October 15, 2012.

It must also be further stated that in the process of conducting said assessment and evaluation it was noted that there are numerous inoperable farm equipment and vehicles within the Chapter compound, each beyond feasible repair. Too, there are numerous discarded excess materials stacked, piled, or strewn about the compound as well. These conditions and ease of access pose an additional environmental health and safety risk as well.

Therefore, in consideration of the Tonalea Chapter governance's request and accepting and applying the Health Advisor's recommendations the Regulatory Authority hereby issues the following:

**1 NOTICE IS HEREBY GIVEN** that the existing Tonalea Chapter House building is hereby Condemned and an Order of Permanent Closure is granted and shall be effective May 20, 2013. Therefore, any or all efforts towards the demolishment of said Chapter House shall be initiated.

**2 NOTICE IS FURTHER GIVEN** that the (3) three additional dilapidated buildings: a) The hogan structure property number R002-003; b) The wood & stucco structure property number R002-005; and c) A single wide trailer, property number R002-008 are beyond any

Navajo Division of Health  
Office of Environmental Health/Code Enforcement  
P.O. Box 1390, Window Rock, Arizona 86515

feasible rehabilitative initiative to current building standards as well as environmental health and safety standards and/or requirements.


3. **NOTICE IS FURTHER GIVEN** that the above (3) three dilapidated buildings are hereby Condemned. Therefore, any or all efforts towards the removal and/or demolition of the said buildings shall be initiated.

4. **NOTICE IS FURTHER GIVEN** that the inoperable farm equipment and vehicles and discarded materials be removed to reduce or eliminate the substantial public environmental health and safety risks and to mitigate any hazards and ill effects from potential loss of claims and is in the best interest of the Tonalea Chapter governance and the Navajo Nation.

5. **NOTICE IS FURTHER GIVEN** that Condemning and the Order of Permanent Closure of said property is to reduce or eliminate the substantial public environmental health and safety risks and to mitigate any hazards and ill effects from potential loss of claims and is in the best interest of the Tonalea Chapter governance and the Navajo Nation.

6. **NOTICE IS FURTHER GIVEN** that the Health Advisor shall be included in the Chapter's, but not limited to, proposed site building planning, plan development, plan review, and construction, etc.

7. **IT IS SO ORDERED THIS 20<sup>TH</sup> DAY OF MAY 2013.**

  
\_\_\_\_\_  
Herman Shorty, Director  
Office of Environmental Health Code Enforcement  
Navajo Division of Health



**TUBA CITY REGIONAL HEALTH CARE CORPORATION**  
**Division of Environmental Health Services**

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**167 North Main Street, P.O. Box 600  
Tuba City, Arizona 86045-0600  
(928) 283-2844**

Inc. 1-19-01

October 15, 2012

Mr. Chester Claw, Chapter President  
Mr. Steven Arizana, Chapter Vice-President  
Nora Fowler, Chapter Secretary  
Tonalea Chapter  
P.O. Box 207  
Tonalea, AZ 86044

**Tonalea Chapter Officials:**

On October 15, 2012, Mr. Lyndon Endischee, Environmental Health Officer II, Ms. Angelita Chee, Environmental Health Technician, and I surveyed the Tonalea Chapter House. The purpose of the survey was to evaluate the structural integrity of the facility environment. In addition, to make recommendations for the improvement of existing services such as sanitation, safety practices, and management practices related to public health and safety at this facility.

The Tonalea Chapter meeting hall was constructed in 1959, and the remaining portion of the building was added-on during the 1970s. It appeared that the chapter house had undergone some recent renovations, but our office did not conduct plan reviews and approval. Copies of the Chapter House surveys on November 2001, December 2001 and February 2007 are attached. Pictures of the chapter house are also enclosed. The recommendation that a structural engineer evaluate the structural soundness of the chapter building was not done prior to the chapter renovations. The structural concerns that were addressed in the previous environmental health surveys in 2001 and 2007 have come to a point of being unsafe for the chapter employees, and the community at large.

The chapter compound to the south, west, and northwest is unsafe because of several abandoned buildings. A trailer on the south, storage building(s) on the west, and a Hogan structure to the northwest of the chapter house present safety hazards such that the structures are dilapidated, not repairable, and provide harborages (shelter) for animals and rodents. There were also numerous inoperable farm equipment and vehicles on the chapter compound that are beyond repair. Photos of the dilapidated structures are attached.

**SUMMARY AND RECOMMENDATION:**

**THE TUBA CITY REGIONAL HEALTH CARE CORPORATION, DIVISION OF ENVIRONMENTAL HEALTH SERVICES, ACTING AS THE APPOINTED HEALTH ADVISORS FOR THE NAVAJO NATION RECOMMENDS:**

- 1. THAT THE TONALEA CHAPTER BE CLOSED DUE TO NUMEROUS INTER-RELATED CONTRIBUTING FACTORS THAT CAN ADVERSELY AFFECT THE CHAPTER STAFF AND THE GENERAL PUBLIC;**
- 2. SEEK FUNDS TO REPLACE THE CHAPTER HOUSE FACILITY;**
- 3. SUBMIT AS-BUILT PLANS FOR ANY NEW BUILDINGS TO OUR OFFICE;**
- 4. THAT CONSTRUCTION NOT COMMENCE UNTIL A PLAN REVIEW OF THE BUILDING AS-BUILTS ARE REVIEWED AND APPROVED.**
- 5. THAT CONSTRUCTION BE DONE BY PROFESSIONALS WITH WARRANTY COVERAGE AND RECOURSE FOR CORRECTIONS IF NECESSARY.**
- 6. REMOVE ALL UNSAFE, DILAPIATED STRUCTURES, INOPERABLE HEAVY EQUIPMENT AND VEHICLES FROM THE CHAPTER COMPOUND TO ELIMINATE HEALTH AND SAFETY HAZARDS.**

If you have any questions regarding this environmental health survey, call our office at (928) 283-2844.

Sincerely,



Angie Maloney, RS, MPH

District Sanitarian

Tuba City Regional Health Care Corporation

Xc: Director, DEHS, NAIHS, OEHE, Window Rock, AZ 86515  
Herman Shorty, Navajo Division of Health, P.O. Box 1390, Window Rock, AZ 86515  
Betty Tso, Community Service Coordinator, Tonalea Chapter House, P.O. Box 207, Tonalea, AZ 86044  
File (80871850)



# ORDER OF CLOSURE

**Tonalea Chapter House**

By ORDER of the Office of Environmental Health/Code Enforcement, Navajo Department of Health this establishment / facility is closed and shall not reopen without the approval of the Office of Environmental Health/Code Enforcement.

Signed and Enacted

This 8<sup>th</sup> day of December, 2015.

At the time of 2:00 a.m. / p.m.

  
Herman Shorty, Director

Office of Environmental Health / Code Enforcement  
Navajo Department of Health

**NOT TO BE REMOVED; PROPERTY OF THE NAVAJO DEPARTMENT OF HEALTH**



Navajo Department of Health  
Office of Environmental Health/Code Enforcement  
P.O. Box 1390, Window Rock, Arizona 86515

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**IN THE MATTER OF:** The Current Conditions within the Tonalea (To’Nihali’) Chapter Posing a Substantial Health and Safety Risk to Administrative Staff, Clientele, and Visitors.

Darryl Jim, President	)	
To’Nihali’ Chapter	)	
	)	
Colbert Dayzie, Vice President	)	<u><b>Administrative Order</b></u>
To’Nihali’ Chapter	)	
	)	<b>ORDER OF CLOSURE</b>
Betty Tso, Community Services Coordinator	)	
To’Nihali’ Chapter	)	

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Information having been presented to the Office of Environmental Health/Code Enforcement, Navajo Department of Health, duly designated as and herein the (Regulatory Authority) in the form of a written complaint, dated November 12, 2015, concerning the questionable conditions within the To’Nihali’ Chapter, duly designated as a Certified Chapter and herein the (Chapter), and confirmed during a site visit on November 13, 2015 concluding that the complaint had merit.

Conditions observed were, but not limited to: Administrative business and functions were being conducted from in a warehouse structure. Conditions did not meet acceptable levels of comfort for administrative staff, clientele, and visitors in that 1. No functioning restroom(s), 2. No hand washing availability, 3. Inadequate heating, and 4. Inadequate sustaining heating, to name but a few. The Regulatory Authority was informed by the Chapter that the lack of approved budget hindered the corrective actions and that until a budget is approved no corrective action with respect to the plumbing issues would be corrected. The Chapter was advised to seek alternative means to identify resources to correct and/or seek relocation. The Regulatory Authority agreed not to administer no action at that time due the Chapter agreeing to continue seeking alternative resources.

On November 23, 2015 the Regulatory Authority learned that the Chapter was scheduled conduct a Thanksgiving Dinner on November 24, 2015 for Chapter members, visitors, etc.

On November 24, 2015 the Regulatory Authority called the Chapter and received confirmation of the scheduled event with no corrective actions or improvements addressing the concerns of existing conditions. In the course of the discussion, the Chapter agreed to cancel the event and any future public gatherings and limit administrative functions and continue to seek corrective actions. That being agreed to, the Regulatory Authority agreed not to take any actions in that the Chapter agreed to voluntarily close.

On November 30, 2015 and December 1, 2015 and December 7, 2015 the Regulatory Authority received complaints from the Health Advisor and Chapter member(s) that the Chapter continued operations from within the Chapter.

Therefore, in consideration of the above information and observed conditions and little to no corrective actions, the Regulatory Authority issues the following.

**NOTICE IS FURTHER GIVEN** that the conditions within the To'Nihalii' Chapter continue to pose a substantial health and safety risk to administrative staff, clientele, visitors.

**NOTICE IS FURTHER GIVEN** that the To'Nihalii' Chapter is hereby Ordered Closed.

**NOTICE IS FURTHER GIVEN** that the closure shall commence upon service, namely, 2:00 p.m., December 8, 2015.

**NOTICE IS FURTHER GIVEN** that an Authorization to Resume Operation shall be only after all identified health and safety risks are corrected.

**NOTICE IS FURTHER GIVEN** that the Chapter may be Granted reentry to collect necessary administrative items to a relocated location and shall be out by the end of business day, Friday December 11, 2015. Note: That there shall be no administrative functions or activity therein during this duration.

**IT IS SO ORDERED THIS 8<sup>th</sup> DAY OF DECEMBER 2015.**

  
\_\_\_\_\_  
Herman Shorty, Director  
Office of Environmental Health/Code Enforcement  
Navajo Department of Health

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**Certificate of Service**

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I hereby certify that the foregoing document was served in person to Betty Tso, CSC on November 8, 2015 at approximately 3:50 p.m.



**TUBA CITY REGIONAL HEALTH CARE CORPORATION**  
Division of Environmental Health Services

167 North Main Street, P.O. Box 600  
Tuba City, Arizona 86045-0600  
(928) 283-2844

Inc 1-19-01

December 09, 2015

Mr. Darryl Jim, Chapter President  
Mr. Colbert Dayzie, Chapter Vice-President  
Nora Fowler, Chapter Secretary  
Tonalea Chapter  
P.O. Box 207  
Tonalea, AZ 86044

**Tonalea Chapter Officials:**

On October 07, 2015, Mr. Lyndon Endishee, Environmental Health Officer II, and I surveyed the Tonalea Chapter House. The survey was at the request of the chapter officials, after the chapter was issued a closure notice by the Navajo Division of Environmental Health / Code Enforcement. Our office also received numerous complaints regarding the condition of the chapter house.

