LEGISLATIVE SUMMARY SHEET

Tracking No. 0314-20

DATE: December 18, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $7,750,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE N8066 ROAD PAVING PROJECT; APPROVING AND ADOPTING THE N8066 ROAD PAVING PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

PURPOSE: The purpose of this resolution is to allocate $7,750,000 in Sihasin funds to the Navajo Division of Transportation for the N8066 Road Paving Project and to approve and adopt the Expenditure Plan for the Project.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 4:23pm 12-21-20
Posting End Date: 12-26-20
Eligible for Action: 12-27-20

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020
INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0314-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $7,750,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE N8066 ROAD PAVING PROJECT; APPROVING AND ADOPTING THE N8066 ROAD PAVING PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is the oversight committee for the Navajo Nation Division of Transportation. 2 N.N.C. §501 (C)(1).

B. The Budget and Finance Committee is empowered to "appropriate, allocate, cancel, re-appropriate and review the use of Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources. 2 N.N.C. § 301(B)(3).

C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).

E. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund ("Síhasin Fund") is as follows:

> § 2502 Purpose
>
> A. The purposes of this Fund are to provide financial support and/or financing for:
>
> 1. The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and
>
> 2. Education opportunities for members of the Navajo Nation.
>
> B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 NNC § 1310(F) or TCDCJY-77-99.
>
> C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund, including loan financing from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in whole.

12 N.N.C. § 2502, as amended by CJA-03-18.

F. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

G. The Síhasin Fund provides that "Fund Principal and Income shall not be expended except pursuant to a Fund Expenditure Plan consistent with the purposes set forth

in § 2502 of this Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council." 12 N.N.C. § 2505(A).

SECTION TWO. FINDINGS

A. The N8066 Road Paving Project is a $24,750,000 project, as detailed in the "N8066 – Black Mesa Project Summary and Recommendations" attached as **Exhibit A**.

B. The Resources and Development Committee previously approved the N8066 project on the Navajo Nation's Tribal Transportation Improvement Program and the project was awarded $17,000,000 in federal funds. **Exhibit B** (Resolution No. RDCMY-46-18). The $17,000,000 is expected in August 2021. Because the project is estimated to cost a total of $24,750,000 an additional amount of $7,750,000 is needed for the project.

C. The Navajo Division of Transportation ("NDOT") will complete design plans, environmental clearances, permitting, and construction procurement. NDOT will provide construction management for the project, and is working with the Bureau of Indian Affairs/Navajo Region Division of Transportation for BIA/NRDOT to obtain the necessary right-of-way for the project on Navajo Nation land. BIA/NRDOT will hold the right-of-way and will be responsible for operation, maintenance, and repair of the road and bridge improvements once the project is completed. **Exhibit C**.

D. The Black Mesa Chapter has adopted a resolution supporting this Project. **Exhibit D**.

E. The Acting Principal of the Black Mesa Community School has written a letter to the Navajo Nation, explaining the need for the Project and urging support for the Project. **Exhibit E**.

F. The allocation of the $7,750,000 for this Project meets the criteria for Sihasin expenditures because this Project involves "infrastructure" such as "transportation" as mentioned in 12 N.N.C. § 2502(A)(1).

G. The allocation of the $7,750,000 for this Project meets the preference for leveraging Sihasin funds, as mentioned in 12 N.N.C. § 2502(C), because $17,000,000 in federal funds has already been awarded for this Project.

SECTION THREE. APPROVAL AND ADOPTION OF EXPENDITURE PLAN

A. The Navajo Nation hereby approves and adopts the N8066 Road Paving Project Expenditure Plan, attached as **Exhibit A**.

B. The Navajo Nation hereby approves and adopts funding for the N8066 Road Paving Project Expenditure Plan in the amount of $7,500,000 from the Navajo Nation Sihasin Fund, in accordance with 12 N.N.C. § 2505(A).

C. The Síhasin Funds allocated for the N8066 Road Paving Project may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLAN ADMINISTRATION

The Navajo Nation Council hereby approves administration of the N8066 Road Paving Project Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $7,500,000 will be Síhasin Fund Principal or Income or a combination of both.
2. The funding for the N8066 Road Paving Project Expenditure Plan will be distributed to the Navajo Division of Transportation within ten (10) days after the effective date of this legislation. The Navajo Division of Transportation shall be responsible for administering the Project, in accordance with the N8066 Road Paving Project Expenditure Plan described in **Exhibit A**.
3. The funds allocated for the N8066 Road Paving Project Expenditure Plan shall be used solely to design, plan, and/or construct the N8066 Road Paving Project described in **Exhibit A**. Any and all cost-savings shall be returned to the Síhasin Fund once the project is completed.

