

LEGISLATIVE SUMMARY SHEET
Tracking No. 0185-17

DATE: May 12, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$150,125) TO COALMINE CANYON CHAPTER FOR STRUCTURAL ANALYSIS

PURPOSE: EMERGENCY LEGISLATION. This legislation approves supplemental funding from the UUFB of \$150,125 to the Coalmine Canyon Chapter for a structural analysis to determine the extent of deterioration to the Chapter facility.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 5 NOTAH
Website Posting Time/Date: 2:50pm 5/19/2017
Posting End Date: 5/24/2017
Eligible for Action: 5/25/2017

Resources & Development Committee

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Budget & Finance Committee

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Naa'bik'iyáti' Committee

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Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL - Third Year, 2017

INTRODUCED BY


Primary Sponsor (Walter Phelps)

TRACKING NO. 0185-17

AN ACTION

RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE,
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED
FIFTY THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$150,125) TO
COALMINE CANYON CHAPTER FOR STRUCTURAL ANALYSIS

BE IT ENACTED:

Section One. Authority

- A. Pursuant to 12 N.N.C. § 820(L), the Navajo Nation Council may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, (1) if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set for in § 820(J), or (2) when the Unreserved, Undesignated Fund balance (UUFb) is in excess of the reserve amount set forth at § 820(J).
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. § 164 (A)(9), 701(A)(3).

- 1 C. Pursuant to 2 N.N.C. § 300 (C)(3) the Budget and Finance Committee is authorized to
2 recommend adoption of resolutions related to the expenditure of the Nation's financial
3 resources.
- 4 D. Budget and Finance Committee may recommend supplemental appropriations to the
5 Navajo Nation Council. 12 N.N.C. § 820 (L).
- 6 E. Pursuant to 2 N.N.C. § 501 (C)(5), the Resources and Development Committee
7 exercises oversight authority over chapter activities, and economic and community
8 development, for the purpose to promote, review, coordinate and approve projects to be
9 financed by funds designed for capital improvement.

10
11 **Section Two. Findings**

- 12 A. Pursuant to 26 N.N.C. § 3 the Coalmine Canyon Chapter is a duly recognized and
13 certified Chapter of the Navajo Nation.
- 14 B. The Coalmine Canyon Chapter facility was completed in 2004 with funds provided
15 by the Office of Navajo-Hopi Indian Relocation with ownership transferred to the
16 Navajo Nation; however, since 2004, due to faulty construction and lack of attention
17 by previous Chapter administration, the facility continues to deteriorate and is unsafe
18 for public use. *See* Coalmine Canyon Chapter resolution CCC-04-0065-17 attached
19 as **Exhibit A**.
- 20 C. The Coalmine Canyon Chapter submitted a claim to the Navajo Nation's Risk
21 Management Office on August 20, 2015 and the claim was denied on June 21, 2016.
22 *See Exhibit B*.
- 23 D. The Title 12 Finance Act Supplemental Appropriation requirements include:
- 24 1. Pursuant to 12 N.N.C. § 820(L), all requests for annual operating funds and
25 supplemental funds shall be submitted to the Office of Management and
26 Budget ("OMB") for budget impact analysis. A preview of the appropriation
27 legislation is available to the OMB for their budget impact analysis response.
28 The OMB review for this legislation has not yet been completed and must be
29 provided prior to the approval of this legislation.
- 30

1 2. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional
2 sources of revenues above and beyond the initial or current revenue
3 projections, supplemental appropriations may be allocated by the Navajo
4 Nation Council. Controller's memorandum attached as **Exhibit C**.

5 E. There are sufficient funds available in the Unreserved, Undesignated Fund Balance to
6 provide the Coalmine Canyon Chapter with an appropriation of One Hundred Fifty
7 Thousand One Hundred and Twenty Five Dollars (\$150,125) to conduct a structural
8 analysis to determine the extent of damage to the facility and the required renovation
9 and repair cost. Budget forms attached as **Exhibit D**.

10 F. The Navajo Nation Council finds it in the best interest of the Coalmine Canyon
11 Chapter to approve the supplemental appropriation from the Unreserved,
12 Undesignated Fund Balance to the Coalmine Canyon Chapter for the cost of a
13 structural analysis of the Chapter building.

14 15 **Section Three. Approvals**

16 A. The Navajo Nation Council hereby approves a supplemental appropriation to the
17 Coalmine Canyon Chapter for a structural analysis of the Chapter building. This
18 supplemental appropriation to be funded from the Unreserved, Undesignated Fund
19 Balance, and used solely to determine the condition of the Coalmine Canyon Chapter
20 facility and required renovation and repair cost.

21 B. This supplemental appropriation of One Hundred Fifty Thousand One Hundred
22 Twenty Five Dollars (\$150,000) shall be to a Business Unit # NEW and from that
23 amount of funds that exceeds the minimum fund balance of the Unreserved,
24 Undesignated Fund Balance. *See Exhibit D*.

25 26 **Section Four. Effective Date**

27 The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B).

28 29 **Section Five. Savings, Severability, and Survivability**

1 Should any provision herein be determined invalid by the Navajo courts or other court of
2 competent jurisdiction, all other provisions of this legislation not determined to be invalid
3 shall remain in full force and effect.
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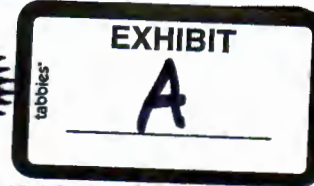
COALMINE CANYON CHAPTER

Chapter President
Dorothy Dale

Chapter Vice-President
Phillip Zahne

Secretary/Treasurer
Augusta Gillwood

Vacant-Community Service Coordinator



Council Delegate
Walter Phelps

Grazing Official
Harry Goldtooth

WESTERN NAVAJO AGENCY - NAVAJO NATION

PO Box 742, Tuba City, AZ 86045

Kristen Charley-Accounts Maintenance Specialist

Resolution of the Coalmine Canyon Chapter
CCC-04-0065-17

REQUEST FOR EMERGENCY BASIS FROM THE UNDESIGNATED UNRESERVED FUND BALANCE (UUFB) TO COVER EXPENSES ASSOCIATED WITH COMPLETION OF FACILITY AUDIT.

WHEREAS:

1. Pursuant to 26 NNC, Section 3; Chapter Certification and 11 NNC Part 1, Section 10, the Coalmine Canyon Chapter is a duly recognized and certified chapter of the Navajo Nation Government; and,
2. Pursuant to 26 NNC, Chapter 1; Navajo Nation Chapters; Section 1, (B) Purpose (1) & (2), the Navajo Nation Council delegated to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition and allows chapters to make decisions to govern with responsibility and accountability to community membership; and,
3. The community of Coalmine Canyon has been impacted by both the Bennett Freeze Act of 1966 and the Navajo Hopi Land Settlement Act of 1974 (PL-93-531) which has prohibited improvement or development. This Executive Order has resulted in the ongoing negative physiological, psychological and sociological impact of its community members; and,
4. The Coalmine Canyon Chapter strives for the improvement of the community membership by providing and assisting them with opportunity for improvement in their livelihood, health and education; and,
5. The Coalmine Canyon Chapter facility construction was completed in 2004 and funded by Office of Navajo Hopi Indian Relocation (ONHIR) and has since transferred ownership to the Navajo Nation to maintain and manage. However, due to faulty construction and lack of attention by former administration, the building has deteriorated and is unsafe for public use; and,
6. The Coalmine Canyon Chapter has kept detailed records in the deterioration of the chapter building which obviously shows visible deterioration of the interior and exterior structure; and,
7. The Coalmine Canyon Chapter has submitted a claim and attached photos to the Navajo

Nation Risk Management Program on August 20, 2015 and claim was denied on June 21, 2016. Denial letter stated "Our Property Policy excludes/does not insure against normal settling or normal shrinkage of walls, floors or ceiling". Therefore, claim was denied for repairs; and,

8. The Coalmine Canyon Chapter has exhausted all avenues in notifying the appropriate Navajo Nation Government Authorities and other affected agencies to address the deterioration of the facility and is very concerned for the safety of the public and employees; and,
9. The Navajo Nation stipulates in NOSHA and Workman's Comp policies to ensure the physical safety and well-being of its employees.

