



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

TO: Honorable LoRenzo Bates, Speaker
Navajo Nation Council

FROM:

A handwritten signature in black ink, appearing to read "Russell Begaye".

Russell Begaye, President
THE NAVAJO NATION

DATE: September 13, 2015

SUBJECT: Resolution No. CS-38-15: RELATING BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$400,000 FOR BLACK MESA HEADSTART FACILITY CONSTRUCTION PROJECT, BUSINESS UNIT NUMBER NEW AND APPROVING SUPPLEMENT FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$163,372.00 FOR WIDE RUINS CHAPTER – PINE SPRINGS SCATTERED POWERLINE EXTENSION PROJECT

Pursuant to 2 N.N.C. 1005 (C)(10), action for Legislation CS-38-15 is being submitted to the Navajo Nation Council, through the Office of the Speaker within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164(A)(17).

After careful consideration and consultation with the Divisions, I have decided to exercise my line item veto and veto **\$163,372 for Wide Ruins Chapter – Pine Springs scattered powerline extension project**. The justification for use of the President's line-item veto is set forth below.

This administration has been clear from day one that it will not support appropriation riders. To date, all appropriation riders and appropriations with riders have been vetoed. The Wide Ruins Chapter – Pine Springs scattered powerline extension project was not part of the original legislation for the Black Mesa Headstart Facility, but added to this supplemental appropriation. Furthermore, there is sufficient funding within the Chapter fund balance. The

Chapter should be fully expending its funds before seeking supplemental funding. Additionally, the Chapter's proposed fiscal year 2016 budget will remain the same as the previous fiscal year. As such, we recommend the Chapter plan accordingly to include this project within the 2016 fiscal year budget.

This Administration stands on four (4) pillars: 1) elders and youth; 2) Veterans; 3) Jobs and 4) **Infrastructure**. This project furthers infrastructure. As such, this project that is fully supported by the Office of the President and Vice-President and we ask you reintroduce as a stand-alone appropriation without any appropriation riders.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL—First Year, 2015

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$400,000 FOR BLACK MESA HEADSTART FACILITY CONSTRUCTION PROJECT, BUSINESS UNIT NUMBER NEW AND APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$163,372.00 FOR WIDE RUINS CHAPTER-PINE SPRINGS SCATTERED POWERLINE EXTENSION PROJECT

BE IT ENACTED:

SECTION 1. FINDINGS

- A. Pursuant to 12 N.N.C. § 820 (L), "[t]he 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, if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set forth at § 820(J)."
- B. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee before it is heard by the Navajo Nation Council.
- C. Pursuant to 2 N.N.C. § 300 (C)(1)(3) and (4) the Budget and Finance Committee is authorized to recommend adoption of resolutions related to the expenditure of the Nation's financial resources.
- D. Pursuant to 26 N.N.C. § 3(A), Black Mesa Chapter is a duly recognized certified chapter of the Navajo Nation Government.

- E. The community of Black Mesa is highly committed to meeting the needs of the local Headstart students by providing the needed infrastructure as the current facility was condemned due to the contamination of asbestos. See Black Mesa Chapter Resolution, BLAC-11-05-125, attached as Exhibit A.

- F. The Black Mesa Chapter requires supplemental appropriations to continue with the planning, design and construction of the Headstart facility for the Black Mesa community. Budget forms attached as Exhibit B.

- G. The Title 12 Finance Act Supplemental Appropriation requirements include:
 - 1. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget ("OMB") for budget impact analysis. Attached as Exhibit C.

 - 2. Pursuant to 12 N.N.C. § 820(M), when the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be allocated by the Navajo Nation Council. Attached as Exhibit D.

- H. The Navajo Nation finds it in the best interest to approve Supplemental Appropriation for the Black Mesa Headstart facility to continue with the planning, design and construction of the community facility.

SECTION 2. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$400,000 FOR THE BLACK MESA CHAPTER

- A. The Navajo Nation Council, having received certification by the Office of the Controller of the availability of certain funds from the Unreserved, Undesignated Fund Balance (UUFB) for supplemental appropriation hereby approves the supplemental appropriation of \$400,000 for Black Mesa Headstart to continue the planning, design and construction of the community facility.

- B. This supplemental appropriation of \$400,000 shall be to Business Unit Number New and from that amount of funds that exceeds the minimum fund balance of the UUFB.