4. The funds allocated for the N8066 Road Paving Project Expenditure Plan shall not lapse on an annual basis pursuant to 12 N.N.C. §820(N), however, any funds not spent or encumbered within thirty-six (36) months of the date funds are made available to the Navajo Division of Transportation shall revert to the Síhasin Fund principal, unless recommended otherwise by the Resources and Development Committee of the Navajo Nation Council and approved by the Naabik'íyáti' Committee.
5. The N8066 Road Paving Project shall be operated by the BIA/NRDOT, and maintenance and repairs for the Project shall be performed by the BIA/NRDOT.

SECTION FIVE. EFFECTIVE DATE

This legislation and the N8066 Road Paving Project Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

SECTION SIX. DIRECTIVES

The Navajo Division of Transportation shall report the status of the N8066 Road Paving Project to the Resources and Development Committee, and to the Naabik'íyáti' Committee, on a quarterly basis.

Exhibit A

EXHIBIT
tabbies
A

Dibble Engineering

7878 North 16th
Phoen
P 602.957.1155
F 602.957.2838

N8066 - Black Mesa Project Summary & Recommendations

Project Description:

The project is in the northeast corner of Navajo County, Arizona, approximately 25 miles south of Kayenta, AZ. It is in the vicinity of Black Mesa, AZ, within the BIA Chinle Agency Jurisdiction. The roadway improvements extend for approximately 8 miles along Indian Route N8066, which runs parallel to Oraibi Wash. There are two major crossings of Oraibi Wash, one near the north end of the project and one near the south end. This project includes the N8066 School Spur and the Chapter House Access Road. An exhibit of the project is attached. The programmed budget is $17,000,000.

The project consists of two major structures, grading, drainage, treated aggregate base, and fencing. Much of the existing dirt road will be realigned to avoid flooding issues, home sites, utilities and archaeological sites. The Bureau of Indian Affairs (BIA) prepared initial plans for this project. The Navajo Division of Transportation (NDOT) is now preparing final plans. On November 14, 2019 a meeting was held at the Chapter House to provide an update on the project.

Estimated Cost:

An Engineer's Opinion of Probable Construction Cost has been developed. The following is a breakdown of the current estimate.

	Item	Cost
1	N8066: End of pvmt to N8066 Spur Chapter House TO	$12,700,000
2	N8066 Spur: N8066 to Chapter House TO	$600,000
3	N8066 Spur: Chapter House TO to Black Mesa School	$2,300,000
4	N8065 Access Road: N8065 to N8066, Bridge and Roadway	$4,300,000
5	Chapter House TO: N8065 Spur to Chapter House	$200,000
6	N8066: N8066 Spur to End of Proposed Pavement, Concrete Arch and Roadway	$2,000,000
7	Chapter House Parking Area	$400,000
8	AC Pavement (3" Pavement)	$2,000,000
9	Cultural Testing and Recovery (4 Sites)	$250,000
	TOTAL All Projects with Paving and Cultural Site Mitigation	**$24,750,000**
	Funds Available	$17,000,000
	Additional Funds Needed	**$7,750,000**

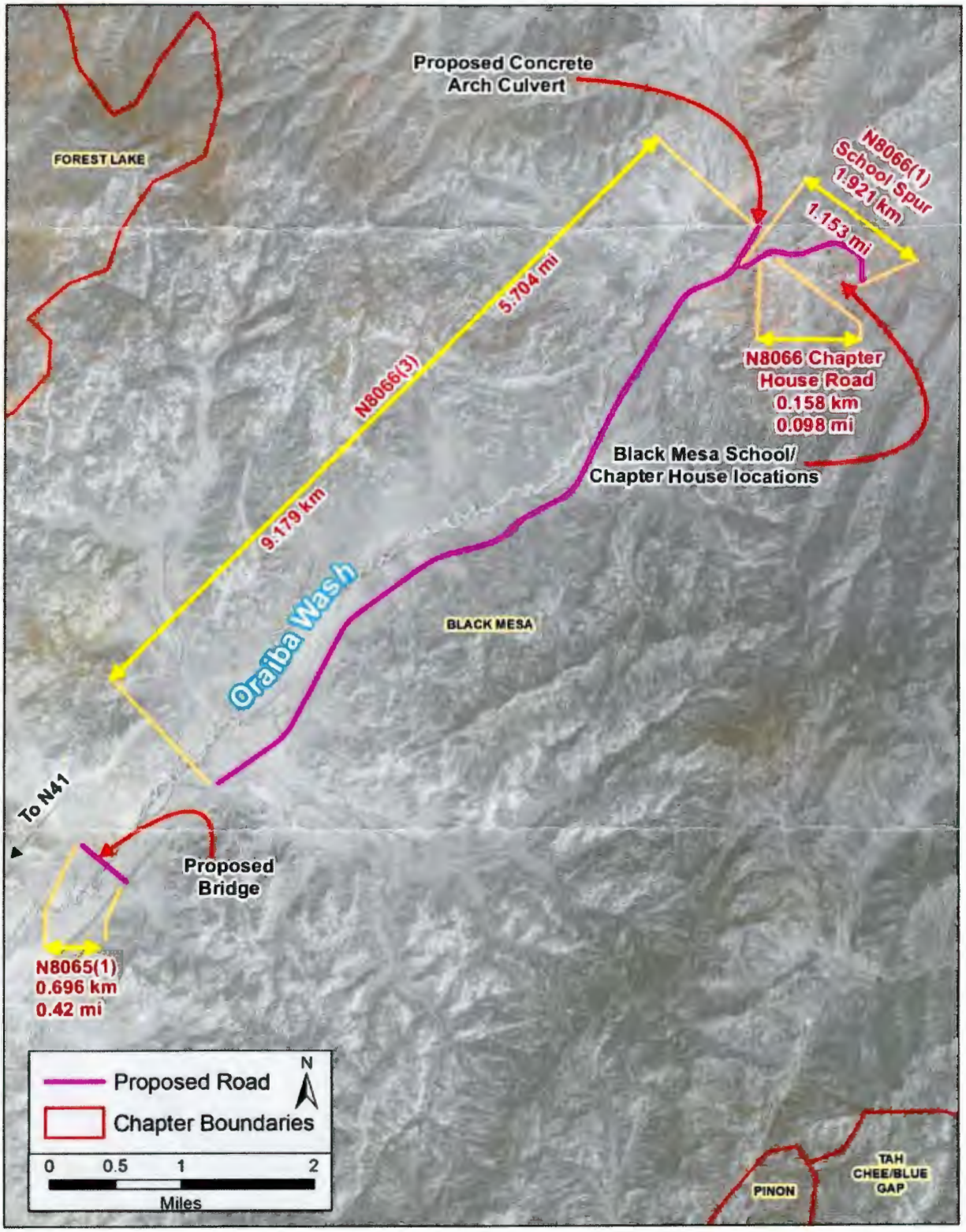
Recommendations:

It is recommended the existing dirt road be realigned to avoid flooding issues, home sites, utilities and archaeological sites. As stated in the N8066 Design Criteria Report dated December 14, 2015, the current road is not sufficiently safe and does not meet AASHTO criteria. The drainage culverts are routinely overtopped, the roadway surface is muddy and slick when wet, and impassable in heavy rains. When the wash is flowing, school children are unable to get to school and Chapter members on the west side of Oraibi Wash are unable to get to the Chapter, school, or other areas within the Black Mesa Chapter. The detour is almost one hour. The improvements are needed for safety and operational efficiency. An additional $7,750,000 is needed in order to construct everything that is in the scope of work.

Dibble Engineering

7878 North 16th Street, Suite 300
Phoenix, Arizona 85020
P 602.957.1155
F 602.957.2838

Exhibit:



NAVAJO DIVISION OF TRANSPORTATION

Delegate Jimmy Yellowhair
24th Navajo Nation Council
P.O. Box 3390
Window Rock, AZ 86515

December 17, 2019

Honorable Yellowhair,

Thank you for your inquiry regarding the status of the N8065 and N8066 road projects.

Regarding N8065, the project addresses six locations of N8065 where washes overflow the roadway during storms and heavy downpour. Attached is a project description with recommendations and estimated costs.

Notably, this project needs additional funds in the amount of $1,424,705 dollars.

Regarding N8066, in general this project encompasses paving approximately eight miles of N8066, bridge construction, drainage and grading. Attached to this memorandum is a project description with recommendations and estimated costs.

For N8066, the project needs additional funds in the amount of $7,750,000 dollars.

Both N8065 and N8066 are a part of the Black Mesa Project located near or within the vicinity of Black Mesa, Ariz.

Please feel free to contact me with any further inquiries at (505) 371-8354 or email at gsilversmith@navajodot.org.

Sincerely,

12/17/19

Garret Silversmith, Executive Director
Navajo Division of Transportation

Exhibit B

RDCMY-46-18

EXHIBIT B

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE FY 2018 NAVAJO NATION TRIBAL TRANSPORTATION IMPROVEMENT PROGRAM

BE IT ENACTED:

Section One. Authority

A. The Resources and Development Committee has oversight authority over roads and transportation to oversee planning and coordination of all roads and transportation activities of the Navajo Nation. 2 N.N.C. § 500 (C)(6).

B. The Resources and Development Committee has oversight authority over the Navajo Division of Transportation. 2 N.N.C. § 501 (C)(1).

Section Two. Findings

A. Pursuant to 25 C.F.R. Part 170, Subpart D of the Tribal Transportation Program, the Navajo Division of Transportation is charged with performing the critical functions in collaboration with the Bureau of Indian Affairs, local, state and federal agencies to develop a tribal transportation priority listing.

B. The Navajo Division of Transportation prepared the FY2018 Navajo Nation Tribal Transportation Improvement Program (TTIP), **Exhibit A**, which includes projects for preliminary study which are cultural, environmental impact studies, rights-of-way, centerline surveys and design; construction engineering funds for construction administration; and, construction funds to construct roadway improvements.

C. The Resources and Development Committee approved Tribal Transportation Improvement Program (TTIP) is to be submitted to the Federal Highway Administration.

