



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Walter Phelps, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0206-17.

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

SPONSOR SIGNATURE:

[Signature]

DATE:

10/10/17

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0206-17

**DATE:** May 31, 2017

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE MILLION, EIGHT HUNDRED ONE, SIX HUNDRED SIXTY SIX DOLLARS (\$1,801,666) TO COALMINE CANYON CHAPTER FOR WATERLINE EXTENSION, WAIVING 12 N.N.C. §§ 820(I) AND 860 (C)

**PURPOSE:** This resolution approves an allocation of \$1,801,666 from the UUFB for the Coalmine Canyon Chapter domestic waterline construction and waives certain provisions of the Capital Improvement Plan

**NOTE:** A 2/3rds vote of the full Council membership is required.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.**

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 5:40pm 6/8/17  
Posting End Date: 6/17/2017  
Eligible for Action: 6/18/2017

Resources & Development Committee

THENCE

Budget & Finance Committee

THENCE

Naa'bi'k'iyáti' Committee

THENCE

Navajo Nation Council

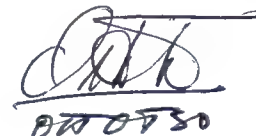
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

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

INTRODUCED BY



Primary Sponsor

  
0700930

TRACKING NO. 0206-17

AN ACTION

RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE,  
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;  
APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED,  
UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE MILLION,  
EIGHT HUNDRED ONE, SIX HUNDRED SIXTY SIX DOLLARS (\$1,801,666) TO  
COALMINE CANYON CHAPTER FOR WATERLINE EXTENSION, WAIVING 12  
N.N.C. §§ 820(I) AND 860 (C)

BE IT ENACTED:

**Section One. Authority**

- A. Pursuant to 12 N.N.C. § 820(L), the Navajo Nation Council may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, (1) if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set for in § 820(J), or (2) when the Unreserved, Undesignated Fund balance (UUFB) is in excess of the reserve amount set forth at § 820(J).
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the



1 Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §  
2 164 (A)(9), 701(A)(3).

3 C. Pursuant to 2 N.N.C. § 300 (C)(3) the Budget and Finance Committee is authorized to  
4 recommend adoption of resolutions related to the expenditure of the Nation's financial  
5 resources.

6 D. Budget and Finance Committee may recommend supplemental appropriations to the  
7 Navajo Nation Council. 12 N.N.C. § 820 (L).

8 E. Pursuant to 2 N.N.C. § 501 (C)(5), the Resources and Development Committee  
9 exercises oversight authority over chapter activities, and economic and community  
10 development, for the purpose to promote, review, coordinate and approve projects to be  
11 financed by funds designed for capital improvement.

## 12 13 **Section Two. Findings**

14 A. Pursuant to 26 N.N.C. § 3 the Coalmine Canyon Chapter is a duly recognized and  
15 certified Chapter of the Navajo Nation.

16 B. The Coalmine Canyon Chapter, as a result of the Bennett Freeze, was restricted in  
17 community and infrastructure development; in that way depriving community  
18 members of safe drinking water, electrical services, adequate shelter and other  
19 essential, basic services. *See* Coalmine Canyon Chapter resolution CCC-01-0046-16  
20 attached as **Exhibit A**.

21 C. The Coalmine Canyon Chapter list the domestic water service line as a priority for the  
22 community. *See* **Exhibit A**.

23 D. The Coalmine Canyon Chapter water service extension will serve a number of  
24 families living within the former federally mandated Bennett Freeze. *See* Domestic  
25 Water Service Line Extension Construction Project, Coalmine Canyon Chapter,  
26 attached as **Exhibit B**.

27 E. The Title 12 Finance Act Supplemental Appropriation requirements include:

- 28 1. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and  
29 supplemental funds shall be submitted to the Office of Management and  
30

1 Budget ("OMB") for budget impact analysis. OMB memorandum dated  
2 August 01, 2016 attached as **Exhibit C**.

- 3 2. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional  
4 sources of revenues above and beyond the initial or current revenue  
5 projections, supplemental appropriations may be allocated by the Navajo  
6 Nation Council. Controller's memorandum dated September 13, 2016  
7 attached as **Exhibit D** and current UUFB memorandum dated March 28, 2017  
8 attached as **Exhibit D-1**.

9 F. The Title 12 Capital Improvement Process includes:

- 10 1. Pursuant to 12 N.N.C. § 810(F), "Capital Improvement" means a major  
11 project undertaken by the Navajo Nation that is generally not recurring on an  
12 annual basis and which fits within one or more of the following categories:
- 13 a. All projects requiring debt obligation or borrowing;
  - 14 b. Any acquisition or lease of land;
  - 15 c. Purchase of major equipment or vehicles, with a life expectancy of five  
16 years or more, valued in excess of an amount to be established by the  
17 Controller;
  - 18 d. Major building improvements that are not routine maintenance  
19 expenses and that substantially enhance the value or extend the useful  
20 life of a structure;
  - 21 e. Construction of new buildings or facilities including engineering,  
22 design, and other pre-construction costs with an estimated cost in  
23 excess of an amount to be determined by the Controller; and/or
  - 24 f. Major equipment or furnishing required to furnish new buildings or  
25 other projects, the cost of which is above a certain amount to be  
26 established by the Controller.
- 27 2. Pursuant to 12 N.N.C. § 820 (I), the "[d]evelopment of the Capital Budget  
28 shall be coordinated with development of the Operating Budget. All budget  
29 requests for capital improvements shall be in compliance with an adopted  
30

1 Capital Improvement Plan and shall not be approved unless in compliance  
2 with the Plan.”

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

9 G. There are sufficient funds available in the Unreserved, Undesignated Fund Balance to  
10 provide the Coalmine Canyon Chapter with an appropriation of One Million Eight  
11 Hundred One Thousand Six Hundred Sixty Six Dollars (\$1,801,666) to construct a  
12 domestic waterline for service to community families living within the Former  
13 Bennett Freeze Area. Budget forms attached as **Exhibit E**.

14 H. The Navajo Nation, having repealed the Capital Improvement Plan in CAP-23-17, finds  
15 it in the best interest to waive 12 N.N.C. §§ 820(I) and 860 (C) regarding the Capital  
16 Improvement project for the Coalmine Canyon domestic waterline construction.

17 I. The Navajo Nation finds it in the best interest of the Coalmine Canyon Chapter to  
18 approve the supplemental appropriation from the Unreserved, Undesignated Fund  
19 Balance to the Coalmine Canyon Chapter for the domestic waterline construction.

20  
21 **Section Three. Waiving 12 N.N.C. §§ 820(I) and 860(C) Regarding Funding for the**  
22 **Coalmine Canyon Chapter domestic waterline construction.**

23 The Navajo Nation, having repealed the Capital Improvement Plan in CAP-23-17, hereby  
24 waives the Capital Improvement Plan sections at 12 N.N.C. §§ 820(I) and 860(C) with  
25 regard to the Coalmine Canyon Chapter domestic waterline construction.

26  
27 **Section Four. Approvals**

28 A. The Navajo Nation Council hereby approves a supplemental appropriation to the  
29 Coalmine Canyon Chapter for the construction of the domestic waterline. This  
30 supplemental appropriation to be funded from the Unreserved, Undesignated Fund

1 Balance, and used solely for the Coalmine Canyon Chapter domestic waterline  
2 construction.

- 3 B. This supplemental appropriation of One Million Eight Hundred One Thousand Six  
4 Hundred Sixty Six Dollars (\$1,801,666) shall be to a Business Unit # NEW and from  
5 that amount of funds that exceeds the minimum fund balance of the Unreserved,  
6 Undesignated Fund Balance.