The original chapter house was closed in 2012 and has been demolished since then. The unsafe buildings to the south, west and northwest of the demolished building have also been removed. The chapter moved into an old blue metal corrugated storage building without a sanitary clearance or a plan review by Tuba City Regional Health Care Corporation, Environmental Health Services Branch. Pictures of the old blue metal corrugated storage unit (chapter house) are enclosed. A structural engineer did not evaluate the structural soundness of the old blue metal corrugated storage unit (chapter house) prior to the chapter moving into the building. The conditions in the blue building are unsafe for the chapter employees, and the community at large. As of December 08, 2015, the old blue metal corrugated storage unit (chapter house) received an "Order of Closure", which is enclosed, from the Navajo Division of Office of Environmental Health / Code Enforcement for the following:

1. Conditions did not meet acceptable levels of comfort for administrative staff, clientele, and visitors;
2. No functioning restrooms;
3. No hand washing availability; and,

4. Inadequate sustainable heating.

The old blue metal corrugated storage unit (Tonalea Chapter House) does not meet NFPA 101 Chapter 12 and 13 for assembly occupancies, UBC - Uniform Building Code, NEC - National Electrical Code, UPC - Uniform Plumbing Code, NFPA 54 - National Fuel Gas Code, NFPA 58 - Storage and Handling of L.P. Gases, OSHA Standards - 29 CRR 1910, Federal Rehabilitation Act - handicap accessibility standards. (See the listing for Institutional Plan Reviews references for other applicable standards and guidelines).

In addition, photos of exterior hazards outside of the blue building are attached.

**SUMMARY AND RECOMMENDATION:**

**THE TUBA CITY REGIONAL HEALTH CARE CORPORATION, DIVISION OF ENVIRONMENTAL HEALTH SERVICES, ACTING AS THE APPOINTED HEALTH ADVISOR TO THE NAVAJO NATION RECOMMENDS:**

- 1. CONCURRENCE WITH THE NAVAJO DIVISION OF ENVIRONMENTAL HEALTH / CODE ENFORCEMENT "ORDER OF CLOSURE" DUE TO NUMEROUS INTER-RELATED CONTRIBUTING FACTORS THAT CAN ADVERSELY AFFECT THE CHAPTER STAFF AND THE GENERAL PUBLIC;**
- 2. SEEK FUNDS TO REPLACE THE CHAPTER HOUSE FACILITY;**
- 3. SUBMIT AS-BUILT PLANS FOR ANY NEW BUILDINGS TO OUR OFFICE;**
- 4. THAT CONSTRUCTION NOT COMMENCE UNTIL A PLAN REVIEW OF THE BUILDING AS-BUILTS ARE REVIEWED AND APPROVED;**
- 5. THAT CONSTRUCTION BE DONE BY PROFESSIONALS WITH WARRANTY COVERAGE AND RECOURSE FOR CORRECTIONS IF NECESSARY; and.**
- 6. REMOVE ALL UNSAFE, DILAPIATED STRUCTURES, INOPERABLE HEAVY EQUIPMENT AND VEHICLES FROM THE CHAPTER COMPOUND TO ELIMINATE HEALTH AND SAFETY HAZARDS.**

If you have any questions, call our office at (928) 283-2844.



Sincerely,

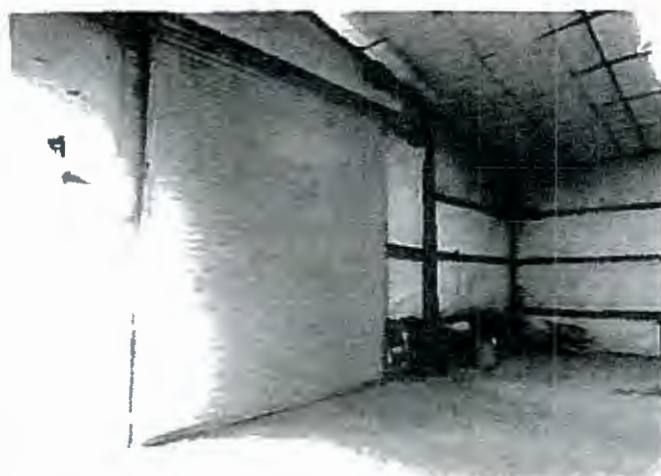
*Angie Maloney*  
Angie Maloney, RS, MPH

District Sanitarian

Tuba City Regional Health Care Corporation

cc: Director, DPHS, NAIHS, OIHP, Window Rock, AZ 86515  
Herman Shorty, Navajo Division of Health, P.O. Box 1390 Window Rock, AZ 86515  
Betty Tso, Community Service Coordinator, Tonalea Chapter House, P.O. Box 207, Tonalea, AZ 86044  
Dollie Smallcanyon, Chief, Community Health Services, TCRHCC  
Lynette Bonar, CEO, TCRHCC  
File (80871850)

Tonalea Chapter House  
December 7, 2015



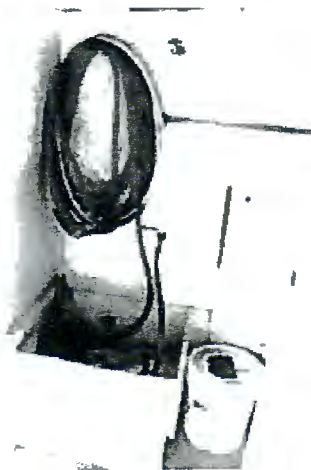
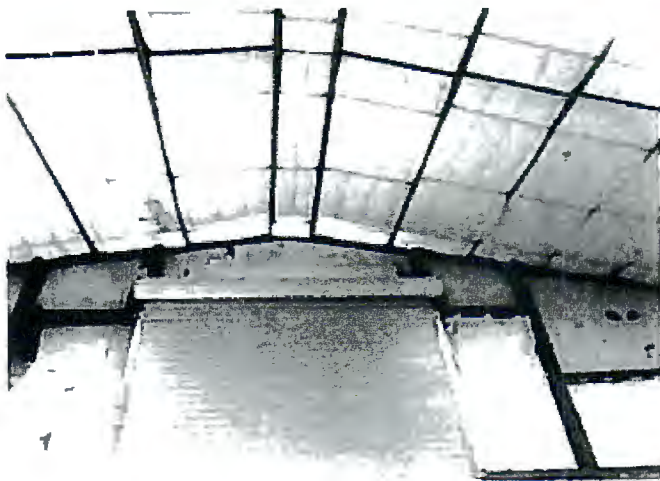


Tonalea Chapter House  
December 7, 2015



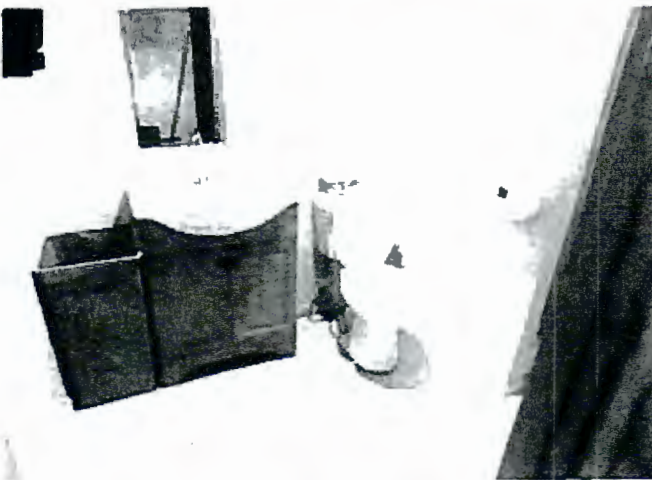


Tonalea Chapter House  
December 7, 2015

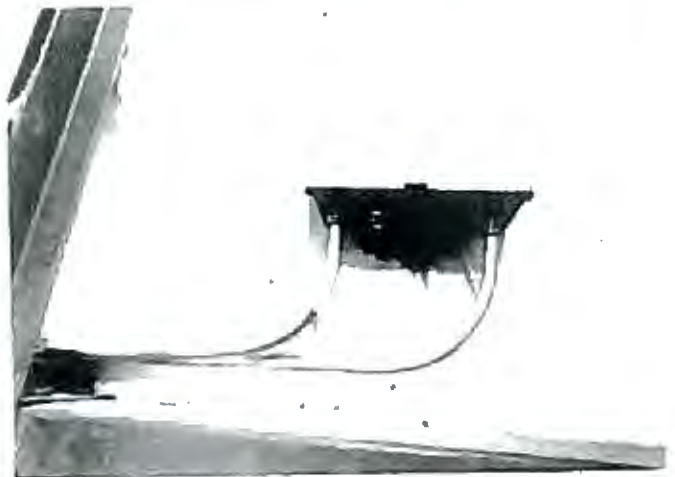




Tonalea Chapter House  
December 7, 2015

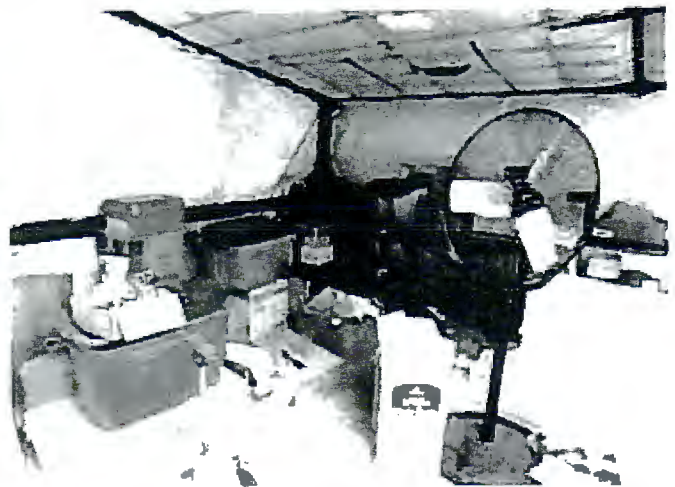
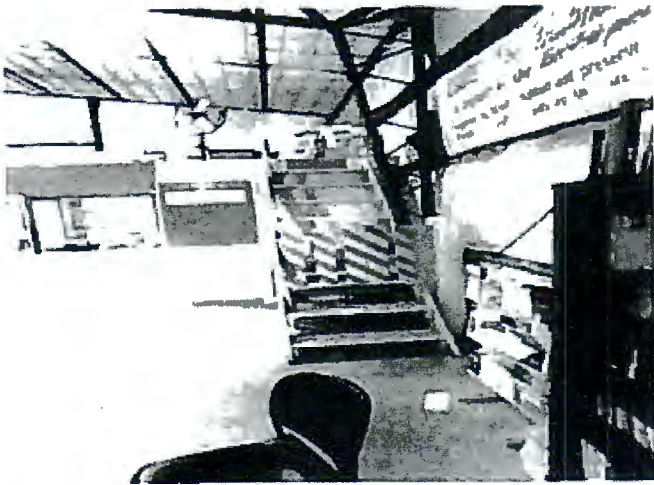


