

LEGISLATIVE SUMMARY SHEET

Tracking No. 0037-18

DATE: January 18, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, 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 \$400,000.00 (FOUR HUNDRED THOUSAND DOLLARS) FOR THE BOND AND BOND BUSINESS SITE REDEVELOPMENT PROJECT; WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

PURPOSE: If approved, this resolution will approve supplemental funding in the amount of \$400,000.00 from the Unreserved Undesignated Fund Balance for the Bond and Bond Business Site Redevelopment Project and will waive the Capital Improvement Process.

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: None
Website Posting Time/Date: 5:20pm 1/24/18
Posting End Date: 1/29/2018
Eligible for Action: 1/30/2018

Resources & Development Committee

THENCE

Budget & Finance Committee

THENCE

Naa'bik'íyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY

Dwight W. Thompson

(Prime Sponsor)

TRACKING NO. 0037-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, 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 \$400,000.00 (FOUR
HUNDRED THOUSAND DOLLARS) FOR THE BOND AND BOND BUSINESS SITE
REDEVELOPMENT PROJECT; WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING
TO THE CAPITAL IMPROVEMENT PROCESS

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation established the Resources and Development Committee as a Navajo Nation Council standing committee and as such gave the Committee the authority to review and make recommendations to the Navajo Nation Council regarding capital improvement projects. 2 N.N.C. §§ 501(B)(4)(c).
- B. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo Nation Council standing committee and as such empowered BFC to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §§ 164 (A)(9), 300 (A), 301 (B)(2).

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

5
6 **SECTION TWO. TITLE 12 FINANCE ACT SUPPLEMENTAL**
7 **APPROPRIATION PROCESS AND THE TITLE 12 CAPITAL**
8 **IMPROVEMENT PROCESS**

9 A. The Title 12 Finance Act Supplemental Appropriation requirements include:

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

20 B. The Title 12 Capital Improvement Process includes:

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

1 (4) Major building improvements that are not routine maintenance expenses
2 and that substantially enhance the value or extend the useful life of a
3 structure;

4 (5) Construction of new buildings or facilities including engineering, design,
5 and other pre-construction costs with an estimated cost in excess of an
6 amount to be determined by the Controller; and/or

7 (6) Major equipment or furnishing required to furnish new buildings or other
8 projects, the cost of which is above a certain amount to be established by
9 the Controller.

10 2. Pursuant to 12 N.N.C. § 820 (I), the “[d]evelopment of the Capital Budget shall
11 be coordinated with development of the Operating Budget. All budget requests
12 for capital improvements shall be in compliance with an adopted Capital
13 Improvement Plan and shall not be approved unless in compliance with the
14 Plan.”

15 3. Pursuant to 12 N.N.C. § 820 (M), the Office of Management and Budget shall
16 coordinate the overall preparation, adoption and implementation of both the
17 annual operating and capital budgets of the Navajo Nation. All requests for
18 annual operating funds and supplemental funds shall be submitted to the Office
19 of Management and Budget for budget impact analysis and other appropriate
20 action.

21 4. Pursuant to 2 N.N.C. § 501 (B)(4)(c), the Resources and Development
22 Committee is to review and recommend to the Navajo Nation Council through
23 the appropriate process supplemental appropriations to the capital improvement
24 projects annual budget to fund necessary additional capital improvement
25 projects.

26 5. Pursuant to 12 N.N.C. § 860 (C)(2) “[t]he appropriation portion of the Capital
27 Improvement Plan is subject to approval of the Navajo Nation Council upon
28 recommendation of the Budget and Finance Committee. Any modification or
29 amendment affecting the approved Capital Improvement Plan is subject to
30

1 review and concurrence by the Resources and Development Committee prior to
2 consideration by the Navajo Nation Council.”

3 4 **SECTION THREE. FINDINGS**

- 5 A. This is a funding request for a supplemental appropriation from the Unreserved,
6 Undesignated Fund Balance in the amount of \$400,000. *See Exhibit A.*
- 7 B. Pursuant to 12 N.N.C. § 810(F), the Bond and Bond Business Site Redevelopment
8 Project is considered a capital improvement project due to the long-term forecast
9 that the site will be used for commercial development.
- 10 C. The Bond and Bond Business Site Redevelopment Project is not included in the
11 Title 12 Capital Improvement Plan because the Capital Improvement Plan was
12 rescinded by Navajo Nation Council by CAP-23-17.
- 13 D. Pursuant to the 2018 Budget Instructions Manual Section XIV. B., the supplemental
14 funding request budget forms are attached as **Exhibit B.**
- 15 E. The Office of Management and Budget has completed a Budget Impact Analysis of
16 the Bond and Bond Business Site Redevelopment Project pursuant to 12 N.N.C. §
17 820(M) and is attached as **Exhibit C.**
- 18 F. The Office of the Controller has provided a memorandum dated October 18, 2017,
19 indicating the balance in the Unreserved, Undesignated Fund Balance as of
20 September 8, 2017 is \$31,258,217. This memorandum is provided to meet the
21 requirements of 12 N.N.C, 820 (L). The Controller of the Navajo Nation has
22 designated the funds as non-recurring. This memorandum is attached as **Exhibit D.**
- 23 G. Pursuant to Executive Order 07-2013, the Executive Review/164 Process must be
24 completed for requests originating in the Executive Branch. The Legislative 164
25 Review Process is attached as **Exhibit E.**
- 26 H. The Navajo Nation finds it in the best interest of the Navajo people to approve this
27 supplemental appropriation request and to waive the Capital Budget and Capital
28 Improvement Plan requirements as stated in 12 N.N.C. §§ 820(I) and 860 (C)
29 regarding Bond and Bond Business Site Redevelopment Project.
- 30

1 **SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE**
2 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
3 **\$400,000 FOR THE BOND AND BOND BUSINESS SITE REDEVELOPMENT**
4 **PROJECT**

5 A. The Navajo Nation hereby approves the supplemental appropriation from the
6 Unreserved, Undesignated Fund Balance to Navajo Nation Small Business
7 Development Department for the Bond and Bond Business Site Redevelopment
8 Project.

9 B. This supplemental appropriation of \$400,000.00 shall be from that amount of funds
10 that exceeds the minimum fund balance of the Unreserved, Undesignated Fund
11 Balance as determined by the Office of the Controller and to the new business unit
12 number assigned to the Round Rock Trading Post Business Site Redevelopment
13 Project.

14
15 **SECTION FIVE. WAIVING 12 N.N.C. §§ 820(I) AND 860 (C) REGARDING THE**
16 **CAPITAL IMPROVEMENT PROCESS**

17 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(I) and 860(C) with regard
18 to the Capital Improvement process and the Bond and Bond Business Site
19 Redevelopment Project. The waiver of 12 N.N.C. §§ 820(I) and 860(C) includes
20 submittal of the Capital Project to the Capital Project Management Department for
21 review, guidance and advice or the requirements pursuant to TCDCJY-77-99 regarding
22 the Capital Improvement Projects Guidelines Policies and Procedures.

23
24
25 **SECTION SIX. EFFECTIVE DATE**

26 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).
27
28
29
30



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

EXHIBIT

A

TO: Council Delegate Dwight Witherspoon
FR: Crystal J. Deschinny, DED Director
DT: October 9, 2017
RE: Sponsorship for UUFB Legislation

I respectfully ask for your consideration to sponsor UUFB Legislation to support four (4) economic development projects. The 4 projects were chosen based on need and strategic planning within several Chapters.