D. Approving the FY2018 Navajo Nation Tribal Transportation Improvement Program is in the Navajo Nation's best interest.

Section Three. Approval

The Navajo Nation hereby approves the FY2018 Navajo Nation Tribal Transportation Improvement Program as found at **Exhibit A.**

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 1 opposed, 1 abstained on this 23rd day of May 2018.

Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry

FY 2018 TTIP Project Information Sheet

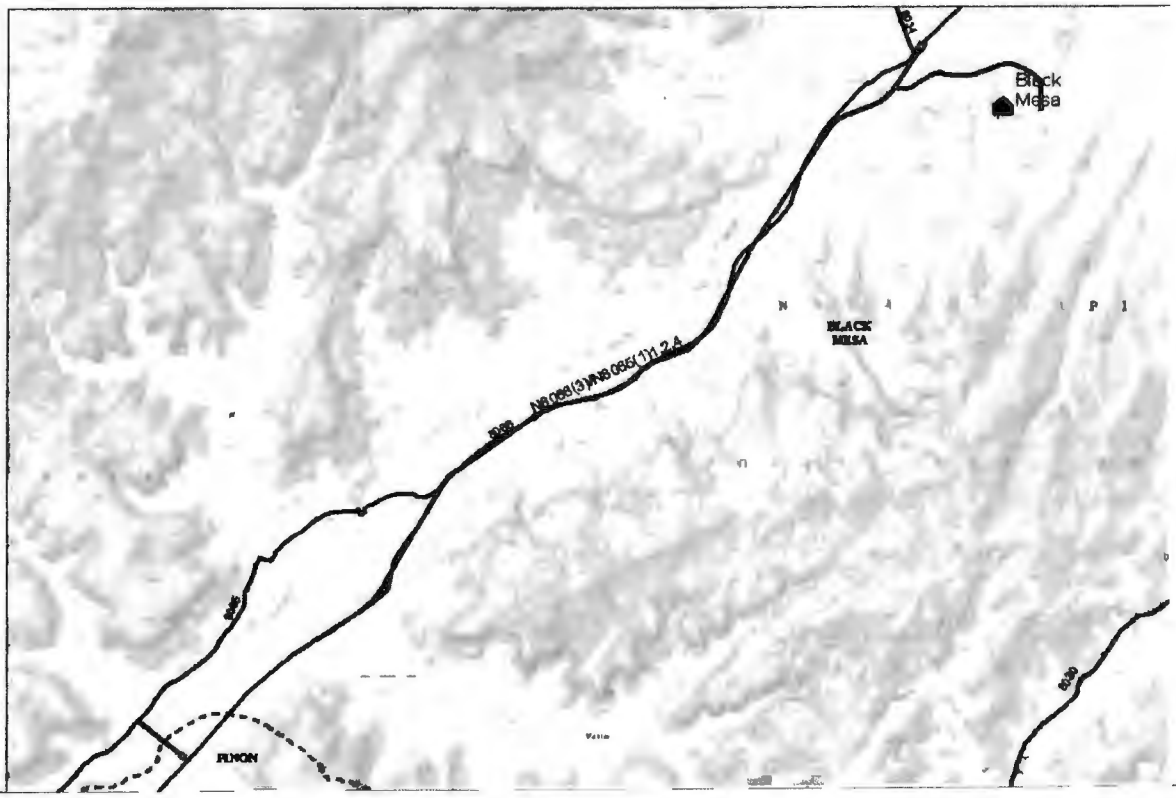
Tribal Transportation Program Transportation Improvement Program
UNOFFICIAL **Project Details Listing** UNOFFICIAL

Consortium: _____ **Tribe Code** N00780
Tribe Navajo Nation **Date**
PROJECT INFORMATION: ☐ Illustrative List **Current FY** 2018

Funding Source TTP (examples: TTP, FLPBP, 2% Planning, HPPP)
Project Name N8066(3)/N8065(1)1,2,4 N41 to Kitsilli
Location Black Mesa, AZ
Type of Work New Construction

Route Number N8066-Section 55,60&7 **Project Number** N8066(3)/N8065(1)1,2,4
Length 7.5 Miles **County** Navajo
State AZ **Construction Year** 2021
Comments Project design is 60% complete. Archaeology and EA will need to be completed by NDOT. Need to apply for ROW. Total construction funds committed = $17,000,000.

