

LEGISLATIVE SUMMARY SHEET

Tracking No. 03/3-20

DATE: December 21, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING \$19,500,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR THE N8031/N4 ROAD PROJECT; APPROVING AND ADOPTING THE N8031/N4 ROAD PROJECT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

PURPOSE: The purpose of this resolution is to allocate \$19,500,000 in Sihasin funds to the Navajo Division of Transportation for the N8031/N4 Road Project and to approve and adopt the Expenditure Plan for the Project.

5-DAY BILL HOLD PERIOD: 4:18pm 12-21-20
Website Posting Time/Date: 4:18pm 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. 0313-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,
NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL;
ALLOCATING \$19,500,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF
TRANSPORATION FOR THE N8031/N4 ROAD PROJECT; APPROVING AND
ADOPTING THE N8031/N4 ROAD 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).

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

3 E. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund
4 (“Síhasin Fund”) is as follows:

5 § 2502 Purpose

6 A. The purposes of this Fund are to provide financial support and/or financing for:

- 7 1. The planning and development of economic development and regional
8 infrastructure supporting economic development and community
9 development, including such infrastructure as, but not limited to, housing,
10 commercial and government buildings, waterline, solid waste management
11 development, powerline projects, and transportation and communication
12 systems, within the Navajo Nation; and

- 13 2. Education opportunities for members of the Navajo Nation.

14 B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not
15 be limited by 12 NNC § 1310(F) or TCDCJY-77-99.

16 C. Leveraging the Fund by way of guaranteeing loans, match funding, direct
17 funding in part, and other weighted uses of the Fund, including loan financing
18 from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct
19 funding in whole.

20 12 N.N.C. § 2502, as amended by CJA-03-18.

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

26 G. The Síhasin Fund provides that “Fund Principal and Income shall not be expended
27 except pursuant to a Fund Expenditure Plan consistent with the purposes set forth
28 in § 2502 of this Chapter and adopted by a two-thirds (2/3) vote of all members of
29 the Navajo Nation Council.” 12 N.N.C. § 2505(A).

1 **SECTION TWO. FINDINGS**

- 2 A. The N8031/N4 Road Project is a \$41,800,000 project, as detailed in the “N4/N8031–
3 Hardrock Pinon Project Summary and Recommendations” attached as **Exhibit A**.
- 4 B. The Resources and Development Committee approved the N8031/N4 project within
5 the Navajo Nation’s Tribal Transportation Improvement Program and the project was
6 awarded \$22,300,000 in federal funds. See Resolution No. RDCMY-46-18. Because
7 the project is estimated to cost a total of \$41,800,000 the amount of \$19,500,000 is
8 needed for the project. **Exhibit B**.
- 9 C. The Navajo Division of Transportation (“NDOT”) will complete design plans,
10 environmental clearances, permitting, and construction procurement. NDOT will
11 provide construction management for the project, and is working with the Bureau of
12 Indian Affairs/Navajo Region Division of Transportation for BIA/NRDOT to obtain
13 the necessary right-of-way for the project on both Navajo Nation and Hopi tribal
14 lands. BIA/NRDOT will hold the right-of-way and will be responsible for operation,
15 maintenance, and repair of the road and bridge improvements once the project is
16 completed. **Exhibit C**.
- 17 D. The Hardrock Chapter has adopted a resolution supporting this Project. **Exhibit D**.
- 18 E. The allocation of the \$19,500,000 for this Project meets the criteria for Sihasin
19 expenditures because this Project involves “infrastructure” such as “transportation”
20 as mentioned in 12 N.N.C. § 2502(A)(1).
- 21 F. The allocation of the \$19,500,000 for this Project meets the preference for leveraging
22 Sihasin funds, as mentioned in 12 N.N.C. § 2502(C), because \$22,300,00 in federal
23 funding has already been awarded for this Project.
- 24

25 **SECTION THREE. APPROVAL AND ADOPTION OF EXPENDITURE PLAN**

- 26 A. The Navajo Nation hereby approves and adopts the N8031/N4 Road Project
27 Expenditure Plan, attached as **Exhibit A**.
- 28 B. The Navajo Nation hereby approves and adopts funding for the N8031/N4 Road
29 Project Expenditure Plan in the amount of \$19,500,000 from the Navajo Nation
30 Sihasin Fund, in accordance with 12 N.N.C. § 2505(A).