Tonalea Chapter House  
December 7, 2015

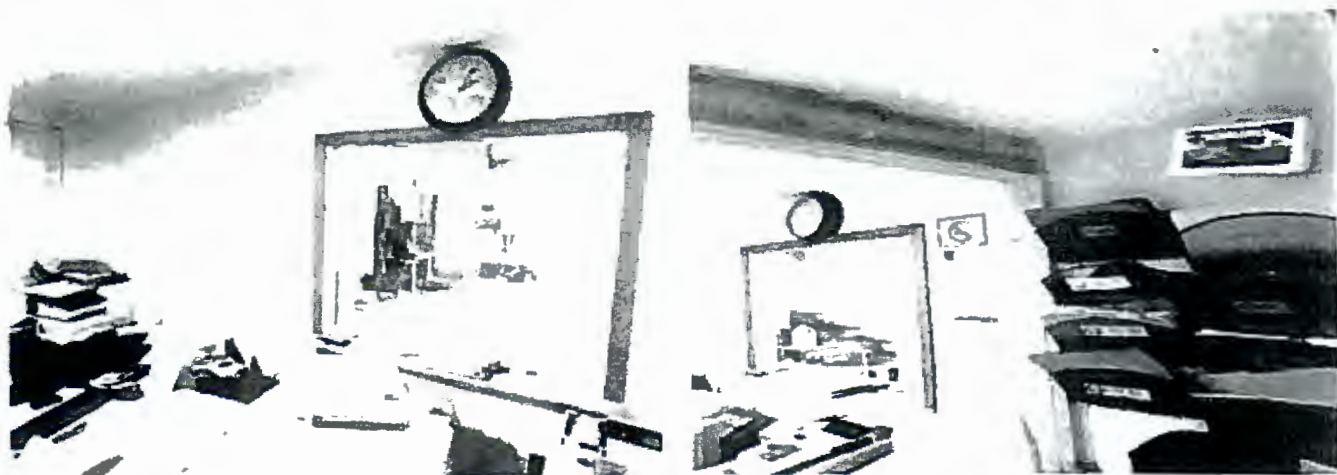




Tonalea Chapter House  
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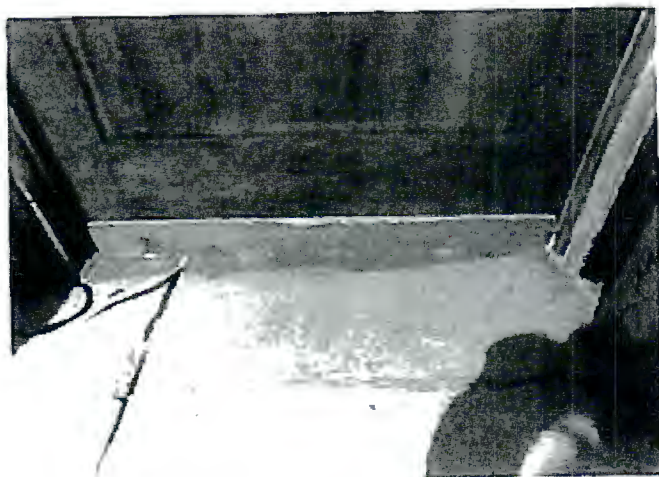


Tonalea Chapter House  
December 7, 2015





Tonalea Chapter House  
December 7, 2015



## REFERENCES FOR INSTITUTIONAL PLAN REVIEWS AND ENVIRONMENTAL HEALTH SURVEYS

Institutional plan reviews and environmental health surveys are conducted for compliance with the following codes and standards:

*NFPA 101 Life Safety Code* review based on the appropriate occupancy type and is the primary fire code used for plan reviews. Major occupancy types which require plan reviews are listed below:

- Head Starts and other schools - NFPA 101 chapters 14 or 15 for educational occupancies
- Chapter houses, community buildings, senior citizens centers - NFPA 101 chapters 12 and 13 for assembly occupancies
- Day care centers - NFPA 101 chapters 16 and 17 for day care occupancies
- Jails and detention centers - NFPA 101 chapters 22 and 23 for detention occupancies
- Group homes and other boarding occupancies - NFPA 101 chapters 32 and 33 for residential board and care occupancies
- School dormitories and hotels/motels - NFPA 101 chapters 28 and 29 for hotels and dormitories
- Nursing homes and residential care occupancies - NFPA 101 chapters 18 and 19 for health care occupancies

All facilities are reviewed for appropriate compliance with chapters 6, 7, 8, and 9 of *NFPA 101 Life Safety Code* regarding classification of hazards, means of egress, features of fire protection, and building service/fire protection equipment.

Primary sanitary and safety codes and standards used in plan review for **functional design only**, include the latest versions of the following:

- *UBC - Uniform Building Code* for non-structural features
- *NEC - National Electrical Code*, NFPA 70 for non-load related features
- *UPC - Uniform Plumbing Code*
- *NFPA 54 - National Fuel Gas Code*
- *NFPA 58 - Storage and Handling of LP Gases*
- *OSHA Standards: 29CFR1910*
- *NSF - National Sanitation Foundation Standards*
- *NFSSC - Navajo Nation Food Service Sanitation Code*

Secondary sanitary and safety standards to be confirmed as used by the engineer or architect in the plan development (assured by their stamp on the plans)

- *UL - Underwriter's Laboratories Standards*
- *ANSI - American National Standards Institute Standards*
- *ASME - American Society of Mechanical Engineers Standards*
- *ASHRAE - American Society of Heating, Refrigeration and Air-Conditioning Engineers Standards*

Handicap accessibility for potential users of the facility is evaluated according to the following laws, codes and standards:

- ***ADA – Americans with Disabilities Act***
- ***UFAS - Uniform Federal Accessibility Standards***
- ***FRA - Federal Rehabilitation Act - ADA does not apply to businesses on Indian land, but this Act does apply***

Other codes or guidelines that may be referenced as a component of the plan review process if design or functional process is not clear to the reviewer

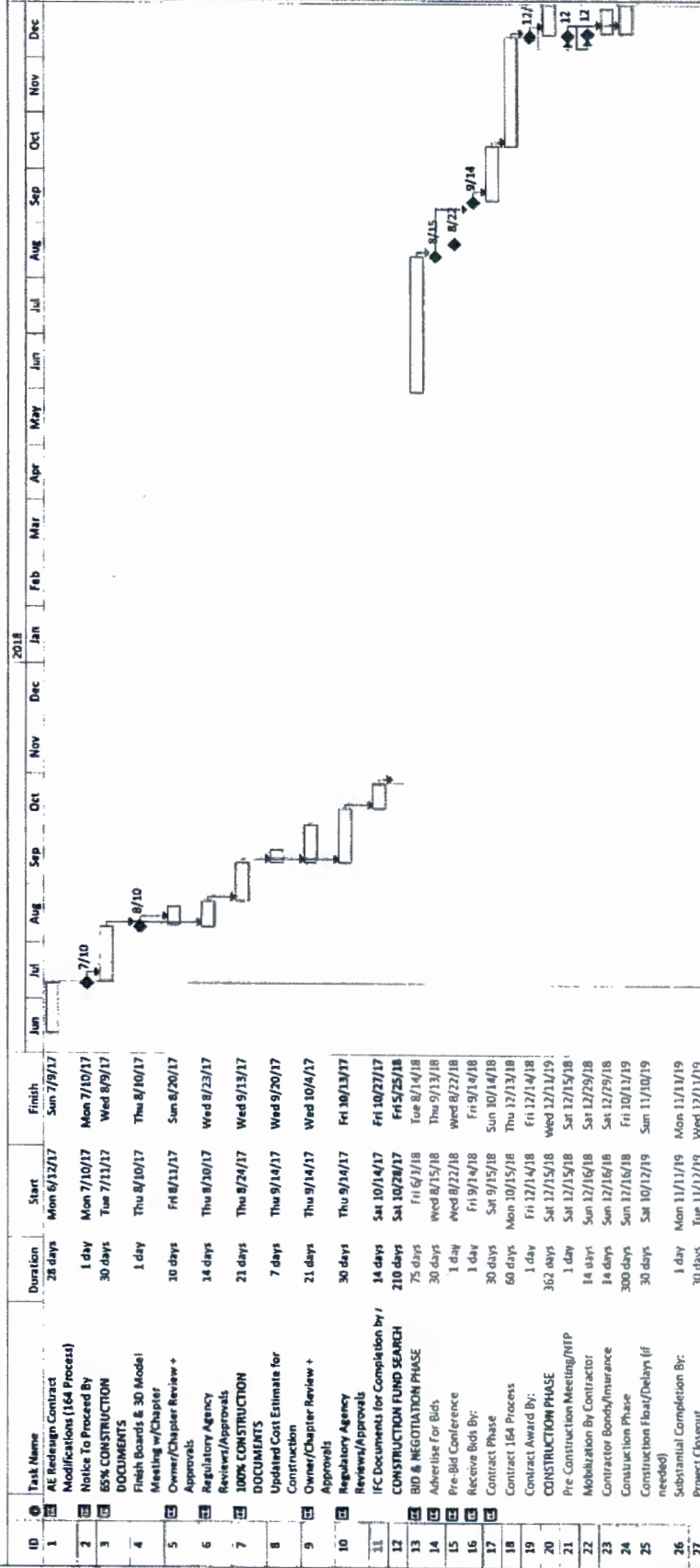
- ***NAIHS/OEHE/DSFC Guideline - Survey of Sanitation Facilities & Operation and Maintenance Organizations*** - sewer and water hook-ups
- ***Resource Conservation and Recovery Act - Federal Act, 1976 (RCRA) and Navajo Environmental Protection Agency codes, (NEPA)*** - hazardous materials, etc.
- ***Solid Waste Code of the Navajo Nation, 1990*** - solid waste storage location, transport and disposal
- ***Bureau of Indian Affairs/Indian Health Service Memorandum of Understanding*** - minimum design criteria for facilities, lighting, ventilation, etc.
- ***NFPA 10 - Portable Fire Extinguishers*** - placement and other requirements
- ***NFPA 13 - Sprinkler Systems***, commercial and residential occupancies
- ***NFPA 211 - Chimney, Fireplaces and Vents*** - if applicable
- ***NFPA 5000 – Building Construction and Safety Code***
- ***All other applicable Local Codes and National Fire Codes***