The four projects are:

1. Bond & Bond Site: located in Shiprock and is in a prime location. New development is being proposed within a mile of this site and lends to the overall master plan of Shiprock. The site is in need of asbestos abatement, clean-up and redevelopment. The estimated project amount is: \$ 400,000
2. Former Jim's Business Site: This site is one of two (2) business sites that are ready for clean-up, demolition, and redevelopment. A c-store is proposed on the site. The estimated project cost of this particular opportunity is: \$2,215,000
3. Former Round Rock Trading Post: The other of two (2) business sites is in need of funding for clean-up and removal. Cleaning up the burnt remains of the former trading post compliments the Jim site project and ready the centrally located Chapter for growth. The estimated project cost is: \$ 400,000
4. Former Chee's Southwest Store: Located in Pinon, this is also one of two sites that is in need of demolition, clean-up, and redevelopment. The site is abandoned with debris strewn around the site. The project is a strategic selection given other clean-up work and long term plans for an office complex nearby. The project's estimated cost is: \$1,455,000

Attached you will find brief descriptions and Project Budget Summaries that have been prepared for all four. Please don't hesitate to contact me at: 928-551-7983 should you have further questions.

Your support and assistance is greatly appreciated.

Respectfully,

A handwritten signature in black ink, reading "Crystal J. Deschinny".

Crystal J. Deschinny, MBA/MA

SUMMARY
DEMOLITION PROJECT
FORMER BOND & BOND BUILDINGS
Shiprock, New Mexico

The project will consist of an assessment and demolition of former decaying buildings located in Shiprock, New Mexico. The buildings were built on a business site lease containing 2.59 acres, more or less under the jurisdiction of the Bureau of Indian Affairs. There are three buildings located on site, one is considered a former trading post, then came the other two buildings, the two buildings were built after the trading post and consist of approximately 10,790 square feet.

The project scope also includes the disposal of possible asbestos remediation of contaminated floor tiles and roof. The objectives of the project were to demolish buildings on the property and make the land site available for future reuse of land for prime commercial development.

Proposed project cost is estimated at \$400,000.00, this will involve assessment of possible hazardous materials, demolition of existing buildings on the property and land improvements for future development of prime commercial property.

Former Business Site Lease and Location



**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**



PART I. Business Unit No.: NEW **Program Title:** Bond & Bond Site Redevelopment
ECON DEV/Project
Division/Branch: Devmt **Amount Requested:** \$ 400,000.00 **Phone No.:** 928.871.7389
Prepared By: Jeannette Jones, Pr. EDS **Email Address:** jeannett@navajobusiness.com

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Funding request from the Undesignated Unreserved Fund to redevelop the former Bond & Bond Business Site, Shiprock, NM. The project is to clear and prepare the site for business leasing. The site has been inactive due to Insufficient funds for business site development. The site is to be demolished, cleared and redeveloped to lease for commercial purposes. The project will generate a return on investment by creating employment and business opportunities, generate lease rental and Navajo Nation taxes, provide employment and business opportunities for Shiprock and surrounding communities.

Fund Allocation: Contractural Services \$80,000 and Capital Outlay \$320,000, Total \$400,000.

PART III. CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

The project may proceed as minimal phased development using the funds available;

The project may be delayed until funds become available;

PART IV. ALTERNATIVE FUNDING SOURCES BEING PURSUED:

Division of Econoic Development Sales Fund;

The communities and program requests for DED Sales Tax Funds exceeds the available funds.

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

Jeannette Jones 12-4-17
REVIEWED BY: Division Director's Signature / Date

L. Suite 1/22/18
RECOMMEND APPROVAL: Branch Chief's Signature / Date

PART I. Business Unit No.: NEW		Program Title: Bond & Bond Site Redevelopment		Division/Branch: Economic Development: Project Development Department	
Prepared By: Jeannette Jones, Principle EDS		Phone No.: 928.871.7389		Email Address: jeannette@navajobusiness.com	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
UUFB		Oct. 2017-Sept. 2018	400,000.00	100							
					2001	Personnel Expenses		0			0
					3000	Travel Expenses		0			0
					3500	Meeting Expenses		0			0
					4000	Supplies		0			0
					5000	Lease and Rental		0			0
					5500	Communications and Utilities		0			0
					6000	Repairs and Maintenance		0			0
					6500	Contractual Services	4	0	80,000		80,000
					7000	Special Transactions		0			0
					8000	Public Assistance		0			0
					9000	Capital Outlay	4	0	320,000		320,000
					9500	Matching Funds		0			0
					9500	Indirect Cost		0			0
					TOTAL			\$0.00	400,000.00		400,000

PART IV. POSITIONS AND VEHICLES			(D)	(E)
Total # of Positions Budgeted:			0	0
Total # of Permanently Assigned Vehicles:			0	0

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

Anthony Perry

SUBMITTED BY: Program Manager's Printed Name

11-30-17

Crystal J. Deschinsky

APPROVED BY: Division Director/Branch Chief's Printed Name

12-4-17

SUBMITTED BY: Program Manager's Signature and Date

APPROVED BY: Division Director/Branch Chief's Signature and Date

PART I. PROGRAM INFORMATION:		NEW		Business Unit No.:		Program Name/Title:		Bond & Bond Site Redevelopment	
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE: GSCAP-12-07 Division of Economic Development is established for the purpose of creating an environment that is conducive to promote and develop business in the commercial, tourism, industrial and other sections of the Navajo Nation economy, to enhance the creation of jobs and business opportunities									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Program Performance Area: Retain contractual services and Contract Administration									
Goal Statement:									
Initially, develop scope of work, retain Prof./Tech services. Contract Administration on monthly basis.									
2. Program Performance Area: Project Management									
Goal Statement:									
Review work progress for compliance with plans/specification & process monthly payments.									
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.									
_____ Program Manager's Printed Name 11-30-17					_____ Division Director/Branch Chief's Printed Name Unstated Residue 12-4-17				
_____ Program Manager's Signature and Date					_____ Division Director/Branch Chief's Signature and Date				

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2018

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Bond & Bond Site Redevelopment	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
	Inspection of Business site, develop scope of work, retain technical services for demolition and clean-up of the site. Redevelop the site for commercial purposes and leasing by the Navajo Nation.		
6810	6500 Contractual Services Architectural/Design (non-cap) 6813 Archi/Design (NC) Fees 6814 Archi/Design (NC) Expenses	80,000	80,000
9050	9000 Capital Outlay Building 9060 Construction in Progress	320,000	320,000
TOTAL		400,000	400,000



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ



MEMORANDUM

TO : Dwight Witherspoon, Delegate
23rd Navajo Nation Council

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

DATE : October 27, 2017

SUBJECT : OMB Review of Legislation #5763: Four (4) budgets totaling \$4,470,000 from the UUFB to Division of Economic Development for capital projects, as listed below:

- a. Bond & Bond Business Site Redevelopment.....\$400,000
- b. Jim Business Site Redevelopment.....\$2,215,000
- c. Round Rock Trading Post Business Site Redevelopment.....\$400,000
- d. Chee's Store Business Site Redevelopment.....\$1,455,000

The Office of Management and Budget (OMB) has reviewed the above packet and provides the following:

1. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to the FY 2018 Budget Resolution CS-53-17 (paragraph 'L'), the FY 2018 Budget Instructions Manual (Section XIV), and the Appropriations Act. This activity should be completed by the three branches to determine priorities.
2. OMB recommends compliance with the Navajo Nation Appropriations Act regarding Supplemental Appropriations (Section 820, L). This has not been done. Compliance includes:
 - a. Branch Chief's concurrence of the supplemental request (NN President).
 - b. Non-recurring expenses only.
 - c. The supplemental Funding Proposal Summary (Appendix K, FY 18 BIM)
3. The Budget Instructions Manual states that Supplemental Funding request for Capital Projects shall be submitted to DCD-Capital Project Management Department (CPMD) for review, guidance, and advice. There is no indication that this was done.
4. The Appropriations Act, at 12 NNC 820 (I), requires that the capital outlay comply with an adopted Capital Plan. Currently, there is no approved Capital Plan.
5. Corrections need to be made to the proposed budgets. The proposed budget for Jim Business Site Redevelopment, Project Form 3, indicated \$320,000 but does not calculate into the budget amount. This needs to be reviewed and amounts recalculated.

