LEGISLATIVE SUMMARY SHEET
Tracking No. 0034-21

DATE: March 2, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE OF PROJECT AND CHANGE OF FUNDING YEAR IN RESOLUTION CAP-35-18, FOR KAYENTA CHAPTER

PURPOSE: The purpose of this resolution is to approve a change to the project description in Resolution No. CAP-35-18 for the Kayenta Chapter, deleting the Diversion Dam Rehabilitation Project and replacing it with the Comb Ridge/El Capitan Powerline Project, and moving the Project from Year 2 to Year 3.

5-DAY BILL HOLD PERIOD: Bypassed
Website Posting Time/Date: 03-10-21 2:25PM
Posting End Date: 03-15-2021
Eligible for Action: 03-16-2021

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24TH NAVAJO NATION COUNCIL - Third Year, 2021

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0034-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE OF PROJECT AND CHANGE OF FUNDING YEAR IN RESOLUTION CAP-35-18, FOR KAYENTA CHAPTER

BE IT ENACTED:

Section One. Authority

A. The Resources and Development Committee exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 501(C)(1).

B. The Budget and Finance Committee of the Navajo Nation Council exercises authority over budgeting, appropriation, investment and management of all funds. 2 N.N.C. § 301 (B)(2).

C. Council Resolution CAP-35-18 provides, "[a] chapter project, powerline, or waterline project may be changed, including the year funded, or added to Exhibits A through E with the concurrence of the Delegate representing the chapter's Council District and the approvals of the Resources and Development Committee and Budget and Finance Committee, as long as such project has been certified as construction-ready by CPMD or NTUA and the total Síhasin Funding for the District does not exceed $4,166,666.67." CAP-35-18, Section Four, Paragraph C.

OLC No. 21-035-1

Section Two. Findings

A. On April 17, 2018, the Navajo Nation Council adopted Council Resolution No. CAP-35-18, "Adopting the Síhasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to the Capital Budget and Capital Improvement Process." Resolution No. CAP-35-18 is incorporated herein by reference.

B. Kayenta Chapter requests to amend CAP-35-18 to delete the Kayenta Diversion Dam Rehabilitation Project (identified as Project No. D-63 on Exhibit D to Resolution No. CAP-35-18, attached hereto as **Exhibit 3**) and replace it with the Comb Ridge/El Capitan Powerline Project and to move the Project to Year 3. The project funding of $1,344,623.31 will remain the same and will be expended in Year 3.

C. The Síhasin Project Amendment Certification, attached hereto as **Exhibit 1**, has been signed by the Navajo Nation Council Delegate representing the Kayenta Chapter's council district as required by CAP-35-18, section 4, paragraph C.

D. The Capital Projects Management Department, through its signature in section IV of **Exhibit 1**, has indicated the project is construction ready. Supporting documents for the project from the Navajo Tribal Utility Authority are attached as **Exhibit 2**.

Section Three. Approval

The Navajo Nation hereby approves the project change requested by the Kayenta Chapter in accordance with the attached **Exhibit 1.**

CAPITAL PROJECTS MANAGEMENT DEPARTMENT

SIHASIN PROJECT AMENDMENT CERTIFICATION

CAP-35-18

I. PROJECT DETAILS

DATE SUBMITTED: September 3, 2020

PROJECT NAME: Kayenta Diversion Dam Rehabilitation Project

REFERENCE NUMBER:

PROJECT TYPE: Design & Construction

ORIGINAL DATE APPROVED: November 28, 2019

II. NATURE OF CHANGE AND COST DETAILS

EXHIBIT & PROJECT NO.	PROJECT DESCRIPTION	FUNDING YEAR 1	FUNDING YEAR 2	FUNDING YEAR 3	FUNDING TOTAL FUNDING	FUNDING AMOUNT ADDED OR DELETED
D #63	Kayenta Diversion Dam Rehabilitation Project		$1,344,623.31			DELETED
D #63	Amendment: Change Project Description to					
	Kayenta Chapter Comb Ridge/El Capitan Powerline			$1,344,623.31	$1,344,623.31	ADDED
	Project and to move to Year 3					
				TOTAL: [ ] INCREASED / [ ] DECREASED FUNDING:	$1,344,623.31	

Acknowledgement of Project Amendment:

	PRINTED NAME	SIGNATURE	DATE
Navajo Nation Council Delegate	Nathaniel Brown		12/25/20

III. REASON FOR AMENDMENT

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

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

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IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE DEEMED CONSTRUCTION-READY.

	PRINTED NAME	SIGNATURE	DATE
CPMD Project Manager	Benjamin Cuby		9/23/20
CPMD Department Manager	James Adakai		9-21-20

Dev. CPMD 1

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EXHIBIT 1

EXHIBIT
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2

NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

March 29, 2019

Mr. Stanley Clitso, President
Kayenta Chapter
P.O. Box 1088
Kayenta, Arizona 86033

RE: Kayenta Chapter (Comb Ridge/El Capitan Area) Power Line Project

Dear Mr. Clitso:

Provided herewith are **PRELIMINARY** construction costs estimates to provide service to residents within the Comb Ridge and El Capitan areas of Kayenta Chapter referencing the enclosed Chapter Resolution K18-387-09 we received for this project. These costs will supersede all previous costs. The following items are provided for your information:

1. The ownership of the power lines will belong to the Navajo Tribal Utility Authority. The Navajo Tribal Utility Authority will handle the operation and maintenance responsibilities.

2. The cost estimates that are submitted are **PRELIMINARY.** Firm construction costs will be based upon final engineering and design.

3. Notice of funding for right-of-way acquisition must be received before NTUA commences with the archaeological clearance, environmental assessment, and legal surveys; and final engineering and design. This amount is shown on the attached estimate and contributes to the total project cost.

4. The Navajo Tribal Utility Authority will budget $1,500.00 per customer provided their house is wired and ready for hook up prior to construction.

NOTE: If all homes are not wired, the NTUA Contribution will be adjusted downward to reflect the actual number of homes wired at the time of construction. This will result in an increase in contribution required by the Kayenta Chapter.

If you have any questions concerning these cost estimates, you may contact Ms. Marcella Black, Project Supervisor, Kayenta District at (928) 729-5721 extension 4762 or me at (928) 729-6236.

Sincerely yours,

NAVAJO TRIBAL UTILITY AUTHORITY

Ethelind Johns, Project Administration Supervisor
Electric System Planning Section

CC: Nathaniel Brown, Kayenta Chapter
Srinivasa Venigalla, Electric and Information Systems, NTUA
Lester Lee, Electric Systems Division, NTUA
Niecy (Bernice) Tsosie, Electric System Planning Section, NTUA
Shannon Burnette, Electric System Planning Section, NTUA
Sherrell White, Electric System Planning Section, NTUA
Louella Chee, Electric System Planning Section, NTUA
Vircynthia Charley, Kayenta District, NTUA
Marcella Black, Kayenta District, NTUA
Darlene Begay, Kayenta District, NTUA

KAYENTA CHAPTER (Comb Ridge/El Capitan Area)
POWER LINE PROJECT

Line A – Main Trunk Line	13.65 Miles	$1,322,362.40
Member Extensions	7.33 Miles	875,920.06
Subtotal		$2,198,282.46
Archaeological Clearance, Environmental Assessment, and Legal Survey for Right-of-Way Acquisition (20.98 Miles)		222,388.00
Subtotal		$ 2,420,670.46
NTUA Contribution (24 Homes @ $1,500.00)		(36,000.00)
Contribution Required Prior to Construction		$2,384,670.46

NAVAJO TRIBAL UTILITY AUTHORITY
Proposed Power Line Extension

CHAPTER: KAYENTA

REMARKS: Kayenta Chapter (Comb Ridge/El Capitan Area) Power Line Project

No	Customer's Name	Description	House Yes	Wired No	Comments
	LINE A (Secondary Service Off Of Main Line)				
1.	Tulley Whitehorse				
2.	Timothy Whitehorse				
3.	Benny/Carlotta Black				
4.	Ken Whitehorse				
5.	Ellen Begaye				
6.	Nathaniel Whitehorse				
7.	Raydel Reddye				
8.	Tara Clitso				
	TAP A-1				
9.	Marlene Gray				
	TAP A-2				
10.	Wanda Allen				
11.	Stanley Gray				
	TAP A-2A				
12.	Ellison Whitehorse				
	TAP A-3				
13.	John Whitehorse				
	TAP A-4				
14.	Edmond White				
15.	Effie Black				
	TAP A-4A				
16.	Mary Speck				
17.	Michael Speck				

NAVAJO TRIBAL UTILITY AUTHORITY
Proposed Power Line Extension

CHAPTER: KAYENTA

REMARKS: Kayenta Chapter (Comb Ridge/El Capitan Area) Power Line Project

No	Customer's Name	Description	House Yes	Wired No	Comments
	TAP A-4B				
18.	Yolanda Moreno				
	TAP A-5				
19.	Kee Ben Stanley				
	TAP A-6				
20.	Kee/Sharon Clitso				
21.	Bernard/Kendra Taliman				
	TAP A-7				
22.	Tony Clitso				
	TAP A-8				
23.	Mary Luna				
	TAP A-9				
24.	Rosemary Clitso				

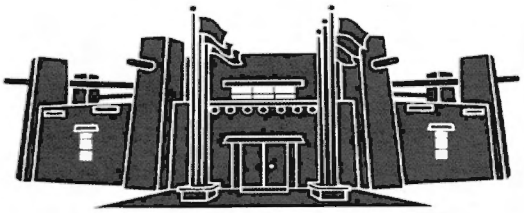
EXHIBIT: D

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design, Design/Construction)	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
48	Lukachukai	Chapter Senior Center	Construction	12 months	$86,427.00	$0.00	$0.00	$0.00	$86,427.00
49	Lukachukai	Chapter Welding Machinery	Major Equipment	6-8 months	$7,000.00	$0.00	$0.00	$0.00	$7,000.00
50	Lukachukai	Chapter Roping Box	Major Equipment	6-8 months	$3,503.00	$0.00	$0.00	$0.00	$3,503.00
51	Crystal	Fire Suppression System	Construction	6-12 months	$876,000.00	$0.00	$0.00	$285,000.00	$876,000.00
52	Fort Defiance	Solar Street Lights	Construction	12 months	$0.00	$972,025.00	$0.00	$283,503.00	$972,025.00
53	Fort Defiance	Street Rehabilitation	Design/Construction	24 months	$69,641.67	$0.00	$0.00	$0.00	$69,641.67
54	Red Lake	Utility System Upgrade	Design/Construction	1-6 months	$70,000.00	$0.00	$0.00	$0.00	$70,000.00
55	Red Lake	Street Improvement	Design/Construction		$100,000.00	$250,000.00	$300,000.00	$0.00	$650,000.00
56	Red Lake	Chapter Complex	Plan/Design/Construction		$0.00	$0.00	$321,666.67	$0.00	$321,666.67
57	Sawmill	Bathroom Additions	Construction	12 months	$150,000.00	$0.00	$0.00	$0.00	$150,000.00
58	Sawmill	Renovate Chapter House	Construction	6 months	$250,000.00	$250,000.00	$0.00	$0.00	$500,000.00
59	Sawmill	N7 Road Rehab	Design		$271,666.67	$0.00	$0.00	$0.00	$271,666.67
60	Dennehotso	Transfer Station	Design/Construction	24 months	$40,000.00	$100,000.00	$0.00	$0.00	$140,000.00
61	Dennehotso	Veterans Park	Construction	36 months	$0.00	$225,000.00	$0.00	$7,000.00	$225,000.00
62	Dennehotso	Warehouse	Construction	12 months	$0.00	$162,025.82	$0.00	$20,000.00	$162,025.82
63	Kayenta	Diversion Dam Rehabilitation Project	Design/Construction	24-36 months	$0.00	$1,344,623.31	$0.00	$455,000.00	$1,344,623.31
64	Kayenta	Multi-Purpose Building	Plan/Design/Construction	24 months	$350,000.00	$0.00	$0.00	$0.00	$350,000.00
65	Chilchinbeto	Mutli-Purpose Building	Plan/Design/Construction		$300,000.00	$0.00	$0.00	$0.00	$300,000.00
66	Shiprock	Chapter Renovation	Design/Construction	12 months	$50,000.00	$400,000.00	$0.00	$0.00	$450,000.00
67	Shiprock	Senior Center	Construction	12 months	$80,000.00	$0.00	$0.00	$0.00	$80,000.00
68	Shiprock	Elderly Care Site	Planning	8 months	$17,000.00	$0.00	$0.00	$0.00	$17,000.00
69	Shiprock	Wellness Center	Design/Construction	12 months	$0.00	$200,000.00	$0.00	$0.00	$200,000.00
70	Shiprock	Former BIA Compound	Testing/Planning	24 months	$350,000.00	$0.00	$0.00	$0.00	$350,000.00
71	Shiprock	Utility Hook-Up/Restroom Renovations	Construction	8 months	$60,000.00	$0.00	$0.00	$0.00	$60,000.00
72	Shiprock	River Trail & Community Park	Construction	9 months	$56,000.00	$0.00	$0.00	$0.00	$56,000.00
73	Shiprock	15 Secure Land Designation	Planning	24 months	$200,000.00	$0.00	$0.00	$0.00	$200,000.00
74	Shiprock	Rural Addressing	Construction	12 months	$100,000.00	$0.00	$0.00	$0.00	$100,000.00
75	Shiprock	Roads-Indian Village	Major Equipment	12 months	$318,000.00	$0.00	$0.00	$0.00	$318,000.00
76	Shiprock	South Side Incident Command Center	Construction	24 months	$1,000,000.00	$0.00	$0.00	$0.00	$1,000,000.00

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO : Honorable Nathaniel Brown, Delegate
24th Navajo Nation Council

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

DATE : March 2, 2021

SUBJECT : AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE OF PROJECT AND CHANGE OF FUNDING YEAR IN RESOLUTION CAP-35-18, FOR KAYENTA CHAPTER

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: _0034-21__ **SPONSOR: Nathaniel Brown**

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change of Project and Change of Funding Year in Resolution CAP-35-18, for Kayenta Chapter

***Date posted*: March 10, 2021 at 2:25PM**

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.: 0034-21

SPONSOR: Honorable Nathaniel Brown

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change of Project and Change of Funding Year in Resolution CAP-35-18, for Kayenta Chapter

Posted: March 10, 2021 at 2:25 PM

5 DAY Comment Period Ended: March 15, 2021

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

03/16/21 9:41AM
Date/Time