1 C. The Síhasin Funds allocated for the N8031/N4 Road Project may be further leveraged
2 by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12
3 N.N.C. § 1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and
4 financing costs upon the recommendation of the Budget and Finance Committee and
5 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.
6

7 **SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLAN**
8 **ADMINISTRATION**

9 The Navajo Nation Council hereby approves administration of the N8031/N4 Road
10 Project Expenditure Plan as follows:

- 11 1. The Navajo Nation Controller shall determine whether the source of the annual
12 allocations from the total allocation of \$19,500,000 will be Síhasin Fund
13 Principal or Income or a combination of both.
- 14 2. The funding for the N8031/N4 Road Project Expenditure Plan will be distributed
15 to the Navajo Division of Transportation within ten (10) days after the effective
16 date of this legislation. The Navajo Division of Transportation shall be
17 responsible for administering the Project, in accordance with the N8031/N4 Road
18 Project Expenditure Plan described in **Exhibit A**.
- 19 3. The funds allocated for the N8031/N4 Road Project Expenditure Plan shall be
20 used solely to design, plan, and/or construct the N8031/N4 Road Project
21 described in **Exhibit A**. Any and all cost-savings shall be returned to the Síhasin
22 Fund once the project is completed.
- 23 4. The funds allocated for the N8031/N4 Road Project Expenditure Plan shall not
24 lapse on an annual basis pursuant to 12 N.N.C. §820(N), however, any funds not
25 spent or encumbered within thirty-six (36) months of the date funds are made
26 available to the Navajo Division of Transportation shall revert to the Síhasin Fund
27 principal, unless recommended otherwise by the Resources and Development
28 Committee of the Navajo Nation Council and approved by the Naabik'íyáti'
29 Committee.
30

1 5. The N8031/N4 Road Project shall be operated by the BIA/NRDOT, and
2 maintenance and repairs for the Project shall be performed by the BIA/NRDOT.
3

4 **SECTION FIVE. EFFECTIVE DATE**

5 This legislation and the N8031/N4 Road Project Expenditure Plan, as set forth above,
6 shall become effective pursuant to 12 N.N.C. § 2505.
7

8 **SECTION SIX. DIRECTIVES**

9 The Navajo Division of Transportation shall report the status of the N8031/N4 Road
10 Project to the Resources and Development Committee, and to the Naabik'íyáti'
11 Committee, on a quarterly basis.
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Exhibit A

Dibble Engineering

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

EXHIBIT

A

N4/N8031 – Hardrock Pinon Project Summary & Recommendations

Project Description:

The project is located in Navajo County, Arizona, approximately 2 miles southwest of Pinon, AZ. It lies within the Hardrock and Pinon Chapters and within the BIA Chinle Agency Jurisdiction. The roadway improvements extend on N8031 from H4 to N4, 14.7 miles (2.8 miles on Hopi Lands), and on N4 for 0.31 miles. There is one major crossing of Oraibi Wash located on Hopi Land at Station 4+400. The TTIP programmed amount is \$22,300,000.

The project consists of one major structure, several box culverts, 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 route has been realigned since the BIA plans to avoid three archeological sites. The Navajo Division of Transportation (NDOT) is now preparing final plans.

Estimated Cost:

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

	Segment or New Item	Cost
1	N8031: H4 to Sta 15+060	\$ 22,100,000.00
2	N8031: Sta 15+060 to N4; and N4	\$ 13,600,000.00
3	Cultural Site Remediation	\$ 1,800,000.00
4	AC Pavement	\$ 3,300,000.00
	Total (1-4)	\$ 40,800,000.00
	Programmed Amount	\$ 22,300,000.00
	Shortfall	\$ (18,500,000.00)

add \$1,000,000
for construction
contingency

Recommendations:

It is recommended the existing dirt road be realigned to avoid flooding issues, home sites, utilities and archaeological sites. 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 Hardrock Chapter. The detour is almost one hour. The improvements are needed for safety and operational efficiency. An additional \$18,500,000 is needed in order to construct everything that is in the scope of work. Within the current programmed amount on \$22,300,000, it is recommended to construct 9.0 mile on N8031 from H4 to station 15+060 including the Oriabi Wash Bridge. This would create a passable route during storm events because Oriabi Wash would be a bridge crossing. The surface would be a chip seal pavement which would last approximately 7 years. A future project should be programmed to pave the chip seal with an asphalt hot mix surface course within 7 years.