7  
8 **Section Five. Effective Date**

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

10  
11 **Section Six. Savings, Severability, and Survivability**

12 Should any provision herein be determined invalid by the Navajo courts or other court of  
13 competent jurisdiction, all other provisions of this legislation not determined to be invalid  
14 shall remain in full force and effect.



# COALMINE CANYON CHAPTER

Chapter President  
Phillip Zahne

Chapter Vice-President  
Wayne Nez Sr

Secretary/Treasurer  
Augusta Gillwood

Vacant-Community Service Coordinator



## WESTERN NAVAJO AGENCY – NAVAJO NATION

PO Box 742 Tuba City, Az 86045

Kristen Charley-Accounts Maintenance Specialist



Council Delegate  
Walter Phelps

Grazing Official  
Glenmore Begaye

## RESOLUTION OF THE COALMINE CANYON CHAPTER

### REAFFIRMING THE REQUEST TO DCD-CDBG FOR DOMESTIC WATER SERVICE LINE CONSTRUCTION TO SERVICE 32 FAMILIES WITHIN THE COALMINE CANYON CHAPTER

CCC-01-0046-16

WHEREAS;

1. Pursuant to 26 NNC Section 3, Chapter Certification and 11 Section Part 1, Section 10. The Coalmine Canyon Chapter is a duly recognized Chapter government and certified chapter of the Navajo Nation Government; and
2. Pursuant to 26 NNC, Chapter 1; Navajo Nation Chapters, Section 1, (B), Purpose: (1) & (2), Navajo Nation Council delegated to Chapter government authority with respect to local matter consistent with Navajo law, including custom and tradition and allows chapters to make decisions to govern with responsibility and accountability to community membership; and
3. The Coalmine Canyon Chapter Officials, Staff and Committees are vested with duties & responsibilities in accordance to established Chapter Plan of Operation in which chapters are compelled to governed in addressing local community needs; and
4. The Bennett Freeze Act of 1966 and the Navajo-Hopi Settlement Act of 1974 has restricted community and infrastructure development for over 50 plus years, as a result, these laws has deprived community members of safe drinking water, electrical, adequate shelter and other essential basic services; and
5. The Coalmine Canyon Chapter strives for the health and safety of the community membership by providing them with improved services via community and infrastructure development by constructing electrical service lines to community members; and
6. The Coalmine Canyon Chapter has listed the domestic water service line construction as Navajo Nation Capital Improvement Project priority and will fund the preconstruction cost and deemed "PROJECT READY" by the Indian Health Service.


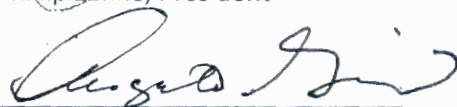

### NOW, THEREFORE BE IT RESOLVED THAT:

1. The Coalmine Canyon Chapter hereby request the Division of Community—CDBG to fund the Coalmine Canyon Domestic Water Service Line Extension Project to benefit 32 families;
2. The Coalmine Canyon Chapter hereby request all affected Tribal, Federal, and County agencies to assist to ensure the construction of this proposed undertaking; and
3. This resolution will supersede all prior resolutions.



CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Coalmine Canyon Chapter, Navajo Nation, Coconino County, Arizona, at which a quorum was present and that the same was passed by a vote of 33 in favor, 0 opposed, and 3 abstained, on this 17th day of January 2016.

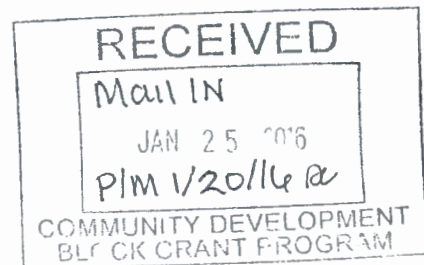
  
Phillip Zahne, President  
Wayne Nez, Sr., Vice-President  
Augusta Gillwood, Secretary/Treasurer  
Glenmore Begay, Grazing Official  
Walter Phelps, Council Delegate



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**COALMINE CANYON CHAPTER  
DOMESTIC WATER SERVICE LINE EXTENSION  
CONSTRUCTION PROJECT**

SUBMITTED  
BY



**COALMINE CANYON CHAPTER  
WESTERN NAVAJO AGENCY**

JANUARY 2015

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# **COALMINE CANYON CHAPTER DOMESTIC WATER SERVICE LINE EXTENSION CONSTRUCTION PROJECT**

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**APPLICANT:** Coalmine Canyon Chapter

**ADDRESS:** PO Box 742, Tuba City, Arizona 86045

**CONTACT:**

Phillip Zahne—President  
Wayne Nez, Sr., Vice President  
Augusta Gillwood, Secretary/Treasurer

coalminer50n@yahoo.com  
hosteen1@hotmail.com  
ajglwd@live.com

**PROJECT DESCRIPTION:**

Coalmine Canyon Chapter domestic water service extension construction to serve 25 families living within the former federally mandated Land Freeze which restricted any form of rehabilitation or new development for over 50 plus years will now receive domestic water service. The Coalmine Canyon Chapter is requesting \$\_\_\_\_\_ construction funds.

**FUNDING SOURCES:**

- DCD-CIO-----
- 

**MATCHING FUNDS**

- Navajo Abandoned Mine Land-----\$37,000.00
- Coalmine Canyon Chapter-----\$30,000.00
- National Indian Health Service-----\$50,000.00



## HISTORY of COALMINE CANYON COMMUNITY

The Coalmine Canyon Chapter is located (Exhibit A) Western part of Navajo Indian Reservation within an area that was prohibited from any development or rehabilitation without express approval by the Hopi and Navajo Tribes following a long-standing land dispute that resulted in the so-called Land Freeze.

The Public Law 93-531 arose from a long land dispute between the Hopi and Navajo Tribes. The dispute began after US government delineated the boundary of the Hopi reservation in 1882, which excluded some Hopi villages, farmlands and sacred places. In 1934, the federal government further defined the boundaries of the Navajo Reservation on its western side and a portion of the Hopi Tribe's 1882 Reservation, known as District 6, which was exclusively for use by the Hopi Tribe.

In 1966, BIA Commissioner Robert L. Bennett issued a series of administrative orders that restricted development/rehabilitation in the Western portion of the Navajo Indian Reservation (as defined in 1934). This became known as the Bennett Freeze and was intended to be a temporary measure to prevent one tribe taking advantage of the other until the land dispute was settled. The Land Freeze restricted property development/rehabilitation without joint consent of the Hopi and Navajo Tribes, which had a devastating impact on the area which resulted people living in substandard housing and lack of infrastructure. Even home site leases could not be issued and community facilities and utilities could not be constructed.

In 1992, a US District Court ordered the Land Freeze lifted. The Arizona District Court ruled the Hopi Tribe had legal title to 64,000 acres and awarded the balance to the Navajo Nation. Navajo and Hopi residents finding themselves on the "wrong side" of the dividing line were forced to relocate, affecting mostly Navajo families. In 1995, the freeze was reinstated when the question of whether Hopi religious practices have rights based on occupancy.

For over 50 plus years, the former Land Freeze resulted in very limited improvements creating severe social and economic problems. People have been living in sub-standard conditions in dilapidated homes because restrictions prohibited new home construction and/or repairs. Due to these poor living conditions or lack of home sites, many young families and elderly residents relocated to nearby towns for better health services, education, the convenience of modern-day necessities, and better homes and economic opportunities.

Rehabilitation of the Former Freeze Area (FFA) is now a high priority for Begay/Nez Administration, especially after touring the impact region which is in dire need for basic infrastructure. The Presidential Tour and Navajo Nation Council listening session witnessed and heard local people testimonies asking Nation's involvement in rebuilding communities and lives. The Nation's leaders have the opportunity to move forward right now to support rebuilding communities and lives curing 50 plus years of pain. The Presidential "One Voice, One Nation" proclamation will initiate bringing all resources in this effort in helping strengthen local governments and creating economic stability. New income stream will replenish the diminishing tribal revenues and establish tax base for local governance. The formation of the ACTION Teams (Housing, Infrastructure, Economic Development, Public Safety/Health) and the nine priorities is the beginning of the Nation building.

