### LEGISLATIVE SUMMARY SHEET

Tracking No. <u>0108-19</u>

DATE:

May 6, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN PROJECT SCOPE IN RESOLUTION CAP-35-18; AMENDING THE PROJECT SCOPE TO ADD DESIGN FOR THE TSE'II'AHI' (STANDING ROCK) HEAD START BUILDING PROJECT

**PURPOSE:** If approved, this resolution will approve an amendment in the project scope by adding "design" to the project plan for the Tse'li'Ahi' Head Start Building.

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 to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Real By Website Posting Time/Date: 5.9.19 Resources & Development Committee 5.14.19 Posting End Date: 5-15-19 Eligible for Action: Budget & Finance Committee 1 PROPOSED STANDING COMMITTEE RESOLUTION 24th NAVAJO NATION COUNCIL—First Year, 2019 2 INTRODUCED BY 3 Westerne & 4 5 Primary Sponsor 6 TRACKING NO. \_0108-19 7 8 AN ACTION 9 RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND 10 FINANCE COMMITTEES; APPROVING A CHANGE IN PROJECT SCOPE 11 IN RESOLUTION CAP-35-18; AMENDING THE PROJECT SCOPE TO ADD 12 DESIGN FOR THE TSE'II'AHI' (STANDING ROCK) HEAD START 13 14 **BUILDING PROJECT** 15 BE IT ENACTED: 16 17 Section One. Authority 18 A. The Resources and Development Committee exercises authority over chapters of the 19 Navajo Nation. 2 N.N.C. § 501(C)(1). 20 B. The Budget and Finance Committee of the Navajo Nation Council exercises authority 21 over budgeting, appropriation, investment and management of all funds. 2 N.N.C. § 22 23 301 (B)(2). C. Council Resolution CAP-35-18 provides, "[a] chapter project, powerline, or waterline 24 project may be changed, including the year funded, or added to Exhibits A through E 25 with the concurrence of the Delegate representing the chapter's Council District and 26 the approvals of the Resources and Development Committee and Budget and Finance 27 Committee, as long as such project has been certified as construction-ready by CPMD 28 or NTUA and the total Síhasin Funding for the District does not exceed 29 \$4,166,666.67." 30

Thence

# 1 Section Two. Findings A. The Navajo Nation Council adopted Council Resolution CAP-35-18, "Adopting the 2 Síhasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, 3 as Amended By CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 4 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to the Capital Budget and 5 Capital Improvement Process" on April 17, 2018. 6 B. Tse'Ii'Ahi' (Standing Rock) Chapter submitted a CAP-35-18 Project Change Form to the 7 Capital Project Management Department which has been reviewed and is attached as 8 Exhibit A. 9 C. The Project Change Form indicates that the Tse'Ii'Ahi' Chapter is amending the project 10 scope by adding "design" to the Tse'Ii'Ahi' Head Start Building project plan. For 11 reference, the Tse'Ii'Ahi' Head Start Building is included in Exhibit D, Project 112 of 12 CAP-35-18. 13 D. Additional information regarding the Tse'Ii'Ahi' Head Start Building is attached as 14 Exhibit B. 15 16 Section Three. Approval 17 The Navajo Nation hereby approves an amendment in the project scope by adding 18 "design" to the project plan for the Tse'Ii'Ahi' Head Start Building. 19 20 21 22 23 24 25 26 27 28 29 30

# CAP-35-18 PROJECT CHANGE FORM

COUNCIL DISTRICT: Mak Freeland
TSE II 'Ahi Chapte

DELEGATE SIGNATURE:

DATE: 4/6

							AM TY DI	EXHIBIT
	Check-Off	List?	YES-44				Labbies	A
		<b>Total Funding</b>						Total Added Funding: \$ 3,202,950, 9
PROJECTS TO BE ADDED	Funding	Year 3	1					ded Funding:
		Year 2	. 21					Total Add
		Year 1	\$500,000 \$3,202,950.es					
	CPMD	Project Mgr	Andy Thomas					
PROJ		Scription	Amend Scope to add Devign to Construction.					
	Chantor	Cilapter	Tse'I''					

# CAP-35-18 PROJECT CHANGE FORM

/	PRO	PROJECTS TO BE DELETED	LETED				
Exhibit &	Droint Description	CPMD		F	Funding		All Funding
Project No.		Project Mgr	Year 1	Year 2	Year 3	Total Funding	Deleted?
						75	
		/					
			,				
				Total Dele	Total Deleted Funding:	ši.	
				/			

CPMD has reviewed the CAP-35-18 Project Change Form and concurs that:

- 1. The total amount of funding for the added projects equals the total amount of funding for the deleted projects;
- 2. Each added project has a completed Project Check-Off List signed off by CPMD and attached to this Form; and
- 3. After the projects have been added and deleted, the total CAP-35-18 funding for the Council District does not exceed \$4,166,666.67.