Activity	2018	2019	2020	2021	2022	TOTAL
Administration	$0	$0	$0	$0	$0	$0
Planning	$0	$0	$0	$0	$0	$0
Preliminary Engineering	$50,000	$100,000	$131,717	$0	$0	$281,717
Construction	$0	$0	$0	$17,000,000	$0	$17,000,000
Construction Engineering	$0	$0	$0	$200,000	$350,000	$550,000
Transit	$0	$0	$0	$0	$0	$0
Maintenance	$0	$0	$0	$0	$0	$0
TOTAL	$50,000	$100,000	$131,717	$17,200,000	$350,000	$17,831,717



BIA NRDOT Maintenance			$150,000	$150,000	$150,000	$150,000	$150,000	**$750,000**
NDOT			$5,200,000	$5,200,000	$5,200,000	$5,200,000	$5,200,000	**$26,000,000**
NNDOT Safety Projects			$720,000	$750,000	$750,000	$750,000	$750,000	**$3,720,000**
N8008(1)1,2,3 Lukachukai Wash Bridge	N8008(1)1,2,3	2014	$5,125,648	$0	$0	$0	$0	**$5,125,648**
N36(5A-1)4 US 491 to Chaco Wash	N36(5A-1)4	2023	$0	$0	$0	$150,000	$4,987,825	**$5,137,825**
N251(5-2)2,3 North Loop Tselani off N4	N251(5-2)2,3	2015	$8,841,770	$0	$0	$0	$0	**$8,841,770**
N27(2-3)(2-2) South Portion of Nazlini to Chinle	N27(2-3)(2-2)	2018	$16,164,416	$350,000	$0	$0	$0	**$16,514,416**
N12(19-4)1,2&4 Wheatfields Lake to Tsaile, N64 Junction	N12(19-4)1,2&4	2018	$19,850,000	$450,000	$0	$0	$0	**$20,300,000**
N6720(1)1,2,3 Bridge N309	N6720(1)1,2,3	2022	$5,000	$0	$0	$0	$0	**$5,000**
N203(2)1,2 Kinlichee Wash Bridge N629	N203(2)1,2	2022	$20,000	$0	$0	$0	$0	**$20,000**
N12(13-2)1,2&4 Agency Line to Wheatfields Lake	N12(13-2)1,2&4	2021	$500,000	$450,000	$5,591,717	$10,608,283	$300,000	**$17,450,000**
N31(4)1,2,4 Navajo toward Mexican Springs N31/N321 Jct w/ 75m Bridge	N31(4)1,2,4	2014	$17,830,262	$0	$0	$0	$0	**$17,830,262**
N55(1-1)2,4 Alamo to I-40	N55(1-1)2,4	2022	$0	$0	$0	$100,000	$7,762,175	**$7,862,175**
N71(1-1)(2-1)/N2(1)2&4	N71(1-1)(2-1)/N2(1)2&4	2022	$0	$0	$400,000	$100,000	$8,850,000	**$9,350,000**
N9402(1)1,2 Rio Puerco Bridge N656	N9402(1)1,2	2022	$10,000	$0	$0	$0	$0	**$10,000**
N8066(3)/N8065(1)1,2,4 N41 to Kitsilli	N8066(3)/N8065(1)1,2,4	2021	$50,000	$100,000	$131,717	$17,200,000	$350,000	**$17,831,717**
N15(2-2)(3-1)(4-1) ROW Fencing Project from Greasewood Springs to Burnside	N15(2-2)(3-1)(4-1)	2017	$2,758,662	$0	$0	$0	$0	**$2,758,662**
Navajo Nation Gravel Pit Development			$300,000	$250,000	$0	$0	$0	**$550,000**

Page 7

Exhibit C

EXHIBIT
tabbies
C

NAVAJO DIVISION OF TRANSPORTATIO

NAVAJO D.O.T.

POST OFFICE BOX 4620
WINDOW ROCK, ARIZONA 86515

TEL: 505.371-8300
FAX: 505.371-8399

Jonathan Nez, President

Myron Lizer, Vice President

December 15, 2020

Luralene Tapahe, Principal Advocate
Navajo Nation Office of Legislative Counsel
P.O. Box 3390
Window Rock, AZ 86515

RE: N8066 Black Mesa, AZ Road Project
OLC#20-058-1

Dear Ms. Tapahe:

The Navajo Division of Transportation (NDOT) is working with the BIA Navajo Region Division of Transportation (NRDOT) and Black Mesa Chapter to construct approximately 8 miles of road and bridge improvements along BIA Route N8066 within the Black Mesa Chapter. The current dirt road is not sufficiently safe, drainage culverts are routinely overtopped, the road surface is muddy and slick when wet, and impassable during heavy rains. When Oraibi Wash is flowing, school children are unable to get to school and Chapter members on the west side of Oraibi Wash are unable to get the Chapter, community school or other areas within Black Mesa Chapter. The detour is almost one hour.

The Resources and Development Committee approved the N8066 project on the Navajo Nation's Tribal Transportation Improvement Program and the project was awarded Tribal Transportation Program (TTP) federal funds for Preliminary Engineering, Construction, and Construction Engineering activities. The project was awarded $17 million in construction funds.

NDOT will complete design plans, environmental clearance, 404/404 permitting, construction procurement and construction management for the project. These activities are fully funded using TTP federal funds. The NDOT is working with the BIA NRDOT to obtain right-of-way (ROW) for the project. The BIA NRDOT is the ROW applicant and the BIA NRDOT will be responsible for operation and maintenance of the road and bridge improvements once construction is completed.