The FFA requires significant monetary investment in projects for basic infrastructure development, housing construction and repairs, and new businesses and community facilities to support development

of economic activities. Area Chapters, Districts and Agency Council have passed resolutions asking to develop regional economic plans, financial investments but to no avail.

## **Location**

Coalmine Canyon community is also known as, Leegin ha gid, and geographically located in the western part (Exhibit B) of the Navajo Nation, along US Highway 264 and eastern central portion of Coconino County. The chapter is approximately 402,357 acres in size. Substantial amount of acreage of land was lost due to settlement agreement

The successful recovery process will require strong leadership, clear community vision and determination of all involved to implement the projects needed in the impacted region. The chapter certification process is one way to build capacity at the local level for governance, project management and on-going operation and maintenance.

PL 93-531 had a significant emotional and physical effect on the Navajo people of the Coalmine Canyon region, because many Navajo people lived on lands partitioned to the Hopi Tribe within what was considered the Coalmine Canyon Chapter. Due to this legislation, many community members moved and relocated to Coalmine Canyon community, New Lands, or elsewhere, although a few Navajo remained in the Hopi Partitioned Land under a residential lease agreement with the Hopi Tribe.

The Former Land Freeze prevented development and progress since 1966 with the execution for the short window that construction freeze was lifted during 1992-1995. The development restriction was vigorously enforced Bureau of Indian Affairs funded Hopi Tribal Rangers which restricted and prohibited even conducting basic repairs to Navajo family homes in the affected area. The freeze caused growing families to live in over-crowded dilapidated homes which increased health and safety hazards. Many area residents under age of 65 all have been impacted and now many do not have homes.

## **OBJECTIVE AND GOAL**

The Coalmine Canyon Chapter's objective of this proposal request is to improve health, sanitation and overall enhancement of the quality of life for families who are in dire need of basic infrastructure, such as, domestic water services. Furthermore, through the successful funding and timely completion of this project, the community will exemplify the ability to work with various service providers in meeting community prioritized need. The completion of this project will also contribute to further capital investment to continue improve quality of life and living standards. Also meet community needs and goals, the Coalmine Canyon Chapter is requesting for construction funds for development of this community which has been heavily impacted by the land dispute whereby the chapter lost substantial amount of land to the Hopi Tribe.

## **PROJECT DESCRIPTION**

The targeted project is located within the Coalmine Canyon Chapter along US Highway 264 and south of chapter along BIA Route 6720, Chapter's goal is to provide adequate domestic water distribution service (20 miles) to accommodate and stimulate community growth. The objective is coordinate with the local resources to develop the water distribution service lines to areas which are not being served or

underserved areas along with booster station. Many community members have never been service due to development freeze and currently limited areas of the community is currently being served.

Coalmine Canyon Chapter Resolution (Exhibit C), requesting construction funds for domestic water service line extension to serve 25 families. The lack of domestic water service cause much hardship and if funded, will benefit families who have waited for such basic necessity in their homes, including improved living environment, such as, healthy homes, safety, promotion of development. In addition, water availability will even provide economic opportunities and efficient use of local resources.

The domestic water distribution service line has been planned by the community and in coordination with Indian Health Service, NTUA and Navajo-Hopi Land Commission. The availability of domestic water distribution service will eliminate the dependency on antiquity water hauling and have caused economic hardship due numerous trips to closest domestic watering point which is Tuba City (approximately 90 miles round trip).

All preconstruction cost on water related projects is responsibility of Indian Health Service on approved application for Indian Health Service funding. If this project is submitted to Navajo Division of Community Development--Community Development Block Grant (CDBG), to get to "Project Readiness Status) chapters are responsible for all preconstruction requirements (Environmental Assessment, Land Survey) which the chapter most often have to save for a number of years to accumulate for those mentioned dollar requirement for predevelopment related cost. If Coalmine Canyon Chapter is required to cover preconstruction cost, the Chapter has identified some capital improvement funds in its budget for that purpose (Exhibit ). The Tuba City Regional Health Care Corporation Engineering and Design has provided assistance development of construction cost and field engineering data. As project continues in the process, certain data will of course be modified. National Indian Health Service has granted partial planning funds in the amount of \$50,000.00 to move forward.

## **PROJECT NEED**

Although the Land Freeze has been lifted, many families residing outside the immediate community resettlement tract are frustrated by the lack of amenities made available to those choosing to continue to reside on their ancestral homeland. When the Bennett Freeze was lifted, many community members of Coalmine Canyon believed that they too would be afforded basic amenities. Unfortunately, most residents continued to live under substandard conditions imposed upon them by the Federal restrictions of development whereby those that chose to relocate in exchange for benefits such as, modern homes with all the modern day conveniences.

In order to enhance the quality of life for those still residing in Coalmine Canyon Chapter and in an effort to revitalize the community, basic infrastructure need to be made available to residents within the chapter. The availability of utilities is an opportunity afforded to those who wish to return home and build a home. The Chapter recognizes the need and identified development of infrastructure as a priority and approved as listed, need for water distribution service lines within the community on the Navajo Nation Capital Improvement Project List (CIP), (Exhibit D).

The Coalmine Canyon Chapter is proposing constructing domestic water distribution service lines to serve families living outside of the resettlement area and mostly along US Highway 264 and south of the chapter.



The community members of Coalmine Canyon Chapter believe that past coal and uranium mining has also affected individual home construction or establishing families due to health and environmental concerns. It is necessary for our community members have access to modern day conveniences of everyday life in an effort to upgrade their living standards and conditions. Many people living near abandoned mine site have had health related issues, such as, family members overcome by these pass mine related activities.

Employment in area is only available in Tuba City or elsewhere. Majority of the public services are available in Tuba City 20 miles west, such as, schools, medical facility, commercial, governmental services. Currently, community has difficulty with communication services, although a new cell town has been constructed which only serves NTUA cell phones, not other cell service providers. The chapter does not have land line telephone service, even though NTUA has erected telephone tower and newly constructed fiber optic.

## BUDGET INFORMATION

The total construction cost of the domestic water service distribution line extension as estimated by IHS (11-2015) is \$\_\_\_\_\_ (Exhibit E). Total construction funds requested by the Coalmine Canyon Chapter is \$\_\_\_\_\_. Preconstruction Right-of-Way acquisition cost has been fully paid by the HIS once selected for planning phase. National Indian Health Service has awarded partially granted \$50,000.00 toward the planning of this said proposed project. Navajo Abandoned Mine Lands Office granted \$37,000.00 for bathroom addition. The Chapter hired a local contractor to house wire homes to insure electricity can be available if needed. Navajo-Hopi Land Commission has also provided funds toward this proposed undertaking.