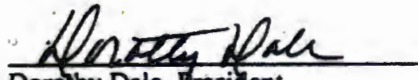
NOW THEREFORE BE IT RESOLVED:

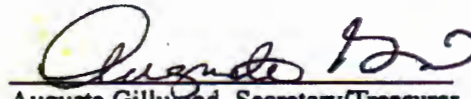
1. The Coalmine Canyon Chapter hereby approves an Emergency Basis request for Funds from the Undesignated Unreserved Fund Balance (UUFB) to Cover Expenses Associated with Completion of Facility Audit.


CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Coalmine Canyon Chapter, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 25 in favor, 0 opposed, and 1 abstained, this 9th day of April 2017;

Motion to Approve: Cecil Nez
Second: Marcella Yazzie


Dorothy Dale, President


Augusta Gillwood, Secretary/Treasurer


Phillip Zahne, Vice-President

Harry J. Goldtooth, Grazing Official


Walter Phelps, Council Delegate



**THE
NAVAJO
NATION**

Risk Management Program

Post Office Box 1690 • Window Rock • Arizona • 86515
Phone (928) 871-6335 Fax (928) 871-6087

Russell Begaye
President

Jonathan Nez
Vice President



June 21, 2016

COALMINE CANYON CHAPTER
Attn: Augusta Gillwood, Secretary/Treasurer
P.O. Box 742
Tuba City, AZ 86045

RE: Insured: NN/Coalmine Canyon Chapter
Date of Loss: 08/20/2015
File Number: 35811

Dear Ms. Gillwood;

As Insurance Administrators representing the Navajo Nation, its Enterprises and Chapters, our office is in receipt of a Property Loss Report, whereas Chapter experienced structural damages, such as cracks (interior/exterior), uneven floors and plumbing system damage.

Be advised it is the responsibility of the Risk Management Program to conduct a proper investigation to determine any liability on behalf of the Navajo Nation. Upon review of the file, it has been determined this is not a covered loss. Our Property Policy excludes/does not insure against normal settling or normal shrinkage of walls, floors or ceiling. Therefore, I hereby deny this claim entirely for repairs.

This concludes our handling of this file. Consider this file "close". Should there be any questions, please contact me at (928) 871-6335. Thank you.

Sincerely,

Annie Gorman, Claims Analyst
Risk Management Program/The Navajo Nation
P.O. Box 1690
Window Rock, AZ 86515

Cc: Shawnevan Dale, PSII, Risk Management Program
Chapter Officials
Chrono/File



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT



Memorandum

Date: March 28, 2017

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

Honorable Lorenzo Bates, Speaker
Navajo Nation Council

Honorable Allen Sloan, Acting Chief Justice
Judicial Branch

From: 
Pearline Kirk, Controller
Office of the Controller

Subject: Updated Undesignated Unreserved Fund Balance

The Office of Controller has updated the unaudited Undesignated Unreserved Fund Balance (UUFB) at \$6,824,260, as of March 28, 2017. Please see attached UUFB Schedule.

The appropriation in resolution CJA-02-17-Social Services for amount \$5,038,678 utilized the Minimum Fund Balance. After reviewing the Attorney General's Opinion [01-17], the Minimum Fund balance needs to be replenished to its required 10% of previous annual budget. Such required amount is \$17,265,400. Since the last report of UUFB on February 28, 2017 we performed additional analysis and revised our estimates, which had the following impact on UUFB:

- Increase UUFB for lower estimated adjustments from audit AJE's
- Increase UUFB for lower estimated expense to the Contingency Management Fund
- Decrease UUFB for the Permanent Fund set aside (CS-46-14)
- Decrease UUFB for additional capital projects

We believe our estimates to be prudent, reasonable, and conservative in nature and subject to the completion of the annual audit. The net impact of these changes resulted in UUFB of \$7,972,352. However, \$1,148,092 of UUFB was transferred to replenish the Minimum Fund Balance back up to the required 10%. Therefore, the UUFB balance is \$6,824,260 as of today.

Thank you, if you should have any question please feel free to call me at tribal extension X6308.



Undesignated, Unreserved, Fund Balance (UUFB)
March 28, 2017
(Unaudited)

	UUFB	Min Fund Balance
UUFB Balance	\$ -	\$ 16,117,308
Adjustments from Analysis:		
Reduce Contingency Management Fund estimate	20,000,000	-
CS-49-16 Increase Permanent Fund Set Aside	(11,728,198)	-
Reduce estimate for audit AJE's	10,000,000	-
Increase other capital projects	(10,044,794)	-
UUFB 10-01-16	8,227,008	-
Supplementals:		
CJA-05-17 Bennett Freeze	254,656	-
Total Supplementals	254,656	-
Maintain 10% Minimum Fund Balance Transfer	(1,148,092)	1,148,092
UUFB Balance	-	17,265,400
10% Minimum Fund Balance	-	(17,265,400)
UUFB 03-28-17	\$ 6,824,260	\$ -

Prepared by: General Accounting
3/28/2017
8:29 AM

**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

EXHIBIT

D

PART I. Business Unit No.: New **Program Title:** Coalmine Mesa Chapter - Structural Analysis, Bldg Investigation

Division/Branch: Comm. Development **Amount Requested:** \$150,125 **Phone No.:** x 7173

Prepared By: Brenda Holgate **Email Address:** bholgate@nndcd.org

Walter Phelps, NNC

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Coalmine Mesa Chapter is currently experiencing challenges in seeking funds for a major structural analysis of Chapter building, to conduct a thoroughly Building investigation, and geotech services.

Coalmine Canyon known to the locals as Tsé Kó Hásáni is located in Western Navajo Agency. The Coalmine Canyon Chapter house is located on Highway 264 and Route 6720 approximately 18 miles east of Tuba City, AZ

Coalmine Canyon Chapter formerly known as Coalmine Mesa is a relocated chapter due to the Navajo Hopi Land Settlement Act of 1974 (PL93-531) and the Bennett Freeze Act of 1966. The chapter is one of the nine Former Bennett Freeze chapters in Western Navajo Agency.

PART III. CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

Continue to seek support from the Navajo Nation President & Vice President and Navajo Nation Council, and other governmental Entity.

PART IV. ALTERNATIVE FUNDING SOURCES BEING PURSUED:

- 1 Chapter to seek Undesignated Unreserved Fund Balance (UUFB) for this Project in the amount of \$
- 2 Chapter will seek for any funds within their allocations that may become available.

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

 1/17/17

REVIEWED BY: Division Director's Signature / Date


RECOMMEND APPROVAL: Branch Chief's Signature / Date

Fiscal Year 2017

THE NAVAJO NATION
CAPITAL PROJECT BUDGET SUMMARY

CP BUDGET FORM 1

Page 1 of 3

PART I. Business Unit No.: NEW Project Title: Building Investigation, Geotech Svcs., Structural Analysis
Division/Branch: Community Development Chapter: Coalmine Mesa Agency: Western
Prepared By: Brenda Holgate, PPS/NNC Walter Phelps Phone No.: 928/871-7173

PART II. Check one: XX Original Revision Reallocation Modification

Project Funds	Appropriation End Date	Amount	% of Total
General Funds (UUFB)	2017	\$ 150,125.00	100.00%
TOTAL:		\$ 150,125.00	100.00%

PART III. Capital Outlay	Amount
6810 Architecture Design	\$ 136,000.00
6820 Geo Tech Services	\$ 7,000.00
5% Sales Tax	\$ 7,125.00
TOTAL	\$ 150,125.00

PART IV. Project Information
Building Investigation, GeoTech Svcs., Structural
Project Type: Analysis
Planned Start Date: April 2017
Planned End Date: December 2017
Budget Start Fiscal Year: 2017
Budget End Fiscal Year: 2018

FOR OMB USE ONLY

Resolution No.:
FMIS Set Up Date:
Company No.:
OMB Analyst:

PART V. ACKNOWLEDGEMENT:

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

[Signature] 4/17/17
SUBMITTED BY: Sponsor's Signature / Date

[Signature] Not on priority list but emergency
VERIFIED BY: Lead Agent's Signature / Date

[illegible]