CAMP THOURS; FRASES SLAWACE

Signature

Job Status Inquiry Print NAVAJO NATION

C01737 STANDING ROCK HEADSTART BLDG

R\$551200P

540 THE SIHASIN FUND

Job Project

11/30/2018 10:44:07 Page - 55

Thru Date 11/30/2018

Cost	Cost		LPM	Original	Revised	Actual	Open Commit	Budget	% Revised	% Revised
Code	Type	Description	DECUM	Budget Amt	Budget Amt	Amount	Amount	Balance	Spent	Remaining
	9661	Allocation	N	3,269,616.66-	3,269,616.66-			3,269,616.66-		1.00
	661	Overhead Allocation	T 9	3,269,616.66-	3,269,616.66-			3,269,616.66-		1.00
	0661	Other Revenues	5 T	3,269,616.66-	3,269,616.66-			3,269,616.66-		1.00
	1850	Other Revenue Sources	+ +	3,269,616.66-	3,269,616.66-			3,269,616.66-		1.00
	1000	Revenues	3 T	3,269,616.66-	3,269,616.66-			3,269,616,66-		1.00
	9050	Building	6 B N	2,179,744.00	2,179,744.00			2,179,744.00		1.00
	0506	Building	F 7	2,179,744.00	2,179,744.00			2,179,744.00		1.00
	9020	CAP-Pro. Tech Services	6 BN	1,089,872.66	1,089,872.66			1,089,872.66		1.00
	9020	CAP-Pro. Tech Services	T 9	1,089,872.66	1,089,872.66			1,089,872.66		1.00
	1006	Real Property	5 T	3,269,616.66	3,269,616.66			3,269,616.66		1.00
	0006	Capital Outlay	4 T	3,269,616.66	3,269,616.66			3,269,616.66		1.00
	2000	Expenses	3 T	3,269,616.66	3,269,616,66			3,269,616.66		1.00



### LEGISLATIVE SUMMARY SHEET

Tracking	No.		
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**PURPOSE:** If approved, this resolution will approve an amendment in the project scope by adding "design" to the project plan for the Tse'Ii'Ahi' Head Start Building.

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 to review each proposed resolution in detail.

# SIHASIN FUND Project

TSE' 11' AHI HEND START BULLDING

No

Comments

# **Analysis Summary**

Biological Clearances	1 1		
SOW	1		
Environmental Assessments	X		
Archeological Clearances			
Legal Survey	/		
Culture Resources	1		
CLUP Manuel	N	K	
Geotechnical Testing	X		
Boundary Survey	X		
Construction Documents (CD)	X		100% Complete
Water Storage Tank	N	X	
Utility Verification			DRUPESSIONEL/NTVA
Topography Survey	X		The first the first to the firs
Client Listing	N/	A	
Area Maps	X		
Chapter Resolution	X		
NN ICIP	X		
Purchase Quote	X		105+A



# THE NAVAJO NATION

Capital Projects Manageme Department Division of Community Development

# APPLICATION FOR SERVICES

777711	
TODAY'S DATE: June 28, 2018	RECEIVED DATE:
AGENCY: Fastern	Approved:
TYPE OF PROJECT:	Disapproved:
Chapter House   Multi-Purpose   Senior Center Preschool   NN Facilities   Powerline Ext. Sewer Lagoon   Waterline   Sewerline Housewiring   Bathroom Addition   Other:	ASSIGNED TO:  OFFICE USE ONLY
PURPOSE:  SPONSORSHIP CHAPTER/DEPARTMENT/PRO  for the following areas:	hereby request for technical assistance
☐ Schematic Design ☐ Cost Estimation ☐ Construction Drawings	☐ Design Development ☐ Inspection ☐ Contract Development ☐ Other ☐ Negotiation ☐ Evaluation of Contract Proposals ☐ Meeting Attendance
MAILING ADDRESS:  Set ali Stand NAME OF ORGANIZATION  CONTACT PERSON/TITLE ADDRESS CITY PHONE: 505 786 2241 2	ing Rock Chapter  CSC.  SM 87313  STATE ZIP CODE  FAX NUMBER
Chapter Approval/Resolution  Environmental Review/Compliance  Off. of Environmental Health (IHS) Assessment  Cultural Resource Compliance Form (Archaeology)  Biological Clearance Form (Endangered Species)	Business Unit:  Business Unit:  Land Use  Cost Estimate  Geotechnical Survey  Site Analysis  Building Data  Square Foot (Size)  Electrical Service Cost