- NTUA contribution-----\$
- NN-DCD-CDBG-----\$

## MATCHING FUNDS

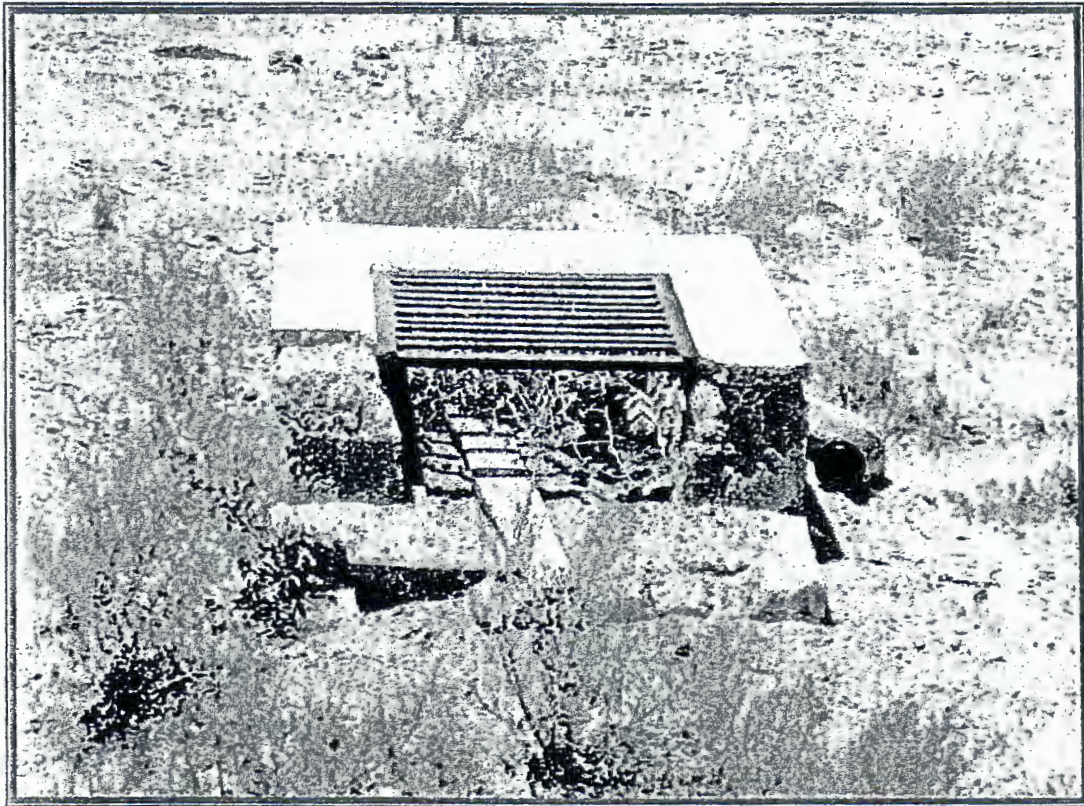
- National IHS Planning Grant-----\$50,000.00
- Chapter house wiring Project----- \$37,000.00
- Navajo Abandoned Mine Lands-- bathroom addition----- \$37,000.00

## **MAINTENANCE AND OPERATION**

NTUA is the only domestic water provider and will be the lead agency during construction which will be coordinated with Indian Health Service Engineering and Design. All water and waste water projects is contracted with Navajo Engineering Construction Authority. Upon completion of the project, NTUA will manage and service the system. All construction related activities will be coordinated with NTUA, IHS and chapter.







### **3. BRIEF CHAPTER HISTORY**

In 1953, the first chapter house, made of cinderblock, was constructed on Coalmine Mesa. Although small, this building accommodated meetings for the local community members until a bigger chapter house was built in 1958. During that period, there were no signs of potential land use controversies. People were happy; they had quality livestock that met their daily lifestyle and subsistence needs. Planning of activities and development during those earlier years was a much simpler proposition as there were fewer concerns with government regulations or land use areas.

Coalmine Canyon Chapter  
Community Based Land Use Plan  
3. Brief Chapter History

However, by 1974, certain land use controversies had occurred, and the United States Congress passed the *Navajo and Hopi Land Settlement Act of 1974*, Public Law 93-531, as amended. From that time, it was necessary to obtain approvals from the Hopi Tribe due to requirements of this law.



Public Law 93-531 had a significant emotional and physical affect on the Navajo people of the Coalmine region because many Navajo people lived on lands partitioned to the Hopi Tribe within what was considered the Coalmine Mesa Chapter. Due to this legislation, many community members moved and relocated to Coal Mine Canyon, New Lands or elsewhere, although a few Navajo people remained in the Hopi Partitioned Land under a lease agreement with the Hopi Tribe.

When the community moved the Chapter from Coalmine Mesa to Coalmine Canyon, the Chapter officially changed its name from Coalmine Mesa Chapter to The Coalmine Canyon Chapter per resolution number CMC06-45-98 dated June 7, 1998.



Further, the "Bennett Freeze" continues to complicate the land dispute. The 1934 Reservation litigation case, which covers all of the planning area west of the FJUA, has prevented development and progress since 1966, with the exception of the short window of time that the construction Freeze was lifted during 1992-1995.





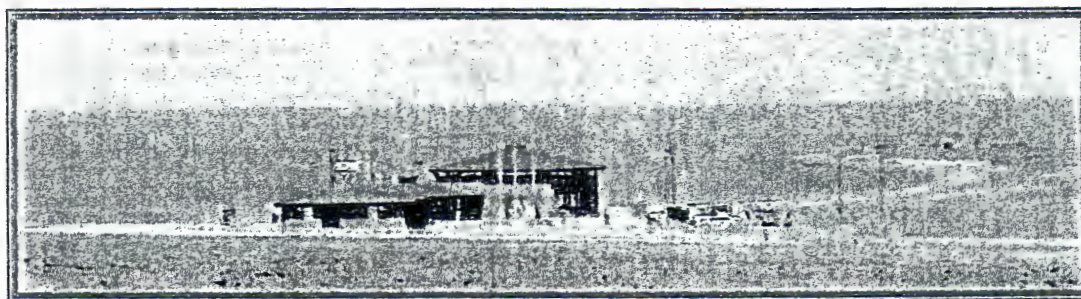
Coalmine Canyon Chapter  
Community Based Land Use Plan  
3. Brief Chapter History

The Bennett Freeze, with vigorous enforcement, severely restricted and prohibited the completion of even basic repairs (broken windows and leaky roofs) to Navajo family homes in the affected area. The Freeze caused growing families to live in overcrowded dilapidated housing which increased health and safety problems. The construction restrictions also severely retarded opportunities for economic self-sufficiency for the Chapter.

Since the passage of the Navajo and Hopi Land Settlement Act of 1974 and the continuing freeze of development on the Chapter's land within the FJUA and the 1934 Reservation, the Chapter has struggled to rebuild its community in and outside the disputed areas.



Although the Chapter struggled at times, even holding Chapter meetings in random places such as the rodeo grounds, the community is striving to move forward. It has built a new chapter house where it now holds regular planning meetings. Indeed, additional success has been realized to some extent with the construction of a large residential development, the new chapter house, electric lines, and a water line service to homes near the chapter house.



While a brief summary of the Chapter's history is chronicled above, **TABLE 1** below details past events and captures a more complete account of the significant historical events that have contributed to making of modern day life of the Coalmine Canyon people.





# THE NAVAJO NATION

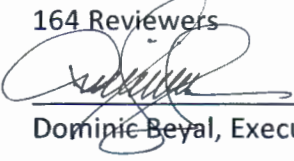
RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

## The Office of Management and Budget



### Memorandum

To: 164 Reviewers

From:   
Dominic Beyer, Executive Director

Date: August 1, 2016

Subject: 164 Document #005854, Coalmine Canyon Chapter, \$1,801,666.00,  
Supplemental Funding Proposal

The Office of Management and Budget has reviewed the above referenced document. Upon review of the proposed supplemental funding proposal, OMB notes the following:

1. The attached copy of the Navajo Nation Capital Improvement Plan 2013-2018, which was approved by resolution CAP-18-14, does not list Coalmine Canyon Chapter as an approved project for power line extension in the amount of \$1,801,666.00. The Appropriations Act, Section 820 (I), addresses the Capital Budget requirements in the following language: "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."
2. The Office of the Controller says the UUFB has an amount of \$7,569,087 available. OMB recently compiled the Fiscal Year 2015 unmet needs list which was submitted by the oversight committees but Coalmine Chapter is not on the list. There are over a \$100,000,000 in unmet needs requests which need to be considered for funding from the UUFB or other sources. These unmet needs should be considered before other requests.
3. The appropriate budget forms for capital projects need to be used. This includes the Project Budget Summary, Capital Project Budget Schedule, and the Line Item Budget and Justification. The other budget forms are for operating budget requests, not capital projects budget requests.
4. The Supplemental Funding Proposal Summary is lacking the Branch Chief's signature.
5. There are multiple NECA Cost Accounting Estimating Sheets attached to the 164 document, however, none of the amounts match the Preliminary Cost Estimate of \$56,302 multiplied by 32 families to equal the requested amount of \$1,801,666.00 which is listed on the Detailed Line Item Budget and Justification page.