SECTION 3. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$163,372.00 FOR WIDE RUINS CHAPTER-PINE SPRINGS SCATTERED EXTENSION POWERLINE PROJECT

- A. The Navajo Nation Council, having received certification by the Office of the Controller of the availability of certain funds from the Unreserved, Undesignated Fund Balance (UUFB) for supplemental appropriation hereby approves the supplemental appropriation of \$163,372.00 for the Wide Ruins Chapter-Pine Springs Scattered Extension Powerline Project, as further described in budget documents attached.
- B. This supplemental appropriation of \$163,372.00 shall be to Business Unit Number New and from that amount of funds that exceeds the minimum fund balance of the UUFB.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 2 opposed, this 2nd day of September 2015.



LoRenzo Bates, Speaker
Navajo Nation Council

7-4-15

Date

Motion: Honorable Seth Damon
Second: Honorable Nathaniel Brown

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2015.

Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2015 for the reason(s) expressed in the attached letter to the Speaker.

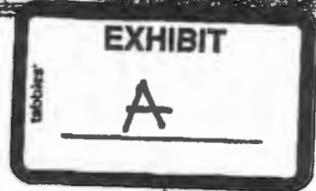
Russell Begaye, President
Navajo Nation

3. I hereby line-item veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17) on this 13th day of September, 2015. The justification of my line-item veto is set forth by memorandum.



Russell Begaye, President
Navajo Nation

**RESOLUTION OF THE
BLACK MESA (Kits'ihii) CHAPTER**



Resolution No. BLAC-11-05-125

BLACK MESA CHAPTER IS RESPECTFULLY REQUESTING DESIGN AND ENGINEERING DEPARTMENT AND CAPITAL IMPROVEMENT OFFICE TO EXPEDITE THE CONSTRUCTION BMC OF HEAD START BUILDING.

WHERE AS:

1. Pursuant to the "Local Governance Act," 26 N.N.C., Chapter 1, Subchapter 1, Section 3 (a) the Black Mesa Chapter is certified a local chapter of the Navajo Nation Government by the Navajo Nation Council Resolution No. 34-98; AND
2. Pursuant to Chapter I, Section 131 (1) (2) of the same "Act," the chapter has the responsibility and authority to promote, protect, and preserve the interest and the general welfare of it's community people and programs; AND
3. Pursuant to "Indian Self Determination Act (PL 93-638)" as mentioned by the U.S. Congress, the Black Mesa Chapter is entitled to support and initiate plans, make decisions and recommendations according to the needs and desires of the community people: AND
4. Black Mesa Chapter is highly committed to meeting the needs of the local head start students providing the needed infrastructure; AND
5. Black Mesa Chapter is fully aware that there is an urgent need for a new head start building after the old head start building was condemned when it was discovered that it was contaminated with asbestos in the early 1980's.

NOW THEREFORE BE IT RESOLVED THAT:

BLACK MESA CHAPTER IS RESPECTFULLY REQUESTING DESIGN AND ENGINEERING DEPARTMENT AND CAPITAL IMPROVEMENT OFFICE TO EXPEDITE THE CONSTRUCTION OF BMC HEAD START BUILDING.

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Back Mesa, Arizona at which a quorum was present and that same was passed by a vote of 40 in favor, 00 opposed, and 03 abstained, on this 13th day of May 2011.

Motioned by: Jones Begay

Second by: Jackson Klah

Marvin Yellowhair
Marvin Yellowhair, President

Caroline Bemore
Caroline Bemore, Vice President

Marlene Biltah
Marlene Biltah, Secretary/Treasurer

Dwight Witherspoon
Dwight Witherspoon, Council Delegate

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2015

Page 1 of 3



PART I. Business Unit No.: <u>New</u>		Program Title: <u>UUFB - Black Mesa Headstart</u>		Division/Branch: <u>Community Development</u>				
Prepared By: <u>D. Witherspoon</u>		Phone No.: <u>505-906-1520</u>		Email Address: <u>dwright.witherspoon@gmail.com</u>				
PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			
FY15 Supplemental Funds		10/1/14 - 9/30/15	400,000.00	100%	Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)
					2001 Personnel Expenses	1 0	0	0
					3000 Travel Expenses	1 0	0	0
					3500 Meeting Expenses	1 0	0	0
					4000 Supplies	1 0	0	0
					5000 Lease and Rental	1 0	0	0
					5500 Communications and Utilities	1 0	0	0
					6000 Repairs and Maintenance	1 0	0	0
					6500 Contractual Services	1 0	0	0
					7000 Special Transactions	1 0	0	0
					8000 Public Assistance	1 0	0	0
					9000 Capital Outlay	1 0	400,000	400,000
					9500 Matching Funds	1 0	0	0
					9500 Indirect Cost	1 0	0	0
					TOTAL		\$0.00	400,000.00
					PART IV. POSITIONS AND VEHICLES			
					Total # of Positions Budgeted:		(D)	(E)
					Total # of Permanently Assigned Vehicles:		0	0
					Total # of Permanently Assigned Vehicles:		0	0
					TOTAL:		\$400,000.00	100%
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
					 APPROVED BY: Division Director/Branch Chiefs Signature / Date			
					SUBMITTED BY: Dwight Witherspoon, NN Council Delegate Signature / Date APPROVED BY: Division Director/Branch Chiefs Signature / Date			

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:
 Business Unit No.: _____ New _____
 Program Name/Title: _____ UJFB - Black Mesa Headstart _____

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area: Provide funding to construct two Headstart building for Balck Mesa Community students. Goal Statement: To start construction project on building two Headstart Centers in Black Mesa.								2
2. Program Performance Area: Goal Statement:								
3. Program Performance Area: Goal Statement:								
4. Program Performance Area: Goal Statement:								
5. Program Performance Area: Goal Statement:								

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.
 Dwight Witherspoon 7/16/15
 Branch Chief / Division Director Signature / Date

PART I. PROGRAM INFORMATION:			
Program Name/Title: UJFB - Black Mesa Headstart		Business Unit No.: New	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
9000	CAPITAL OUTLAY Funding request is for additional cost for construction of Black Mesa Headstart building (two) and for cost to purchase equipment for the building. This Supplemental Funding request is to seek funding for both the shortfall and contingencies for the project.		400,000
9050	Building 9052 Building Construction = \$286,926.00	286,926	
9070	CAP-Pro. Tech Services 9074 CAP-Architecture/Design = \$113,074.00	113,074	
TOTAL		400,000	400,000

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: NEW Program Title: UUFB - Black Mesa Headstart
Division/Branch: Div. Community Developm. Amount Requested: \$400,000.00 Phone No.: 928-675-0009
Prepared By: D. Witherspoon Email Address: dwright.witherspoon@gmail.com

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

To plan, design, construct and equip a two classroom headstart for the Community of Black Mesa. The project has an available construction budget of \$1,339,134. The contractor bid is \$1,626,060.00, leaves a short fall of \$286,926.00. The proposal also seeks \$113,074.00 for contingencies for the project. The total request amount is \$400,000.00 for the construction of the facility.

PART III. SCOPE OF WORK/METHODOLOGY

To negotiate a contract with Arviso Construction Inc. and process the contract through the 164 Review. When approved, a notice to proceed would be issued with the start and ending dates to construct a two classroom headstart facility in Black Mesa. The projected start dates are October 1st 2015 to April 1st 2016.

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

Dwight Witherspoon 7/16/15

REVIEWED BY: Program Manager/Director Signature / Date



RECOMMEND APPROVAL: Branch Chief's Signature / Date



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM



TO : Harrison P. Martin
DCD / Black Mesa Headstart

FROM : *Lisa Jymm*
Lisa Jymm, Principal Budget Analyst
Office of Management & Budget

DATE : June 16, 2015

SUBJECT : OMB's Review of 164 Document #004102: \$400,000 for Black Mesa Headstart Facility.

The Office of Management & Budget (OMB) has reviewed the above document and has the following comments:

1. The supplemental funding proposal summary attached is not complete. It has blanks in Part I and does not provide essential information such as the business unit number, program name, division/branch, prepared by whom, and email address of the preparer.
2. The proposed supplemental request indicates the Navajo Nation Design and Engineering Department as the program handling the supplemental, but the signatures on the budget forms do not include the program manager from that department.
3. The proposed supplemental request does not contain a Chapter resolution indicating support of this request if the Chapter will be handling this supplemental request.
4. The proposed supplemental request indicates an "Infrastructure Capital Improvement Plan 2016 - 2021" for 2016. The Navajo Nation Council has approved the 5 year Capital Improvement Plan by resolution CAP-18-14 for the years 2013 - 2017. If there is an update to the Capital Improvement Plan, the Division of Community Development should regularly provide this information pursuant to the Appropriations Act.

If there are any further questions, contact the Lisa Jymm with Office of Management and Budget at extension 6230.

Concurred by:

Dominic Begay, Executive Director
Office of Management and Budget

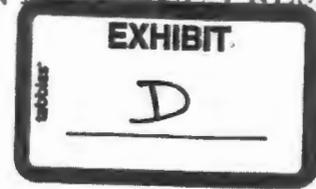
xc: OMB File





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, Acting Controller
Office of the Controller

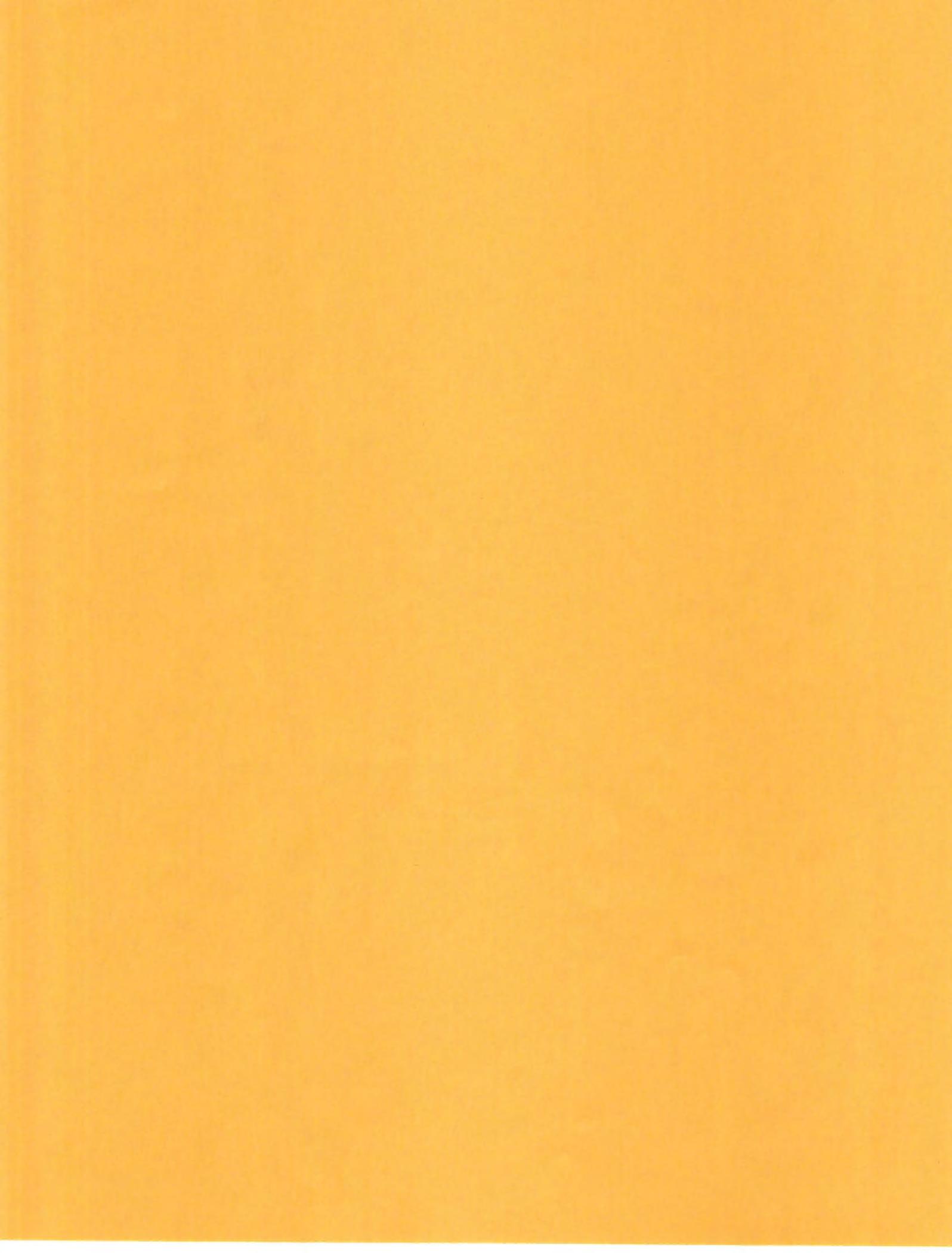
DATE : June 22, 2015

SUBJECT : SAS-164 Review 004102-Supplemental Funding for Black Mesa Headstart
Facilities

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

1. The Balance in the UUFB as of May 31, 2015 is \$4,906,679.
2. The Supplemental is seeking funding for \$400,000 for funding a construction project for two Headstart Centers in Black Mesa, AZ.

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



THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: 108084 **Program Title:** NAVAJO NATION CHAPTER-Wide Ruins Chapter
Division/Branch: Navajo Nation Chapters **Amount Requested:** \$163,372.00 **Phone No.:** (928) 871-6383
Prepared By: Linda Youvella **Email Address:** lindayouvella@navajo-nsn.gov

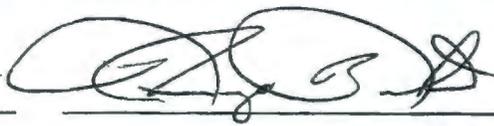
PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Supplemental funds for Pine Springs Scattered Powerline Extension Project for the community of Wide Ruins Chapter. NTUA estimates are attached as preliminary and funding request for extension of powerline, for the well-being of the community members to be served. The lack of convenience is hindering the development of any kind of infrastructures. Life is hard for our elderly, who reside in these areas, heating their homes and storing food and medications for a greater length of time is a hardship. Our children in preparing for life in the modern age of technology is hard our them as well, and providing electricity for these families will be a signification improvement in better living and health lives.

PART III. SCOPE OF WORK/METHODOLOGY

The total cost estimate submitted for a FIRM construction cost is \$343,371.97 with contributions of \$10,500 from NTUA to serve seven (7) homes and to complete the main lines of Electrical Power Lines within the community of Pines Springs, AML award is \$180,000 and waits for full contribution of entities towards the construction, the Wide Ruins Chapter is charges with the house wiring of seven (7) homes, which includes labor, electrical wiring and materials.

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

 7/6/15  7-6-15
REVIEWED BY: , Program Manager/Director Signature / Date **RECOMMEND APPROVAL: Branch Chief's Signature / Date**

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

FY '2015 Unmet Needs

Page 1 of 3

PART I. Business Unit No.: 108084 Program Title: Wide Ruins Chapter-Pine Springs Scattered Extension Powerline Project Division/Branch: Navajo Nation Chapters
 Prepared By: Linda Youvella Phone No.: 928.871.6383 Email Address: lindayouvella@navajo-nsn.gov

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			
Undesignated Unreserved Funds		6-1-15 to 9-30-15	\$163,372.00	100%	Fund Type Code	UNC Approved Original Budget	Proposed Budget	Difference (Column B - A)
					2001 Personnel Expenses			
					3000 Travel Expenses			
					3500 Meeting Expenses			
					4000 Supplies			
					5000 Lease and Rental			
					5500 Communications and Utilities			
					6000 Repairs and Maintenance			
					6500 Contractual Services			
					7000 Special Transactions			
					8000 Public Assistance			
					9000 Capital Outlay	1	\$ 163,372.00	\$ 163,372.00
					9500 Matching and Indirect Cost			
					TOTAL		\$ 163,372.00	\$ 163,372.00

PART IV. POSITIONS AND VEHICLES

Total # of Positions Budgeted:	0	(E)
Total # of Permanently Assigned Vehicles:	0	0

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

 7/6/15
 SUBMITTED BY: Program Manager's Printed Name and Signature / Date
 7/6/15
 APPROVED BY: Division Director/Branch Chiefs' Printed Name and Signature / Date

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:	Business Unit No.: <u>108084</u>	Program Name/Title: <u>Wide Ruins Chapter-Pine Springs Scattered Extension Powerline Project</u>								
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:	<u>The Navajo Nation Chapter Plan of Operation is referenced in Title 26 of the Navajo Nation Code.</u>									
PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR		2nd QTR		3rd QTR		4th QTR			
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Actual	
1. Program Performance Area: To improve the safety and environment of all Wide Ruins chapter community.										
Goal Statement: Complete all outstanding required clearances to commence with project.					2				5	
2. Program Performance Area: Assist the community with priority projects that have been set by chapter.										
Goal Statement: Complete priority projects for the community, powerline, etc.					2				5	
3. Program Performance Area: Assist chapters with CIP projects, by cost sharing or match of funds with states, Navajo Nation, etc.										
Goal Statement: Complete projects that are still not complete due to lack of funds.					2				5	
4. Program Performance Area:										
Goal Statement:										
5. Program Performance Area:										
Goal Statement:										
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.										
 Program Manager's Printed Name and Signature/Date: _____ <u>7/6/15</u>										
 Division Director/Branch Chief's Printed Name and Signature / Date: _____ <u>7/6/15</u>										

THE NAVAJO NATION
 DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:		Business Unit No.: 108084	
Program Name/Title: Wide Ruins Chapter-Pine Springs Scattered Extension Powerline Project			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
9020	INFRASTRUCTURE For the Wide Ruins Chapter, funds to be used for Infrastructure such as powerline extension project.	\$ 163,372.00	\$ 163,372.00
	Infrastructure 9040: Powerlines		
9070	CAP PRO TECH SERVICES 9078: Feasibility Studies 9078: Environmental Assessment/Serv. 9078: Technical Services Expenses.		
TOTAL \$		163,372.00 \$	163,372.00 \$