PLEASE ATTACH A DETAILED LETTER FOR SERVICES REQUESTED AND A CHAPTER RESOLUTION THAT INDICATES THE NEED AND PRIORITY OF THE PROPOSED PROJECT AND IN ACCORDANCE WITH THE LOCAL LAND-USE PLAN AND SEND TO:

Capital Projects Management Department, Post Office Box 610, Window Rock, Arizona 86515



# NAVAJO HEAD START

Department of Diné Education



RUSSELL BEGAYE, President JONATHAN NEZ, Vice President

DR. ELVIRA BITSOI Acting Assistant Superintendent of Head Start

February 20, 2018

C/O: New Mexico Tribal Infrastructure Board New Mexico Indian Affairs Department 1220 South St. Francis Drive Santa Fe, NM 87505

Dr. Elvira Bitsoi Navajo Head Start P.O. Box 3479 Window Rock, AZ 86515

Dear New Mexico Tribal Infrastructure Board,

I am writing this letter in support of Tse'ii'ahi (Standing Rock) Chapter's Tribal Infrastructure Fund Application (TIFA) for the Tse'ii'ahi Head Start Facility Construction project. Tse'ii'ahi Chapter has made this Head Start project their top priority and needs additional funding to start construction on their new building for young students. Please fund this project and help bring high-quality early childhood education services to the community of Tse'ii'ahi.

If you have any further questions, please do not hesitate to contact me at 928-871-6902. Thank you for your time and understanding.

Respectfully,

Dr. Elvira Bitsoi, Assistant Superintendent (A)

NAVAJO HEAD START

# SIHASIN FUND Project Overview

03.22.2018

Report

Project Ready | Construction Ready

Shovel Ready

# Project Description (Proposals/Packet)

DISTRICT:	Project Type Pre- Design/Design/ Constr.	Project Description	Duration (Days/Months)	Amount Request	Year Funding
CHAPTER TSE'11/AU1	CONSTR.	EXTENSION	18-24 ws.	\$ 750,000°	2ND YEAR
COUNCIL DELEGATE	2) Construction	HEADSTAKT BUILDING POOJECT	8-12 MONTHS	3,202,950.	lsT.
DONAMIAN PERRY Prepared By					
A-tHomas					

# CAPITAL PROJECT MANAGEMENT DEPARTMENT

Tel 928.871.6734 Fax 928.871.7189

P.O. BOX 1510

WWW.NNDCD.ORG WINDOW ROCK, AZ 865151 First\_lastname@nndcd.org



# CAPITAL PROJECT MANAGEMENT DEPARTMENT PROJECT PROPOSALS – CHECK-OFF LIST

# PRE-SCHOOL AND SENIOR CITIZEN CENTER REQUIREMENTS

It shall be the policy of the "Capital Project Management Department (CPMD) to utilize the following "Check-Off List" for review and acceptance of project proposals.

NAME OF CHAPTER: Standing Road (NON-LOK) DATE:
PERSON ASSIGN TO:
Please check of documents that were received.
Application for Services  Application for Services
Written Documentation - of need by the Facilities Inventory which documents the need for replacement, renovation or repairs.
Chapter Resolution - that indicates the need and priority of the proposal project, subject to the local Land-Use Plan.
Preventive Maintenance Plan and Operating Cost Plan 4
Cost Estimate:  A. Architect & Engineering (A/E) Cost  B. Construction Cost
Written commitments and encumbrance: of other source(s) of funding.
Letters of Support: From AGENCIES and ENTITIES that affirm the emergency situation or need when applicable.
Documentation of the Clearances: Archaeological, Environmental Assessments and Land Withdrawals.
Project Quality Assurance/Quality Control Acknowledgement
Project Name: Project Type:
The undersigned have read and concur with this Project Folder is complete with all necessary PPA's and is in adherence to the Capital Project Management Department Policies and Procedures and Gaming Fund Distribution and Policies and Allocations:
Project Manager 4/1 a/18
Date
CPMD Department Manager  Date  CPMD-Form C



## THE NAVAJO NATION

# TSE'II'AHI'(Standing Rock) CHAPTER P.O. BOX 247

# CROWNPOINT, NEW MEXICO 87313

Telephone: (505) 786-2247/2248 FAX: (505) 786-2249

Email: standingrock@navajochapters.org

Russell Begage, Navajo Nation President

Jonathan Nez, Navajo Nation Vice-President

# RESOLUTION OF THE TSE'II'AHI' CHAPTER RESOLUTION NO.: TSEII.0717.7000

Respectfully Requesting the Navajo Nation Council, Office of the Navajo Nation President and Vice President; Navajo Nation Division of Community Development; Community Project Management Department to secure funding from Navajo Nation Match Fund Account, and Siihasin Funds in the amount of \$3.6 Million to construct a New Tse'ii'ahi' Head Start Building.

### WHEREAS:

- 1. Pursuant to 26 NNC, Section 3 (A) the Tse'ii'ahi' Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed in 11 NNC, part 1, section 10; and
- 2. Pursuant to 26 NNC, Section 1 (B) Tse'ii'ahi' Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to e Navajo Nation and other local agencies for appropriate action; and
- 3. The New Proposed Head Start Facility will serve approximately 20 to 25 young students and will employ approximately 4 to 6 staff members; and
- 4. The Tse'ii'ahi' Head Start building was built in the 1980's; and was forced to close and to be demolished due to serious health, safety and environmental concerns; and
- 5. The Tse'ii'ahi Chapter developed and completed an Abatement and Demolition Plan for the condemned building in April 2015; and
- 6. The Tse'ii'ahi' Chapter also completed the plan and design of a new replacement facility in December 2016; and
- 7. The Tse'ii'ahi' Chapter will seek construction funds made available through tribal, state and federal funding sources; and
- 8. The Tse'ii'ahi' Chapter has contributed matching funds toward the project in the amount of \$20,000.00; and
- 9. The Tse'ii'ahi' Chapter has requested and secured \$125,000.00 from the New Mexico Capital Outlay program for construction of the project; and
- 10. The Tse'ii'ahi' Chapter is committed to the successful completion of the needed Head Start facility to benefit our community and surrounding communities.



### THE NAVAJO NATAN

# TSE'II'AHI'(Standing Rock) CHAPTER P.O. BOX 247

### **CROWNPOINT, NEW MEXICO 87313**

Telephone: (505) 786-2247/2248 FAX: (505) 786-2249

Email: standingrock@navajochapters.org

Russell Begage, Navajo Nation President

Jonathan Ngz, Navajo Nation Vice-President

# RESOLUTION OF THE TSE'II'AHI' CHAPTER RESOLUTION NO.: TSEII.0717.7001

Respectfully Requesting the New Mexico State Indian Affairs Department and it's Tribal Infrastructure Funds Committee to secure funds from the Tribal Infrastructure Fund Account in the amount of \$3.6 Million to construct a New Tse'ii'ahi' Head Start Building.

### WHEREAS:

- 1. Pursuant to 26 NNC, Section 3 (A) the Tse'ii'ahi' Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed in 11 NNC, part 1, section 10; and
- 2. Pursuant to 26 NNC, Section 1 (B) Tse'ii'ahi' Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate action; and
- 3. The New Proposed Head Start Facility will serve approximately 20 to 25 young students and will employ approximately 4 to 6 staff members; and
- 4. The Tse'ii'ahi' Head Start building was built in the 1980's; and was forced to close and to be demolished due to serious health, safety and environmental concerns; and
- 5. The Tse'ii'ahi Chapter developed and completed an Abatement and Demolition Plan for the condemned building in April 2015; and
- 6. The Tse'ii'ahi' Chapter also completed the plan and design of a new replacement facility in December 2016; and
- 7. The Tse'ii'ahi' Chapter will seek construction funds made available through tribal, state and federal funding sources; and
- The Tse'ii'ahi' Chapter has contributed matching funds toward the project in the amount of \$20,000.00;
   and
- 9. The Tse'ii'ahi' Chapter has requested and secured \$125,000.00 from the New Mexico Capital Outlay program for construction of the project; and
- The Tse'ii'ahi' Chapter is committed to the successful completion of the needed Head Start facility to senefit our community and surrounding communities.



# THE NAVAJO NATION TSE'II'AHI' (Standing Rock) CHAPTER P.O. BOX 247

CROWNPOINT, NEW MEXICO 87313

(505) 786-2247/2248 FAX: (505) 786-2249

Email address: standingrock@navajochapters.org

Russell Begage, Navajo Nation President

Jonathan Ngz, Navajo Nation Vice-President

# RESOLUTION OF THE TSE'II'AHI' CHAPTER RESOLUTION NO.: TSEII.0116.1002

Respectfully Requesting the State of New Mexico, Indian Affairs Department/Tribal Infrastructure Fund Board to secure funding in the amount of \$1,000,000.00 from the Tribal Infrastructure Fund Application 2016 to construct the Tse'ii'ahi' Head Start Building

### WHEREAS:

- 1. Pursuant to 26 NNC. Section 3 (A) the Tse'ii'ahi' Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 NNC, part 1, section 10; and
- 2. Pursuant to 26 NNC. Section 1 (B) Tse'ii'ahi' Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions; and
- 3. The Tse'ii'ahi' Chapter recognizes the chapter is responsible the Head Start Center that delivers educational services to pre-school age children within Tse'ii'ahi' community and to have educational facility locally for community; and
- 4. The Tse'ii'ahi' Chapter is aware of the existing Head Start was built back in 1980's and is in need of a ew construction/building to meet the Head Start building code as well as public facilities under Environmental realth standards; and
- 5. The Tse'ii'ahi Chapter recognizes the need for construction funds and these funds are made available on annual basis from, tribal, state and federal funds; and
- 6. The Tse'ii'ah' Chapter also has funds set aside for new construction of public facilities and currently has earmark \$20,000 00 as matching funds; and
- 7. The Tse'ii'ahi Chapter completed the Abatement and Demolition plan for Tse'ii'ahi Head Start Center on April 2015; and
- 8. The Tse'ii'ahi' Chapter contributed \$27,500.00 towards the Design phase of the project.

### NOW THEREFORE BE IT RESOLVED THAT:

The Tse'ii'ahi' Chapter respectfully requests the State of New Mexico Indian Affairs Department/Tribal Infrastructure Fund Board to secure funding in the amount of \$1.000,000.00 from the Tribal Infrastructure Fund Application 2016 to construct Tse'ii'ahi' Head Start Building.

### CERTIFICATION

I. hereby certify that this foregoing resolution was considered by the people of the Tse'ii'ahi' Chapter at a duly called chapter meeting held at Tse'ii'ahi' Chapter, at which an official quorum was present and was passed by a vote of 27 in favor, 00 opposed, and 03 abstaining on this 19<sup>th</sup> day of January 2016.

Motion by:

Jonnye Tso

Second by:

Michael Coan

ohnny Johnson Chapter President

SET AHI' CHAPTER



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

### MEMORANDUM

TO:

Honorable Mark Freeland

24th Navajo Nation Council Delegate

FROM:

Candace French, Attorney Office of Legislative Counsel

DATE:

May 6, 2019

RE:

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN PROJECT SCOPE IN RESOLUTION CAP-35-18; AMENDING THE PROJECT SCOPE TO ADD DESIGN FOR THE TSE'II'AHI' (STANDING

ROCK) HEAD START BUILDING PROJECT

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

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

# THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0108-19 SPONSOR: Mark A. Freeland

TITLE: An Action Relating To Resources And Development And Budget And Finance Committees; Approving A Change In Project Scope In Resolution CAP-35-18; Amending the Project Scope To Add Design For The Tse'ii'ahi' (Standing Rock) Head Start Building Project

Date posted: May 09, 2019 at 3:52 PM

Digital comments may be e-mailed to 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.: 0108-19** 

SPONSOR: Honorable Mark A. Freeland

TITLE: An Action Relating To Resources And Development And Budget And Finance Committees; Approving A Change In Project Scope In Resolution CAP-35- 18; Amending the Project Scope To Add Design For The Tse'ii'ahi' (Standing Rock) Head Start Building Project

Posted: May 09, 2019 at 3:52 PM

5 DAY Comment Period Ended: May 14, 2019

Digital Comments received:

Comments Supporting	None
Comments Opposing	None
Inconclusive Comments	None

Sr. Programs & Projects Specialist Office of Legislative Services

05.15.19 @ 8:02 Am