OMB recommends that the above mentioned findings be addressed before final approval of the budget. If you have any questions, contact R. Tenille, Senior Budget Analyst at OMB.

*xc:DCD - ensure completeness and propriety. Beyer*






## 23rd Navajo Nation Council

LoRenzo C. Bates Kee Allen Begay, Jr. Mel R. Begay Norman M. Begay Nelson BeGaye  
Benjamin L. Bennett Nathaniel Brown Tom Chee Amber K. Crotty Seth Damon Davis Filfred  
Jonathan Hale Lee Jack, Sr. Jonathan Nez Jonathan Perry Leonard H. Pete Walter Phelps  
Alton Joe Shepherd Tuchoney Slim, Jr. Raymond Smith, Jr. Otto Tso Leonard Tsosie  
Dwight Witherspoon Edmund Yazzie

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### MEMORANDUM

TO : WHOM IT MAY CONCERN

FROM :   
Christina Lewis, LDA to  
Honorable Delegate Walter Phelps

DATE : September 9, 2016

SUBJECT : RE: 164 Document #0005854 - Letter Date August 2, 2016 from Dominic Beyer

This letter is to respond to Mr. Dominic Beyer's letter dated August 1, 2016 on his review of the proposed supplemental funding proposal 164 Document #0005854 as follows:

1. The Navajo Nation Capital Improvement Plan 2013-2018 approved by resolution CAP-18-14 did not list Coalmine Canyon Chapter as an approved project for power line extension in the amount of \$1,801,666.00.

#### RESPONSE:

Attach is the Navajo Nation Infrastructure Capital Improvement Plan for 2013-2018, and Coalmine Canyon Chapter is on the list.

2. The Supplemental Funding Proposal Summary is lacking the Branch Chief's Signature.

#### RESPONSE:

The Chief of Staff signed the Supplemental Funding Proposal Summary.

This is to confirm the items mentioned above are corrected to move the 164 Document #000584 forward to the next process.

Attachment:

# INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2018 - 2023

## Coalmine Canyon Chapter

### PROJECT SUMMARY

Project Title	Rank	Category	Funding Sources	2018	2019	2020	2021	2022	2023	Total
P/D/C Coalmine Canyon Senior Ctr	2017 - 0	Building-Community	NN CIP General Funds County	864,000	0	0	0	0	0	864,000
P/D/C Telecommunication Ln	2017 - 0	Utilities--Telecomm - Linear	ARRA	260,000	340,000	0	0	0	0	600,000
P/D/C Coalmine Canyon Scattered PwrLn	2017 - 1	Utilities--Power - Linear	CDBG Grants NN CIP General Funds	109,547,300	0	0	0	0	0	109,547,300
Coalmine Canyon Community Water/Sewer Phase II w/Booster Station	2018 - 2	Water - Linear	AML CDBG IHS	0	580,000	0	0	0	0	580,000
Kerley Valley Business Site Development	2019 - 3	Building-Economic Development	NN Matching CIP Funds Fed Grants	0	0	1,600,000	0	0	0	1,600,000
P/D/C Multipurpose Center	2020 - 4	Building-Community	AML Other	0	0	0	2,000,000	0	0	2,000,000
P/D/C Senior Assisted Living Home	2021 - 5	Housing - Block	IHS Fed Grants	0	0	0	0	1,000,000	0	1,000,000
P/D/C Coalmine Canyon Cemetery	2022 - 6	Real Estate - Block	NN CIP General Funds	0	0	0	0	0	150,000	150,000
Home Renovation - Repairs	2022 - 7	Housing - Cost Estimate	Chapter Local Government Improvement Funds	0	0	0	0	0	200,000	200,000
P/D/C Commerical/Light Industrial Site	2022 - 8	Building-Economic Development	AML NN CIP General Funds Chapter CIP Funds	0	0	0	0	0	100,000	100,000
Install Coalmine Canyon Scitrd Solar Sys	2022 - 9	Housing - Block	Grants NN CIP General Funds	0	0	0	0	0	300,000	300,000
			TOTAL	\$110,671,300	\$920,000	\$1,600,000	\$2,000,000	\$1,000,000	\$750,000	\$116,941,300

# INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2018 - 2023

## Leupp Chapter

### PROJECT SUMMARY

Project Title	Rank	Category	Funding Sources	2018	2019	2020	2021	2022	2023	Total
P/D/C North Grandfalls PwrIn Extn	2017 - 1	Utilities--Power - Linear	NN CIP General Funds NTUA Chapter CIP Funds	1,552,895	0	0	0	0	0	1,552,895
P/D/C South Grandfalls PwrIn extn	2018 - 2	Utilities--Power - Linear	CDBG NN CIP General Funds NTUA	925,000	0	0	0	0	0	925,000
Round Cedar-Grand Falls Waterline Extension	2019 - 3	Water - Linear	AML CDBG IHS	0	1,250,000	0	0	0	0	1,250,000
P/D/C West Canyon Diablo PwrIn Extn	2020 - 4	Utilities--Power - Linear	CDBG NN CIP General Funds	0	0	2,000,000	0	0	0	2,000,000
P/D/C East Canyon Diablo PwrIn Extn	2021 - 5	Utilities--Power - Linear	CDBG NN CIP General Funds NTUA	0	0	0	1,295,000	0	0	1,295,000
P/D/C South Leupp PwrIn Extn	2022 - 6	Utilities--Power - Linear	CDBG NN CIP General Funds NTUA	0	0	0	0	1,295,000	0	1,295,000
P/D/C North Leupp PwrIn Extn	2022 - 7	Utilities--Power - Linear	CDBG NN CIP General Funds NTUA	0	0	0	0	555,000	0	555,000
			TOTAL	\$2,477,895	\$1,250,000	\$2,000,000	\$1,295,000	\$1,850,000	\$0	\$8,872,895



## NAVAJO NATION CAPITAL IMPROVEMENT PLAN 2013 - 2018

[illegible][illegible][illegible]

## LEGEND

**LEGEND**  
 \* = Project Sponsor Requesting Funds    X = On file    N/A = Not Applicable  
 None = Not on file    NA = Not Available

**L = Local Govt. Impvt. Project**  
**C = Capital**



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE-PRESIDENT



## MEMORANDUM:

TO : 2 NNC § 164 Reviewers  
Delegates & 2 NNC '164 Reviewers  
Navajo Nation Government

FROM : *Robert Willie*  
Robert Willie, Accounting Manager  
General Accounting  
Office of the Controller

DATE : September 13, 2016

SUBJECT : 164 5854-Supplemental request for Coalmine Canyon Waterline Extension

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

1. The program is requesting an amount of \$1,801,666,000 from the UUFB.
2. The UUFB balance as of September 7, 2016 is \$7,010,037.
3. There are legislations pending approval from the Navajo Nation President which may reduce the UUFB balance.