Fiscal Year 2017

THE NAVAJO NATION
CAPITAL PROJECT BUDGET AND JUSTIFICATIONCP BUDGET FORM 3
Page 3 of 3

PART I. Business Unit No.: <u>NEW</u>				
Project Title: <u>Building Investagation, Geotech Svcs., Structural Anaylsis</u>				
PART II.				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
1	6	6810	Architecture/Design (non cap) 6,000 sq. ft. Existing Chapter Building Civil, Structural, MPE Consultants Site Electrical plus Communications	\$ 136,000.00
1	6	6820	Geo Tech Services 6823 Geo Tech Svcs (NC) Fees	\$ 7,000.00
			Navajo Nation Sales Tax 5%	\$ 7,125.00
PAGE TOTAL:				\$ 150,125.00

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

FY 2017

PART I. Business Unit No.: _____ New _____ Program Title: _____ Coalmine Mesa Chapter _____ Division/Branch: _____ Community Development					
Prepared By: _____ Brenda Holgate		Phone No.: _____ 928/871-7173		Email Address: _____ bholgate@nncdd.org	
Walter Phelps, NNC					
PART II. FUNDING SOURCE(S)					
		Fiscal Year Term	Amount	% of Total	
General Funds UUFB		2017	150,125	100%	
PART III. BUDGET SUMMARY					
		Fund Type Code	NNC Approved Original Budget	(A) Proposed Budget	(B) Difference (Column B - A)
		1		7,125	7,125
		1200 Taxes			0
		2001 Personnel Expenses			0
		3000 Travel Expenses			0
		3500 Meeting Expenses			0
		4000 Supplies			0
		5000 Lease and Rental			0
		5500 Communications and Utilities			0
		6000 Repairs and Maintenance			0
		6500 Contractual Services	1	143,000	143,000
		7000 Special Transactions			0
		8000 Public Assistance			0
		9000 Capital Outlay			0
		9500 Matching Funds			0
		9500 Indirect Cost			0
		TOTAL	\$0.00	150,125	150,125
PART IV. POSITIONS AND VEHICLES					
		Total # of Positions Budgeted:	(D)	(E)	
		Total # of Permanently Assigned Vehicles:			
TOTAL: 150,125 100%					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: _____ 4.17.17					
APPROVED BY: _____ 4/17/17					
APPROVED BY: _____ Division Director/Branch Chiefs Printed Name and Signature / Date					

PART I. PROGRAM INFORMATION:		Business Unit No.:		New		Program Name/Title:		Coalmine Mesa Chapter	
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:									
CAP-34-98: To direct the Chapter Administration and Management control system, by promoting efficiency and accountability to the Chapter Membership, and to effectuate plans of actions to improve the standard of living for the Chapter Membership.									
PART III. PROGRAM PERFORMANCE CRITERIA:		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area:									
To provide and perform a major structural analysis of Chapter building.									
Goal Statement:									
To complete chapter project by the end of December 2017 in Fiscal Year 2018.									
2. Program Performance Area:									
Goal Statement:									
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 and Signature/Date		4.17.17		Signature		Division Director/Branch Chiefs Printed Name and Signature / Date		4/17/17	

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: _____ 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
	Navajo Nation Sales Tax 5%	7,125	7,125
6810	6510 Professional Services		143,000
	Architecture Design		
	6813 Archt/Design Fees	136,000	
	6,000 sq.ft. Existing Chapter Building, Civil, Structural, MPE Consultants, Site Electrical plus Communications.		
6820	Geo Tech Services		
	6823 Geo Tech Services Fees	7,000	
TOTAL		150,125	150,125

CAPITAL PROJECT MANAGEMENT DEPARTMENT**COST ESTIMATE**

Date: 04/17/2017

Project No.:

Project: Coalmine Chapter Building Project

COST SUMMARY PER LOCATION

A. ESTIMATE COST - CHPTR. RENOV. BUILDING (Phase 1)	Sub-Total	Total
BUILDING/SITE RENOVATION COST		
1 6,000 S.F. Existing chapter Building	\$ 115,750.00	
2 Geotechnical/Survey	\$ 7,000.00	
3 Civil, Structural, MPE Consultants	\$ 20,250.00	
4 Site Electrical +Communications	Included	
5 NNGRT 5%	\$ 7,125.00	
	\$ 150,125.00	
B.		
Subtotal Estimate Services:		
SUBTOTAL SERVICES: NN ASC (A+B)		\$ 150,125.00
TOTAL SERVICES: NN CHTR		\$ 150,125.00
Subtotal Costs:		
C. TOTAL PROJECT		
D. SUBMITTED BY: NN CPMD		

COAL MINE CHAPTER

On December 6th 2012 DES conducted a site assessment of the existing Chapter house.

The chapter house was conducting business and had not been closed down

The facility is a relatively new facility which the chapter occupied in

OBSREVATIONS:

The chapter house is experiencing differential settlement which is causing structural cracking at the south exterior cmu walls, the concrete floor, and interior partitions. The electrical system is malfunctioning which could be attributed to the settlement. Water intrusion has occurred and has caused evidence of mold.

At this point it is difficult to determine specifics; poor compaction, lack of quality assurance and quality control, insufficient oversight, engineered fill failing to meet specifications, all could be contributing factors.

Design Engineering has asked the chapter to compile all plans, testing reports, as built drawings, inspection reports and all close out documentation so as to assist in determining any and all proposed remedies and corrective action for bringing the

facility back in to compliance meeting all life and safety requirements and certifying the facility safe for occupancy

RECOMMENDATIONS

1. Procure the services of an Architectural Engineering firm to access the extent of damage to the structure, the electrical, system, the HVAC system, the plumbing system, and drainage issues.
2. The Architectural Engineering will assist Design and Engineering in developing a scope of work
3. The Architectural engineering firm will assist Design and Engineering in developing an accurate cost estimate
4. Advise CIO of estimated cost and have chapter submit proposal for funding
5. The Architectural Engineering firm will prepare the necessary contract document necessary for bidding and negotiation
6. Prepare Advertisement for bid to all certified contractors in the area

WE HAVE REQUESTED THE CHAPTER TO PROVIDE US WITH DRAWINGS, SCOPES OF WORK, TESTING REPORTS, AS BUILT DRAWINGS, WHICH HAS NOT BEEN FORTHCOMING.

WITHOUT THIS INFORMATION WE CANNOT PROVIDE ACCURATE COST PROPOSALS.

WE WILL SCHEDULE A MEETING WITH THE CHAPTER AS SOON AS POSSIBLE TO PROVIDE UPDATES

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2018 - 2023

PROJECT SUMMARY

Agency	Chapter	Project Title	Rank	Category	Sub Category	Funding Sources	2018	2019	2020	2021	2022	2023	Total
07	Coalmine Mesa	P/D/C Coalmine Canyon Senior Ctr	2017 - 0	Building-Community	Senior Citizen's	NN CIP General Funds, County	\$864,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$864,000.00
07	Coalmine Mesa	P/D/C Telecommunication Ln	2017 - 0	Utilities-Telecomm - Linear	Telephone Lines	JARRA	\$260,000.00	\$340,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$600,000.00
07	Coalmine Mesa	P/D/C Coalmine Canyon Scattered Pwrln	2018 - 1	Utilities-Power - Linear	Single Phase	CDBG, NN CIP General Funds, Grants	\$109,547,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$109,547,300.00
07	Coalmine Mesa	Coalmine Canyon Community Water/Sewer Phase II w/Booster Station	2019 - 2	Water - Linear	Water System	IHS, CDBG, AML	\$0.00	\$580,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$580,000.00
07	Coalmine Mesa	Kerley Valley Business Site Development	2020 - 3	Real Estate - Block	Withdrawal Tract	NN Matching CIP Funds, Fed Grants	\$0.00	\$0.00	\$1,600,000.00	\$0.00	\$0.00	\$0.00	\$1,600,000.00
07	Coalmine Mesa	P/D/C Multipurpose Center	2021 - 4	Building-Community	Multi-Purpose Bldg	AML, Other	\$0.00	\$0.00	\$0.00	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00
07	Coalmine Mesa	P/D/C Senior Assisted Living Home	2022 - 5	Housing - Block	Group Home	Fed Grants, IHS	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00
07	Coalmine Mesa	P/D/C Coalmine Canyon Cemetery	2023 - 6	Real Estate - Block	Cemetery Tract	NN CIP General Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	\$150,000.00
07	Coalmine Mesa	Home Renovation - Repairs	2023 - 7	Housing - Block	House	Chapter Local Government Improvement Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00	\$200,000.00
07	Coalmine Mesa	P/D/C Commercial/Light Industrial Site	2023 - 8	Building-Economic Development	Industrial Park	Chapter CIP Funds, NN CIP General Funds, AML	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00	\$100,000.00
07	Coalmine Mesa	Install Coalmine Canyon Scattered Solar Sys	2023 - 9	Housing - Block	Residential Solar Power	NN CIP General Funds, Grants	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00	\$300,000.00
TOTAL							\$110,671,300.00	\$920,000.00	\$1,600,000.00	\$2,000,000.00	\$1,000,000.00	\$750,000.00	\$116,941,300.00



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT

JONATHAN NEZ VICE PRESIDENT

DCDA-M17001

MEMORANDUM

CARL SMITH
Executive Director

DIVISION OF
COMMUNITY
DEVELOPMENT

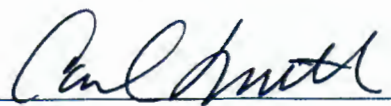
PO Box 1904
Window Rock, AZ
86515

PH: 928.871.7182
Fax: 928.871.7189

WEBSITES:
NNDCCD.org
NavajoChapters.org

MISSION:
Provide
opportunities for
the Navajo
communities to be
self-governing and
self-sufficient.

TO : ALL CONCERNED

FROM : 
Carl Smith, Executive Director
Division of Community Development

DATE : October 3, 2016

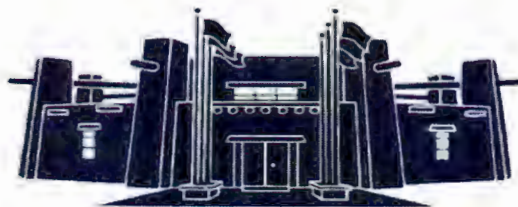
SUBJECT : **FY 2017 Standing Delegation of Authority**

In the event of my absence from the office, Mr. Norbert Nez is delegated authority to act in my capacity as DCD Executive Director on routine administrative matters and have signatory approval, except those matters that he feels require my attention.

Your assistance and cooperation will be appreciated.

Acknowledged by:


Norbert Nez, Computer Operations Manager
Division of Community Development



MEMORANDUM

TO: Honorable Walter Phelps
23rd Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: May 12, 2017

SUBJECT: AN ACTION RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$150,125) TO COALMINE CANYON CHAPTER FOR STRUCTURAL ANALYSIS

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

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 300, 501 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0185-17__

SPONSOR: Walter Phelps

TITLE: An Action Relating To Resource And Development, Budget And Finance, NAABIKI'YATI' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) To Coalmine Canyon Chapter For Structural Analysis

Date posted: May 19, 2017 at 2:50 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.: 0185-17

SPONSOR: Honorable Walter Phelps

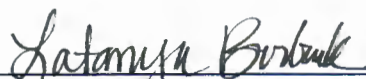
TITLE: An Action Relating To Resource And Development, Budget And Finance, NAABIK'IYATI' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) To Coalmine Canyon Chapter For Structural Analysis

Posted: May 19, 2017 at 2:50pm

5 DAY Comment Period Ended: May 24, 2017

Digital Comments received:

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



**Policy Analyst
Office of Legislative Services**

5/25/17 8:50am

Date/Time

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

LEGISLATION NO.: 0185-17

SPONSOR: Honorable Walter Phelps

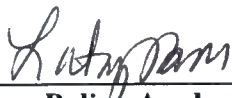
TITLE: An Action Relating To Resource And Development, Budget And Finance, NAABIK'IYATI' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) To Coalmine Canyon Chapter For Structural Analysis

Posted: May 19, 2017 at 2:50pm

5 DAY Comment Period Ended: May 24, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>1. Dominic Beyal, OMB – Executive Director</i>



**Policy Analyst
Office of Legislative Services**



Date/Time



MEMORANDUM

TO : 2 NNC 164 Reviewers

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

DATE : June 7, 2017

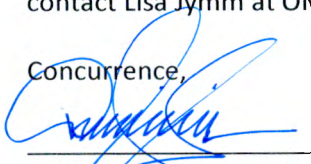
SUBJECT : OMB Review of Legislation 0185-17: \$150,125 from the UUFB to Coalmine Canyon Chapter for Structural Analysis.

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

1. The current undesignated, unreserved fund balance (UUFB) is \$6,585,060 as of April 30, 2017, per the Office of the Controller.
2. DCD should provide the available fund balance for Coalmine Canyon Chapter.
3. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to the FY 2017 budget resolution CS-49-16 (paragraph 'M'), the FY 2017 Budget Instructions Manual (Section XIV), and the Appropriations Act. This activity should be completed by the three branches to determine priorities.
4. OMB recommends compliance with the Navajo Nation Appropriations Act regarding Supplemental Appropriations (Section 820, L). Compliance includes:
 - a. Branch Chief's concurrence of the supplemental request (NN President).
 - b. Non-recurring expenses only.
5. During the 2017 Spring Session, the Navajo Nation Council decided to defer all UUFB supplementals until the FY 2018 revenue projection is made clear due to a possible budget shortfall. This proposal should be treated the same.
6. The correct name should be used for the attached budget and resolutions. Currently it is identified as Coalmine Canyon Chapter, Coalmine Mesa Chapter or just Coalmine Chapter. This needs to be clarified.
7. Corrections need to be made to the proposed budgets. The sales tax should be incorporated into the object codes given. Add sales tax to the Architecture Design and Geo Tech Services and recalculate the amounts.

The above findings should be addressed before the legislation is considered further. If there are any questions, contact Lisa Jymm at OMB at extension 6230.

Concurrence,



Dominic Beval, Executive Director
Office of Management & Budget

xc: Carl Smith, Division Director, DCD
OMB file



LEGISLATIVE SUMMARY SHEET
Tracking No. 0185-17

DATE: May 12, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$150,125) TO COALMINE CANYON CHAPTER FOR STRUCTURAL ANALYSIS

PURPOSE: EMERGENCY LEGISLATION. This legislation approves supplemental funding from the UUFB of \$150,125 to the Coalmine Canyon Chapter for a structural analysis to determine the extent of deterioration to the Chapter facility.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 5/NOTAH
Website Posting Time/Date: 2:50pm 5/19/2017
Posting End Date: 5/24/2017
Eligible for Action: 5/25/2017

Resources & Development Committee

THENCE

Budget & Finance Committee

THENCE

Naa'bik'iyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL - Third Year, 2017

INTRODUCED BY


Primary Sponsor (Walter Phelps)

TRACKING NO. 0185-17

AN ACTION

RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE,
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED
FIFTY THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$150,125) TO
COALMINE CANYON CHAPTER FOR STRUCTURAL ANALYSIS

BE IT ENACTED:

Section One. Authority

- A. Pursuant to 12 N.N.C. § 820(L), the Navajo Nation Council may adopt and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, (1) if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set for in § 820(J), or (2) when the Unreserved, Undesignated Fund balance (UUFb) is in excess of the reserve amount set forth at § 820(J).
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. § 164 (A)(9), 701(A)(3).

- 1 C. Pursuant to 2 N.N.C. § 300 (C)(3) the Budget and Finance Committee is authorized to
2 recommend adoption of resolutions related to the expenditure of the Nation's financial
3 resources.
- 4 D. Budget and Finance Committee may recommend supplemental appropriations to the
5 Navajo Nation Council. 12 N.N.C. § 820 (L).
- 6 E. Pursuant to 2 N.N.C. § 501 (C)(5), the Resources and Development Committee
7 exercises oversight authority over chapter activities, and economic and community
8 development, for the purpose to promote, review, coordinate and approve projects to be
9 financed by funds designed for capital improvement.

10

11 **Section Two. Findings**

- 12 A. Pursuant to 26 N.N.C. § 3 the Coalmine Canyon Chapter is a duly recognized and
13 certified Chapter of the Navajo Nation.
- 14 B. The Coalmine Canyon Chapter facility was completed in 2004 with funds provided
15 by the Office of Navajo-Hopi Indian Relocation with ownership transferred to the
16 Navajo Nation; however, since 2004, due to faulty construction and lack of attention
17 by previous Chapter administration, the facility continues to deteriorate and is unsafe
18 for public use. *See* Coalmine Canyon Chapter resolution CCC-04-0065-17 attached
19 as **Exhibit A**.
- 20 C. The Coalmine Canyon Chapter submitted a claim to the Navajo Nation's Risk
21 Management Office on August 20, 2015 and the claim was denied on June 21, 2016.
22 *See Exhibit B*.
- 23 D. The Title 12 Finance Act Supplemental Appropriation requirements include:
24 1. Pursuant to 12 N.N.C. § 820(L), all requests for annual operating funds and
25 supplemental funds shall be submitted to the Office of Management and
26 Budget ("OMB") for budget impact analysis. A preview of the appropriation
27 legislation is available to the OMB for their budget impact analysis response.
28 The OMB review for this legislation has not yet been completed and must be
29 provided prior to the approval of this legislation.
- 30

1 2. Pursuant to 12 N.N.C. § 820(L), when the Controller identifies additional
2 sources of revenues above and beyond the initial or current revenue
3 projections, supplemental appropriations may be allocated by the Navajo
4 Nation Council. Controller's memorandum attached as **Exhibit C**.

5 E. There are sufficient funds available in the Unreserved, Undesignated Fund Balance to
6 provide the Coalmine Canyon Chapter with an appropriation of One Hundred Fifty
7 Thousand One Hundred and Twenty Five Dollars (\$150,125) to conduct a structural
8 analysis to determine the extent of damage to the facility and the required renovation
9 and repair cost. Budget forms attached as **Exhibit D**.

10 F. The Navajo Nation Council finds it in the best interest of the Coalmine Canyon
11 Chapter to approve the supplemental appropriation from the Unreserved,
12 Undesignated Fund Balance to the Coalmine Canyon Chapter for the cost of a
13 structural analysis of the Chapter building.

14 15 **Section Three. Approvals**

16 A. The Navajo Nation Council hereby approves a supplemental appropriation to the
17 Coalmine Canyon Chapter for a structural analysis of the Chapter building. This
18 supplemental appropriation to be funded from the Unreserved, Undesignated Fund
19 Balance, and used solely to determine the condition of the Coalmine Canyon Chapter
20 facility and required renovation and repair cost.

21 B. This supplemental appropriation of One Hundred Fifty Thousand One Hundred
22 Twenty Five Dollars (\$150,000) shall be to a Business Unit # NEW and from that
23 amount of funds that exceeds the minimum fund balance of the Unreserved,
24 Undesignated Fund Balance. *See Exhibit D*.

25 26 **Section Four. Effective Date**

27 The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B).

28 29 **Section Five. Savings, Severability, and Survivability**

1 Should any provision herein be determined invalid by the Navajo courts or other court of
2 competent jurisdiction, all other provisions of this legislation not determined to be invalid
3 shall remain in full force and effect.
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COALMINE CANYON CHAPTER

Chapter President
Dorothy Dale

Chapter Vice-President
Phillip Zahne

Secretary/Treasurer
Augusta Gilwood

Vacant-Community Service Coordinator



Council Delegate
Walter Phelps

Grazing Official
Harry Goldhoosh

WESTERN NAVAJO AGENCY - NAVAJO NATION

PO Box 742, Tuba City, AZ 86045

Kristen Charley-Accounts Maintenance Specialist

Resolution of the Coalmine Canyon Chapter CCC-04-0065-17

REQUEST FOR EMERGENCY BASIS FROM THE UNDESIGNATED UNRESERVED FUND BALANCE (UUFB) TO COVER EXPENSES ASSOCIATED WITH COMPLETION OF FACILITY AUDIT.

WHEREAS:

1. Pursuant to 26 NNC, Section 3; Chapter Certification and 11 NNC Part 1, Section 10, the Coalmine Canyon Chapter is a duly recognized and certified chapter of the Navajo Nation Government; and,
2. Pursuant to 26 NNC, Chapter 1; Navajo Nation Chapters; Section 1, (B) Purpose (1) & (2), the Navajo Nation Council delegated to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition and allows chapters to make decisions to govern with responsibility and accountability to community membership; and,
3. The community of Coalmine Canyon has been impacted by both the Bennett Freeze Act of 1966 and the Navajo Hopi Land Settlement Act of 1974 (PL-93-531) which has prohibited improvement or development. This Executive Order has resulted in the ongoing negative physiological, psychological and sociological impact of its community members; and,
4. The Coalmine Canyon Chapter strives for the improvement of the community membership by providing and assisting them with opportunity for improvement in their livelihood, health and education; and,
5. The Coalmine Canyon Chapter facility construction was completed in 2004 and funded by Office of Navajo Hopi Indian Relocation (ONHIR) and has since transferred ownership to the Navajo Nation to maintain and manage. However, due to faulty construction and lack of attention by former administration, the building has deteriorated and is unsafe for public use; and,
6. The Coalmine Canyon Chapter has kept detailed records in the deterioration of the chapter building which obviously shows visible deterioration of the interior and exterior structure; and,
7. The Coalmine Canyon Chapter has submitted a claim and attached photos to the Navajo

Nation Risk Management Program on August 20, 2015 and claim was denied on June 21, 2016. Denial letter stated "Our Property Policy excludes/does not insure against normal settling or normal shrinkage of walls, floors or ceiling". Therefore, claim was denied for repairs; and,

8. The Coalmine Canyon Chapter has exhausted all avenues in notifying the appropriate Navajo Nation Government Authorities and other affected agencies to address the deterioration of the facility and is very concerned for the safety of the public and employees; and,
9. The Navajo Nation stipulates in NOSHA and Workman's Comp policies to ensure the physical safety and well-being of its employees.

NOW THEREFORE BE IT RESOLVED:

1. The Coalmine Canyon Chapter hereby approves an Emergency Basis request for Funds from the Undesignated Unreserved Fund Balance (UUFB) to Cover Expenses Associated with Completion of Facility Audit.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Coalmine Canyon Chapter, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 25 in favor, 0 opposed, and 1 abstained, this 9th day of April 2017;

Motion to Approve: Cecil Nez
Second: Marcella Yazzie

Dorothy Dale
Dorothy Dale, President

Augusta Gillwood
Augusta Gillwood, Secretary/Treasurer

Phillip Zahne
Phillip Zahne, Vice-President

Harry J. Goldtooth
Harry J. Goldtooth, Grazing Official

Walter Phelps
Walter Phelps, Council Delegate



**THE
NAVAJO
NATION**

Risk Management Program

Post Office Box 1690 • Window Rock • Arizona • 86515
Phone (928) 871-6336 Fax (928) 871-6867



Russell Begaye
President

Jonathan Nez
Vice President

June 21, 2016

COALMINE CANYON CHAPTER
Attn: Augusta Gillwood, Secretary/Treasurer
P.O. Box 742
Tuba City, AZ 86045

RE: Insured:	NN/Coalmine Canyon Chapter
Date of Loss:	08/20/2015
File Number:	35811

Dear Ms. Gillwood;

As Insurance Administrators representing the Navajo Nation, its Enterprises and Chapters, our office is in receipt of a Property Loss Report, whereas Chapter experienced structural damages, such as cracks (interior/exterior), uneven floors and plumbing system damage.

Be advised it is the responsibility of the Risk Management Program to conduct a proper investigation to determine any liability on behalf of the Navajo Nation. Upon review of the file, it has been determined this is not a covered loss. Our Property Policy excludes/does not insure against normal settling or normal shrinkage of walls, floors or ceiling. Therefore, I hereby deny this claim entirely for repairs.

This concludes our handling of this file. Consider this file "close". Should there be any questions, please contact me at (928) 871-6335. Thank you.

Sincerely,

Annie Gorman, Claims Analyst
Risk Management Program/The Navajo Nation
P.O. Box 1690
Window Rock, AZ 86515

Cc: Shawnevan Dale, PSII, Risk Management Program
Chapter Officials
Chrono/File



THE NAVAJO NATION

**RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT**



Memorandum

Date: March 28, 2017

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

Honorable Lorenzo Bates, Speaker
Navajo Nation Council

Honorable Allen Sloan, Acting Chief Justice
Judicial Branch

From: *Pearline Kirk*
Pearline Kirk, Controller
Office of the Controller

Subject: Updated Undesignated Unreserved Fund Balance

The Office of Controller has updated the unaudited Undesignated Unreserved Fund Balance (UUFb) at \$6,824,260, as of March 28, 2017. Please see attached UUFb Schedule.

The appropriation in resolution CJA-02-17-Social Services for amount \$5,038,678 utilized the Minimum Fund Balance. After reviewing the Attorney General's Opinion [01-17], the Minimum Fund balance needs to be replenished to its required 10% of previous annual budget. Such required amount is \$17,265,400. Since the last report of UUFb on February 28, 2017 we performed additional analysis and revised our estimates, which had the following impact on UUFb:

- Increase UUFb for lower estimated adjustments from audit AJE's
- Increase UUFb for lower estimated expense to the Contingency Management Fund
- Decrease UUFb for the Permanent Fund set aside (CS-46-14)
- Decrease UUFb for additional capital projects

We believe our estimates to be prudent, reasonable, and conservative in nature and subject to the completion of the annual audit. The net impact of these changes resulted in UUFb of \$7,972,352. However, \$1,148,092 of UUFb was transferred to replenish the Minimum Fund Balance back up to the required 10%. Therefore, the UUFb balance is \$6,824,260 as of today.

Thank you, if you should have any question please feel free to call me at tribal extension X6308.



Undesignated, Unreserved, Fund Balance (UUFB)
March 28, 2017
(Unaudited)

	<u>UUFB</u>	<u>Min Fund Balance</u>
UUFB Balance	\$ -	\$ 16,117,308
<u>Adjustments from Analysis:</u>		
Reduce Contingency Management Fund estimate	20,000,000	-
CS-49-16 Increase Permanent Fund Set Aside	(11,728,198)	-
Reduce estimate for audit AJE's	10,000,000	-
Increase other capital projects	(10,044,794)	-
UUFB 10-01-16	<u>8,227,008</u>	-
<u>Supplementals:</u>		
CIA-05-17 Bennett Freeze	<u>254,656</u>	-
Total Supplementals	<u>254,656</u>	-
Maintain 10% Minimum Fund Balance Transfer	<u>(1,148,092)</u>	<u>1,148,092</u>
UUFB Balance	-	17,265,400
10% Minimum Fund Balance	-	<u>(17,265,400)</u>
UUFB 03-28-17	<u>\$ 6,824,260</u>	<u>\$ -</u>

Prepared by: General Accounting
3/28/2017
8:29 AM

**THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

EXHIBIT

D

PART I. Business Unit No.: New Program Title: Coalmine Mesa Chapter - Structural Analysis, Bldg Investigation
Division/Branch: Comm. Development Amount Requested: \$150,125 Phone No.: x 7173
Prepared By: Brenda Holgate Email Address: bholgate@nndcd.org
Walter Phelps, NNC

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Coalmine Mesa Chapter is currently experiencing challenges in seeking funds for a major structural analysis of Chapter building, to conduct a thoroughly Building investigation, and geotech services.

Coalmine Canyon known to the locals as Tsé Kó Hásáni is located in Western Navajo Agency. The Coalmine Canyon Chapter house is located on Highway 264 and Route 6720 approximately 18 miles east of Tuba City, AZ

Coalmine Canyon Chapter formerly known as Coalmine Mesa is a relocated chapter due to the Navajo Hopi Land Settlement Act of 1974 (PL93-531) and the Bennett Freeze Act of 1966. The chapter is one of the nine Former Bennett Freeze chapters in Western Navajo Agency.

PART III. CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

Continue to seek support from the Navajo Nation President & Vice President and Navajo Nation Council, and other governmental Entity.

PART IV. ALTERNATIVE FUNDING SOURCES BEING PURSUED:

- 1 Chapter to seek Undesignated Unreserved Fund Balance (UUFB) for this Project in the amount of \$
- 2 Chapter will seek for any funds within their allocations that may become available.

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

 1/17/17
REVIEWED BY: Division Director's Signature / Date


RECOMMEND APPROVAL: Branch Chief's Signature / Date

Fiscal Year 2017

**THE NAVAJO NATION
CAPITAL PROJECT BUDGET SUMMARY**

CP BUDGET FORM 1

Page 1 of 3

PART I. Business Unit No.: NEW Project Title: Building Investigation, ~~Geotech Svcs.~~, Structural Analysis
 Division/Branch: Community Development Chapter: Coalmine Mesa Agency: Western
 Prepared By: Brenda Holgate, PPS/NNC Walter Phelps Phone No.: 928/871-7173

PART II. Check one: XX Original Revision Reallocation Modification

Project Funds	Appropriation End Date	Amount	% of Total
General Funds (UUFB)	2017	\$ 150,125.00	100.00%
		150,150	
		150,150	
TOTAL:		\$ 150,125.00	100.00%

PART III.	Capital Outlay	Amount
6810	Architecture Design	\$ 142,800 136,000.00
6820	Geo Tech Services	\$ 7,350 7,000.00
	5% Sales Tax	\$ 7,125.00
		2,450
		150,150
	TOTAL	\$ 150,125.00

PART IV. Project Information
 Building Investigation, GeoTech Svcs., Structural
 Project Type: Analysis
 Planned Start Date: April 2017
 Planned End Date: December 2017
 Budget Start Fiscal Year: 2017
 Budget End Fiscal Year: 2018

FOR OMB USE ONLY

Resolution No.:
 FMIS Set Up Date:
 Company No.:
 OMB Analyst:

PART V. ACKNOWLEDGEMENT:

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

 4/17/17
 SUBMITTED BY: Sponsor's Signature / Date

 VERIFIED BY: Lead Agent's Signature / Date

Not on priority list
 but emergency

[illegible]

Fiscal Year 2017

**THE NAVAJO NATION
CAPITAL PROJECT BUDGET AND JUSTIFICATION**

CP BUDGET FORM 3
Page 3 of 3

PART I. Business Unit No.: <u>NEW</u>				
Project Title: <u>Building Investigation, Geotech Svcs., Structural Analysis</u>				
PART II.				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
1	6	6810	Architecture/Design (non cap) 6,000 sq. ft. Existing Chapter Building Civil, Structural, MPE Consultants Site Electrical plus Communications <i>plus 5% Sales Tax</i>	\$ 136,000.00 <i>136,000 + 6,800 =</i> <i>142,800</i>
1	6	6820	Geo Tech Services 6823 Geo Tech Svcs (NC) Fees <i>plus 5% Sales Tax</i>	\$ 7,000.00 <i>7,000 + 350 =</i> <i>7,350</i>
			Navajo Nation Sales Tax 5%	\$ 7,125.00 <i>7,125</i>
				<i>150,150</i>
PAGE TOTAL:				\$ 150,125.00

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2017

PART I. Business Unit No.: _____		New		Program Title: _____		Coalition Mesa Chapter		Division/Branch: _____		Community Development	
Prepared By: _____		Brenda Holgate		Phone No.: _____		928/871-7173		Email Address: _____		bholgate@nndcd.org	
Walter Pheasant, NNC											

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	NMC Approved Original Budget	Proposed Budget	Difference (Column B - A)
General Funds	UUIB	2017	150,125	100%				1		150,125	7125
			150,150								
					1200	Travel					
					2001	Personnel Expenses					0
					3000	Travel Expenses					0
					3500	Meeting Expenses					0
					4000	Supplies					0
					5000	Lease and Rental					0
					5500	Communications and Utilities					0
					6000	Repairs and Maintenance			150,150		0
					6500	Contractual Services		1	143,000		143,000
					7000	Special Transactions					0
					8000	Public Assistance					0
					9000	Capital Outlay					0
					9500	Matching Funds					0
					9500	Indirect Cost			150,150		0
TOTAL:									\$0.00	150,125	150,125

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

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

[Signature]

SUBMITTED BY: Program Manager's Printed Name and Signature / Date

4.17.17

[Signature]

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

4/17/17

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2017

PART I. PROGRAM INFORMATION:		Business Unit No.:		New		Program Name/Title:		Coalmine Mesa Chapter							
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:															
CAP 34-98: To direct the Chapter Administration and Management control system, by promoting efficiency and accountability to the Chapter Membership, and to effectuate plans of actions to improve the standard of living for the Chapter Membership.															
PART III. PROGRAM PERFORMANCE CRITERIA:															
1. Program Performance Area:															
To provide and perform a major structural analysis of Chapter building.															
Goal Statement:															
To complete chapter project by the end of December 2017 in Fiscal Year 2018.															
2. Program Performance Area:															
Goal Statement:															
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.															
<div style="display: flex; justify-content: space-between;"> <div> <p><i>[Signature]</i></p> <p>Program Manager's Printed Name and Signature/Date</p> </div> <div> <p>4.17.17</p> </div> <div> <p><i>[Signature]</i></p> <p>4.17.17</p> <p>Division Director/Branch Chief's Printed Name and Signature / Date</p> </div> </div>															

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2017

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Business Unit No.:	New
Coalmine Mesa Chapter			
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
6810	<p>Navajo Nation Sales Tax 5%</p> <p>6510 Professional Services</p> <p>Architecture Design</p> <p>6813 Arch/Design Fees</p> <p>6,000 sq.ft. Existing Chapter Building, Civil, Structural, MPE Consultants, Site Electrical plus Communications.</p> <p>136,000</p> <p><i>Add 5% Sales Tax</i></p>	<p>7129</p> <p>136,000</p>	<p>7125</p> <p>143,000</p>
6820	<p>Geo Tech Services</p> <p>6823 Geo Tech Services Fees</p> <p><i>Add 5% Sales Tax</i></p> <p>7,000</p>	<p>7,000</p>	
TOTAL		150,125	150,125

CAPITAL PROJECT MANAGEMENT DEPARTMENT**COST ESTIMATE**

Date: 04/17/2017

Project No.:

Project: Coalmine Chapter Building Project

COST SUMMARY PER LOCATION

A. ESTIMATE COST - CHPTR. RENOV. BUILDING (Phase 1)	Sub-Total	Total
BUILDING/SITE RENOVATION COST		
1 6,000 S.F. Existing chapter Building	\$ 115,750.00	
2 Geotechnical/Survey	\$ 7,000.00	
3 Civil, Structural, MPE Consultants	\$ 20,250.00	
4 Site Electrical +Communications	Included	
5 NNGRT 5%	\$ 7,125.00	
	\$ 150,125.00	
B.		
Subtotal Estimate Services:		
SUBTOTAL SERVICES: NN ASC (A+B)		\$ 150,125.00
TOTAL SERVICES: NN CHTR		\$ 150,125.00
Subtotal Costs:		
C. TOTAL PROJECT		
D. SUBMITTED BY: NN CPMD		

COAL MINE CHAPTER

On December 6th 2012 DES conducted a site assessment of the existing Chapter house.

The chapter house was conducting business and had not been closed down

The facility is a relatively new facility which the chapter occupied in

OBSREVATIONS:

The chapter house is experiencing differential settlement which is causing structural cracking at the south exterior cmu walls, the concrete floor, and interior partitions. The electrical system is malfunctioning which could be attributed to the settlement. Water intrusion has occurred and has caused evidence of mold.

At this point it is difficult to determine specifics; poor compaction, lack of quality assurance and quality control, insufficient oversight, engineered fill failing to meet specifications, all could be contributing factors.

Design Engineering has asked the chapter to compile all plans, testing reports, as built drawings, inspection reports and all close out documentation so as to assist in determining any and all proposed remedies and corrective action for bringing the

facility back in to compliance meeting all life and safety requirements and certifying the facility safe for occupancy

RECOMMENDATIONS

1. Procure the services of an Architectural Engineering firm to access the extent of damage to the structure, the electrical, system, the HVAC system, the plumbing system, and drainage issues.
2. The Architectural Engineering will assist Design and Engineering in developing a scope of work
3. The Architectural engineering firm will assist Design and Engineering in developing an accurate cost estimate
4. Advise CIO of estimated cost and have chapter submit proposal for funding
5. The Architectural Engineering firm will prepare the necessary contract document necessary for bidding and negotiation
6. Prepare Advertisement for bid to all certified contractors in the area

WE HAVE REQUESTED THE CHAPTER TO PROVIDE US WITH DRAWINGS, SCOPES OF WORK, TESTING REPORTS, AS BUILT DRAWINGS, WHICH HAS NOT BEEN FORTHCOMING.

WITHOUT THIS INFORMATION WE CANNOT PROVIDE ACCURATE COST PROPOSALS.

WE WILL SCHEDULE A MEETING WITH THE CHAPTER AS SOON AS POSSIBLE TO PROVIDE UPDATES

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2018 - 2023

PROJECT SUMMARY

Agency	Chapter	Project Title	Rank	Category	Sub Category	Funding Sources	2018	2019	2020	2021	2022	2023	Total
07	Coalmine Mesa	P/D/C Coalmine Canyon Senior Ctr	2017 - 0	Building-Community	Senior Citizen's	NN CIP General Funds, County	\$864,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$864,000.00
07	Coalmine Mesa	P/D/C Telecommunication Ln	2017 - 0	Utilities--Telecomm - Linear	Telephone Lines	ARRA	\$260,000.00	\$340,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$600,000.00
07	Coalmine Mesa	P/D/C Coalmine Canyon Scattered PwrIn	2018 - 1	Utilities--Power - Linear	Single Phase	CDBG, NN CIP General Funds, Grants	\$109,547,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$109,547,300.00
07	Coalmine Mesa	Coalmine Canyon Community Water/Sewer Phase II w/Booster Station	2019 - 2	Water - Linear	Water System	IHS, CDBG, AML	\$0.00	\$580,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$580,000.00
07	Coalmine Mesa	Kerley Valley Business Site Development	2020 - 3	Real Estate - Block	Withdrawal Tract	NN Matching CIP Funds, Fed Grants	\$0.00	\$0.00	\$1,600,000.00	\$0.00	\$0.00	\$0.00	\$1,600,000.00
07	Coalmine Mesa	P/D/C Multipurpose Center	2021 - 4	Building-Community	Multi-Purpose Bldg	AML, Other	\$0.00	\$0.00	\$0.00	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00
07	Coalmine Mesa	P/D/C Senior Assisted Living Home	2022 - 5	Housing - Block	Group Home	Fed Grants, IHS	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00
07	Coalmine Mesa	P/D/C Coalmine Canyon Cemetery	2023 - 6	Real Estate - Block	Cemetery Tract	NN CIP General Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00	\$150,000.00
07	Coalmine Mesa	Home Renovation - Repairs	2023 - 7	Housing - Block	House	Chapter Local Government Improvement Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00	\$200,000.00
07	Coalmine Mesa	P/D/C Commercial/Light Industrial Site	2023 - 8	Building-Economic Development	Industrial Park	Chapter CIP Funds, NN CIP General Funds, AML	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00	\$100,000.00
07	Coalmine Mesa	Install Coalmine Canyon Scattered Solar Sys	2023 - 9	Housing - Block	Residential Solar Power	NN CIP General Funds, Grants	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00	\$300,000.00
TOTAL							\$110,671,300.00	\$920,000.00	\$1,600,000.00	\$2,000,000.00	\$1,000,000.00	\$750,000.00	\$116,941,300.00



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**

DCDA-M17001

MEMORANDUM

CARL SMITH
Executive Director

**DIVISION OF
COMMUNITY
DEVELOPMENT**


PO Box 1904
Window Rock, AZ
86515

PH: 928.871.7182
Fax: 928.871.7189

WEBSITES:
NNDCCD.org
NavajoChapters.org

MISSION:
Provide
opportunities for
the Navajo
communities to be
self-governing and
self-sufficient.

TO : ALL CONCERNED

FROM : 
Carl Smith, Executive Director
Division of Community Development

DATE : October 3, 2016

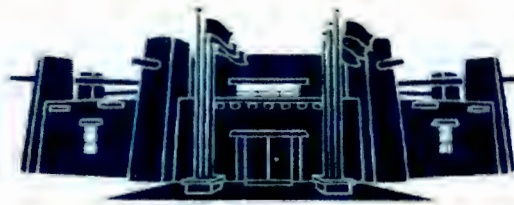
SUBJECT : **FY 2017 Standing Delegation of Authority**

In the event of my absence from the office, Mr. Norbert Nez is delegated authority to act in my capacity as DCD Executive Director on routine administrative matters and have signatory approval, except those matters that he feels require my attention.

Your assistance and cooperation will be appreciated.

Acknowledged by:


Norbert Nez, Computer Operations Manager
Division of Community Development



MEMORANDUM

TO: Honorable Walter Phelps
23rd Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: May 12, 2017

SUBJECT: AN ACTION RELATING TO RESOURCE AND DEVELOPMENT, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$150,125) TO COALMINE CANYON CHAPTER FOR STRUCTURAL ANALYSIS

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

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 300, 501 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0185-17_

SPONSOR: Walter Phelps

TITLE: An Action Relating To Resource And Development, Budget And Finance, NAABIKI'IYATI' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) To Coalmine Canyon Chapter For Structural Analysis

Date posted: May 19, 2017 at 2:50 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.: 0185-17

SPONSOR: Honorable Walter Phelps

TITLE: An Action Relating To Resource And Development, Budget And Finance, NAABIK'IYATI' Committees And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) To Coalmine Canyon Chapter For Structural Analysis

Posted: May 19, 2017 at 2:50pm

5 DAY Comment Period Ended: May 24, 2017

Digital Comments received:

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



**Policy Analyst
Office of Legislative Services**

5/25/17 8:50am

Date/Time

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

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

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

Legislation # 0185-17: An Action Relating to Resources and Development; Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) to Coalmine Canyon Chapter for Structural Analysis. *Sponsor: Honorable Walter Phelps*

Has had it under consideration and report the same with a **DO PASS** with no amendment

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

Respectfully submitted,



Davis Filfred, Presiding Pro Tem Chairperson
Resources and Development Committee
the 23rd Navajo Nation Council

Date: May 30, 2017
Main Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry
Vote: 4-0-1 (CNV)

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

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

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

Legislation # 0185-17: An Action Relating to Resources and Development; Budget and Finance, Naabik'Iyati Committees and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) to Coalmine Canyon Chapter for Structural Analysis. *Sponsor: Honorable Walter Phelps*

Has had it under consideration and report the same with a **DO PASS** with no amendment

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

Respectfully submitted,



Davis Filfred, Presiding Pro Tem Chairperson
Resources and Development Committee
the 23rd Navajo Nation Council

Date: May 30, 2017
Main Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry
Vote: 4-0-1 (CNV)

23rd NAVAJO NATION COUNCIL

Third Year 2017

Mr. Speaker:

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

NAVAJO LEGISLATIVE BILL # 0185-17:

An Action Relating to Resource and Development, Budget and Finance, Naabikiyati Committees and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) to Coalmine Canyon Chapter for Structural Analysis *Sponsored by Walter Phelps, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

1. On Page 2, starting at line 28, strike language after the word "legislation" to the end of the sentence; in its place, insert the words: "is attached as Exhibit E." (Lee Jack, Sr./Dwight Witherspoon/4-0)

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

Respectfully submitted,


Seth Damon, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

12 June 2017

The vote was **4** in favor **0** opposed

Absent: Leonard Tsosie

Motion: Dwight Witherspoon

Second: Tuchoney Slim, Jr.

Vote: 4-0



MEMORANDUM

TO : 2 NNC 164 Reviewers

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

DATE : June 7, 2017

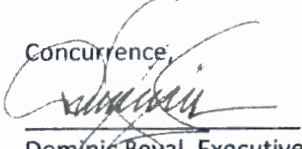
SUBJECT : OMB Review of Legislation 0185-17: \$150,125 from the UUFB to Coalmine Canyon Chapter for Structural Analysis.

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

1. The current undesignated, unreserved fund balance (UUFB) is \$6,585,060 as of April 30, 2017, per the Office of the Controller.
2. DCD should provide the available fund balance for Coalmine Canyon Chapter.
3. Because of the limited availability of funds, OMB advises the Branch Chiefs to prioritize all supplemental funding proposals pursuant to the FY 2017 budget resolution CS-49-16 (paragraph 'M'), the FY 2017 Budget Instructions Manual (Section XIV), and the Appropriations Act. This activity should be completed by the three branches to determine priorities.
4. OMB recommends compliance with the Navajo Nation Appropriations Act regarding Supplemental Appropriations (Section 820, L). Compliance includes:
 - a. Branch Chief's concurrence of the supplemental request (NN President).
 - b. Non-recurring expenses only.
5. During the 2017 Spring Session, the Navajo Nation Council decided to defer all UUFB supplementals until the FY 2018 revenue projection is made clear due to a possible budget shortfall. This proposal should be treated the same.
6. The correct name should be used for the attached budget and resolutions. Currently it is identified as Coalmine Canyon Chapter, Coalmine Mesa Chapter or just Coalmine Chapter. This needs to be clarified.
7. Corrections need to be made to the proposed budgets. The sales tax should be incorporated into the object codes given. Add sales tax to the Architecture Design and Geo Tech Services and recalculate the amounts.

The above findings should be addressed before the legislation is considered further. If there are any questions, contact Lisa Jymm at OMB at extension 6230.

Concurrence:


Dominic Beyal, Executive Director
Office of Management & Budget

xc: Carl Smith, Division Director, DCD
OMB file



**23rd NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Third Year 2017**

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

NAVAJO LEGISLATIVE BILL #0185-17

An Action Relating to Resource and Development, Budget and Finance, Naabik'iyáti' Committees and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of One Hundred Fifty Thousand One Hundred Twenty Five Dollars (\$150,125) to Coalmine Canyon Chapter for Structural Analysis

Sponsored by: Honorable Walter Phelps

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

Respectfully Submitted,



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

13 JULY 2017

MAIN MOTION:

Motioned by: Honorable Otto Tso

Seconded by: Honorable Dwight Witherspoon

*Vote: 08 in Favor, 03 Opposed (Chairman Bates Not Voting) **

** Pursuant to 2 N.N.C. § 700 (D), two members from each Standing Committee*

(24)

**23rd Navajo Nation Council
Naabik'iyati' Committee**

Date: July 13, 2017

Legislation No. 0185-17

Motion: Otto Tso

Second: Dwight Witherspoon

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo C.		
BEGAY, Kee Allen Jr.		
BEGAY, Norman M.		
BEGAY, Steven		
BEGAYE, Nelson		
BENNETT, Benjamin L.		
BROWN, Nathaniel		
CHEE, Tom T.		
CROTTY, Amber K.		
DAMON, Seth		
DANIELS, Herman		
FILFRED, Davis		
HALE, Jonathan L.		
JACK, Lee Sr.		
PERRY, Jonathan		
PETE, Leonard H.		
PHELPS, Walter		
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.		
SMITH, Raymond Jr.		
TSO, Otto		
TSOSIE, Leonard		
WITHERSPOON, Dwight		
YAZZIE, Edmund		

BY COMMITTEE:

	Yea	Nay	TOTAL
BFC:			
CHEE, Tom T.			
DAMON, Seth		✓	
JACK, Lee Sr.			
SLIM, Tuchoney Jr.	✓		
WITHERSPOON, Dwight	✓		
TSOSIE, Leonard	✓		4
HEHSC:			
BEGAY, Norman M.			
BEGAY, Steven		✓	
BEGAYE, Nelson	✓		
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.	✓		3
LOC:			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.	✓		
TSO, Otto	✓		
YAZZIE, Edmund			2
RDC:			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Jonathan		✓	
PETE, Leonard H.			
PHELPS, Walter	✓		
SHEPHERD, Alton Joe			2
SPEAKER:			
BATES, LoRenzo C.			
(Votes only in a tie)			1

GRAND TOTAL

CERTIFICATION:



Honorable LoRenzo C. Bates
Speaker

8 3