The NDOT prepared an Engineer's Opinion of Probable Construction Cost for the N8066 road and bridge improvements and cultural resources site mitigation and the total cost is $24,750,000.00 (see next page for cost breakdown). As mentioned above, the N8066 project has received $17 million in TTP federal funds for construction. An additional $7,750,000 is needed in order to construct everything that is in the scope of work. At the request of the Black Mesa Chapter leadership and community members, Delegate Jimmy Yellowhair is requesting approval of $8

million of Sihasin Funds to supplement the existing TTP federal funds of $17 million to construct the full scope of work for N8066 project.

N8066 Engineer's Opinion of Probable Construction Cost

	Item	Cost
1	N8066: End of Pavement to N8066 Spur Chapter House Turn Off	$12,700,000
2	N8066 Spur: N8066 to Chapter Turn Off	$600,000
3	N8066 Spur: Chapter House Turn Off to Black Mesa School	$2,300,000
4	N8065 Access Road: N8065 to N8066 Bridge and Roadway	$4,300,000
5	Chapter House Turn Off: N8066 Spur to Chapter House	$200,000
6	N8066: N8066 Spur to End of Proposed Pavement, Concrete Arch	$2,000,000
7	Chapter House Parking Lot	$400,000
8	Asphaltic Concrete Pavement (3" Pavement)	$2,000,000
9	Cultural Testing and Recovery (4 sites)	$250,000
	TOTAL All Projects with Paving and Cultural Site Mitigation	**$24,750,000**
	Federal Funds Available	$17,000,000
	Additional Funds Needed	**$7,750,000**

If additional information is needed regarding the N8066 project, please feel free to call me at (505) 371-8397. Thank you for your assistance.

Sincerely,

Darryl Bradley, Principal Civil Engineer
Navajo Division of Transportation

Exhibit D

BLACK MESA CHAPTER

P. O. Box 189 * Pinon, Arizona 86510

EXHIBIT D

RESOLUTION OF THE
BLACK MESA (Kits'iili) CHAPTER
Resolution BMC-20-01-022

WHERE AS:

BLACK MESA CHAPTER IS RESPECTFULLY IN SUPPORT AND APPROVAL OF EIGHT MILLION DOLLARS OF SIHASIN FUNDS REQUESTED BY NAVAJO DEPARTMENT OF TRANSPORTATION (NDOT) TO SUPPLEMENT EXISTING FISCAL ALLOCATION TO COMPLETE PHASE THREE N8066 ROAD AND BRIDGE CONSTRUCTION PROJECT.

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 1, 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 its 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 acknowledges that it has great needs for paved roads and bridges to enhance the quality of life for the people, alleviate emergency response time, and greatly improve education and health services which will be made possible with the completion of N8066 Road and Bridge Construction Project. Furthermore, the chapter desires the economic growth that will be enhanced by the N8066 Road and Bridge Project; AND

5. Navajo Department of Transportation (NDOT) proposes to pave the road all the way to Black Mesa Community School and Black Mesa Chapter House, and construct two major permanent bridges crossing the Oraibi Wash along N8066 within the Black Mesa Chapter boundary; AND

6. Black Mesa Chapter is requesting approval of the supplemental funds from Sihasin Funds because this proposed undertaking will provide adequate and much needed transportation services to the community where paved roads is only seven miles; AND

7. Black Mesa Chapter finds it in their best interest that N8066 be paved as soon as possible because it is used as a school bus route by Black Mesa Community School, Pinon Unified School District, Pinon Community School, Navajo Head Start, and the local government entities and residents.

NOW THEREFORE BE IT RSOLVED THAT:

BLACK MESA CHAPTER IS RESPECTFULLY IN SUPPORT AND APPROVAL OF EIGHT MILLION DOLLARS OF SIHASIN FUNDS REQUESTED BY NAVAJO DEPARTMENT OF TRANSPORTATION (NDOT) TO SUPPLEMENT EXISTING FISCAL ALLOCATION TO COMPLETE PHASE THREE N8066 ROAD AND BRIDGE CONSTRUCTION PROJECT.

CERTIFICATION

We hereby certify that the foregoing resolution was fully considered by the Black Mesa Chapter at a duly called meeting at Black Mesa, Arizona at which a quorum was present and that same was passed by a vote of 14 in favor, 0 opposed, and 3 abstained, on this 10th day of January 2020.

Motioned by: Dorothy Yazzie

Seconded by: Brenda Redhair Falsomito

Marvin Yellowhair, President

Edbert Little, Vice -President

Marlene Biltah, Secretary/Treasurer

Jimmy Yellowhair, Council Delegate

Exhibit E

EXHIBIT
tabbies
E

Black Mesa Community School
PO Box 97
Pinon, AZ 86510
Tel: 928-674-3632
Fax: 775-659-8187

School Board Presi
School Board Vice
School Board Secretary, Carolyn Bell
School Board Member, Marvin Yellowhair
Principal, Marie Rose

January 30, 2020

Resource & Development Committee Members
Navajo Nation Council
PO Box 3390
Window Rock, AZ 86515

Navajo Division of Transportation
PO Box 4620
Window Rock, AZ 86515

RE: **Supporting the N8066(3)/N8065(1)1.2&4 Road Construction Project**

Respectfully, the Governing Board and Administration of Black Mesa Community School supports the effort of the Black Mesa Chapter requesting for full funding to complete pavement of N8066/N8065 that includes two bridges and strongly requesting the Navajo Nation Division of Transportation (NDOT) and the Navajo Nation Resources and Development Committee (RDC) of Navajo Nation Council to fully fund the project.

The Black Mesa Community School recognizes that to provide services to students and families within Black Mesa Chapter community, both roads are utilized by our School, Pinon Unified School District (PUSD), Pinon Community School, Navajo Nation Head Start Program, Non-Emergency Transport Services, Navajo Nation Social Services, Pinon/Chinle Health Providers, Forest Lake Chapter Senior Center, UPS, Public Safety, Ambulance Services, NTUA, Tribal, County and Governmental entities.

The Black Mesa Community School experiences a constant minor and major repairs to school buses and school vehicles; and hardship for the students to be on buses for two hours in morning and another two hours in afternoon.

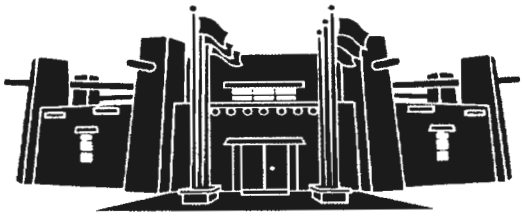
The Black Mesa Community School also recognizes that N8066 is paved only for eight (8) miles off N41 and that N8065 is all dirt road. The residents of Black Mesa community utilize these routes on a daily basis to appointments, obtain essential needs for their family, domestic water and feed for their livestock, etc.

Your thoughtfulness and understanding of our need for paved road is very much appreciated.

Sincerely,

Phyllis Rose
Acting Principal

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO : Honorable Jimmy Yellowhair, Delegate
24th Navajo Nation Council

FROM : Luralene D. Tapahe
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

DATE : December 18, 2020

SUBJECT : **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING $7,750,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORATION FOR THE N8066 ROAD PAVING PROJECT; APPROVING AND ADOPTING THE N8066 ROAD PAVING PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

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 made to the proposed resolution. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0314-20__ **SPONSOR:** Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; allocating $7,750,000 in Síhasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Date posted: December 21, 2020 at 4:23PM

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.: 0314-20

SPONSOR: Honorable Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; allocating $7,750,000 in Síhasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 21, 2020 at 4:23 PM

5 DAY Comment Period Ended: December 26, 2020

Digital Comments received:

Comments Supporting	**1) Marlene Biltah**
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

12:00 PM 12/28/20

Date/Time

December 22, 2020

TO: RESOURCE & DEVELOPMENT COMMITTEE
BUDGET & FINANCE COMMITTEE
NAABIK'IYATI COMMITTEE
NAVAJO NATION COUNCIL

RE: **LEGISLATION 0314-20**
ALLOCATING $7,750,000 IN SIHASIN FUNDS FOR N8066 ROAD PAVING PROJECTS, APPROVING ADOPTING THE N8066 ROAD PAVING PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §§ 2501-2508

I am supporting Legislation 0314-20 sponsored by Delegate Jimmy Yellowhair. As a community member and elected chapter officer of Black Mesa Chapter, I like to see the completion of the 8-mile dirt road to be pave road which is direly needed for community people and students at Black Mesa Community School, Pinon Public Schools, Pinon Community School, Navajo Head Start, Non-Emergency Transport Services, and ambulance services. The fees for buses and vehicle services and repairs are tremendous for the schools and the public services.

Also, the community people travel on Route N8066 daily to appointments, obtain essential needs for their families, domestic water and hay/feed for their livestock. They like to attend chapter meetings, events and activities at the chapter house, but cannot be due to inclement weather. The storms cause washouts, mud sludges, potholes, and can become impassable.

Your kindheartedness and understanding of the community's need for paved road is very much appreciated.

Marlene Biltah

Marlene Biltah
Black Mesa Chapter Secretary/Treasurer
PO Box
Chinle, AZ 86501
Email: mbiltah@hotmail.com

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

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

Legislation # 0314-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Allocating $7,750,000 in Sihasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501-2508. *Sponsor: Honorable Jimmy Yellowhair*

Has had it under consideration and reports a DO PASS with no amendment;

and thereafter the legislation was referred to Budget and Finance Committee.

Respectfully submitted,

Rickie Nez, Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: December 30, 2020 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:
Motion: Mark A. Freeland S: Thomas Walker, Jr. Vote: 4-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Herman M. Daniels and Thomas Walker, Jr.
Oppose: NONE
Excuse: Kee Allen Begay, Jr. (Delegate Begay was excused to take a telephone call from his Chapter.)
Not Voting: Presiding Chairperson Rickie Nez

(NOTE: Vote Tally attached.)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

SECOND YEAR 2020

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0314-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Allocating $7,750,000 in Sihasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501-2508. *Sponsor: Honorable Jimmy Yellowhair*

Date: December 30, 2020 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:
Motion: Mark A. Freeland S: Thomas Walker, Jr. Vote: 4-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Herman M. Daniels and Thomas Walker, Jr.
Oppose: NONE
Excuse: Kee Allen Begay, Jr. (Delegate Begay was excused to take a telephone call from his Chapter.)
Not Voting: Presiding Chairperson Rickie Nez

Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL

Third Year 2021

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # Legislation No. 0314-20:
An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; allocating $7,750,000 in Síhasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Jimmy Yellowhair, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Did Not Vote, no second to the motion,** without amendment.

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

Respectfully submitted,

Jamie Henio, Chairman

Adopted: _____ Not Adopted: _____
Legislative Advisor Legislative Advisor

5 JANUARY 2021

The vote was__ in favor _ opposed *yeas: nays:*
Main Motion: Jimmy Yellowhair
Second: Nathaniel Brown (withdrawn) [Legislative Counsel advised "no second" is an action taken by the Committee therefore, the Legislation moves forward to the next committee for consideration.]

BUDGET AND FINANCE COMMITTEE
5 JANUARY 2021
Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0314-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; allocating $7,750,000 in Síhasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Jimmy Yellowhair, Council Delegate*
Motion: Jimmy Yellowhair
Second: Nathaniel Brown (withdrawn) [Legislative Counsel advised "no second" is an action taken by the Committee therefore, the Legislation moves forward to the next committee for consideration.]
Vote: 0-0, Chairman not voting

Final Vote Tally:

Jamie Henio		
Jimmy Yellowhair		
Raymond Smith Jr.		
Elmer P. Begay		
Amber K. Crotty		
Nathaniel Brown		

Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Third Year 2021

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

NAVAJO LEGISLATIVE BILL #0314-20

An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; allocating $7,750,000 in Síhasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Sponsored by: Honorable Jimmy Yellowhair

Has had it under consideration and reports the same that the legislation **FAILED AND IS REFERRED TO THE NAVAJO NATION COUNCIL**.[1]

Respectfully Submitted,

Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE

14 January 2021

MAIN MOTION
Motioned by: Honorable Jimmy Yellowhair
Seconded by: Honorable Pernell Halona
Vote: 10 in Favor, 11 Opposed (Chairman Damon Not Voting)

1 2 N.N.C. § 164 (12) "...A legislation that does not receive sufficient vote for passage by a committee without final approval authority over the matter shall move forward to the subsequent assigned committee(s) or Navajo Nation Council for action."

Amd# to Amd#	Legislation 0314-20: Allocating $7,750,000 in Sihasin Funds to the Navajo Division of Transportation for the N8066....	FAILED
MOT Yellowhair		
SEC Halona, P		

Yeas : 10 **Nays : 11** **Excused : 1** **Not Voting : 1**

Yea : 10

Begay, E	Halona, P	Tso, E	Wauneka, E
Begay, K	James, V	Walker, T	Yellowhair
Charles-Newton	Smith		

Nay : 11

Begay, P	Freeland, M	Slater, C	Tso, D
Crotty	Henio, J	Stewart, W	Tso, O
Daniels	Nez, R	Tso, C	

Excused : 1

Brown

Not Voting : 1

Yazzie

Presiding Speaker: Damon

24th NAVAJO NATION COUNCIL
ACTION REPORT
Third Year 2021

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0314-20

An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; allocating $7,750,000 in Síhasin Funds to the Navajo Division of Transportation for the N8066 Road Paving Project; Approving and Adopting the N8066 Road Paving Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Sponsored by: Honorable Jimmy Yellowhair

Has had it under consideration and reports the same that the legislation **FAILED**.

Respectfully Submitted,

Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

27 JANUARY 2021

MAIN MOTION
Motioned by: Honorable Eugenia Charles-Newton
Seconded by: Honorable Edmund Yazzie
Vote: 09 In Favor, 13 Opposed (Speaker Damon Not Voting)

Amd# to Amd#	Legislation 0314-20: Allocating $7,750,000 in Sihasin Funds to the Navajo Division of Transportation for the N8066...	FAILED
MOT Charles-Newton		
SEC Yazzie		

Yeas : 9 **Nays : 13** **Excused : 1** **Not Voting : 0**

Yea : 9

Charles-Newton	Smith	Tso, E	Yazzie
Halona, P	Tso, C	Wauneka, E	Yellowhair
James, V			

Nay : 13

Begay, E	Daniels	Nez, R	Tso
Begay, P	Freeland, M	Slater, C	Tso, D
Brown	Henio, J	Stewart, W	Walker, T
Crotty			

Excused : 1

Begay, K

Not Voting : 0

Presiding Speaker: Damon