If you should have any questions you can contact me at tribal extension X6125



## THE NAVAJO NATION

**RUSSELL BEGAYE PRESIDENT**  
**JONATHAN NEZ VICE-PRESIDENT**

### Memorandum

Date: September 7, 2016

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

Honorable Lorenzo Bates, Speaker  
Navajo Nation Council

Honorable Allen Sloan, Acting Chief Justice  
Judicial Branch

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

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

The gross General Fund Revenues, (see Exhibit "A"), as of August 31, 2016 is \$205,289,746, (see Footnote 1). The total General Fund set asides is \$52,152,154, (Footnote 2). The Net Revenue for the General Fund is \$153,137,592(see Footnote 3), which is 93.73% of the projection. Please note that the General Fund budget for FY 16 is set at \$172,654,000,(Footnote 4), the General Fund revenue projection is \$163,384,000, the other amount to cover the General Fund budget is coming from the Tax Suspense Fund in the amount in the gross amount of \$13, 000,000. This schedule shows the \$13,000,000 transfer from the Sales Tax Trust Fund, (Footnote 5) and the set asides.

Next, are the total expenditures by Branch, (see Exhibit "B"), as of August 31, 2016. The Legislative Branch has expenditures of \$13,776,064(see Footnote 1a); encumbrances of \$937,892(see Footnote 1b) with a remaining budget of \$4,367,402(see Footnote 1c). The Executive Branch expenditures are \$151,774,965(see Footnote 2a); encumbrances are \$8,427,427(see Footnote 2b) with a remaining budget of \$34,393,790(see Footnote 2c). The Judicial Branch expenditures are \$11,620,993(see Footnote 3a); with encumbrances of \$16,882(see Footnote 3b) and remaining budget of \$2,491,576(see Footnote 3c). Total General Fund expenditures are \$177,172,022(see Footnote 4a); total encumbrances are \$9,382,201(see Footnote 4b) with an overall remaining budget of \$41,252,768(see Footnote 4c).

The updated Undesignated Unreserved Fund Balance (UUFB), (see Exhibit "C") as of September 7 , 2016 is \$7,010,037.

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 and Tax Admin Suspense Transfer  
(Unaudited)

FY 2016

August 31, 2016

GENERAL FUND REVENUE	Original Budget	Revised Budget	Actual Revenue	Revenue to be collected	% Revenue or Total
TNN: ROYAL; GAS; OIL	\$ 32,346,000	\$ 32,346,000	\$ 18,502,846	\$ 13,843,154	57.20
TNN: COAL REVENUES	55,102,000	55,102,000	44,338,873.36	10,763,127	80.47
TNN:OTR MINERALS REV			89,476.66	(89,477)	
TNN: LAND REVENUES	62,354,000	62,354,000	69,335,175.53	(6,981,176)	111.20
TNN: BUSINESS FEES			66,972.00	(66,972)	
TNN: INTEREST INCOME	400,000	400,000	3,002,863.88	(2,602,864)	750.72
TNN: TAX REVENUES	66,983,000	66,983,000	69,162,998.56	(2,179,999)	103.25
COURT FINES + FEES	400,000	400,000	371,005.57	28,994	92.75
TNN: OTHER REVENUES	200,000	200,000	94,708.67	105,291	47.35
BIA: ROYAL; GAS; OIL			38,895.90	(38,896)	
BIA: COAL REVENUES			94.51	(95)	
BIA:OTR MINERALS REV			149,783.58		
BIA: LAND REVENUES			136,051.53	(136,052)	
<b>TOTAL REVENUE</b>	<b>\$ 217,785,000</b>	<b>\$ 217,785,000</b>	<b>\$ 205,289,746</b>	<b>(1) \$ 12,645,038</b>	<b>94.26</b>
<b>LESS:SET ASIDES</b>					
CAPITAL OUTLAY MATCH	\$ (2,000,000)	\$ (2,000,000)	\$ (2,000,000)	\$ -	100.00
LAND FUND TRANSFER	(4,356,000)	(4,356,000)	(4,105,794.92)	(250,205)	94.26
PERMANENT FUND TRNSF	(26,134,000)	(26,134,000)	(24,634,769.51)	(1,499,230)	94.26
WATER RIGHTS CLAIM FU	(2,000,000)	(2,000,000)	(2,000,000.00)	-	100.00
DINE' HIGHER EDUCATIO	(11,200,000)	(11,200,000)	(11,200,000.00)	-	100.00
VETERANS TRUST FUND S	(8,711,000)	(8,711,000)	(8,211,589.84)	(499,410)	94.27
<b>TOTAL SET ASIDE</b>	<b>\$ (54,401,000)</b>	<b>\$ (54,401,000)</b>	<b>\$ (52,152,154)</b>	<b>(2) \$ (2,248,846)</b>	<b>95.87</b>
<b>TOTAL</b>	<b>\$ 163,384,000</b>	<b>\$ 163,384,000</b>	<b>\$ 153,137,592</b>	<b>(3) \$ 10,396,192</b>	<b>93.73</b>
<b>TAX ADMINISTRATION SUSPENSE FUND TRANSFER</b>					
Tax Admin Suspense Fund			\$ 13,000,000	(5) \$ (13,000,000)	
<b>LESS:SET ASIDES</b>					
LAND FUND TRANSFER	-	-	(260,000)	260,000	
PERMANENT FUND TRNSF	-	-	(1,560,000)	1,560,000	
VETERANS TRUST FUND S	-	-	(520,000)	520,000	
<b>TOTAL SET ASIDE</b>	<b>-</b>	<b>-</b>	<b>(2,340,000)</b>	<b>2,340,000</b>	
<b>Net Tax Admin Suspense Fund</b>	<b>-</b>	<b>-</b>	<b>10,660,000</b>	<b>(10,660,000)</b>	

- (1) Gross General Fund Revenues
- (2) Total Set Asides for General Fund Revenue
- (3) Net General Fund Revenue, note: still need to collect \$10,396,192 to meet General Fund Revenue Projection.
- (4) FY 2016 General Fund Budget-\$172,654,000; \$163,384,000 from General Fund Revenues and the remaining from the Tax Suspense Transfer.
- (5) Note the actual \$13,000,000 transfer from Tax Admin Suspense Fund per TAX-15-228. This was not a part of the Revenue Projection.

Prepared by:  
General Accounting  
9/7/2016

EXHIBIT "A"