Exhibit:

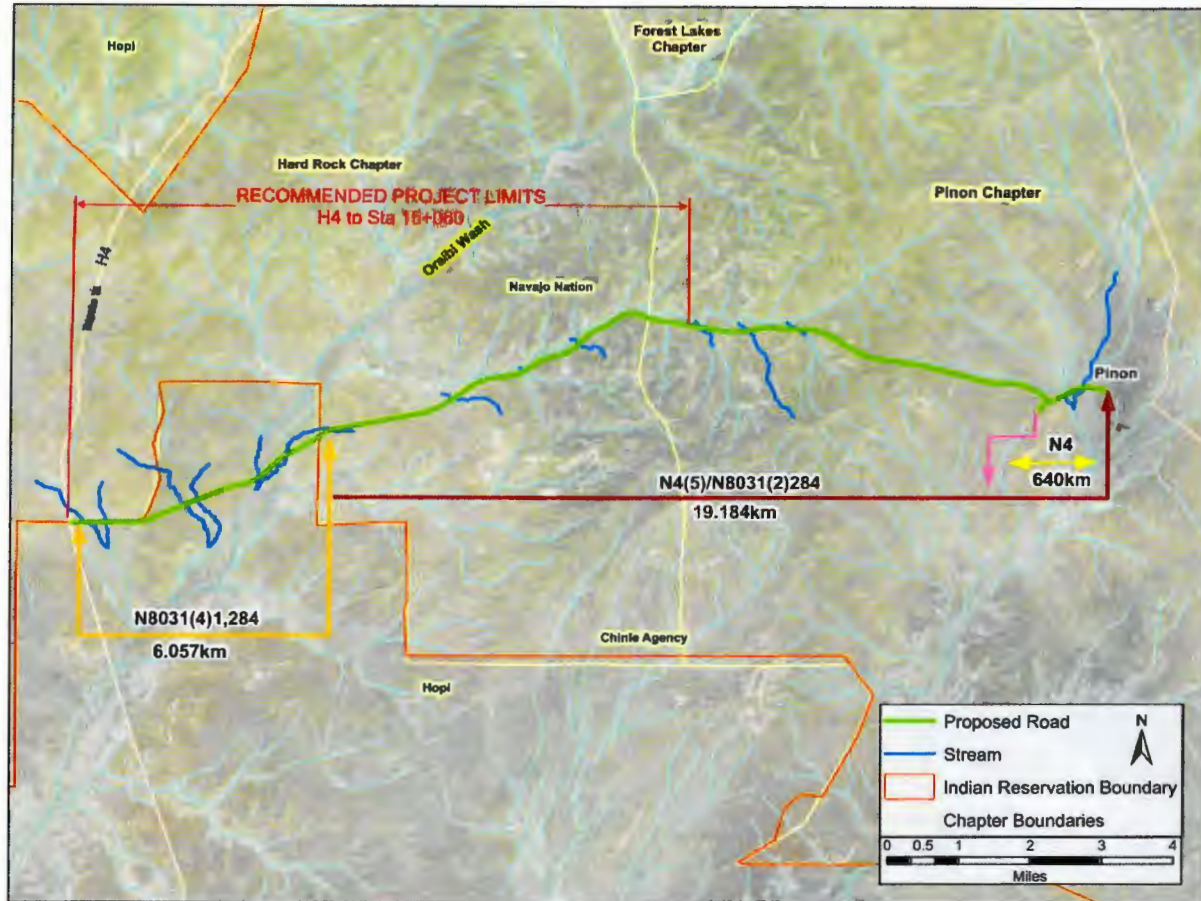
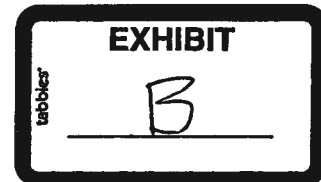


Exhibit B

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: <input type="checkbox"/> Illustrative List Current FY 2018	
Funding Source TTP;	(examples: TTP, TTPBP, 2% Planning, HPPP)
Project Name N4(5)/N8031(2)/N8031(3)/N8031(4)1,2,3 Pimen to Hardrock	
Location Pimen, AZ	
Type of Work New Construction	
Route Number N4-Section 25; N8031-S	Project Number N4(5)/N8031(2)/N8031(3)/N8031(4)1,2,3
Length 12 Miles	County Navajo
State AZ	Construction Year 2019
Comments Project design is 95% complete for N4(5)/N8031(2)/N8031(3). Needs EA and BE. Project design is 95% complete for N8031(4), thru Hopi Land. Total construction funds committed for N4(5)/N8031(2)/N8031(3) = \$22,300,000 to construct grade, drain, structures and gravel surface construction for 12 miles.	