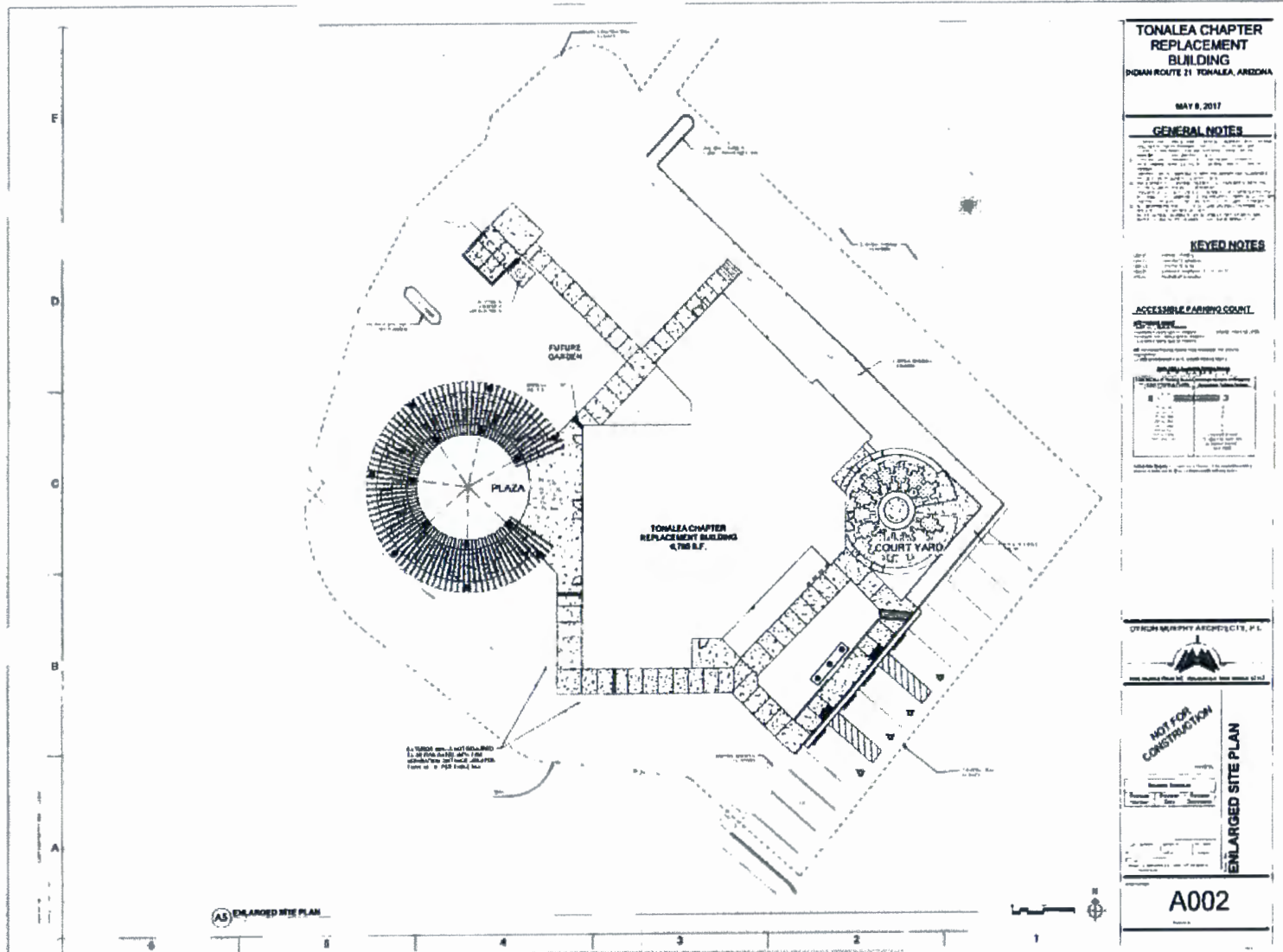
# EXHIBIT B.1.



**Tonalea Chapter Replacement Building**  
 Updated Project Schedule  
 06.07.2017



# EXHIBITS C.1.-C.3.





**TONALEA CHAPTER  
REPLACEMENT  
BUILDING**

INDIAN ROUTE 21, TONALEA, ARIZONA

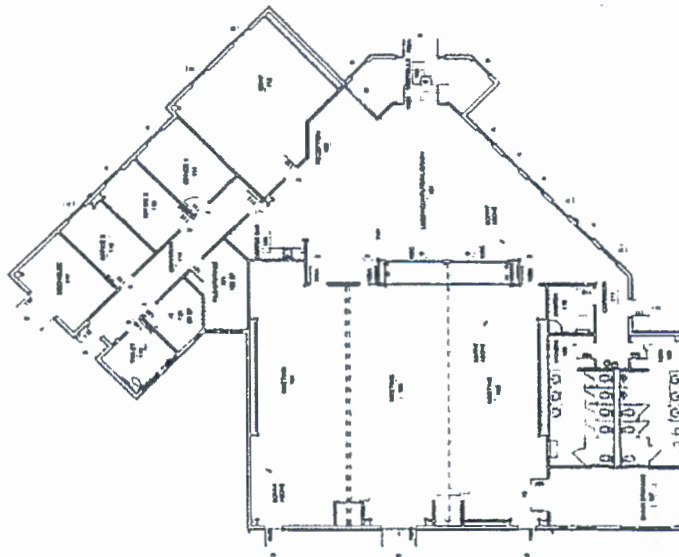
MAY 22, 2017

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA BUILDING CODE AND THE INTERNATIONAL BUILDING CODE.
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES LOCATIONS AND DEPTHS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING LANDSCAPE AND PLANTINGS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A SAFE AND SOUND CONDITION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL DEBRIS AND WASTE FROM THE SITE.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING THE SITE TO ITS ORIGINAL CONDITION.

**KEYED NOTES**

1. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
2. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
3. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
4. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
5. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
6. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
7. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
8. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
9. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.
10. SEE KEY PLAN FOR LOCATION OF THIS FLOOR PLAN.



6,795 G.S.F.

**FLOOR PLAN**  
A101

DYRON MURPHY ARCHITECTS, P.C.



2000 Mountain Peak Dr., Phoenix, Arizona 85004-1000

**NOT FOR  
CONSTRUCTION**



**A101**

A3 FLOOR PLAN

1 2 3 4 5 6



**TONALEA CHAPTER  
REPLACEMENT  
BUILDING**

MOHAM ROUTE 21 TONALEA, ARIZONA

MAY 8, 2017

**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 ARIZONA BUILDING CODE, AS AMENDED.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC FLOW DURING CONSTRUCTION.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A SAFE WORK SITE AT ALL TIMES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL NEIGHBORS OF THE CONSTRUCTION WORK.

**EXTERIOR FINISH NOTES**

1. ALL EXTERIOR WALLS SHALL BE FINISHED WITH STUCCO.

2. ALL EXTERIOR ROOFS SHALL BE FINISHED WITH ASPH/FLT SHINGLES.

3. ALL EXTERIOR FLOORS SHALL BE FINISHED WITH CONCRETE.

4. ALL EXTERIOR DOORS SHALL BE FINISHED WITH STAINLESS STEEL.

5. ALL EXTERIOR WINDOWS SHALL BE FINISHED WITH WHITE PANELED GLASS.

6. ALL EXTERIOR LIGHT FIXTURES SHALL BE FINISHED WITH BRASS.

7. ALL EXTERIOR PAINT SHALL BE FINISHED WITH EXTERIOR GRAHNDOLAM.

8. ALL EXTERIOR TRIM SHALL BE FINISHED WITH STAINLESS STEEL.

9. ALL EXTERIOR HANDRAILS SHALL BE FINISHED WITH STAINLESS STEEL.

10. ALL EXTERIOR SIGNAGE SHALL BE FINISHED WITH ALUMINUM.

**KEYED NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 ARIZONA BUILDING CODE, AS AMENDED.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.

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STUDIO MARIOTT ARCHITECTS, P.C.

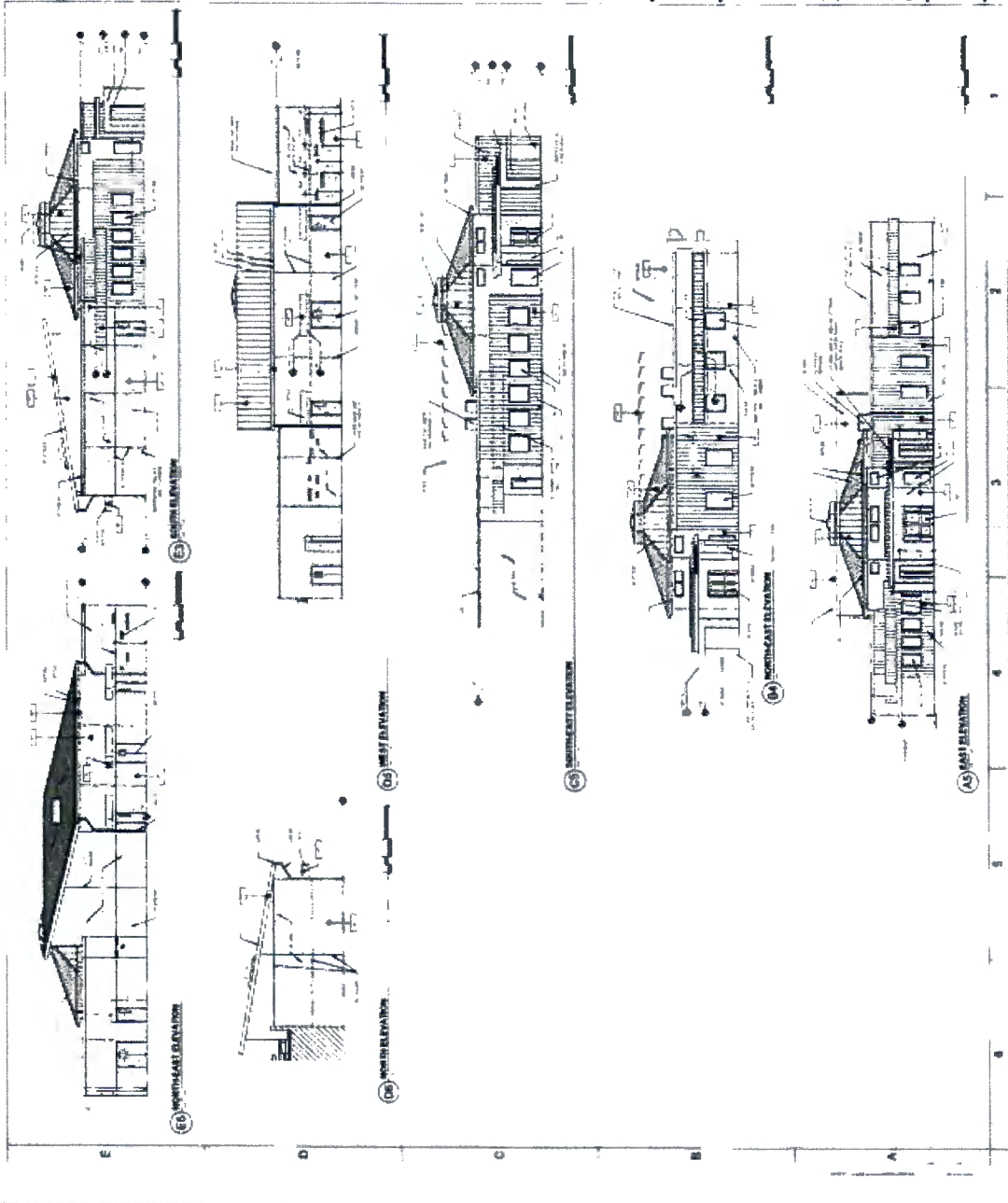


1000 N. GILBERT AVENUE, SUITE 100, TONALEA, AZ 85359

**NOT FOR  
CONSTRUCTION**

**EXTERIOR ELEVATIONS**

**A201**



EXHIBITS D.1.-D.3.



## TO' NIHALII'

President: Sarah Slim  
Vice President: Marie Acothley  
Secretary/Treasurer: Delores Claw

District One - Western Navajo Agency  
Tonalea Chapter  
P.O. Box 207  
Tonalea, Arizona 86044-0207  
Email: [tonalea@navajochapters.org](mailto:tonalea@navajochapters.org)


Council Delegate: Tauchoney Slim, Jr.  
Grazing Official: Vicki R. Kee

Phone: (928) 283.3430

Fax: (928) 283.3435

### MEMORANDUM

**TO:** Honorable Tuchoney Slim, Jr., Council Delegate  
23<sup>rd</sup> NAVAJO NATION COUNCIL – OFFICE OF THE SPEAKER

**FROM:**   
Sarah Slim, President  
TONALEA CHAPTER

**DATE:** July 17, 2017

**SUBJECT:** Tonalea Chapter Replacement Building Matching Funds \$116,131.25

Tonalea Chapter has budgeted Matching Funds to be applied towards the construction costs of the new Tonalea Chapter Replacement Building in the amount of \$116,131.25. This was approved by Tonalea Chapter Resolution No. **TN17-03-NB05** on March 18, 2017 – see attached resolution.

Feel free to call Alfonda Watson, Administrative Assistant, or Marlinda Whiterock, Chapter Manager, at (928)283-3430, if you have any questions.

**Xc:** Marie Acothley, Vice-President  
Delores Claw, Secretary/Treasurer  
Marlinda Whiterock, Chapter Manager  
TONALEA CHAPTER

Attachment: Chapter Resolution No. **TN17-03-NB05**





# TO' NIHALII'

**President:** Sarah Slim  
**Vice President:** Mario Acathoy  
**Secretary/Treasurer:** Delores Claw

District One - Western Navajo Agency  
 Tonalea Chapter  
 P.O. Box 207  
 Tonalea, Arizona 86044-0207  
 Email: [tonaleachapter@navajo.com](mailto:tonaleachapter@navajo.com)

**Council Delegate:** Tashoney Slim, Jr.  
**Grazing Official:** Vicki R. Koo

Phone: (928) 283.3430

Fax: (928) 283.3435

## RESOLUTION OF THE TONALEA CHAPTER WESTERN NAVAJO AGENCY Resolution No. TN17-03-NB05

### APPROVING THE BUDGET MODIFICATION IN THE CARRY OVER BUDGET FOR 27-NAVAJO NATION \$200,000.00 CIP LINE ITEM 27-6999 OTHER MICELLANEOUS EXPENSES IN THE AMOUNT OF \$116,131.25 TRANSFER INTO 27-6806 MATCH FUND - CHAPTER REPLACEMENT BUILDING

#### WHEREAS:

1. Pursuant to Title XXVI of the Navajo Nation Code, Tonalea Chapter is certified and recognized by the Navajo Nation Council and vested the authority and responsibility to provide and address concerns of the people within its community; and
2. Tonalea Chapter recognized the Administrative Service Center-Shonto is vested with the responsibility to review and monitor the Fiscal Year 2017 Budge; and
3. Tonalea Chapter recognizes that the Line Item in the fund accounts for Fiscal Year 2017 Annual Allocation Budget are to be used for Chapter operation and activities to benefit the community membership; and
4. Tonalea Chapter Administration request to modify the Carry Over Budget for 27-Navajo Nation \$200,000.00 CIP, line item account for 27-6999 Other Miscellaneous Expenses in the of \$116,131.25 as follows:

From Sub Account	Amount	Description	Into Sub Account	Description	Amount
27-6999	\$116,131.25	Other Miscellaneous Expenses	27-6806	Match Fund-Chapter Replacement Building	\$116,131.25
	\$116,131.25				\$116,131.25

*(See Budget Modification Attached as Exhibit A)*

5. Tonalea Chapter recognizes the above changes are necessary to allow the Chapter Administration to adequately and correctly account for funds transactions and expenditures for Fiscal Year 2017.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

1. Tonalea Chapter hereby approves the Chapter Administration to modify 27-699 Other Miscellaneous Expenses in the amount of \$116,131.25 transfer into 27-6806 Match Fund-Chapter Replacement Building.

Acting Chapter Manager: Marlinda Whiterock

Administrative Assistant: Vacant



From Sub Account	Amount	Description	Into Sub Account	Description	Amount
27-6999	\$116,131.25	Other Miscellaneous Expenses	27-6806	Match Fund-Chapter Replacement Building	\$116,131.25
	\$116,131.25				\$116,131.25

**(See Budget Modification Attached as Exhibit A)**


2. Tonalea Chapter hereby approves modification to allow the Tonalea Chapter Administration to adequately and correctly account for funds transaction and expenditures for Carry-Over Budget from Fiscal Year 2016 into Fiscal year 2017.
3. Tonalea Chapter recognizes and supports the Fiscal Year 2017 Accounting, Coordination, Reporting and Monitoring Policy and will complies all applicable policies and procedures of the Navajo Nation.

#### CERTIFICATION

**I HEREBY CERTIFY THAT THE FOREGONG RESOLUTION WAS CONSIDERED** by the Community of Tonalea at a duly called Chapter Meeting in Tonalea, (Navajo Nation) Arizona, at which a quorum was present and the that the same was passed by a Vote of 34 in Favor, 0 Opposed, and 1 Abstained on this 18th day of March, 2017.

Motioned By: Cindy Covey

Seconded By: John Lee Watson

  
 \_\_\_\_\_  
 Sarah Stin, President

**TONALEA CHAPTER**  
**P.O. Box 207**  
**Tonalea, Arizona 86044**

**REQUEST FOR BUDGET TRANSFER**

TO: Sarah Slim, President

FROM: Betty A. Tso, Chapter Manager

DATE: March 17, 2017

ACCOUNT NO.: 27- Navajo Nation \$200,00 CIP

**TRANSFER REQUESTED**


CHECKING/ ACCOUNTS	FROM SUB-ACCOUNT	AMOUNT	INTO SUB-ACCOUNT	AMOUNT
	27-6999	\$ 116,131.25	27-6102	\$ 116,131.25
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		TOTAL: \$ 116,131.25		TOTAL: \$ 116,131.25

**Justification (Must be detailed and complete):** Requesting to modify the budget for 27 NN \$200,000 CIP line item account  
27-6999 Miscellaneous Expense in the amount of 116,131.25 transfer into 27-6806 Match Fund-Chapter Rplacement Building.

Resolution Number that approved the Budget Transfer: TN17-03-NB05

Transfer Approval by Resolution date: March 18, 2017

**CONCURRED**

  
\_\_\_\_\_  
Sarah Slim, President

Fund Code	Document Number	Transaction Description	Effective Date	Fund Title	GL Code	Categ... Code	Progr... Code	GL Title	Increase	Decrease
27	001	Match Fund - Chapter Replacement Bldg	3/18/2017	NN 200,000 CIP	6806	99	99	Buildings	116,131.25	
Total 27				NN 200,000 CIP					116,131.25	0.00
								Total BD 343 - Budget Mod. Fund 27 Res#TN17-03-NB05	116,131.25	0.00
Report Total									116,131.25	0.00



# EXHIBITS E.1.-E.6.



# TO' NIHALII'

President: Sarah Slim  
Vice President: Marie AcotHley  
Secretary/Treasurer: Dolores Glaw  
Phone: (928) 283.3410

District One - Western Navajo Agency  
Tonalea Chapter  
P.O. Box 207  
Tonalea, Arizona 86044-0207  
Email: [tonalea.chapter@navajo.gov](mailto:tonalea.chapter@navajo.gov)

Council Delegate: Tuchoney Slim, Jr.  
Grazing Official: Vicki R. Kee  
Fax: (928) 283.3410

## WESTERN NAVAJO AGENCY RESOLUTION OF THE TONALEA CHAPTER RESOLUTION NO: TN17-07-01-SPC

**TONALEA CHAPTER AMENDING AND SUPERSEDING RESOLUTION NO. TN17-02-UB03 AND REAFFIRMING SUPPORT OF REQUESTING THE NAVAJO NATION COUNCIL ALLOCATE NEW CONSTRUCTION FUNDS FROM THE EXISTING SIHASIN FUNDS OR UNDESIGNATED UNRESERVED FUNDS BALANCE FOR A NEW CHAPTER REPLACEMENT BUILDING IN THE REVISED AMOUNT OF \$2,196,362.20 (6,795 SF) OR AN ADJUSTED CONSTRUCTION COST.**

### WHEREAS:

1. The Tonalea Chapter is a duly-recognized Chapter of the Navajo Nation pursuant to 26 N.N.C § 3; and is delegated the authority and responsibility to promote projects that benefit the local community; and
2. Tonalea Chapter is vested with the authority to review all matters affecting the community and make appropriate recommendations to the Navajo Nation, Federal, State and local government agencies for appropriate actions; and
3. Tonalea Chapter is currently without a safe, adequate and publicly accessible facility to perform its basic government functions. The Chapter House was built around 1959, and exceeded its useful life, and has been demolished. The demolished Chapter House was seriously dilapidated and was beyond repair with visible structural and foundation shifting that caused large stress cracks in the walls of the structure; and
4. Tonalea Chapter Project Update on May 2, 2017 with the architect, design and engineering construction facilitated amendments to the first (8,398 SF - \$2,361,339.08 Cost), the recommended copy of the schematic drawing of the replacement chapter building attached as Exhibit A (6,795 SF) and the construction cost \$2,196,362.20.

### NOW, THEREFORE, BE IT RESOLVED THAT:

1. Tonalea Chapter supports and approves amendments to supersede resolution No. TN17-02-UB03 and re-affirming support of requesting the Navajo Nation Council allocate new construction funds from the existing Sihasin Funds or Undesignated Unreserved Funds Balance for a new chapter house in the revised amount of \$2,196,362.20 (6,795 SF) or an adjusted construction cost.

Chapter Manager: Marilinda Whiterock

Administrative Assistant: Alfonda Watson



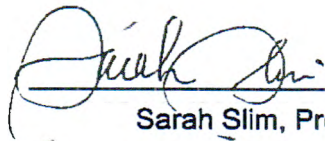
2. Tonalea chapter has designated the replacement of the Chapter House with approved Resolution No. TN14-12-001 on December 29, 2013 as a priority No.1 CIP Priority List since 2014 and continues to be a Priority No.1 through 2017.
3. Tonalea Chapter further states that the allocation of funds by the Navajo Nation Council for a new Chapter Governmental Building will revitalize the citizens of Tonalea in conducting their Chapter self-governance for self-sustaining community planning, economic and infrastructure development.

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

WE, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS CONSIDERED BY THE TONALEA COMMUNITY AT A DULY-CALLED SPECIAL CHAPTER MEETING AT TONALEA, (NAVAJO NATION) ARIZONA AT WHICH A QUORUM WAS PRESENT AND THAT THE SAME WAS PASSED BY A VOTE OF 29 IN FAVOR, 00 OPPOSED AND 02 ABSTAINED OF THIS 9<sup>th</sup> DAY OF July, 2017.

Motioned by: **Cindy Covey**

Seconded by: **Andy Agoodie**

  
\_\_\_\_\_  
Sarah Slim, President  
TONALEA, CHAPTER



**PROJECT DESCRIPTION FORM**  
**SCOPE OF WORK (SOW)**  
**BUDGET COST BREAKDOWN**

1. Name of Grantee/ Fiscal Agent: **Tonalea Chapter Replacement Building Project**
2. Project Title: **Tonalea Chapter Replacement Building Construction**
3. Grant Agreement Number: **#TBD**
4. Background Narrative: The selected Architect Firm will complete the set of construction document with Project Manual specification to allow for the development of a master site plan associated with the new replacement of Tonalea Chapter replacement building of 6,795 S.F. & complex site in Tonalea, AZ for the Tonalea Chapter community. The A/E firm, Dyron Murphy Architects, will administer the Construction Administration of the new facility within the new 10 acre Tonalea Chapter tract along with a watering point, Outdoor Fields/ walk paths, and outdoor/ special event market area by the proper ADA accessibility for all the community. The site is located approximately 20 miles east of Tuba City, AZ off Highway 160. This was a need for the community and growing enrollment number through the Nation's community meeting building.
5. Work Plan: Phase two (2) will consist of additional construction funds to construct the building to a full complete turn-key facility.