# FY 2016 EXHIBIT "B"

## The Navajo Nation Budget Status\_Income Statement As of August 31, 2016

Branch / Object Account	Original Budget	Revised Budget	Actual Expenses	Encumbrances	Budget Available	% Available
<b>LEGISLATIVE BRANCH</b>						
2001 - Personnel Expenses	\$ 11,883,456	\$ 12,028,104	\$ 9,847,762		\$ 2,180,341	18.13
3000 - Travel Expenses	1,797,862	1,942,251	1,606,296	36,240	299,716	15.43
3500 - Meeting Expenses	254,024	290,407	86,852	-	203,556	70.09
4000 - Supplies	417,626	747,878	412,776	151,472	183,630	24.55
5000 - Lease & Rental	223,657	216,758	152,723	33,466	30,569	14.10
5500 - Communications & Utilities	224,836	177,377	112,780	-	64,597	36.42
6000 - Repairs & Maintenance	76,208	86,681	61,924	3,321	21,436	24.73
6500 - Contractual Services	794,594	2,243,166	915,470	688,232	639,464	28.51
7000 - Special Transactions	457,835	603,606	415,331	25,160	163,115	27.02
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	303,991	745,129	164,149	-	580,979	77.97
9500 - Matching & Indirect Cost	-	-	-	-	-	-
<b>Total LEGISLATIVE BRANCH</b>	<b>\$ 16,434,089</b>	<b>\$ 19,081,358</b>	<b>\$ 13,776,064</b>	<b>(1a) \$ 937,892</b>	<b>(1b) 4,367,402</b>	<b>(1c) 22.89</b>
<b>EXECUTIVE BRANCH</b>						
2001 - Personnel Expenses	82,871,713	\$ 83,211,309	\$ 65,917,493	\$ -	\$ 17,293,816	20.78
3000 - Travel Expenses	9,208,430	9,550,828	8,528,077	900	1,021,852	10.70
3500 - Meeting Expenses	973,204	1,716,360	1,441,842	-	274,518	15.99
4000 - Supplies	4,824,930	6,707,033	4,315,957	679,012	1,712,064	25.53
5000 - Lease & Rental	2,139,920	2,085,807	1,561,701	74,400	449,706	21.56
5500 - Communications & Utilities	7,894,361	7,827,240	6,006,375	527,523	1,293,342	16.52
6000 - Repairs & Maintenance	4,376,789	6,538,191	2,817,318	1,299,897	2,420,976	37.03
6500 - Contractual Services	4,434,194	9,352,495	4,881,979	3,119,028	1,351,488	14.45
7000 - Special Transactions	12,726,493	14,140,650	12,520,238	182,657	1,437,755	10.17
8000 - Assistance	36,994,442	41,330,149	38,251,820	1,723,938	1,354,391	3.28
9000 - Capital Outlay	850,013	2,128,303	905,557	820,073	402,673	18.92
9300 - Other Income and Expense	-	-	-	-	-	-
9500 - Matching & Indirect Cost	3,970,344	10,007,816	4,626,607	-	5,381,209	53.77
<b>Total EXECUTIVE BRANCH</b>	<b>\$ 171,264,833</b>	<b>\$ 194,596,182</b>	<b>\$ 151,774,965</b>	<b>(2a) \$ 8,427,427</b>	<b>(2b) \$ 34,393,790</b>	<b>(2c) 17.67</b>
<b>JUDICIAL BRANCH</b>						
2001 - Personnel Expenses	\$ 12,286,116	\$ 12,297,237	\$ 10,432,023		\$ 1,865,214	15.17
3000 - Travel Expenses	717,894	669,741	497,116	1,392	171,233	25.57
3500 - Meeting Expenses	8,300	42,932	15,978	-	26,954	62.78
4000 - Supplies	346,252	477,477	256,630	13,794	207,053	43.36
5000 - Lease & Rental	51,995	69,941	53,991	-	15,950	22.80
5500 - Communications & Utilities	107,394	110,544	77,393	945	32,206	29.13
6000 - Repairs & Maintenance	90,126	86,651	45,322	707	40,622	46.88
6500 - Contractual Services	81,347	88,049	31,161	-	56,888	64.61
7000 - Special Transactions	266,166	239,299	163,800	44	75,455	31.53
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	-	47,581	47,580	-	1	0.00
9300 - Other Income and Expense	-	-	-	-	-	-
<b>Total JUDICIAL BRANCH</b>	<b>\$ 13,955,590</b>	<b>\$ 14,129,451</b>	<b>\$ 11,620,993</b>	<b>(3a) \$ 16,882</b>	<b>(3b) \$ 2,491,576</b>	<b>(3c) 17.63</b>
<b>GRAND TOTAL:</b>	<b>\$ 201,654,512</b>	<b>\$ 227,806,991</b>	<b>\$ 177,172,022</b>	<b>(4a) \$ 9,382,201</b>	<b>(4b) \$ 41,252,768</b>	<b>(4c) 18.11</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"



## Undesignated, Unreserved, Fund Balance (UUFB) September 7, 2016 (Unaudited)

09-30-15 Balance	35,724,740
Min Fund Balance-CJA-07-06	17,265,400
UUFB 10-01-15	<u>18,459,340</u>
<b><u>Supplementals</u></b>	
CO-45-15 - Teesto Chapter	2,922,425
CO-47-15 - St. Michael's Special Educ	629,472
CO-43-15 TEECNOSPOS	500,000
CJA-2-16 Eastern Navajo Land Board	931,500
CJA-6-16 Supreme Court Modular Contruction	300,000
CAP-25-16-Headstart-Matching/Caps and Gowns	3,606,856
CMY-31-16-Summer Youth-Chapters	2,000,000
CJY-41-16 Phoenix Indian Center	148,325
CJY-37-16 Dzil Yijiin	340,725
CJY-43-16 Navajo Nation Council of Diné Youth	70,000
	<u>11,449,303</u>
UUFB 09-07-16	<u>7,010,037</u>



**THE NAVAJO NATION**

**RUSSELL BEGAYE PRESIDENT**  
**JONATHAN NEZ VICE-PRESIDENT**




## Memorandum

Date: March 28, 2017

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

Honorable Lorenzo Bates, Speaker  
Navajo Nation Council

Honorable Allen Sloan, Acting Chief Justice  
Judicial Branch

From:   
Pearline Kirk, Controller  
Office of the Controller

Subject: Updated Undesignated Unreserved Fund Balance

The Office of Controller has updated the unaudited Undesignated Unreserved Fund Balance (UUFB) at \$6,824,260, as of March 28, 2017. Please see attached UUFB Schedule.

The appropriation in resolution CJA-02-17-Social Services for amount \$5,038,678 utilized the Minimum Fund Balance. After reviewing the Attorney General's Opinion [01-17], the Minimum Fund balance needs to be replenished to its required 10% of previous annual budget. Such required amount is \$17,265,400. Since the last report of UUFB on February 28, 2017 we performed additional analysis and revised our estimates, which had the following impact on UUFB:

- Increase UUFB for lower estimated adjustments from audit AJE's
- Increase UUFB for lower estimated expense to the Contingency Management Fund
- Decrease UUFB for the Permanent Fund set aside (CS-46-14)
- Decrease UUFB for additional capital projects

We believe our estimates to be prudent, reasonable, and conservative in nature and subject to the completion of the annual audit. The net impact of these changes resulted in UUFB of \$7,972,352. However, \$1,148,092 of UUFB was transferred to replenish the Minimum Fund Balance back up to the required 10%. Therefore, the UUFB balance is \$6,824,260 as of today.

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

## EXHIBIT C



**Undesignated, Unreserved, Fund Balance (UUFB)**  
**March 28, 2017**  
**(Unaudited)**

	UUFB	Min Fund Balance
UUFB Balance	\$ -	\$ 16,117,308
<b><u>Adjustments from Analysis:</u></b>		
Reduce Contingency Management Fund estimate	20,000,000	-
CS-49-16 Increase Permanent Fund Set Aside	(11,728,198)	-
Reduce estimate for audit AJE's	10,000,000	-
Increase other capital projects	(10,044,794)	-
UUFB 10-01-16	<u>8,227,008</u>	<u>-</u>
<b><u>Supplementals:</u></b>		
CJA-05-17 Bennett Freeze	<u>254,656</u>	<u>-</u>
Total Supplementals	254,656	-
Maintain 10% Minimum Fund Balance Transfer	<u>(1,148,092)</u>	<u>1,148,092</u>
UUFB Balance	-	17,265,400
10% Minimum Fund Balance	-	(17,265,400)
<b>UUFB 03-28-17</b>	<b><u>\$ 6,824,260</u></b>	<b><u>\$ -</u></b>



**THE NAVAJO NATION  
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

**EXHIBIT**

**E**

**PART I. Business Unit No.:**                     New                     **Program Title:**                     Coalmine Canyon Waterline Extension                      
**Division/Branch:**           Community Development           **Amount Requested:**                     \$1,801,666                     **Phone No.:**           928/871-6380            
**Prepared By:**           Walter Phelps, CD/Brenda Holgate, DCD           **Email Address:**                     nakaidinee@yahoo.com                    

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

Coalmine Canyon Chpater domestic water service extension construct to serve twenty-five (25) families living within the former federally mandated land freeze which restricted to any form of rehabilitation or new development for over fifty (50) years will now receive domestic water service to the area.

**PART III. SCOPE OF WORK/METHODOLOGY**



1. Arch. Clearance/Environmental Assessment.
2. Grant Easement
3. Initiate Memorandum of Agreement.
4. Develop Construction plans/drawings.
5. Construction begins on water system by contractor
6. Monitor projects
7. Final inspectionb by Project Manager
8. Close out of projects is development.

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

  
\_\_\_\_\_  
**REVIEWED BY: Division Director's Signature / Date**

  
\_\_\_\_\_  
**RECOMMEND APPROVAL: Branch Chief's Signature / Date**



# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

PART I. Business Unit No.:		New	Program Title:	WNA - Coalmine Canyon Waterline Extension Project	Division/Branch:	Community Development
Prepared By:		Casey Begay C/O/Bholgate, DCD	Phone No.:	928/871-7173	Email Address:	bholgate@nndcd.org
PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY	
General Funds - UUF	10/01/16 - 09/30/17	1,801,666	100%			
				2001 Personnel Expenses		0
				3000 Travel Expenses		0
				3500 Meeting Expenses		0
				4000 Supplies		0
				5000 Lease and Rental		0
				5500 Communications and Utilities		0
				6000 Repairs and Maintenance		0
				6500 Contractual Services		0
				7000 Special Transactions		0
				8000 Public Assistance	1,801,666	1,801,666
				9000 Capital Outlay		0
				9500 Matching Funds		0
				9500 Indirect Cost		0
TOTAL:					\$0.00	1,801,666
				PART IV. POSITIONS AND VEHICLES		
				Total # of Positions Budgeted:		
				Total # of Permanently Assigned Vehicles:		
TOTAL:				1,801,666		
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.						
SUBMITTED BY: 				APPROVED BY:  Division Director/Branch Chief's Printed Name and Signature / Date		

# THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

FY 2016

Page 2 of 4

PART I. PROGRAM INFORMATION:		Business Unit No.: _____ New _____ Program Name/Title: Casey Begay CIO/Bholga WNA - Coalmine Canyon Waterline Extension Project																																																																																																																							
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:																																																																																																																									
CAP-34-98: To direct the chapter administration and management control system, by promoting efficiency and accountability to the chapter membership, to effectuate plans of action to improve the standard of living for the chapter membership.																																																																																																																									
PART III. PROGRAM PERFORMANCE CRITERIA:		<table border="1"> <thead> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td colspan="2">1. Program Performance Area:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Install waterline extension to serve 32 families.</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Goal Statement:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">To complete the waterline extensions to serve 32 families by the end of fiscal year 2016 or beyond.</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2">1</td> </tr> <tr> <td colspan="2">2. Program Performance Area:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Goal Statement:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">3. Program Performance Area:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Goal Statement:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">4. Program Performance Area:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Goal Statement:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">5. Program Performance Area:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Goal Statement:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> </tbody> </table>								1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	1. Program Performance Area:								Install waterline extension to serve 32 families.								Goal Statement:								To complete the waterline extensions to serve 32 families by the end of fiscal year 2016 or beyond.						1		2. Program Performance Area:								Goal Statement:								3. Program Performance Area:								Goal Statement:								4. Program Performance Area:								Goal Statement:								5. Program Performance Area:								Goal Statement:							
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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.																																																																																																																									
 Program Manager's Printed Name and Signature/Date		 Division Director/Branch Chief's Printed Name and Signature / Date																																																																																																																							



**THE NAVAJO NATION**  
**DETAILED LINE ITEM BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>WNA - Coalmine Canyon Waterline Extension Project</u> Business Unit No.: <u>        </u> New			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 5)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
8000 Assistance 8500 Infrastructure (non cap) 8545 Waterline Extensions To install approximately 82,500 feet of 4-inch waterline to 32 families. NTUA can operate this system. 1.22 homes per miles. (Preliminary Cost Estimate of \$56,302 x 32 families = \$1,801,664)	1,801,666	1,801,666	1,801,666
<b>TOTAL</b>		1,801,666	1,801,666

[illegible]



# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

DCDA-M16037

## MEMORANDUM

CARL SMITH  
Division Director


DIVISION OF  
COMMUNITY  
DEVELOPMENT

PO Box 1904  
Window Rock, AZ  
86515

PH: 928.871.7182  
Fax: 928.871.7189

WEBSITES:  
NNDCD.org  
NavajoChapters.org

MISSION:  
Provide  
opportunities for  
the Navajo  
communities to be  
self-governing and  
self-sufficient.

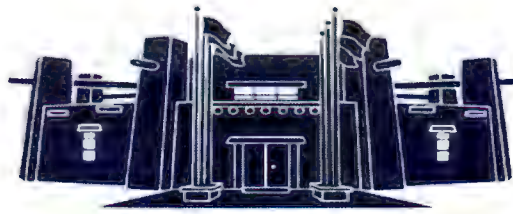
TO : ALL CONCERNED  
FROM :   
Carl Smith, Executive Director  
Division of Community Development  
DATE : February 22, 2016  
SUBJECT : **FY 2016 Standing Delegation of Authority**

In the event of my absence from the office, Mr. Norbert Nez is delegated authority to act in my capacity as DCD Executive Director on routine administrative matters and have signatory approval, except those matters that he feels require my attention. This delegation will be effective through September 30, 2016.

Your assistance and cooperation will be appreciated.

Acknowledged by:

  
Norbert Nez, Computer Operations Manager  
Division of Community Development



## MEMORANDUM

TO: Hon. Walter Phelps  
23<sup>rd</sup> Navajo Nation Council

FROM:   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

DATE: May 31, 2017

SUBJECT: AN ACTION RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE MILLION, EIGHT HUNDRED ONE, SIX HUNDRED SIXTY SIX DOLLARS (\$1,801,666) TO COALMINE CANYON CHAPTER FOR WATERLINE EXTENSION, WAIVING 12 N.N.C. §§ 820(I) AND 860 (C)

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee's review based on the powers outlined in 2 N.N.C. §§ 300, 501, and 701. 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). **NOTE: a 2/3rds vote of the full Council membership is required for final approval.**

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0206-17\_\_

SPONSOR: Walter Phelps

TITLE: An Action Relating To Resources And Development, Budget And Finance, NAABIK'IYATI' Committees And Navajo Nation Council; Approving Supplemental Funding Form The Unreserved, Undesignated Fund Balance In The Amount Of One Million, Eight Hundred One, Six Hundred Sixty Six Dollars (\$1,801,666) To Coalmine Canyon Chapter For Waterline Extension, Waiving 12 N.N.C. §§ 820(I) And 860 (C)

*Date posted:* June 2, 2017 at 5:40 PM

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) 871-7586

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

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

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

**LEGISLATION NO.: 0206-17**

**SPONSOR: Honorable Walter Phelps**

**TITLE: An Action Relating To Resources And Development, Budget And Finance, NAABIK'IYATI' Committees And Navajo Nation Council; Approving Supplemental Funding Form The Unreserved, Undesignated Fund Balance In The Amount Of One Million, Eight Hundred One, Six Hundred Sixty Six Dollars (\$1,801,666) To Coalmine Canyon Chapter For Waterline Extension, Waiving 12 N.N.C. §§ 820(I) And 860 (C).**

**Posted: June 2, 2017 at 5:40 pm**

**5 DAY Comment Period Ended: June 7, 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**

*6/8/17 8:35am*

**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 # 0206-17:** An Action 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 One Million, Eight Hundred One, Six Hundred Sixty-Six Dollars (\$1,801,666) to Coalmine Canyon Chapter For Water Line Extension, Waiving 12 N.N.C. § 820 (1) and 860 (C). *Sponsor: Honorable Walter Phelps*

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

And referred the matter to Budget and Finance Committee.

Respectfully submitted,



Alton Joe Shepherd, 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 Benjamin Bennett

Second: Honorable Leonard Pete

**VOTE: 4-0-1 (CNV)**