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	\$0	\$0	\$0	\$0	\$50,000
Construction	\$11,150,000	\$11,150,000	\$0	\$0	\$0	\$22,300,000
Construction Engineering	\$0	\$350,000	\$750,000	\$0	\$0	\$1,100,000
Transit	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$11,200,000	\$11,500,000	\$750,000	\$0	\$0	\$23,450,000



Exhibit C



NAVAJO DIVISION OF TRANSPORTATION

EXHIBIT

tabbles

C

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: N8031/N4 Hardrock-Pinon, AZ Road Project
OLC#20-406-1

Dear Ms. Tapahe:

The Navajo Division of Transportation (NDOT) is working with the BIA Navajo Region Division of Transportation (NRDOT) and Hardrock and Pinon Chapters to construct 14.7 miles of road and bridge improvements along BIA Route N8031 from Hopi Route 4 to BIA Route N4 within the Hardrock and Pinon Chapters. Approximately 2.8 miles of N8031 crosses Hopi Tribal Lands with one major bridge crossing over Oraibi Wash. 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 either side of Oraibi Wash are unable to get the Chapter, community school or other areas within Hardrock and Pinon Chapters. The detour is almost one hour.

The Resources and Development Committee approved the N8031/N4 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 \$22.3 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 for both Navajo Nation and Hopi Tribal Lands. 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 to construct 14.7 miles of N8031/N4 road and bridge improvements and cultural resources site remediation and the total cost is \$41,800,000 (see next page for cost breakdown). As mentioned above, the N8031/N4 project has received \$22.3 million in TTP federal funds for construction. An additional \$19,500,000 is needed in order to construct everything that is in the scope of work. At the request

of the Hardrock and Pinon Chapter leadership and community members, Delegate Jimmy Yellowhair is requesting approval of \$19,500,000 of Sihasin Funds to supplement the existing TTP federal funds of \$22.3 million to construct the full scope of work for N8031/N4 project.

N8031/N4 Engineer's Opinion of Probable Construction Cost

	Item	Cost
1	N8031: Hopi Route 4 to Sta 15+060	\$22,100,000
2	N8031: Sta 15+060 to BIA Route N4; and N4	\$13,600,000
3	Cultural Site Remediation	\$1,800,000
4	Asphaltic Concrete Pavement	\$3,300,000
5	Construction Contingencies	\$1,000,000
	TOTAL with Paving, Cultural Site Remediation & Contingencies	\$41,800,000
	Federal Funds Available	\$22,300,000
	Additional Funds Needed	\$19,500,000

If additional information is needed regarding the N8031/N4 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

Resolution of the Hardrock Chapter**Resolution # HRC 08/20-06**

Requesting the Navajo Nation to Provide Sufficient Resources to provide the Necessary completion in the amount of \$19,500,000.00 for the Construction of NR 8031 and for Completion of NR 8031 Road with Asphalt Blacktop Using the Federal CARES Act Fund.

Whereas:

1. The Resources and Development Committee, Navajo Nation Council approved and certified the Hardrock Chapter to represent and act on behalf of the region on issues affecting the region and threatening the health and welfare of the communities; and
2. The BIA and Navajo Department of Transportation, Services submitted a Preliminary Design Plan related to the Navajo Nation Council for consideration and the Hardrock Chapter reviewed the plan and responded with their comments and additional recommendations; and
3. In the Preliminary Design Plan, it shows \$22.3 million Programmed in the TTIP. This amount will cover only 9.3 miles on 8031. The remaining 6.4 miles of N8031 and N4 will need an additional \$19.5 million to complete construction. The region requested the Navajo Nation to seriously consider the completion of the entire 14.7 miles of N8031(2.8 miles on Hopi Lands) and 0.31 on N4 with asphalt blacktop; and
4. All paved roads within the region do not connect to another paved road, all pave road comes to a dead end. The current transportation system does not adequately meet the safety standard and it's not safe for school, public safety, emergency and the general public; and
5. In early April, 2020 the Navajo Nation received over \$640 million from the federal CARES Act to address and fight the deadly coronavirus diseases and providing safe transportation will eliminate much of the health issues now facing the Dził Yijiin Region; and
6. It would be in the best safety interest to provided efficient resources from the federal CARES Act and other federal funds to provide construction and completion of NR 8031.