The document as submitted is deemed "insufficient" for the reasons listed above. If there are any further questions contact me at extension 6230.

Concurrence,

Dominic Beyal
Dominic Beyal, Executive Director
Office of Management & Budget

xc: Carl Smith, Division Director, DCD
Crystal Deschinny, Division Director, DED
OMB file





THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO: Lisa Jymm, Principal Budget Analyst
Office of Management and Budget

FROM: Dwight Witherspoon
Dwight Witherspoon, Delegate
23rd Navajo Nation Council

DATE: October 30, 2017

SUBJECT: Legislation #5763, Projects Proposed for UUFB, \$4,470,000.

The Memorandum addresses the OMB memorandum of October 27, 2017 and responds to the inquiries that were presented:

1. The Division of Economic Development (DED) has prioritized projects that were submitted to the Office of the President and Vice President and approved as the DED Five Year Plan. See Item 3.
2. The FY2018 Supplemental Forms are attached for:
 - a. Bond & Bond \$400,000.00
 - b. Jim Business Site Redevelopment \$2,215,000.00
 - c. Round Rock Trading Post Redevelopment \$400,000.00
 - d. Chee's Store Business Site Redevelopment \$1,455,000.00
3. The Division of Economic Development projects are not typically included in the Division of Community Development Capital Plan as its priority is community/chapter projects. DED has an Economic Development Plan (Five Year Plan) that was approved by the Resources and Development Committee of the Navajo Nation Council, pursuant to Resolution No. RDCJY-79-17. The DED Five Year Plan supports the Division's efforts to seek funds for projects in the commercial, industrial and industrial sectors to develop the economy of the Navajo Nation. (RDC Resolution is attached).
4. The Budget for the Jim Business Site Redevelopment, Form 3 was corrected, deleting \$320,000 and inserting the correct number. The corrected form is attached.

Attachment:



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
Office of the Controller

Date: October 18, 2017

Subject: 164 Review-005763-UUFB-\$4,470,000 request for four (4) Economic
Development Projects

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

1. The balance of the UUFB is \$31,258,217 as of October 8, 2017, this supplemental request is for \$4,470,000 for four (4) business sites.
2. These are projects and should be deemed non recurring costs.

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

LEGISLATIVE BRANCH
THE NAVAJO NATION
POST OFFICE BOX 3390
WINDOW ROCK, ARIZONA 86515



No. _____

SECTION 164 REVIEW PROCESS

NAME: Hon. Dwight Witherspoon DEPT.: CO-Legislative PHONE: (928) 871-6380

DOCUMENT: UFB Request for four (4) Economic Development Projects: DATE: October 10, 2017

1. Bond & Bond Site
2. Former Jim's Business Site
3. Former Round Rock Trading Post
4. Former Chee's Southwest Store

SURNAME

1. Sponsor: Hon. Dwight Witherspoon *Dwight Witherspoon* Date: 10/10/17
2. OMB *Note: Need Budget Impact Statement *** *Deputy - See 10/27/17 memo.* Date: _____
3. CCC Date: _____
4. DOJ Date: _____
5. Speaker/NC Date: _____
6. _____ Date: _____
7. _____ Date: _____

Date Signed: _____ No. of Signatures: 4

Disposition: _____ Initial: _____

LEGISLATIVE BRANCH
THE NAVAJO NATION
POST OFFICE BOX 3390
WINDOW ROCK, ARIZONA 86515

No. 5763

SECTION 164 REVIEW PROCESS

NAME: Hon. Dwight Witherspoon DEPT.: OO-Legislative PHONE: (928) 871-6380

DOCUMENT: UFB Request for four (4) Economic Development Projects: DATE: October 10, 2017

1. Bond & Bond Site
2. Former Jim's Business Site
3. Former Round Rock Trading Post
4. Former Chee's Southwest Store

SURNAME

1. Sponsor: Hon. Dwight Witherspoon Dwight Witherspoon Date: 10/10/17
2. OB Note: Need Budget Impact Statement ** Deputy Date: See 10/27/17 memo
3. OC Date: _____
4. DDI Date: _____
5. Speaker/NCI Date: _____
6. _____ Date: _____
7. _____ Date: _____

Date Signed: _____ No. of Signatures: _____

Disposition: _____ Initial: _____

WHITE • Original

CANARY • Department

LEGISLATIVE BRANCH
THE NAVAJO NATION
POST OFFICE BOX 3390
WINDOW ROCK, ARIZONA 86515

No. 5763

SECTION 164 REVIEW PROCESS

NAME: Hon. Dwight Witherspoon DEPT.: OO-Legislative PHONE: (928) 871-6380

DOCUMENT: UFB Request for four (4) Economic Development Projects: DATE: October 10, 2017

1. Bond & Bond Site
2. Former Jim's Business Site
3. Former Round Rock Trading Post
4. Former Chee's Southwest Store

SURNAME

1. Sponsor: Hon. Dwight Witherspoon Dwight Witherspoon Date: 10/10/17
2. OMB Date: _____
3. CCC Parton Date: 10/18/17
4. DOJ Date: _____
5. Speaker/NC Date: _____
6. _____ Date: _____
7. _____ Date: _____

Date Signed: _____ No. of Signatures: _____

Disposition: _____ Initial: _____

LEGISLATIVE BRANCH
THE NAVAJO NATION
POST OFFICE BOX 3390
WINDOW ROCK, ARIZONA 86515

No. 5763

SECTION 164 REVIEW PROCESS

NAME: Hon. Dwight Witherspoon DEPT.: CD-Legislative PHONE: (928) 871-6380

DOCUMENT: UFB Request for four (4) Economic Development Projects: DATE: October 10, 2017

1. Bond & Bond Site
2. Former Jim's Business Site
3. Former Round Rock Trading Post
4. Former Chee's Southwest Store

SURNAME

1. Sponsor: Hon. Dwight Witherspoon Dwight Witherspoon Date: 10/10/17
2. OMB Date: _____
3. OC Date: _____
4. DOJ Insufficient. See memo. LBJ Date: 1/23/18
5. Speaker/NNC Date: _____
6. _____ Date: _____
7. _____ Date: _____

Date Signed: _____ No. of Signatures: _____

Disposition: _____ Initial: _____



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

CHERIE ESPINOSA
ACTING DEPUTY ATTORNEY GENERAL

M E M O R A N D U M

TO: Dwight Witherspoon, Council Delegate
23rd Navajo Nation Council

FROM:


LaTonia B. Johnson, Assistant Attorney General
Economic/Community Development Unit, Dept. Of Justice

DATE: January 23, 2018

SUBJECT: Doc. No. 5763: Four (04) UUFB Economic Development
Projects

First, I would like to apologize for the delay in responding to this issue. In reviewing the document, the Navajo Nation Department of Justice (DOJ) has reviewed the above-mentioned document and deems the document to be "insufficient." As you know, all supplement requests must be made consistent with the Budget Instruction Manual (BIM) Section XI(E), and Appropriation Act (Act), 12 N.N.C. § 800 et. seq. I have attached a checklist that I have created for all supplemental appropriation requests. Second, please review the attached checklists for each of the four (04) projects as there are requirements that are lacking and those requirements need to be submitted. The checklist reflects the requirements of the BIM and Act. In its current form, the documents are not in compliance with the BIM and Act.

If you have any questions regarding this memorandum, please contact me at 928-871-6933. Thank you.

LBJ/gj/13

Attachments



NAVAJO NATION DEPARTMENT OF JUSTICE

REQUEST FOR SERVICES



DOJ
10/10/17 @ 4:58pm
DATE / TIME
RFS # 17-2412
UNIT: ECDN

☐ RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 10/10/17 ENTITY/DIVISION: Council Delegate
CONTACT NAME: Dwight Witherspoon DEPARTMENT: Legislative
PHONE NUMBER: 505-906-1520 E-MAIL: Dwight.Witherspoon@gmail.com

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents):
UUF3 Request for (4) Economic Development
Projects: Bond & Bond Site (Shoek), Former Jim's Buo. Site
(R.R.), Former Round Rock Trading Post (RRK), and
Former Chee's Store (Pinon)

DEADLINE: Oct. 16, 2017 REASON: Fall NNCS.

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: OCT 11 2017 10:15am REVIEWING ATTORNEY/ADVOCATE: Latoria

DATE/TIME OUT OF UNIT: PREPARED BY (initial):

DOJ ATTORNEY / ADVOCATE COMMENTS

Insufficient. See memo

REVIEWED BY: (PRINT) [Signature]

DATE / TIME 10/23/17

DOJ Secretary Called:

for Document Pick Up on

at

By:

PICKED UP BY: (PRINT)

DATE / TIME:

Revised NNDJ/ARS Form - July 2013

OCT 11 2017

CHECKLIST¹
Supplemental Appropriation Request
Non-Capital Improvement request

TYPE OF REQUEST:

Bond 3, Bond site 4007C

PURPOSE:

All supplemental appropriation requests should be in compliance with the Appropriation Act, 12 N.N.C. § 300, *et. seq.*, the Budget Instruction Manual (BIM), Section XIV and Appendix J and K and, if the supplemental is grant funding request for organizations external to the Navajo Nation government, Appendix G.

CHECKLIST:

- ☐ Supplemental Request Form: See BIM, Section XIV(B)(1)- Appendix K.
- ☒ Outline why funding is being requested outside the regular or annual fiscal year budget development process. See BIM, Section XIV(B)(2)(b)(i).
- ☒ Outline what other sources of funding have been considered and pursued if the supplemental request is not funded. See BIM, Section XIV(B)(2)(b)(ii). —
- ☐ Signatures:
 - ☐ Signature of the appropriate Division Director.
 - ☐ Concurrence by the appropriate Branch Chief.
- ☐ Program Operating Budget Forms 1 thru 5: See BIM, Section XIV(B)(1).
 - ☐ Form 1
 - ☐ Signature of the appropriate Division/Department.
 - ☐ Concurrence by the Branch Chief/Division Director.
 - ☐ Form 2
 - ☐ Signature of the appropriate Division/Department.
 - ☐ Concurrence by the Branch Chief/Division Director.
 - ☐ *If applicable*, Form 3² (see footnote 2 below).
 - ☐ Form 4
 - ☐ *If applicable*, Form 5³ (see footnote 3 below).

¹ This checklist reflects the requirements of the 2018 BIM.

² Forms 3 is only required if the supplemental request involves personnel or positions to be funded. See BIM, XV(B).

³ Form 5 is only required if the supplemental request involves personnel or positions to be funded. See BIM, XV(B).

☒ Project Budget Forms (for Capital Projects): See BIM, Section VII and Appendix J.

☒ Form 1 that has the signature of the appropriate Department Director and Division Director.

☒ Form 2.

☒ Form 3.

Other BIM requirements:

- ☐ *If applicable*, any supplemental request that is four (4) months or older must be updated in the event the budget information or the proposal changes during the four (4) month period. See BIM, Section XIV(B)(2)(c).
- ☐ Funding requests must be prorated based on the remaining time left within the fiscal year. See BIM, Section XIV(B)(2)(d).
- ☐ Written assessment of the supplemental request by the Office of Management and Budget which should include a review of the budget, performance, expenditures and other pertinent program information. See BIM, Section XIV(B)(3) and to meet requirements of the 164 review process.
- ☐ Include a program performance assessment of on-going program, which should include a review of the performance data, expenditures and other pertinent program information.



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

CHIEF OF CHIEFS
VICE CHIEF OF CHIEFS

TO: Council Delegate Dwight Witherspoon
FR: Crystal J. Deschinny, DED Director
DT: October 9, 2017
RE: Sponsorship for UUFB Legislation

I respectfully ask for your consideration to sponsor UUFB Legislation to support four (4) economic development projects. The 4 projects were chosen based on need and strategic planning within several Chapters.

The four projects are:

1. Bond & Bond Site: located in Shiprock and is in a prime location. New development is being proposed within a mile of this site and lends to the overall master plan of Shiprock. The site is in need of asbestos abatement, clean-up and redevelopment. The estimated project amount is: \$ 400,000
2. Former Jim's Business Site: This site is one of two (2) business sites that are ready for clean-up, demolition, and redevelopment. A c-store is proposed on the site. The estimated project cost of this particular opportunity is: \$2,215,000
3. Former Round Rock Trading Post: The other of two (2) business sites is in need of funding for clean-up and removal. Cleaning up the burnt remains of the former trading post compliments the Jim site project and ready the centrally located Chapter for growth. The estimated project cost is: \$ 400,000
4. Former Chee's Southwest Store: Located in Pinon, this is also one of two sites that is in need of demolition, clean-up, and redevelopment. The site is abandoned with debris strewn around the site. The project is a strategic selection given other clean-up work and long term plans for an office complex nearby. The project's estimated cost is: \$1,455,000

Attached you will find brief descriptions and Project Budget Summaries that have been prepared for all four. Please don't hesitate to contact me at: 928-551-7983 should you have further questions.

Your support and assistance is greatly appreciated.

Respectfully,

A handwritten signature in cursive script, reading "Crystal J. Deschinny".

Crystal J. Deschinny, MBA/MA

SUMMARY
DEMOLITION PROJECT
FORMER BOND & BOND BUILDINGS
Shiprock, New Mexico

The project will consist of an assessment and demolition of former decaying buildings located in Shiprock, New Mexico. The buildings were built on a business site lease containing 2.59 acres, more or less under the jurisdiction of the Bureau of Indians Affairs. There are three buildings located on site, one is considered a former trading post, then came the other two buildings, the two buildings were built after the trading post and consist of approximately 10,790 square feet.

The project scope also includes the disposal of possible asbestos remediation of contaminated floor tiles and roof. The objectives of the project were to demolish buildings on the property and make the land site available for future reuse of land for prime commercial development.

Proposed project cost is estimated at \$400,000.00, this will involve assessment of possible hazardous materials, demolition of existing buildings on the property and land improvements for future development of prime commercial property.

Former Business Site Lease and Location



**THE NAVAJO NATION
PROJECT BUDGET SUMMARY**

Page 1 of 3
PROJECT FORM 1

PART I. Business Unit No.: NEW Project Title: Bond & Bond Business Site Redevelopment
 Div of Econ. Devmt -
 Division/Branch: Small Business Devmt Chapter: Shiprock Agency: Shiprock
 Prepared By: Jeannette Jones, Principal Econ. Dev. Spec. Phone No.: (928) 871-7389

PART II. Check one: ☒ Original ☐ Revision ☐ Reallocation ☐ Modification

Project Funds/Source(s)	Appropriation End Date	Amount	% of Total
UUFB	9/30/2018	\$ 400,000.00	100%
TOTAL:		\$ 400,000.00	100%

PART III. Budget at LOD 4	Amount
6500 Contractual Services	\$ 80,000.00
9000 Capital Outlay	320,000.00
TOTAL	\$ 400,000.00

PART IV.	Project Information
Project Type: <u>Capital</u>	
Planned Start Date: <u>10/2/2017</u>	
Planned End Date: <u>9/30/2018</u>	
Project Manager: <u>DED Project Development Dept.</u>	
FOR OMB USE ONLY	
Resolution No.: _____	
FMIS Set Up Date: _____	
Company No.: _____	
OMB Analyst: _____	

PART V. ACKNOWLEDGEMENT:

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

Anthony Perry

SUBMITTED BY: Dept. Director Signature / Date

Crystal J. Deschinny

VERIFIED BY: Div. Director Signature / Date

10-04-17

Crystal J. Deschinny 10-4-17

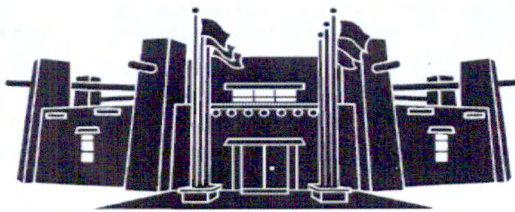
THE NAVAJO NATION
PROJECT PROCESS SCHEDULE

PART I. Business Unit No.: NEW		Project Title: <u>Bond & Bond Business Site Redevelopment</u>																
Project Description <u>Demolition, Site Clean up and redevelop the business site to prepare for leasing.</u>																		
PART II. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																		
Project Task List: such as Plan, Design, Construct, Equip or Furnish.	FY 2018								FY 2019								Expected Completion Date if exceeds 8 FY Qtrs.	
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Date					
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
Develop Scope of Work																		
RFP-Technical Service	x																	
Proposal Review	x																	
Select Tech. Service		x																
Procurement Clearances		x																
Package/Process Contract		x																
Administrative Review																		
Execute Contract		x																
Plans/Spec Development		x																
Project Plans Complete																		
RFP-Contractor																		
Select Contractor																		
Procurement Clearance																		
Sec 164 Review: Agreement																		
Execute Agreement																		
Work in Progress																		
Work Completed																		
PART IV.																		
Expected Quarterly Expenditures	80,000.00	106,666.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00	106,667.00
PROJECT TOTAL	\$400,000.00																	

THE NAVAJO NATION
PROJECT BUDGET AND JUSTIFICATION

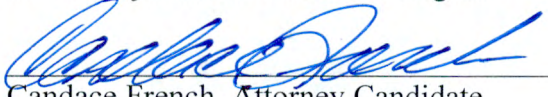
Page 3 of 3
PROJECT FORM 3

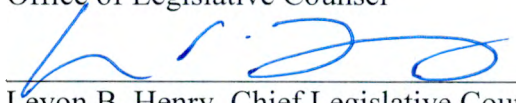
PART I. Business Unit No.: <u>NEW</u>				
Project Title: <u>Bond & Bond Business Site Redevelopment</u>				
PART II.				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Object Code (LOD 4)	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
			Inspect Business Site, retain technical services to develop plans/specifications for the demolition work, retain contractor for the site demolition and site clean-up. Redevelop the business site for leasing by the Navajo Nation.	
4	6500	6810	Contractual Services 80,000 Architecture/Design (non cap) 6813 Arch/Design (NC) Fees 6814 Arch/Design (NC) Expenses	80,000
4	9000	9010	Capital Outlay 320,000 Land & Improvements 9014 Land Improvements	320,000
		9050	Building 9060 Construction in Progress 9062 Contingencies	
PAGE TOTAL:				\$ 400,000.00



MEMORANDUM

TO: Honorable Dwight Witherspoon
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney Candidate
Office of Legislative Counsel

THRU: 
Levon B. Henry, Chief Legislative Council
Office of Legislative Counsel

DATE: January 18, 2018

RE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, 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 \$400,000.00 (FOUR HUNDRED THOUSAND DOLLARS) FOR THE BOND AND BOND BUSINESS SITE REDEVELOPMENT PROJECT; WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted will be legally sufficient once an executive review is completed and the budget forms are signed by the appropriate Branch Chief. 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: _0037-18_

SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Resources And Development Committee, Budget And Finance Committee; NAABIK'IYATI' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$400,000.00 (Four Hundred Thousand Dollars) For The Bond And Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) And 860(C) Relating To The Capital Improvement Process

Date posted: January 24, 2018 at 5:20 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.: 0037-18

SPONSOR: Honorable Dwight Witherspoon

TITLE: An Action Relating To Resources And Development Committee, Budget And Finance Committee; NAABIK'IYATI' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$400,000.00 (Four Hundred Thousand Dollars) For The Bond And Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) And 860(C) Relating To The Capital Improvement Process

Posted: January 24, 2018 at 5:20 PM

5 DAY Comment Period Ended: January 29, 2018

Digital Comments received:

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



 Legislative Secretary II
 Office of Legislative Services

1/30/2018 8:19am

 Date/Time

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

LEGISLATION NO.: 0037-18

SPONSOR: Honorable Dwight Witherspoon

TITLE: An Action Relating To Resources And Development Committee, Budget And Finance Committee; NAABIK'IYATI' Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$400,000.00 (Four Hundred Thousand Dollars) For The Bond And Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) And 860(C) Relating To The Capital Improvement Process

Posted: January 24, 2018 at 5:20 PM

5 DAY Comment Period Ended: January 29, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>(1) Office of the Controller – Robert Willie</i>



**Office Assistant
Office of Legislative Services**

6.12.2018 11:30 am

Date/Time




THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT

Memorandum:

To: Navajo Nation Delegates
Navajo Nation Government

From: 
Robert Willie, Accounting Manager
Office of the Controller

Date: April 13, 2018

Subject: Legislation 0037-18-UUFB Bond and Bond Business Site Redevelopment Project

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

1. The un-audited balance of the UUFB is \$10,073,560 as of April 11, 2018; there are a number of other supplemental requests that will be considered by the Navajo Nation Council in the near future. This supplemental request is for \$400,000 which for an assessment and demolition of former decaying buildings for the Bond and Bond Business Site Redevelopment project. Also please be reminded that the UUFB balance is unaudited and is subject to change pending the completion of the FY 2017 audit.
2. The costs for this project we determined are NON-RECURRING costs.
3. Important Note: Our office is currently monitoring the Nation's actual minerals revenue to-date versus the projected revenues for FY 2018. Additionally, our office has started the revenue projection task for the upcoming 2019 operating budgets. Being that minerals revenue levels are decreasing, we recommend the Nation spend the UUFB in a prudent and conservative manner for these reasons The Navajo Nation actual minerals revenue to date vs. the projection for FY 2018 is a real concern going forward as well as for the upcoming Fiscal 2019 therefore is this type of spending prudent as there may be possible shortfall in revenue in the near future which would affect the UUFB.

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

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

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,


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

Legislation # 0037-18: An Action Relating to Resources and Development, Budget and Finance Committee, Naabik'Iyati Committee and the Navajo Nation Council; Approving Supplemental Funding From the Unreserved, undesignated Fund Balance in the Amount of \$400,000.00 (Four Hundred Thousand Dollars) for the Bond and Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) and 860(C) Relating to the Capital Improvement Process. *Sponsor: Honorable Dwight Witherspoon*

Has had it under consideration and reports a DO PASS with no amendments:

And the matter was referred to the Budget and Finance Committee.

Respectfully submitted,



Benjamin Bennett, Presiding Vice-Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: February 7, 2018

Meeting Location: NN Museum Conference Room, Window Rock, AZ

MAIN MOTION: Alton Joe Shepherd

S: Leonard Pete

V: 5-0-1 (VCNV)

VOTE TALLY:

YEAS: (X) AJS () BB (X) DF (X) LP (X) JP (X) WP

NAYS: () AJS () BB () DF () LP () JP () WP

NOT VOTING: () AJS (X) BB () DF () LP () JP () WP

RESOURCES AND DEVELOPMENT COMMITTEE
Regular Meeting – February 7, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0037-18: An Action Relating to Resources and Development, Budget and Finance Committee, Naabik'Iyati Committee and the Navajo Nation Council; Approving Supplemental Funding From the Unreserved, undesignated Fund Balance in the Amount of \$400,000.00 (Four Hundred Thousand Dollars) for the Bond and Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) and 860(C) Relating to the Capital Improvement Process. *Sponsor: Honorable Dwight Witherspoon*

MAIN MOTION: Alton Joe Shepherd

S: Leonard Pete

V: 5-0-1 (VCNV)

VOTE TALLY:

YEAS: (X) AJS () BB (X) DF (X) LP (X) JP (X) WP

NAYS: () AJS () BB () DF () LP () JP () WP

NOT VOTING: () AJS (X) BB () DF () LP () JP () WP



Benjamin Bennett, Presiding Vice-Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee

23rd NAVAJO NATION COUNCIL

Fourth Year 2018

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 0037-18:

An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabikiyati Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$400,000.00 (One Million Four Hundred Thousand Dollars) for the Bond and Bond Business Site ReDevelopment Project; Waiving 12 N.N.C. §§ 820(I) and 860(C) Relating to the Capital Improvement Process
Sponsored by Dwight Witherspoon, Council Delegate

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

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

Respectfully submitted,



Lee Jack Sr., *Pro Tem* Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

7 February 2018

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

**23rd NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Fourth Year 2018**

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

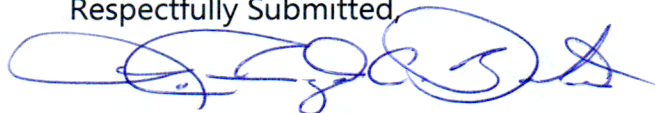
NAVAJO LEGISLATIVE BILL #0037-18

An Action Relating to Resources and Development Committee, 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 \$400,000.00 (Four Hundred Thousand Dollars) for the Bond and Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820 (I) and 860 (C) Relating to the Capital Improvement Process

Sponsored by: Honorable Dwight Witherspoon

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

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'LoRenzo C. Bates', with a stylized flourish at the end.

*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

12 FEBRUARY 2018

MAIN MOTION:

Motioned by: Honorable Davis Filfred

Seconded by: Honorable Tom T. Chee

Vote: 07 In Favor, 06 Opposed (Chairman Bates Broke Tie)

NAVAJO NATION

RCS# 779

2/12/2018

Naa'bik'iyati Committee

05:17:35 PM

Amd# to Amd#

Legislation No. 0037-18:

PASSED

MOT Filfred

Approving Supplemental Funding

SEC Chee

from the UUFB in the Amount of
\$400,000 for the Bond and Bond..

Yea : 7

Nay : 6

Excused : 1

Not Voting : 10

Yea : 7

Bates
BeGaye, N

Chee
Damon

Filfred
Hale

Witherspoon

Nay : 6

Begay, NM
Phelps

Shepherd
Slim

Tso

Tsosie

Excused : 1

Begay, S

Not Voting : 10

Begay, K
Bennett
Brown

Crotty
Daniels
Jack

Perry
Pete

Smith
Yazzie

23rd NAVAJO NATION COUNCIL ACTION REPORT Fourth Year 2018

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

NAVAJO LEGISLATIVE BILL #0037-18

An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabik'iyáti' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$400,000.00 (Four Hundred Thousand Dollars) for the Bond and Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820 (I) and 860 (C) Relating to the Capital Improvement Process

Sponsored by: Honorable Dwight Witherspoon

Has had it under consideration and reports the same **WAS TABLED AND REMAINS WITH THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Speaker
23rd NAVAJO NATION COUNCIL

16 FEBRUARY 2018

AMENDMENT #1:

Replace budget form 2 (attached);
Replace Exhibit D with updated Controller letter;
Page 4, Line 20, strike ~~\$31,258,217~~ and replace with \$27,717,798

Motioned by: Honorable Seth Damon

Seconded by: Honorable Tuchoney Slim, Jr.

Vote: 16 in Favor, 00 Opposed (Speaker Bates Not Voting)

AMENDMENT #2:

Page 5, Line 14, New "C": C. Remove themselves off the five year plan.

Motioned by: Honorable Otto Tso

Seconded by: Honorable Raymond Smith, Jr.

Vote: 15 in Favor, 00 Opposed (Speaker Bates Not Voting)

TABLING MOTION:

Motion to Table (Controller ruled budget includes recurring costs)

Motioned by: Honorable Seth Damon

Seconded by: Honorable Jonathan Perry

Vote: 09 in Favor, 06 Opposed (Speaker Bates Not Voting)

MAIN MOTION:

Motioned by: Honorable Edmund Yazzie

Seconded by: Honorable Nelson S. BeGaye

Vote: PENDING VOTE

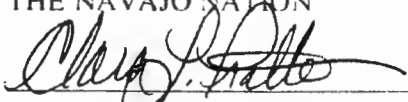


THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO: DIVISION DIRECTORS and STAFF
THE NAVAJO NATION

FROM: 
Clara L. Matte, *Chief of Staff*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT


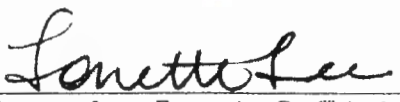

DATE: November 13, 2017

SUBJECT: STANDING DELEGATION OF AUTHORITY

Please be advised that the personnel listed below, in order of succession, will be delegated in the capacity of *Chief of Staff* of the Navajo Nation Office of the President and Vice President when I am unavailable.

This delegation is for administrative purposes only and does not re-delegate Navajo Nation policy authority reserved for the Navajo Nation President and Vice President. Your adherence to this delegation is appreciated. Should you have any questions, please call (928) 871-7000.

ACKNOWLEDGED:

1. 
Joshua L. Butler, *Deputy Chief of Staff*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT
2. 
Lonette Lee, *Executive Staff Assistant*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT
3. 
Dr. James J. Davis, Jr., *Executive Staff Assistant*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT

CC: Navajo Nation Office of the Speaker, Navajo Nation Judicial Branch, Navajo Nation Office of the Controller, File

FY_2018_

PART I. PROGRAM INFORMATION:		Program Name/Title:		Bond & Bond Site ReDevelopment			
Business Unit No.:		NEW					
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:							
GSCAP-12-07 Division of Economic Development is established for the purpose of creating an environment that is conducive to promote and develop business in the commercial, tourism, industrial and other sections of the Navajo Nation economy, to enhance the creation of jobs and business opportunities.							
PART III. PROGRAM PERFORMANCE CRITERIA:							
1. Program Performance Area:							
Retain contractual services and contract administration.							
Goal Statement:							
Initially, develop scope of work, retain Prof/Tech services. Contract Administration on monthly basis.							
2. Program Performance Area:							
Project Management.							
Goal Statement:							
Management the project with inspections, monthly meetings, process work progress payments.							
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.							
Program Manager's Printed Name WITHNUT PERRY				Division Director/Branch Chief's Printed Name CLARA PRATTE, COO			
Program Manager's Signature and Date [Signature] 2-16-18				Division Director/Branch Chief's Signature and Date [Signature] 2/16/18			



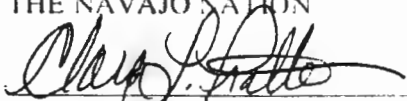
THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

110
PRESIDENT

MEMORANDUM

TO: DIVISION DIRECTORS and STAFF
THE NAVAJO NATION

FROM: 
Clara L. Matte, *Chief of Staff*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT




DATE: November 13, 2017

SUBJECT: STANDING DELEGATION OF AUTHORITY

Please be advised that the personnel listed below, in order of succession, will be delegated in the capacity of *Chief of Staff* of the Navajo Nation Office of the President and Vice President when I am unavailable.

This delegation is for administrative purposes only and does not re-delegate Navajo Nation policy authority reserved for the Navajo Nation President and Vice President. Your adherence to this delegation is appreciated. Should you have any questions, please call (928) 871-7000.

ACKNOWLEDGED:

1. 
Joshua L. Butler, *Deputy Chief of Staff*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT
2. 
Lonette Lee, *Executive Staff Assistant*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT
3. 
Dr. James J. Davis, Jr., *Executive Staff Assistant*
OFFICE OF THE PRESIDENT AND VICE PRESIDENT

CC: Navajo Nation Office of the Speaker, Navajo Nation Judicial Branch, Navajo Nation Office of the Controller, File



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT


Memorandum

Date: February 14, 2018

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

Honorable Lorenzo Bates, Speaker
Navajo Nation Council

Honorable JoAnn Jayne, Chief Justice
Judicial Branch

From: 
Pearline Kirk, Controller
Office of the Controller

Subject: Controller's Financial Update As of January 31, 2018

I am pleased to present to you the following information related to General Fund financial data up to January 31, 2018.

The General Fund Financial data is as follows:

The gross General Fund Revenues (see **Exhibit "A"**) as of January 31, 2018 is \$99,205,877, and the total set asides total \$33,057,058. The Net Revenue for the General Fund is \$66,148,819, which is 44.45% of the projection.

The total expenditures by branch are shown on **Exhibit "B"**.

- The Legislative Branch has expenditures of \$4,736,197, encumbrances of \$540,894 with a remaining budget of \$11,563,745.
- The Executive Branch expenditures are \$60,501,243 encumbrances are \$5,813,170 with a remaining budget of \$109,189,810.
- The Judicial Branch expenditures are \$3,933,787 with zero encumbrances and remaining budget of \$9,914,134.
- Total General Fund expenditures are \$69,171,228; total encumbrances are \$6,354,064 with an overall remaining budget of \$130,667,690.

The updated UUFB as of February 14, 2018 is \$27,717,798 (see **Exhibit "C"**). There have been two supplemental appropriations during Fiscal Year 2018 in the total amount of \$3,909,557.

If you should have any questions, you can contact me at Tribal extension X6308.



THE NAVAJO NATION
General Fund Revenue Schedule
(Unaudited)
January 31, 2018

FY 2018

GENERAL FUND REVENUE

	Original Budget	Revised Budget	Actual Revenue Received	Revenue to be collected	% Revenue of Total
TNN: ROYAL; GAS; OIL	\$ 25,378,000	\$ 25,378,000	\$ 9,327,940	\$ 16,050,060	36.76
TNN: COAL REVENUES	45,381,000	45,381,000	13,027,475	32,353,525	28.71
TNN:OTR MINERALS REV			14,807	(14,807)	
TNN: LAND REVENUES	62,644,000	62,644,000	44,562,838	18,081,162	71.14
TNN: BUSINESS FEES			24,995	(24,995)	
TNN: INTEREST INCOME	2,500,000	2,500,000	2,247,521	252,479	89.90
TNN: TAX REVENUES	62,965,000	62,965,000	28,568,428	34,396,572	45.37
COURT FINES + FEES	400,000	400,000	136,722	263,278	34.18
TNN: OTHER REVENUES	750,000	750,000	1,142,582	(392,582)	152.34
BIA: ROYAL; GAS; OIL			106,680	(106,680)	
BIA: COAL REVENUES			26	(26)	
BIA:OTR MINERALS REV			-	-	
BIA: LAND REVENUES			45,863	(45,863)	
TOTAL REVENUE	\$ 200,018,000	\$ 200,018,000	\$ 99,205,877	(1) \$ 100,812,123	49.60
LESS:SET ASIDES					
CAPITAL OUTLAY MATCH	\$ (2,000,000)	\$ (2,000,000)	(2,000,000)	\$ -	100.00
LAND FUND TRANSFER	(4,000,000)	(4,000,000)	(1,984,118)	(2,015,882)	49.60
PERMANENT FUND TRNSF	(24,002,000)	(24,002,000)	(11,904,705)	(12,097,295)	49.60
WATER RIGHTS CLAIM FU	(2,000,000)	(2,000,000)	(2,000,000)	-	100.00
DINE' HIGHER EDUCATIO	(11,200,000)	(11,200,000)	(11,200,000)	-	100.00
VETERANS TRUST FUND S	(8,001,000)	(8,001,000)	(3,968,235)	(4,032,765)	49.60
TOTAL SET ASIDE	\$ (51,203,000)	\$ (51,203,000)	\$ (33,057,058)	(2) \$ (18,145,942)	64.56
SUB TOTAL	\$ 148,815,000	\$ 148,815,000	\$ 66,148,819	(3) \$ 82,666,181	44.45
PERMANENT FUND INCOME TRANSFER					
OTHER REVENUE TRANSFER	\$ 10,881,000	\$ 10,881,000	\$ 10,881,000	(4) \$ -	100.00
ADD: PF FIVE-YEAR CONTINGENCY	2,885,000	2,885,000	2,885,000	(5) -	100.00
TOTAL PFI TRANSFER	\$ 13,766,000	\$ 13,766,000	\$ 13,766,000	\$ -	100.00
NET PFI TRANSFER	\$ 13,766,000	\$ 13,766,000	\$ 13,766,000	\$ -	100.00
GRAND TOTAL	\$ 162,581,000	\$ 162,581,000	\$ 79,914,819	(6) \$ 82,666,181	49.15

- (1) Gross General Fund Revenues
- (2) Total Set Asides for General Fund Revenue
- (3) Net General Fund Revenue
- (4) Permanent Fund Income allocation to General Fund
- (5) Permanent Fund Income allocation reserve (CO-54-16)
- (6) Grand total General Fund Revenues

Controller's Report-Special Session-February 2018

EXHIBIT "A"

Prepared by:
General Accounting
2/15/2018



FY 2018 EXHIBIT "B"

The Navajo Nation Budget Status_Income Statement As of January 31, 2018

Branch / Object Account	Original Budget	Revised Budget	Actual Expenses	Encumbrances	Budget Available	% Available
LEGISLATIVE BRANCH						
2001 - Personnel Expenses	\$ 10,202,527	11,839,705	3,512,857		\$ 8,326,848	70.33
3000 - Travel Expenses	1,500,400	1,431,847	472,450	39,034	920,363	64.28
3500 - Meeting Expenses	258,642	362,097	117,727	-	244,370	67.49
4000 - Supplies	295,427	450,263	169,613	37,874	242,775	53.92
5000 - Lease & Rental	222,665	226,788	79,109	45,480	102,199	45.06
5500 - Communications & Utilities	144,602	144,850	33,157	-	111,693	77.11
6000 - Repairs & Maintenance	71,281	125,726	66,720	649	58,357	46.42
6500 - Contractual Services	499,854	1,437,403	153,074	271,827	1,012,502	70.44
7000 - Special Transactions	369,412	382,308	130,778	14,087	237,443	62.11
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	217,412	439,849	711	131,943	307,196	69.84
9500 - Matching & Indirect Cost	-	-	-	-	-	-
Total LEGISLATIVE BRANCH	\$ 13,782,222	\$ 16,840,836	\$ 4,736,197 (1a)	\$ 540,894 (1b)	\$ 11,563,745 (1c)	68.66
EXECUTIVE BRANCH						
2001 - Personnel Expenses	80,000,411	83,204,401	23,095,938	-	\$ 60,108,463	72.24
3000 - Travel Expenses	9,602,678	9,472,050	2,935,764	3,580	6,532,706	68.97
3500 - Meeting Expenses	922,101	536,613	47,314	-	489,299	91.18
4000 - Supplies	5,051,048	5,188,141	1,218,528	522,644	3,446,969	66.44
5000 - Lease & Rental	2,905,239	4,431,047	2,115,269	130,093	2,185,684	49.33
5500 - Communications & Utilities	6,405,226	7,138,720	1,712,530	518,303	4,907,887	68.75
6000 - Repairs & Maintenance	4,881,542	6,653,922	1,774,347	1,432,554	3,447,021	51.80
6500 - Contractual Services	5,462,198	9,106,568	584,079	2,951,390	5,571,099	61.18
7000 - Special Transactions	10,247,095	10,282,575	3,790,524	141,339	6,350,713	61.76
8000 - Assistance	32,211,358	33,940,942	21,463,857	72,584	12,404,502	36.55
9000 - Capital Outlay	1,067,855	1,265,866	167,851	40,685	1,057,331	83.53
9300 - Other Income and Expense	-	-	-	-	-	-
9500 - Matching & Indirect Cost	4,283,378	4,283,378	1,595,243	-	2,688,135	62.76
Total EXECUTIVE BRANCH	\$ 163,040,129	\$ 175,504,224	\$ 60,501,243 (2a)	\$ 5,813,170 (2b)	\$ 109,189,810 (2c)	62.21
JUDICIAL BRANCH						
2001 - Personnel Expenses	\$ 12,487,393	12,492,946	3,681,025		\$ 8,811,921	70.54
3000 - Travel Expenses	367,211	438,932	64,362	-	374,570	85.34
3500 - Meeting Expenses	27,250	45,250	1,410	-	43,840	96.88
4000 - Supplies	226,217	297,219	43,215	-	254,004	85.46
5000 - Lease & Rental	9,805	14,592	9,819	-	4,773	32.71
5500 - Communications & Utilities	98,802	108,030	20,025	-	88,005	81.46
6000 - Repairs & Maintenance	50,211	183,801	44,067	-	139,734	76.02
6500 - Contractual Services	5,050	11,550	3,592	-	7,958	68.90
7000 - Special Transactions	161,958	255,603	66,272	-	189,330	74.07
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	-	-	-	-	-	-
9300 - Other Income and Expense	-	-	-	-	-	-
Total JUDICIAL BRANCH	13,433,897	13,847,922	3,933,787 (3a)	\$ - (3b)	\$ 9,914,134 (3c)	71.58
GRAND TOTAL:	\$ 190,256,248	\$ 206,192,982	\$ 69,171,228 (4a)	\$ 6,354,064 (4b)	\$ 130,667,690 (4c)	63.37

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

Prepared By:
General Accounting
2/15/2018

FY 2018
EXHIBIT "C"



Undesignated, Unreserved, Fund Balance (UUFB)
February 14, 2018

09-30-17 UUFB balance <u>(Un-Audited)</u>		31,627,355
Less Supplementals:		
CD-72-17 Grazing, Farm Board, Land Board	2,452,257	
CD-73-17- UNM Housing	1,457,300	
Total Supplementals		<u>3,909,557</u>
UUFB -unaudited 02/14/18		<u><u>27,717,798</u></u>

Prepared by: General Accounting

2/15/2018

9:08 AM

NAVAJO NATION

RCS# 988

Special Session

2/16/2018

04:24:19 PM

Amd# to Amd#

Table Legislation No. 0037-18

PASSED

MOT Damon

SEC Perry

Yea : 9

Nay : 6

Excused : 3

Not Voting : 6

Yea : 9

Begay, K
Begay, S
Bennett

Damon
Daniels

Hale
Perry

Slim
Witherspoon

Nay : 6

BeGaye, N
Chee

Pete
Smith

Tso

Yazzie

Excused : 3

Tsosie

Shepherd

Brown

Not Voting : 6

Bates
Begay, NM

Crotty
Filfred

Jack

Phelps

NAVAJO NATION

RCS# 986

Special Session

2/16/2018
04:01:54 PM

Amd#1 to Amd# Replace budget form 2

PASSED

MOT Damon

SEC Slim

Yea : 16

Nay : 0

Excused : 3

Not Voting : 5

Yea : 16

Begay, K
Begay, NM
Begay, S
BeGaye, N

Bennett
Chee
Damon
Daniels

Hale
Perry
Pete
Slim

Smith
Tso
Witherspoon
Yazzie

Nay : 0

Excused : 3

Brown

Shepherd

Tsosie

Not Voting : 5

Bates
Crotty

Filfred

Jack

Phelps

NAVAJO NATION

RCS# 987

2/16/2018

Special Session

04:21:49 PM

Amd#2 to Amd#

Remove name from Five Year
Plan

PASSED

MOT Tso

SEC Smith

Yea : 15

Nay : 0

Excused : 3

Not Voting : 6

Yea : 15

Begay, K
Begay, S
BeGaye, N
Bennett

Chee
Damon
Daniels
Hale

Perry
Pete
Slim
Smith

Tso
Witherspoon
Yazzie

Nay : 0

Excused : 3

Brown

Shepherd

Tsosie

Not Voting : 6

Bates
Begay, NM

Crotty
Filfred

Jack

Phelps