6. Budget Detail:

Project Cost Activities	Other Funds	State Funds
Architect/Engineer-Master Plan Development & Community Building design		Completed CDs (Construction Administration) \$33,840.75
Building Permit/Inspections		\$5,952.67
Construction Site Development Ground Breaking		
Construction		\$2,040,409.53
Improvements for Code Compliance		
Equipment		
Vehicle Purchase		
Other Costs (specify) NTUA 3-Phase Electrical Line		\$150,000.00
<b>TOTALS</b>		<b>\$2,196,362.20</b>

7. Performance Measures:

- G/C Solicitation: October 2017
- G/C Interviews November 2017
- Bidding on Construction December 2017/January 2018
- Bids on project /Cost Negotiation with Contractor-January 2017
- Navajo Nations Procurement Process November-December 2017
- Award G/C January 2018
- A/E firms issued Notice to proceed to implement Plan and Design work- January 2018
- A/E firm, General Contractor, and Stakeholders kick off meeting on January 2018
- Construction Administration Phase- January 2018-Completed December 2019
- Construction Ground breaking on existing site with contractor February 2018
- Construction Starts Mid-March 2018
- Construction completion date – October 2018

8. Results Expected: As the Navajo Nation's Lead Agency, NNCPMD will proceed as scheduled and execute the contracts and monitor the design, payments and oversee the construction of the existing facility for the community of Tonalea, Arizona.

9.

<b>Time Frame/ Milestones:</b>	<i>(Project the month &amp; year for each milestone)</i>
A/E firm and Stakeholders kick off meeting on January 2016	A/E firm and Stakeholders kick off meeting on January 2016
Programming and design in progress by A/E Firm	June/July 2017
Schematic Design to be completed	August 2017
Construction Documents/specification development	August 2017 - Completed December 2017
Building Plans Inspections/ Building permit Issued	November 2017
Bidding on Construction <i>(Pending Construction Funds)</i>	December 2017
RFP/Quotes Secured	Mid - December 2017
Bid Closing	January 2018
Bid Award to Contractor/Vendor March	March 2018
Navajo Nations Procurement Process	Mid - February 2018 thru End of March 2018
Award Contractor Company	End of March 2018
Construction Ground breaking on site with contractor	April 2018
Purchase/Install Equipment	June 2018
Project Completion & Review	October 2018
Submit <u>Request for Payment</u> Form and Supporting Documents	November 2018

10. **Responsible Staff (include Project Manager and Fiscal Contact):**

Name: Andy Thomas  
 Title: Project Manager  
 Address: P.O. Box 610 Window Rock, AZ 86515  
 Email: andy.thomas@rundes.org  
 Phone: 928-871-6734

Name: Sarah Slim  
 Title: Chapter President  
 Address: P.O. Box 207 Tonalea, AZ 86044  
 Email: howeimesa@gmail.com  
 Phone: (928)283-3430

**Note: Please see attached Construction Cost Estimate by DMA  
 Tonalea Chapter Replacement Building**

**TONALEA CHAPTER REPLACEMENT BUILDING  
CONSTRUCTION COST ESTIMATE**

6,795 SF Facility

12-Jun-17

Estimate Summary

Dyron Murphy Architects, P.C.

<u>Division/Description</u>	<u>Division Totals</u>
DIVISION 0001 - GENERAL REQUIREMENTS	\$ 152,558.59
DIVISION 0003 - CONCRETE	\$ 188,883.91
DIVISION 0004 - MASONRY	\$ 3,094.00
DIVISION 0005 - METALS	\$ 365,253.95
DIVISION 0006 - WOOD, PLASTICS & COMPOSITES	\$ 2,167.66
DIVISION 0007 - THERMAL AND MOISTURE PROTECTION	\$ 105,834.46
DIVISION 0008 - OPENINGS	\$ 97,323.38
DIVISION 0009 - FINISHES	\$ 254,108.57
DIVISION 0010 - SPECIALTIES	\$ 70,032.92
DIVISION 0012 - FURNISHINGS	\$ 15,275.90
DIVISION 0022 - PLUMBING	\$ 95,352.68
DIVISION 0023 - HEATING, VENTILATING, AND AIR CONDITIONING (HVAC)	\$ 67,036.61
DIVISION 0026 - ELECTRICAL	\$ 145,112.11
DIVISION 0027 - COMMUNICATIONS	\$ 1,928.36
DIVISION 0031 - EARTHWORK	\$ 197,292.91
DIVISION 0032 - EXTERIOR IMPROVEMENTS	\$ 87,884.46
DIVISION 0033 - UTILITIES	\$ 1,571.12
Subtotal Construction	\$ 1,850,711.59
Navajo Nation Tax (5%)	\$ 92,535.58
<b>TOTAL CONSTRUCTION</b>	<b>\$ 1,943,247.17</b>
Cost per SF (6795)	\$ 285.98
Cost to Construct in 2018 (add 5%)	\$ 92,535.58
Subtotal 2018 Construction	\$ 1,943,247.17
Add NN Tax (5%)	\$ 97,162.36
Total 2018 Construction	\$ 2,040,409.53

<u>Budget Items Not included in Construction Cost</u>	<u>TOTAL</u>
a. 3-Phase Electrical Line Extension (OH) to Site + Design	\$150,000.00
b. Plan Reviews for Permitting	\$ 5,952.67
Subtotals	\$ 155,952.67
Total Budget Items Not in Construction Cost	\$ 155,952.67

**TOTAL PROJECT DEVELOPMENT BUDGET (2018) \$2,196,362.20**



**THE NAVAJO NATION  
PROJECT BUDGET SUMMARY**

Page \_\_\_\_ of \_\_\_\_  
**PROJECT FORM 1**

<b>PART I.</b>		Business Unit No.: _____	Project Title: <u>Tonalea Chapter Replacement Building</u>
		Division/Branch: <u>Div. Community Development</u>	Chapter: <u>Tonalea</u> Agency: <u>Western</u>
		Prepared By: <u>Marinda Whiterock, Chapter Manager</u>	Phone No.: <u>(928)263-3430</u>

<b>PART II.</b>	Check one: <input type="checkbox"/> Original <input type="checkbox"/> Revision <input type="checkbox"/> Reallocation <input type="checkbox"/> Modification
-----------------	------------------------------------------------------------------------------------------------------------------------------------------------------------

Project Funds/Source(s)	Appropriation End Date	Amount	% of Total
Navajo Nation General Funds - UUFB / Shihasin Funds	9/30/2019	2,196,362 20	100%
<b>TOTAL:</b>		2,196,362 20	100%

<b>PART III.</b>	<b>PART IV.</b>
<b>Budget at LOD 4</b>	<b>Project Information</b>
	Project Type: <u>Construction</u>
9050 Building	Planned Start Date: <u>10/1/2017</u>
9040 Powerlines	Planned End Date: <u>12/30/2019</u>
9078 CAP Other Tech Services	Project Manager: <u>Sherylene Yazzie</u>
	<b>FOR OMB USE ONLY</b>
	Resolution No.: _____
	FMIS Set Up Date: _____
	Company No.: _____
<b>TOTAL</b>	OMB Analyst: _____
2,196,363 00	

<b>PART V. ACKNOWLEDGEMENT:</b>	
I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED ON THIS FORM IS COMPLETE AND ACCURATE.	
SUBMITTED BY: Dept. Director Signature / Date	VERIFIED BY: Div. Director Signature / Date

**THE NAVAJO NATION  
PROJECT BUDGET AND JUSTIFICATION**

Page \_\_\_\_ of \_\_\_\_  
**PROJECT FORM 2**

<b>PART I.</b> Business Unit No.: _____ Project Title: <u>Tonalea Chapter Replacement Building</u>				
<b>PART II.</b>				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
2		9050	Building Construction -lding Construction to start As Soon As Funds become avaiable	2,040,410
2		9040	3-PhasePowerline Extentipn to chapter building	150,000
2		9078	Building Permit/Inspections	5,953
<b>PAGE TOTAL:</b>				<b>\$2,196,362.20</b>

**BUDGET FORM 2**  
**PAGE \_\_\_\_ OF \_\_\_\_**

<b>PART I.</b>	Business Unit No.: _____	Project Title:	Tonalea Chapter Replacement Building							
<b>Project Description:</b> Construct the Replacement building and secure a contract for the Design services- Construction Administration services for the building project. _____  										
<b>PART II.</b>	<b>Task List (List tasks such as Plan, Design, Construct, Equip or Furnish)</b>	<b>PART III. Use Fiscal Year (FY) quarters. Fill in the FY below.</b>								Expected Completion Date if exceeds 8 Qtrs.
FY __18__	FY __18__	FY __18__	FY __18__	FY __19__	FY __19__	FY __19__	FY __19__	Date ____October 2019__		
1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.			
O N D J F M A M J Jul A S O N D J F M A M J Jul A S O N D J F M	J F M A M J Jul A S O N D J F M A M J Jul A S O N D J F M	A M J Jul A S O N D J F M A M J Jul A S O N D J F M	S O N D J F M A M J Jul A S O N D J F M A M J Jul A S	D J F M A M J Jul A S O N D J F M A M J Jul A S O N D J F M	M A M J Jul A S O N D J F M A M J Jul A S O N D J F M	J Jul A S O N D J F M A M J Jul A S O N D J F M	S O N D J F M A M J Jul A S O N D J F M A M J Jul A S			
\$	\$	\$	\$	\$	\$	\$	\$	TOTAL		
Estimate Budget Expenditure by Quarter	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	396,362.20	\$2,196,362.20		



**FY 2017**  
**EXHIBIT "C"**



**Undesignated, Unreserved, Fund Balance (UUFB)**  
**July 9, 2017**  
**(Unaudited)**

09-30-16 UUFB balance	16,476,974	
<b>Supplementals:</b>		
CO-55-16 Election	510,616	
CN-58-16-Budget	3,848,764	
CJA-05-17 Bennett Freeze	254,656	
CAP-22-17-Dine Bii Association	239,200	
CJN-34-17 Summer Youth Employment	2,161,748	
Total UUFB Supplementals	7,014,984	
Maintain 10% Minimum Fund Balance Transfer	5,038,678	(1)
<b>UUFB 07-09-17</b>	<b>4,423,312</b>	

- (1) CJA-02-17- Social Services - amount was appropriated from the General Fund Minimum Fund Balance . Amount was replenished to preserve the 10% requirement.



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE-PRESIDENT

## Memorandum

Date: July 24, 2017

To: Carl Smith, Executive Director  
Navajo Nation Division of Community Development

From: *Robert Willie*  
Robert Willie, Accounting Manager  
Office of the Controller

Subject: Capital Outlay Match Fund Update

Attached you will find the unaudited Income Statement and Balance sheet (Exhibit A) for the Capital Outlay Match Fund as of June 30, 2017.

The un-appropriated balance of the Capital Outlay Match Fund as of June 30, 2017, is currently \$16,527,651 (see Exhibit A, footnote 1).

The income statement shows the total amount of interest and dividends collected have totaled \$66,593 as of June 30, 2017. The \$2,000,000 set aside from the General Fund is shown in Other Revenue category. Total collected for the fund is \$2,066,593. There have been expenditures in the amount of \$591,305.

Exhibit B shows all the projects which the Capital Outlay Match has ongoing at this point in time. The total revised budget is \$22,558,465. There has been an amount of \$21,717,073 expended and encumbrances of \$399,275. The remaining balance of the projects within the Capital Outlay Match is \$442,117.

Thank you, if you should have any question please feel free to call me at tribal extension X6125.

CC: Dominic Beyal, Executive Director, Office of Management and Budget  
File

THE NAVAJO NATION  
Combining Balance Sheet  
June 30, 2017 (Unaudited)

**EXHIBIT A**

<b>Assets</b>	
<b>Current Assets:</b>	
Cash and cash equivalents	\$ -
Investments	17,488,168.77
<b>Receivables:</b>	
Accounts Receivable	21,341.21
Accrued interest receivable	-
Interfund Receivable	24,421.59
<b>Total Assets</b>	<b>\$ <u>17,533,931.57</u></b>
 <b>Liabilities and Fund Balances</b>	
<b>Liabilities:</b>	
Accounts Payable	\$ (164,887.43)
Accruals	-
Other Liabilities	-
<b>Total Liabilities</b>	<b>(164,887.43)</b>
<b>Fund Balances:</b>	
Unreserved	(16,527,651.77) (1)
Committed	(442,117.00)
Assigned	(399,275.37)
<b>Total Fund Balances</b>	<b><u>(17,369,044.14)</u></b>
<b>Total Liabilities and fund balances</b>	<b>\$ <u>(17,533,931.57)</u></b>

THE NAVAJO NATION  
Combining Statement of Revenues, Expenditures, and Changes in Fund Balance  
June 30, 2017 (Unaudited)

<b>Revenues:</b>	
Tax Revenue	0
Interest & Dividends	(66,593.79)
Fees & Permits	-
Other Revenue	(2,000,000.00)
<b>Total Revenue</b>	<b><u>(2,066,593.79)</u></b>
<b>Expenditures:</b>	
<b>Total Expenditures</b>	<b>591,305.51</b>
Excess (deficit) of revenues over expenditures	(1,475,288.28)
Transfers	-
<b>Net change in fund balances</b>	<b><u>(1,475,288.28)</u></b>

(1) - Unappropriated Balance Available

Prepared by General Accounting  
7/24/2017

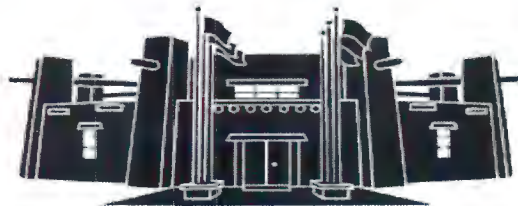


**Capital Outlay Match Projects  
June 30, 2017 (Unaudited)**

**EXHIBIT B**

	Description	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
C01125	SAN JUAN CHP HSE	300,000.00	300,000.00			1	
C01126	ALAMO COURT BUILDING	347,459.00	347,459.00			1	
C01127	TOHAJILLEE CRT BLDG	402,541.00	402,540.92		0.08	1	
C01128	BECLABITO HEADSTART	200,000.00	229,391.00		(29,391.00)	1.15	-0.15
C01129	CH ROCK EC DEVEL OFC	420,000.00	419,999.15		0.85	1	
C01130	SHIPROCK VET'N COMPX	350,000.00	350,000.00			1	
C01131	FT WGT FOOD DIST WSE	35,000.00	35,000.00			1	
C01132	TEESTO SR CTZ CTR	70,000.00	70,000.00			1	
C01133	LECHEE SR CTZ CTR	330,000.00	325,223.37		4,776.63	0.99	0.01
C01134	LOW MTN SR CTZ CTR	90,000.00			90,000.00		1
C01135	FT DEF SR CTZ CTR	190,000.00	190,000.00			1	
C01136	RGH RCK SR CTZ CTR	423,848.00	423,364.52		483.48	1	
C01137	BIRD SPRGS SR CTZ CTR	340,000.00	340,000.00			1	
C01138	COVE SR CTZ CTR	159,948.00	159,948.00			1	
C01139	BLUE GAP SR CTZ CTR	394,271.00	394,271.00			1	
C01175	IYANBITO SR CTZ CTR	400,000.00	400,000.00			1	
C01285	PINEDALE CHAP PRESCHOOL BLDG	710,104.00	710,104.00			1	
C01316	MARIANO LK CHPTR HDSTART BLDG	251,500.00	251,500.00			1	
C01341	DENNEHOTSO MULTIPURPOSE BLDG	450,000.00	450,000.00			1	
C01342	TWIN LAKES CHAP GOVERNMTAL OF	595,000.00	595,000.00			1	
C01367	DILKON JUD DISTRICT COURT BLDG	2,000,000.00	2,000,000.02		(0.02)	1	
C01368	PINEDALE CHAPTER ROAD GRADER	168,000.00	167,997.87		2.13	1	
C01369	SMITH LAKE VETERANS HALL PRJCT	300,000.00	300,000.00			1	
C01370	DNVA-EASTERN AGNCY HSG PROJEC	337,938.00	339,978.85		(2,040.85)	1.01	-0.01
C01371	BIRDSPRINGS SENIOR CIT CENTER	378,589.36	378,589.36			1	
C01372	BREADSPRINGS SENIOR CIT CENTER	200,000.00	200,000.00			1	
C01373	PINON PUBLIC SAFETY/JUDCOMPLEX	584,000.00	321,226.55	262,773.61	(0.16)	1	
C01374	BLACK MESA HEADSTART BLDG	240,000.00	240,000.00			1	
C01375	DENNEHOTSO MULTIPURPOSE BLDG	399,354.21	399,354.21			1	
C01376	TEESTO SENIOR CITIZEN CENTER	1,200,000.00	1,186,508.55	13,491.45		1	
C01377	CROWNPOINT VETERANS ADDITION	200,000.00	196,624.00	3,140.00	236.00	1	
C01378	WHITECONE MULTIPURPOSE BLDG	4,499,990.00	4,499,990.00			1	
C01379	MONUMENT VALLEY TRIBAL PARK	2,207,267.95	2,207,090.89		177.06	1	
C01380	FEMA MANUFACTURE HOUSING UNI	50,000.00			50,000.00		1
C01381	NAVAJO TECH COLLEGE-PHASE II	50,000.00	50,000.00			1	
C01415	LGSC-CROWNPOINT OFC.	600,000.00	599,928.16		71.84	1	
C01416	CASAMERO LK CHAP MOTOR GRADE	150,000.00	82,628.00		67,372.00	0.55	0.45
C01420	RAMAH DETENTION FACILITY	380,000.00	349,053.69	19,870.31	11,076.00	0.97	0.03
C01421	IYANBITO CHPTR HSE RENOVATION	50,000.00		50,000.00		1	
C01422	IYANBITO METAL WAREHOUSE CONS	50,000.00		50,000.00		1	
C01423	IYANBITO HEADSTART CENTER CONS	100,000.00			100,000.00		1
C01443	WHITEROCK CHP HSE RENOVATION	50,000.00	49,999.05		0.95	1	
C01444	PUEBLO PINTADO PWRLINE EXT	47,287.05	13,595.46		33,691.59	0.29	0.71
C01449	EASTERN NAVAJO WATER PIPELINE	500,000.00	500,000.00			1	
C01450	TS'AH BII'KIN POWERLINE PROJ	50,000.00			50,000.00		1
C01451	SHONTO PHASE I POWERLN PRJ	44,000.00			44,000.00		1
C01452	NAVAJO NATION TRANSIT SYSTEMS	180,000.00	179,909.61		90.39	1	
N01125	SHPRK BOYS & GRL CLB	70,000.00	48,429.97		21,570.03	0.69	0.31
N01126	RAMAH NICOLL RCH STL	50,000.00	50,000.00			1	
N01232	MNT VALLEY ARTS&CRFTS MALL PRJ	800,000.00	800,000.00			1	
N01254	PINEDALE CHAPTER 2 CELL LAGOON	162,368.00	162,368.00			1	
Total:		<u>22,558,465.57</u>	<u>21,717,073.20</u>	<u>399,275.37</u>	<u>442,117.00</u>	0.98	0.02

Prepared By General Accounting



**MEMORANDUM**

**TO:** Honorable Tuchoney Slim, Jr.  
Navajo Nation Council

**FROM:**

  
Edward A. McCool, Principal Attorney  
Office of Legislative Counsel

**DATE:** September 14, 2017

**SUBJECT:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION ONE HUNDRED AND NINETY SIX THOUSAND THREE HUNDRED AND SIXTY TWO DOLLARS (\$2,196,362.00) FOR THE CONSTRUCTION OF A CHAPTER BUILDING REPLACEMENT FOR THE TONALEA CHAPTER; WAIVING 12 N.N.C. § 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

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

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

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

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0380-17\_\_\_\_\_

SPONSOR: Tuchoney Slim Jr.

**TITLE: An Act Relating to Resources And Development, Budget And Finance, Naabik'iyati' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million One Hundred And Ninety Six Thousand Three Hundred And Sixty Two Dollars (\$2,196,362.00) For The Construction Of A Chapter Building Replacement For The Tonalea Chapter; Waiving 12 N.N.C. §§ 820 (I) And 860 (C) Relating To The Capital Improvement Process.**

**Date posted: September 15, 2017 at 6:10pm**

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590**

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

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



**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0380-17**

**SPONSOR: Honorable Tuchoney Slim Jr.**

**TITLE: An Act Relating to Resources And Development, Budget And Finance, Naabik'iyati' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million One Hundred And Ninety Six Thousand Three Hundred And Sixty Two Dollars (\$2,196,362.00) For The Construction Of A Chapter Building Replacement For The Tonalea Chapter; Waiving 12 N.N.C. §§ 820 (I) And 860 (C) Relating To The Capital Improvement Process.**

**Posted: September 15, 2017 at 6:10 PM**

**5 DAY Comment Period Ended: September 20, 2017**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>



**Policy Analyst  
Office of Legislative Services**

**09-21-17 @ 10:10 AM**

**Date/Time**

**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**THIRD YEAR 2017**

**COMMITTEE REPORT**

Mr. Speaker,

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

**Legislation # 0380-17:** An Act Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees; and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance In the Amount of Two Million One Hundred and Ninety Six Thousand Three Hundred and Sixty Two Dollars (\$2,196,362.00) for the Construction of a Chapter Building Replacement For the Tonalea Chapter; Waiving 12 NN.C. §§ 820(1) and 860 (C), Relating To The Capital Improvement Process. *Sponsor: Honorable Tuchoney Slim, Jr.*

Has had it under consideration and report a DO PASS with no amendments;

And referred the matter to Budget and Finance Committee.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ben Bennett', with a stylized flourish at the end.

Benjamin Bennett, Vice-Chairperson  
Resources and Development Committee of  
the 23<sup>rd</sup> Navajo Nation Council

DATE: October 4, 2017

MEETING LOCATION: NDOT Administrative Complex, Tse Bonito, NM

Main Motion: Honorable Walter Phelps

Second: Honorable Leonard Pete

VOTE: 3-0-1

**23<sup>rd</sup> NAVAJO NATION COUNCIL**

Third Year 2017

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

**NAVAJO LEGISLATIVE BILL # 0380-17:**

An Action relating to Resources and Development, Budget and Finance, Naabikiyati, and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of Two Million One Hundred and Ninety Six Thousand Three Hundred and Sixty Two Dollars (\$2,192, 362.00) for the Construction of a Chapter Building replacement for the Tonalea Chapter; Waiving 12 N.N.C. § 820 (I) and 860 (C) relating to the Capital Improvement Process *Sponsored by Tuchoney Slim, Jr., Council Delegate*

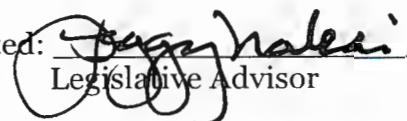
has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

1. Replace Exhibit A with a New Ex. A; insert as a new Exhibit B the budget impact analysis memo and a new Exhibit E Tonalea Chapter resolution and other supporting documents Amendment 1 Motion: Dwight Witherspoon Second: Leonard Tsosie Vote: 3-0

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,

  
Seth Damon, Chairman

Adopted:   
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

**12 October 2017**

The vote was **3** in favor **0** opposed  
Motion: Tom T. Chee  
Second: Tuchoney Slim Jr.



**THE NAVAJO NATION  
PROJECT BUDGET SUMMARY**

Page 1 of 3  
PROJECT FORM 1

**PART I.** Business Unit No.: \_\_\_\_\_ Project Title: Tonalea Chapter Replacement Building  
 Division/Branch: Div. Community Development Chapter: Tonalea Agency: Western  
 Prepared By: Kimberly Kescoli Phone No.: \_\_\_\_\_

**PART II.** Check one: \_\_\_\_\_ Original \_\_\_\_\_ Revision \_\_\_\_\_ Reallocation \_\_\_\_\_ Modification

Project Funds/Source(s)	Appropriation End Date	Amount	% of Total
Navajo Nation General Funds - UUFB	9/30/2019	2,196,362.00	100%
TOTAL:		2,196,362.00	100%

<b>PART III.</b> Budget at LOD 4	Amount
9050 Building	2,038,017.01
9070 CAP -Pro Tech Services	158,344.99
TOTAL	2,196,362.00

**PART IV. Project Information**

Project Type: Construction

Planned Start Date: 10/1/2017

Planned End Date: 12/30/2019

Project Manager: Andy Thomas

**FOR OMB USE ONLY**

Resolution No.: \_\_\_\_\_



FMIS Set Up Date: \_\_\_\_\_

Company No.: \_\_\_\_\_

OMB Analyst: \_\_\_\_\_

**PART V. ACKNOWLEDGEMENT:**

I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED ON THIS FORM IS COMPLETE AND ACCURATE.

 10/10/2017
  10.10.17

SUBMITTED BY: Dept. Director Signature / Date

VERIFIED BY: Div. Director Signature / Date

[illegible]

**THE NAVAJO NATION  
PROJECT BUDGET AND JUSTIFICATION**

Page 2 of 3  
PROJECT FORM 2

<b>PART I.</b> Business Unit No.: _____ Project Title: <u>Tonalea Chapter Replacement Building</u>				
<b>PART II.</b>				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
2		9050	Building Construction Infrastructure 3-Phase Electrical line Extension (OH) Site & Design Construction Contingency (10%) 2018 est. Construction date	\$ 1,666,274.02  \$ 157,500.00 \$ 214,242.99
2		9070	CAP-Pro Tech Services Architectural Services- Construction Administration fee for the construction of the Replacement Building Full-time Project Inspector during Construction Quality Control Testing During Construction	\$ 158,344.99
<b>PAGE TOTAL:</b>				<b>\$2,196,362.00</b>



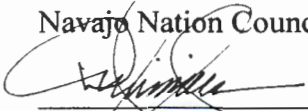


**THE NAVAJO NATION**

**RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT**

**Memorandum**

**To:** Navajo Nation Council/Oversight Committees

**From:**   
Dominic Beyer, Executive Director  
Office of Management and Budget

**Date:** October 12, 2017

**Subject:** Review of Proposed Legislation 0380-17 for UUFB Funding in the Amount of \$2,196,362 for the Tonalea Chapter Replacement Building Construction

The Office of Management and Budget reviewed the above subject document and finds the following that need further attention:

1. The attached project budget forms are complete and proper for consideration for funding purposes except the supplemental funding form, Appendix K, BIM, is not included.
2. The Appropriations Act, at 12 NNC Section 820 (I), requires that capital budgets comply with an adopted Capital Plan. Currently there is no approved plan.

Any questions regarding this memorandum, please contact Mr. Emmett Francis, Budget Office at extension 6470.



# TO' NIHALII'

President: Sarah Slim  
Vice President: Marie Acothley  
Secretary/Treasurer: Delores Claw

District One - Western Navajo Agency  
Tonalea Chapter  
P.O. Box 207  
Tonalea, Arizona 86044-0207  
Phone: (928) 283-3430  
Email: [tonalea@tonalea.navajo.com](mailto:tonalea@tonalea.navajo.com)

Council Delegate: Tuchoney Slim, Jr.  
Grazing Official: Vicki R. Kae

Fax: (928) 283-3435

## MEMORANDUM

**TO:** Seth Damon, Chairperson  
Dwight Witherspoon, Vice Chairperson  
Resources & Development Committee  
23<sup>rd</sup> NAVAJO NATION COUNCIL

**FROM:** Marlinda Whiterock  
Marlinda Whiterock, Chapter Manager  
TONALEA CHAPTER

**DATE:** October 10, 2017

**SUBJECT:** Tonalea Chapter Matching Funds

This is to confirm that there are matching funds from Tonalea to apply towards the Tonalea Chapter New Replacement Building. Currently, the Tonalea Chapter has \$116,131.25 [Attached as Exhibit A - MIP Post Budget Report] available, plus \$5,500 [Attached as Exhibit B - Award letter from The Coconino County Board of Supervisors] grant that The Coconino County Board of Supervisors had approved on August 22, 2017 to go towards construction costs. Total amount of matching funds are \$121,631.25.

If there are any questions, please contact Marlinda Whiterock, Chapter Manager, or Sarah Slim, Chapter President, at (928) 283-3430 or (928) 679-3949.

**Cc:** Honorable Tuchoney Slim, Council Delegate  
23<sup>rd</sup> NAVAJO NATION COUNCIL  
Sarah Slim President  
Marie Acothley, Vice-President  
Delores Claw, Secretary/Treasurer  
TONALEA CHAPTER  
Sherylene Yazzie, Department Manager III  
DIVISION OF COMMUNITY DEVELOPMENT

Chapter Manager: Marlinda Whiterock

Administrative Assistant: Alfonda Watson

EXHIBIT

A



Tonalua Chapter  
 Posted Budget Transactions - Posted Budget Report  
 BD 343 - Budget Mod. Fund 27 Res#TN17-03-NB05

Fund Code	Document Number	Transaction Description	Effective Date	Fund Title	GL Code	Categ... Code	Progr... Code	GL Title	Increase	Decrease
27	001	Match Fund - Chapter Replacement Bldg	3/18/2017	NN 200,000 CIP	6806	99	99	Buildings	116,131.25	
Total 27				NN 200,000 CIP					116,131.25	0.00
								Total BD 343 - Budget Mod. Fund 27 Res#TN17-03-NB05	116,131.25	0.00
									116,131.25	0.00

Report Total

# EXHIBIT

## B



COCONINO  
COUNTY ARIZONA

Tonalea Chapter  
PO Box 207  
Tonalea, AZ 86044

DATE: August 31, 2017  
TO: Community Grant Funding Recipient  
FROM: Sharon David, Deputy Clerk of the Board  
RE: Contracts and Check

Congratulations! The Coconino County Board of Supervisors has approved a grant in the amount of \$5500 to your organization.

A check in the amount of \$5500 made payable to Tonalea Chapter to assist with costs associated with purchasing a temporary modular building and construction costs for a building replacement is enclosed.

The report form to report the use of the funds is enclosed. It should be returned to this office following the close of the fiscal year in which the funds are allocated (after June 30<sup>th</sup>), or after the funds are spent, if before the end of the fiscal year.

The funds are from the FY 2018 Board allocation. This is a tracking procedure for this office and does not impact when you will be able to expend the funds.

Return each item to:

Deputy Clerk of the Board  
Attn: Sharon David  
219 E. Cherry  
Flagstaff, AZ 86001

If you have any questions, please contact me at 928-679-7146; email [sdavid@coconino.az.gov](mailto:sdavid@coconino.az.gov)

Thank you!





## REPORT ON EXPENDITURE OF COMMUNITY GRANT FUNDS

This form should be filled out on completion of the project or activity for which your agency received Community Grant funds for FY2018. Please call Deputy Clerk Sharon David, 928-679-7146, with any questions.

Name of Organization: Tonalea Chapter

Amount received: \$5500    Date Received: \_\_\_\_\_    Date Fully spent: \_\_\_\_\_

Purpose for which funding request was made:

Activities: How were the funds spent to accomplish the project for which you asked for the funding? (Attach an itemized list of expenditures for the program funded by the County)

Benefits: What individuals or groups received benefits from the activity or program funded?

What other funding sources were used in combination with Community Grant Funds?

Who can we contact for additional information?

I hereby certify that:

- All information provided on this form is true and correct to the best of my knowledge, and
- All Community Grant funds received have been spent in accordance with the purpose approved by the Coconino County Board of Supervisors, and
- The promises made by the Agency as set forth in the Coconino County funding agreement have been met

\_\_\_\_\_  
Agency Representative

\_\_\_\_\_  
Date

Please mail, fax or email this report to:

Coconino County Board of Supervisors  
Attn: Deputy Clerk  
219 E. Cherry  
Flagstaff, AZ 86001  
Fax: 928-679-7171  
Email: sdavid@coconino.az.gov



**23<sup>rd</sup> NAVAJO NATION COUNCIL**  
**Naabik'iyáti' Committee**  
**Third Year 2017**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

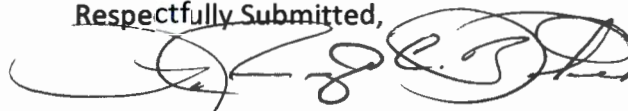
**NAVAJO LEGISLATIVE BILL # 0380-17**

An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti', and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of Two Million One Hundred and Ninety Six Thousand Three Hundred and Sixty Two Dollars (\$2,196,362.00) for the Construction of a Chapter Building Replacement for the Tonalea Chapter; Waiving 12 N.N.C. §§ 820 (I) and 860 (C) Relating to the Capital Improvement Process

*Sponsored by: Honorable Tuchoney Slim, Jr.*

Has had it under consideration and reports the same was PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman  
Naabik'iyáti' Committee*

**16 OCTOBER 2017**

**MAIN MOTION:**

*Motioned by: Honorable Jonathan L. Hale*

*Seconded by: Honorable Nathaniel Brown*

*Vote: 14 in Favor, 00 Opposed (Chairman Bates not voting)*

# NAVAJO NATION

RCS# 629

Naa'bik'iyati Committee

10/16/2017

09:33:52 AM

Amd# to Amd#

Legislation No. 0380-17

PASSED

MOT Hale

Approving Supp Funding for

SEC Brown

\$2,196,362.00 for Construction  
of a chapter building

**Yea : 14**

**Nay : 0**

**Not Voting : 8**

**Yea : 14**

Begay, K

Brown

Hale

Slim

Begay, S

Chee

Jack

Smith

BeGaye, N

Damon

Pete

Witherspoon

Bennett

Filfred

**Nay : 0**

**Not Voting : 8**

Bates

Daniels

Shepherd

Tsosie

Begay, NM

Perry

Tso

Yazzie

Crotty

Phelps