Now therefore be it resolved that:

The Hardrock Chapter hereby request the Navajo Nation to provide sufficient Funds to offset the shortfall of additional \$19,500,000.00 as needed in order to construct everything that is in the scope of work and finding the resources for the construction of NR 8031 and for the completion of NR 8031 with asphalt blacktop using the federal CARES Act fund.

Certification

We the undersigned hereby certify that the foregoing resolution was duly considered by the Hardrock Chapter teleconference call meeting on Aug 20, 2020 and the same was discussed and passed by a vote of 7 in favor, 0 opposed and 0 abstained.


Tim Johnson

President



Byron Wesley

Vice – President



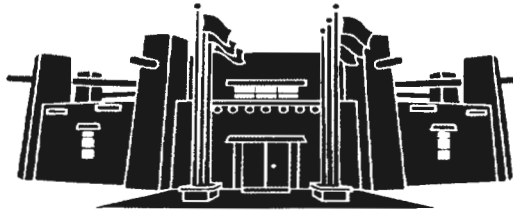
Jay Begay Jr.

Secretary/Treasure



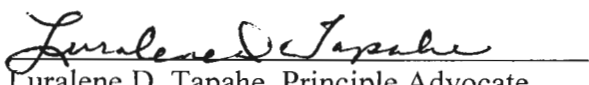
Jimmy Yellowhair

Council Delegate



MEMORANDUM

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

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

DATE : December 21, 2020

SUBJECT : **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING \$19,500,000 IN SIHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR THE N8031/N4 ROAD PROJECT; APPROVING AND ADOPTING THE N8031/N4 ROAD 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: _0313-20__

SPONSOR: Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti' Committees, and Navajo Nation Council; Allocating \$19,500,000 in Sihasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Date posted: December 21, 2020 at 4:18PM

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.: 0313-20

SPONSOR: Honorable Jimmy Yellowhair

TITLE: An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti' Committees, and Navajo Nation Council; Allocating \$19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 21, 2020 at 4:18 PM

5 DAY Comment Period Ended: December 26, 2020

Digital Comments received:

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


**Legislative/Tracking Secretary
Office of Legislative Services**

12:00 PM 12/28/20

Date/Time

**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 # 0313-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Allocating \$19,500,000 in Sihasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road 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; however, the Committee directs NDOT to prepare an overall strategic transportation plan. Such transportation plan made available to the Navajo Nation Council when they deliberate on this legislation and other legislations sponsored by Delegate Yellowhair.

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: Kee Allen Begay, Jr. S: Mark A. Freeland Vote: 5-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.
Oppose: NONE
Excuse: NONE
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 # 0313-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Allocating \$19,500,000 in Sihasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road 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: Kee Allen Begay, Jr. S: Mark A. Freeland Vote: 5-0-1 (CNV)

In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels and Thomas Walker, Jr.

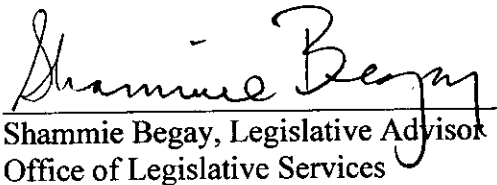
Oppose: NONE

Excuse: NONE

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 # 0313-20:

An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti' Committees, and Navajo Nation Council; Allocating \$19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road 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 **Do Pass** with 1 amendment.

1. Page 1, lines 10-16, insert the following:
AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ALLOCATING \$19,500,000 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR THE N8031/N4 ROAD PROJECT; ALLOCATING \$112,080,000 IN SÍHASIN FUNDS TO THE NAVAJO DIVISION OF TRANSPORTATION FOR EARTH ROAD IMPROVEMENT PROJECTS; APPROVING AND ADOPTING THE N8031/N4 ROAD PROJECT AND THE EARTH ROAD IMPROVEMENT PROJECTS EXPENDITURE PLANS PURSUANT TO 12 N.N.C §§ 2501 – 2508
2. Page 3, line 24, insert a new paragraph G as follows:
G. NDOT has prepared a "List of Proposed Earth Road Improvement Projects by Agency," attached as **Exhibit E**. Each Delegate's District is listed, with a total of \$4,670,000 as the cost for various earth road improvement projects by District. The total cost for all Districts is \$112,080,000.
3. Add the "List of Proposed Earth Road Improvement Projects by Agency" as new **Exhibit E**.
4. Page 3, line 25, add the following:
SECTION THREE. APPROVAL AND ADOPTION OF EXPENDITURE PLANS
5. Page 4, line 1, insert a new paragraphs C and D as follows:
C. The Navajo Nation hereby approves and adopts the Earth Road Improvement Projects Expenditure Plan, as shown in **Exhibit E**.
D. The Navajo Nation hereby approves and adopts funding for the Earth Road Improvement Projects Expenditure Plan in the amount of \$112,080,000 from the Navajo Nation Síhasin Fund, in accordance with 12 N.N.C. § 2505(A).
6. Page 4, lines 1-5, insert new wording in paragraph C as follows:
C. The Síhasin Funds allocated for the N8031/N4 Road Project and the Earth Road Improvement Projects 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.
7. Page 4, line 7, add the following:
SECTION FOUR. APPROVAL AND ADOPTION OF EXPENDITURE PLANS ADMINISTRATION.
8. Page 4, lines 9-10, add the following:

The Navajo Nation Council hereby approves administration of the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans as follows:

9. Page 4, lines 11-13, add the following:
 1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of \$19,500,000 for the N8031/N4 Road Project and \$112,080,000 for the Earth Road Improvement Projects will be Sįhasin Fund Principal or Income or a combination of both.
10. Page 4, lines 14-18, add the following:
 2. The funding for the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans 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 N8031/N4 Road Project Expenditure Plan described in **Exhibit A**, and in accordance with the Earth Road Improvement Projects Expenditure Plan described in **Exhibit E**.
11. Page 4, lines 19-22, add the following:
 3. The \$19,500,000 in funds allocated for the N8031/N4 Road Project Expenditure Plan shall be used solely to design, plan, and/or construct the N8031/N4 Road Project described in **Exhibit A**. The \$112,080,000 in funds allocated for the Earth Road Improvement Projects Expenditure Plan shall be used solely to design, plan, and/or construct the Earth Road Improvement Projects described in Exhibit E. Any and all cost-savings shall be returned to the Sįhasin Fund once the project is completed.
12. Page 4, lines 23-29, add the following:
 4. The funds allocated for the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans 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)~~ sixty (60) months of the date funds are made available to the Navajo Division of Transportation shall revert to the Sįhasin Fund principal, unless recommended otherwise by the Resources and Development Committee of the Navajo Nation Council and approved by the Naabik'įyąti' Committee.
13. Page 5, line 3, add a new paragraph 6, as follows:
 6. The NDOT shall oversee the Earth Road Improvement Projects, and NDOT shall perform or engage contractual services for all improvements, maintenance, and repairs for the Earth Road Improvement Projects.
14. Page 5, lines 5-6, add the following:

This legislation and the N8031/N4 Road Project and the Earth Road Improvement Projects Expenditure Plans, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.
15. Page 5, lines 9-11, add the following:


The Navajo Division of Transportation shall report the status of the N8031/N4 Road Project and the Earth Road Improvement Projects to the Resources and Development Committee, and to the Naabik'įyąti' Committee, on a quarterly basis.
16. Renumber or re-letter succeeding paragraphs, sections, and exhibits, accordingly, if necessary. This amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

Motion: Amber K. Crotty Second: Nathaniel Brown Vote: 5-0 Yeas: Raymond Smith, Jr., Amber K. Crotty, Elmer P. Begay, Jimmy Yellowhair, Nathaniel Brown

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

Respectfully submitted,


Jamie Henio, Chairman

Adopted:  Legislative Advisor Not Adopted: _____
Legislative Advisor Legislative Advisor

5 JANUARY 2021

The vote was **3** in favor **1** opposed Yeas: *Raymond Smith, Amber K. Crotty, Elmer P. Begay* Nays: *Jimmy Yellowhair; Nathaniel Brown not voting*
Main Motion: *Raymond Smith, Jr.*
Second: *Nathaniel Brown*

BUDGET AND FINANCE COMMITTEE

5 JANUARY 2021

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0313-20: An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Allocating \$19,500,000 in Síhasin Funds to the Navajo Division of Transportation for the N8031/N4 Road Project; Approving and Adopting the N8031/N4 Road Project Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Jimmy Yellowhair, Council Delegate*

Motion: Raymond Smith, Jr.

Second: Nathaniel Brown

Vote: 3-1, Chairman not voting, with 1 amendment

Final Vote Tally:

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

Absent: Nathaniel Brown

Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee