LEGISLATIVE SUMMARY SHEET
Tracking No. 0289-20

DATE: November 18, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING CAP-35-18, SÍHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN, TO EXTEND PROJECT COMPLETION DEADLINES TO FORTY-EIGHT MONTHS

PURPOSE: This resolution, if approved, will amend CAP-35-18 to extend the deadline and time-frame for the expenditure or encumbrance of project funds from twenty-four to forty-eight months and will authorize projects changes to be administratively approved through duly adopted Rules and Regulations.

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: J Johnson
Website Posting Time/Date: 4:50pm 11-23-20
Posting End Date: 11-28-20
Eligible for Action: 11-29-20

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

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

INTRODUCED BY

Raymond Smith Jr.

(Prime Sponsor)

TRACKING NO. 0289-20

AN ACTION

RELATING TO LAW AND ORDER, HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING CAP-35-18, SÍHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN, TO EXTEND PROJECT COMPLETION DEADLINES TO FORTY-EIGHT MONTHS

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee of the Navajo Nation Council is empowered to provide legislative oversight on matters involving public safety programs and to enable the Navajo Nation to more effectively provide efficient public safety services on the Navajo Nation. 2 N.N.C. § 600 (C) (6).

B. The Health Education and Human Services Committee of the Navajo Nation Council is empowered to provide legislative oversight on matters involving health, social services, education, general governmental services and human services. 2 N.N.C. §400 (C) (1).

C. The Resource Development Committee of the Navajo Nation Council is empowered to exercise oversight authority on matters involving roads and transportation, communications and utilities, information technology, chapter activities, economic

OLC No. 20-342-1

and community development, rights-of-way, public utilities and housing. 2 N.N.C. § 500 (C).

D. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §§ 301 (B) (2) and (5).

E. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164 (A) (9).

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

SECTION TWO. FINDINGS

A. In May of 2018, the 23rd Navajo Nation Council enacted Resolution No. CAP-35-18, attached as **Exhibit 1**, establishing the Síhasin Fund Powerline and Chapter Projects Expenditure Plan to fund 229 powerline, waterline and capital projects throughout the Navajo Nation.

B. The total cost of the 229 projects funded by the 23rd Navajo Nation Council through CAP-35-18 was one hundred million dollars ($100,000,000); however, the President of the Navajo Nation line-item vetoed four (4) projects totaling eight hundred eighty-nine thousand three hundred fifty dollars ($889,350). *See* **Exhibit 2**.

C. The CAP-35-18 projects, depending on their readiness, were grouped into three (3) funding cycles: (1) Year One projects were to receive funding by the end of Fiscal Year 2018 (NTUA powerline projects) or the end of the third quarter of Fiscal Year 2018 (Non-NTUA powerline projects); (2) Year Two projects were to receive funding by the end of the first quarter of Fiscal Year 2019; and (3) Year Three projects were to receive funding by the end of the first quarter of Fiscal Year 2020. **Exhibit 1.**

D. All CAP-25-18 project funds, regardless of the year funded, were required to be spent or encumbered within twenty-four months of distribution by the Office of the Controller to the Capital Projects Management Department (CPMD), LGA-certified Chapter, or Navajo Tribal Utility Authority (NTUA); any project funds not spent or encumbered within twenty-four months of distribution are to be reverted or reallocated to the Síhasin Fund.

E. The World Health Organization (WHO) declared a Public Health Emergency of International Concern related to the outbreak of coronavirus (COVID-19) on January 30, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency related to COVID-19 on January 31, 2020 and the WHO declared a global pandemic on March 11, 2020.

F. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11. The Navajo Nation Department of Health subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2020-029 are incorporated by reference into this resolution.

G. As of November 15, 2020, the Navajo Nation Health Command Operations Center has confirmed 13,373 COVID-19 cases and 602 COVID-19-related deaths on the Navajo Nation; confirmed COVID-19 cases and COVID-19-related deaths on the Navajo Nation have not subsided and continue to rise at an alarming rate.

H. The Public Health Emergency Orders and related Executive Orders closed Navajo Nation government programs and Chapters and non-essential businesses on the Navajo Nation for prolonged periods of time on different occasions; the shutdown of government programs, like CPMD and Chapters, combined with the closure of non-essential businesses created unavoidable, but still substantial, obstacles to the timely implementation and completion of CAP-35-18 projects within the required twenty-four month timeframe.

I. The COVID-19 pandemic is not expected to subside in the near future and the Public Health Emergency Orders are predicted to remain in place for the foreseeable future.

J. CPMD has informed Navajo Nation leadership that it cannot overcome the COVID-19 obstacles in time to meet CAP-35-18's requirement that project funds be spent or encumbered within twenty-four (24) months of distribution; CPMD has requested that the time-frame for project funds to be spent or encumbered be extended. **Exhibit 3**.

K. The Navajo Nation finds it to be in the best interests of its Chapters, as well as the Navajo people, to amend CAP-35-18 to extend the time-frame to spend or encumber project funds to forty-eight months.

SECTION THREE. AMENDENDING CAP-35-18

A. The Navajo Nation hereby extends the project completion deadline and time frames set forth in CAP-35-18, **Exhibit A**, from twenty-four (24) months to forty-eight (48) months.

B. The Navajo Nation also hereby amends CAP-35-18, Section Two, Paragraph S (4), as follows:

> 4. All of the proposed projects were vetted by CPMD and NTUA, respectively, for project readiness before being apportioned into the three-year plans base on project readiness status; therefore, if the funding for a project is not spent or encumbered within ~~twenty-four (24)~~ forty-eight (48) months of distribution, the project funds should revert to the Síhasin Fund; and

C. The Navajo Nation also hereby amends CAP-35-18, Section Four, Paragraph A (2)(d), as follows:

> d. Any individual Powerline or Waterline project funds that are not spent or encumbered within ~~twenty-four (24)~~ forty-eight (48) months of distribution to NTUA shall be returned to the Síhasin Funds; and

D. The Navajo Nation hereby also amends CAP-35-18, Section Four, Paragraph A (3)(g), as follows:

g. Any individual Chapter or non-NTUA Powerline Project funds that are not spent or encumbered within ~~twenty-four (24)~~ forty-eight (48) months of distribution to CPMD or transfer to a LGA Certified Chapter shall be returned to the Síhasin Fund;

E. The Navajo Nation hereby also amends CAP-35-18, Section Four, Paragraph C, as follows:

C. A chapter project, powerline, or waterline project may be changed, including the year funded, or added to Exhibits A through E with concurrence of the Delegate representing the Chapter's Council District and the approvals of the Resources and Development Committee and Budget and Finance Committee, or through Rules and Regulations duly delegated and adopted thereby, 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.

SECTION FOUR. EFFECTIVE DATE

This Action shall become effective pursuant to 2 N.N.C. § 221 (B) and apply retroactively to CAP-35-18 Year One projects, as well as prospectively to Year Two and Year Three projects.

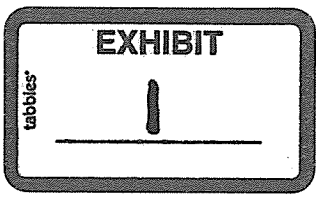
SECTION FIVE. DIRECTIVES

A. CPMD, Office of the Controller (OOC), Office of Management & Budget (OMB), and LGA Certified Chapters, as well as NTUA, shall take all steps necessary to expeditiously revise, if necessary, applicable Memorandum of Agreements to reflect these amendments to CAP-35-18.

B. All Navajo Nation programs named in this legislation, as well as NTUA and LGA-certified Chapters, shall be held accountable for the implementation of these amendments to CAP-35-18 and the continued progress of tasks under their

responsibility and control and shall participate in work group meetings, if any, necessary to expeditiously implement the Síhasin Fund Powerline and Chapter Projects Expenditure Plan.

C. CPMD, OOC and OMB shall work with the Department of Justice to develop Rules and Regulations that conform with CAP-35-18 to administratively approve project changes that are currently approved through Committee legislation. Such Rules and Regulations shall be presented to the Resources and Development Committee and Budget and Finance Committee within sixty (60) days after enactment of this legislation.



RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; 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

BE IT ENACTED:

Section One. Authority

A. The Health Education and Human Services Committee of the Navajo Nation Council is empowered to provide legislative oversight on matters involving health, social services, education, general governmental services and human services. 2 N.N.C. §400 (C) (1).

B. The Resource Development Committee of the Navajo Nation Council is empowered to exercise oversight authority on matters involving roads and transportation, communications and utilities, information technology, chapter activities, economic and community development, rights-of-way, public utilities and housing. 2 N.N.C. § 500 (C).

C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §§ 301 (B) (2) and (5).

D. The Naabik'íyáti' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164 (A) (9).

E. The Naabik'íyáti' Committee additionally has the authority to delegate its authority as appropriate for efficiency and streamlining of government process to appropriate entities

and to establish a subcommittee that consists of committee members which the committee selects. 2 N.N.C. §§ 186 and 701 (B). The Naabik'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]".

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

Section Two. Findings

A. On November 1, 2006, the 20th Navajo Nation Council unanimously passed Resolution No. CN-57-06 authorizing the Navajo Nation Attorney General to file a lawsuit against the United States for the alleged breach of its fiduciary duties to the Nation arising under treaties, executive orders, public laws, statutes, regulations and contracts due to its mismanagement of the Nation's tribal trust assets, including tribal trust funds and select tribal resources, specifically excluding water and assets held in trust for individual Navajo members. Resolution No. CN-57-06 was signed into law by the President of the Navajo Nation on November 13, 2006.

B. On September 26, 2013, the Naabik'íyáti' Committee of the Navajo Nation Council passed NABIS-42-13 creating a Trust Mismanagement Litigation Task Force ("Task Force"), composed of Council Delegates, from each agency and each standing committee, as well as Presidential appointees, to assist and consult with the Navajo Nation Office of the Attorney General, Department of Justice, outside legal counsel and the Office of the Navajo Nation President & Vice-President in evaluating whether any proposals put forth by the United States to settle the lawsuit, *Navajo Nation v. United States*, No. 06-945L, (United States Court of Federal Claims) were in the best interests of the Nation.

C. On May 16, 2014, the United States made a settlement offer that was acceptable to the Nation's Attorney General, outside legal counsel, the Task Force and the Office of the President & Vice-President as being in the best interests of the Navajo Nation and on May 30, 2014, the 22nd Navajo

Nation Council adopted Resolution No. CMY-28-14 accepting a settlement of the Navajo Nation's lawsuit, *Navajo Nation v. United States*, No. 06-945L, against the United States for its historical mismanagement of the tribe's trust assets and its failure to ensure that the Navajo Nation received all funds due and owed under the United States' trust obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by the President of the Navajo Nation on June 4, 2014.

D. The 22nd Navajo Nation Council recognized that during the many decades that the United States was in breach of its trust obligations and fiduciary duties to the Nation and engaged in the mismanagement of the Nation's tribal trust assets and resources, the tribal government was without sufficient funds to provide basic services and amenities to the Diné of past generations. The tribal government was also without funds to develop an infrastructure within the four sacred mountains that would support the growth and development of opportunities crucial for the prosperity of future generations of Diné. *See* Resolution No. CMY-28-14.

E. Between October 6, 2014 and November 8, 2014, the Office of the Speaker held seven (7) Public Hearings, as directed by the Navajo Nation Council's Naabik'iyati' Committee, to receive input from Navajo Nation members on how the net proceeds from *Navajo Nation v. United States'* should be used. During that same time period, the Office of the President & Vice-President also held five (5) town hall meetings for a similar purpose.

F. On December 13, 2014, in the best interests of the Nation and consistent with the collective wishes expressed by its members, the 22nd Navajo Nation Council adopted Resolution No. CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014 (hereinafter "2014 Act") and establishing the Navajo Nation Síhasin Fund at 12 N.N.C. § 2501 et seq. The President of the Navajo Nation signed Resolution No. CD-68-14 into law on December 31, 2014.

G. On January 31, 2018, the 23rd Navajo Nation Council adopted Resolution No. CJA-03-18 enacting amendments to CD-68-14 clarifying the intent of the 22nd Navajo Nation Council, including that Síhasin Fund infrastructure projects were not to be limited by 12 N.N.C. § 1310(F) (Navajo Nation Bond Financing Act) or by TCDCJY-77-99 (Capital Improvement Projects Guidelines Policies and Procedures).

Resolution No. CJA-03-18 was signed into law by the President of the Navajo Nation on February 8, 2018.

H. The 2014 Act, as amended by CJA-03-18, mandates that the net proceeds and earnings thereon received by the Navajo Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L, be deposited into the Síhasin Fund and managed and invested to provide financial support and/or financing for (1) the planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterlines, solid waste management development, powerline projects, transportation and communication systems, within the Navajo Nation; and/or (2) education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501 and § 2502 (A), as amended.

I. The 2014 Act, as amended, also established that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund, including loan financing from the Fund for the purposes in § 2502 (A)(1), shall be favored over direct funding in whole". 12 N.N.C § 2502 (C), as amended.

J. The 2014 Act further established that with the exception of outstanding and accrued litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act, as amended, at 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council. *See* 12 N.N.C. § 2505 (A).

K. On April 9, 2015, the Naabik'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]".

L. Between April 2015 and March 2018, the Subcommittee, assisted by the Office of Legislative Services, Office of the Speaker, Office of Legislative Counsel and outside legal counsel, met on more than thirty (30) occasions in either work sessions or official meetings to review and evaluate comments and recommendations from the Navajo

People; hear proposals from Navajo Nation entities, Chapters, programs and officials; and develop expenditure plan(s) for the Síhasin Fund Principal and Income consistent with the purposes set forth in the 2014 Act, as amended.

M. After reviewing the comments and recommendations submitted during the Public Hearings and town hall meetings, as well as the reports and comments made during Síhasin Fund Subcommittee meetings, the Subcommittee determined that powerline projects and Chapter capital and economic development projects were a high priority for Navajo communities and that the funding of such projects would afford Navajo communities the opportunity to start and complete local projects currently stalled by the lack of sufficient funds, apply for additional state and federal funds requiring an identified match, as well as support CMY-28-14's intent to expand infrastructure(s) on the Navajo Nation, spur economic development at the local level and provide amenities to Navajo communities.

N. In November of 2017, the Subcommittee issued a directive to the Speaker of the Navajo Nation Council to develop a nationwide powerline projects expenditure plan combining Undesignated Unreserved Fund Balance ("UUFB") and Síhasin Funds to total one hundred million dollars ($100,000,000.00) divided equally amongst the twenty-four Council Delegate Districts equaling $4,166,666.67 per District. On February 15, 2018, the Navajo Nation Council issued a further directive to the Speaker to have his staff meet with Navajo Nation Council Delegates and the Chapters they represent to develop a nationwide powerline and chapter projects expenditure plan for one hundred million dollars ($100,000,000.00) divided equally amongst the twenty-four Council Delegate Districts with the Síhasin Fund as the intended funding source.

O. Between March 5, 2018 and March 16, 2018, Office of the Speaker staff, contract legal counsel, Captial Projects Management Department ("CPMD") staff, and Navajo Tribal Utilities Authority ("NTUA") staff, met twice with each Council Delegate and their Chapter representatives, including but not limited to Chapter Officials, Chapter Managers and Community Service Coordinators, to review each District's proposed projects for (1) compliance with the 2014 Act's, as amended, purpose of "the planning and development of economic development and regional

infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterlines, solid waste management development, powerline projects, transportation and communication systems, within the Navajo Nation"; and (2) readiness status, e.g., project ready, construction ready or shovel ready, as applied by CPMD.

P. Powerline, economic development and infrastructure projects were proposed at the March meetings including, but not limited to, Head Start facilities, senior and veteran centers, and road improvements. A listing of the proposed projects, including match and contribution funding, is included on attached **Exhibits A through E.**

Q. To ensure that Síhasin Funds are not prematurely withdrawn and continue to earn investment earnings for as long as possible, CPMD, with the assistance of the Office of the Speaker and NTUA, compiled the proposed projects into nationwide three-year funding plans, i.e., Chapter Projects, NTUA Powerlines, Non-NTUA Powerlines, and Waterlines, attached as **Exhibits A through E**, based on individual project readiness status.

R. On March 23, 2018, contract legal counsel and CPMD updated the Síhasin Subcommittee on the Office of the Speaker's efforts to develop the powerline and Chapter projects expenditure plan, including the identification of almost twenty million dollars ($20,000,000.00) in already secured project matching funds.

S. During the update to the Síhasin Subcommittee, the following accountability and implementation measures were discussed:

1. Due to their experience and expertise, as well as economies of scale, the funding and responsibility for implementing Chapter projects and Non-NTUA Powerline projects should be allocated to CPMD with a template in place, e.g., Memorandum of Agreement or other form of grant agreement, for CPMD to transfer the project funds and responsibilities to Local Governance Act Certified Chapters at their request;

2. Due to their experience and expertise, as well as community need to lock-in project pricing, the funding

and responsibility for NTUA Powerline and waterline projects should be allocated directly to NTUA;

3. If the funding for NTUA Powerline and Waterline projects is disbursed directly to NTUA and the funding for Chapter and non-NTUA Powerline projects is disbursed directly to CPMD, the funding for projects at Chapters sanctioned pursuant to 12 N.N.C. § 9 should not be subject to § 9 (B)'s ten percent (10%) withholding;

4. All of the proposed projects were vetted by CPMD and NTUA, respectively, for project readiness before being apportioned into the three-year plans based on project readiness status; therefore, if the funding for a project is not spent or encumbered within twenty-four (24) months of distribution, the project funds should revert to the Síhasin Fund; and

5. To support expeditious administration and implementation of the more than two hundred (200) Chapter projects, CPMD operations should be supplemented with administrative costs.

T. In addition, during the District meetings with Delegates and their Chapter officials and community representatives to select and vet powerline and Chapter projects, concerns were raised that the President's line-item veto of even a single project would disrupt the equal distribution of funds among the Districts, as well as, negate local choice in project selection and impair Chapter and community efforts to procure additional matching funds from federal and state sources.

U. The Navajo Nation Council finds that the Powerline and Chapter Projects Expenditure Plan proposal, attached as **Exhibits A through E**, meets the purposes of the 2014 Act, as amended, i.e., "the planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterlines, solid waste management development, powerline projects, transportation and communication systems, within the Navajo Nation"; as well as the leveraging preference criteria of the 2014 Act, as Síhasin Funds will only fund a portion of the overall total cost of the projects with at least $19,440,279.45, as

set forth on **Exhibits A through E**, of projects' costs covered by other Navajo Nation funds or federal, state or private entities through match funding, joint funding, contribution funding, cost-share funding or similar arrangements and agreements.

V. The Navajo Nation Council also finds that the proposed Powerline and Chapter Projects Expenditure Plan proposal, attached as **Exhibits A through E**, supports community choice and addresses CMY-28-14's intent to expand infrastructure(s) on the Navajo Nation, provide economic development at the local level and provide amenities to Navajo communities.

W. The Navajo Nation Council hereby determines that allocating Síhasin Funds to implement the Powerline and Chapter Projects Expenditure Plan, as set forth in **Exhibits A through E**, fits within the priorities established under the July 20, 2015 One Nation, One Voice Navajo Nation Three Branch Agreement and that it is in the best interests of the Navajo Nation, as well as in the best interests of community development, the expansion of infrastructure(s) on the Navajo Nation, economic development at the local level and the provision of amenities to Navajo communities, to adopt the Síhasin Fund Powerline and Chapter Projects Expenditure Plan, attached as **Exhibits A through E.**

Section Three. Approval and Adoption of Expenditure Plan

A. The Navajo Nation hereby approves and adopts the Síhasin Fund Powerline and Chapter Projects Expenditure Plan, attached and incorporated herein as **Exhibits A through E.**

B. The Navajo Nation hereby approves and adopts total funding from the Síhasin Fund in the amount of one hundred million six hundred thousand dollars ($100,600,000.00) with $18,696,787.92 allocated to Navajo Tribal Utility Authority ("NTUA") for powerline projects; $4,242,192.99 allocated to NTUA for waterline projects; $74,076,413.86 allocated to Captial Projects Management Depart ("CPMD") for Chapter projects; $3,584,605.24 allocated to CPMD for Non-NTUA powerline projects; as summarized in **Exhibit A**, to implement the Síhasin Fund Powerline and Chapter Projects Expenditure Plan as follows:

1. Year 1: The distribution of $42,294,332.87 of Síhasin Funds in Navajo Nation Fiscal Year 2018 allocated as

follows: $2,866,370.94 to NTUA for the first year of NTUA Powerline projects, as set forth in **Exhibit B;** $560,557.00 to NTUA for the first year of Waterline projects, as set forth in **Exhibit E;** $37,423,205.14 to CPMD for the first year of Chapter projects and administrative costs ($200,000.00), as set forth in **Exhibit D;** and $1,444,199.79 to CPMD for the first year of Non-NTUA Powerline projects, as set forth in **Exhibit C.**

2. Year 2: The distribution of $46,203,956.06 of Síhasin Funds in Navajo Nation Fiscal Year 2019 allocated as follows: $12,154,756.58 to NTUA for the second year of NTUA Powerline projects, as set forth in **Exhibit B;** $1,068,666.66 to NTUA for the second year of Waterline projects, as set forth in **Exhibit E;** $31,124,968.21 to CPMD for the second year of Chapter projects and administrative costs ($200,000.00), as set forth in **Exhibit D;** and $1,855,564.61 to CPMD for the second year of Non-NTUA Powerline projects, as set forth in **Exhibit C.**

3. Year 3: The distribution of $12,101,711.08 of Síhasin Funds in Navajo Nation Fiscal Year 2020 allocated as follows: $3,675,660.40 to NTUA for the third year of NTUA Powerline projects, as set forth in **Exhibit B;** $2,612,969.33 to NTUA for the third year of Waterline projects, as set forth in **Exhibit E;** $5,528,240.51 to CPMD for the third year of Chapter projects and administrative costs ($200,000.00), as set forth in **Exhibit D;** and $284,840.84 to CPMD for the third year of Non-NTUA Powerline projects, as set forth in **Exhibit C.**

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

Section Four. Approval and Adoption of Expenditure Plan Administration

A. The Navajo Nation hereby approves administration of the Síhasin Fund Powerline and Chapter Projects Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source(s) of the annual distributions of the $100,600,000.00 will be Síhasin Fund Principal or Income or a combination of both;

2. **NTUA Powerline and Waterline Projects**. The annual distributions for NTUA Powerline and Waterline Projects, as set forth in **Exhibits B and E**, shall be released to NTUA through Grant Agreement(s), executed pursuant to 2 N.N.C. §164 (B), as amended, as follows:

   a. The First Year (Fiscal Year 2018) distributions shall be released to NTUA by no later than the end of Navajo Nation Fiscal Year 2018;

   b. The Second and Third Year (Fiscal Years 2019 and 2020) distributions shall be released to NTUA by no later than the end of the first quarter of the respective Navajo Nation Fiscal Year;

   c. NTUA shall not require the Navajo Nation, including its Chapters, nor Navajo individuals, to contribute more funding to complete any project listed in **Exhibits B and E**, regardless of year funded;

   d. Any individual Powerline or Waterline project funds that are not spent or encumbered within twenty-four (24) months of distribution to NTUA shall be returned to the Síhasin Fund; and

   e. NTUA shall account for the Síhasin Funds spent and such accounting or expenditure report, including project status, shall be submitted to CPMD, the Office of President & Vice-President, and the Resources and Development Committee on a quarterly basis.

3. **Chapter and Non-NTUA Powerline Projects**. The annual distributions for Chapter and Non-NTUA Powerline Projects, as set forth in **Exhibits C and D**, shall be released to CPMD as follows:

a. The First Year (Fiscal Year 2018) distributions, including administration costs, shall be released to CPMD by no later than the end of the third quarter of Navajo Nation Fiscal Year 2018;

b. The Second and Third Year (Fiscal Years 2019 and 2020) distributions, including administration costs, shall be released to CPMD by the end of the first quarter of the respective Navajo Nation Fiscal Year;

c. Annual distributions to CPMD for administration costs shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be returned to or deposited in the Síhasin Fund principal or Navajo Nation General Fund until such time as all Chapter Projects listed on Exhibit C are fully completed;

d. 12 N.N.C. § 9 (B) is hereby waived and individual Chapter and non-NTUA Powerline Projects implemented and administered by CPMD shall not be subject to 12 N.N.C. § 9 (B)'s ten percent (10%) withholding;

e. Individual Chapter and non-NTUA Powerline Projects shall be implemented and administered by CPMD consistent with the Navajo Nation Budget Instruction Manual, as amended, unless inconsistent with other provisions of this resolution;

f. If requested, CPMD may transfer individual Chapter Project funds, accountability, and responsibility to a Local Governance Act ("LGA") Certified Chapter pursuant to a Memorandum of Agreement or other form of grant agreement executed pursuant to 2 N.N.C. § 164 (B), as amended;

g. Any individual Chapter or non-NTUA Powerline Project funds that are not spent or encumbered within twenty-four (24) months of distribution to CPMD or transfer to a LGA Certified Chapter shall be returned to the Síhasin Fund;

h. With the exception of project funds and responsibilities transferred to LGA Certified Chapters, CPMD shall account for the Síhasin Funds spent and such accounting or expenditure report shall be included as part of the Executive Branch's quarterly program report submitted to the Resources and Development Committee; and

i. LGA Certified Chapters that have been granted Síhasin Fund project funds and responsibilities, shall account for the money spent and such accounting or expenditure report, including project status, shall be submitted to CPMD, the Office of President & Vice-President, and the Resources and Development Committee on a quarterly basis.

B. NTUA, CPMD and LGA Certified Chapters shall have the authority to enter into match, funding, partnership, cooperative and other cost saving or cost sharing arrangements or leveraging agreements with Navajo Nation entities and enterprises, Navajo Nation Chapters and other political subdivisions, other Navajo Nation programs and federal and state agencies and such agreements shall not be deemed procurement contracts subject to the Navajo Nation Procurement Act, 12 N.N.C. §§ 301 - 371 or Navajo Business Opportunity Act 5 N.N.C. §§ 201 - 215.

1. Notwithstanding the above, all Chapters, working in conjunction with NTUA and/or CPMD, shall have the continuing responsibility to identify ways to further leverage the allocated Síhasin Funds;

2. NTUA and CPMD shall each present an annual leveraging report to the Resource & Development Committee and Budget & Finance Committee during the first quarter of each Navajo Nation Fiscal Year identifying the efforts and success of Chapter(s) in securing additional matching or contribution funding; and

3. With the approval of the Resources & Development Committee, any project costs saved or reduced through leveraging or otherwise shall be available for expenditure on any other project within the respective Chapter deemed construction-ready by CPMD; if there are no construction-ready projects within the respective Chapter, then, with the approval of the

Resources & Development Committee, the saved or reduced costs shall be available for expenditure on any other project within the respective District.

C. 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.

D. NTUA, CPMD and LGA Certified Chapters shall report the status of the Síhasin Funds allocated or transferred to them to implement the Powerline and Chapter Projects Expenditure Plan, specifically including the use and status of the Síhasin Funds and the status of projects for which they are responsible, to the Resources & Development, Budget & Finance and Naabik'íyáti' Committees and Office of the President & Vice-President on a quarterly basis.

Section Five. Waiving Navajo Nation Code Provisions Regarding the Capital Budget and Capital Improvement Process Effective Date

Notwithstanding that Síhasin Fund projects are specifically *not* subject to the Capital Improvement Projects Guidelines Policies and Procedures set forth by TCDCJY-77-99, the Navajo Nation hereby waives the application of 12 N.N.C. § 810 (F), §§ 820 (I) and (M) and § 860 (C) regarding the Capital Budget and Improvement processes to the Powerline and Chapter Projects Expenditure Plan.

Section Six. Effective Date

The Síhasin Fund Powerline and Chapter Projects Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Seven. Directives

A. All Navajo Nation programs, specifically including, but not limited to, the Office of Controller, Office of Management & Budget, CPMD, and Chapters, as well as NTUA, shall take all steps necessary to expeditiously implement the Síhasin Fund Powerline and Chapter Projects Expenditure Plan.

B. All Navajo Nation programs, as well as NTUA, named in this legislation shall be held accountable for the progress of tasks under their responsibility and control and shall participate in work group meetings, if any, necessary to expeditiously implement the Síhasin Fund Powerline and Chapter Projects Expenditure Plan.

C. Office of Legislative Services will adjust all figures throughout the legislation and exhibits to reflect amendment totals, with the concurrence of the sponsor. The Navajo Nation directs the Office of Legislative Services to recalculate the final monetary totals such that the figures conform to the amendments passed by the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 21 in favor and 00 opposed, on this 17th day of April 2018.

LoRenzo C. Bates, Speaker
Navajo Nation Council

4-27-18
Date

Motion: Honorable Seth Damon
Second: Honorable Steven Begay

Speaker Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this _____ day of _____ 2018.

_____
Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

_____
Russell Begaye, President
Navajo Nation

3. I hereby exercise line item veto pursuant to the 2010, certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this 7th day of May 2018.

Russell Begaye
Russell Begaye, President
Navajo Nation

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN
(COVER SHEET)

EXHIBIT: A

		NUMBER OF PROJECT FOLDERS
CAPITAL PROJECTS	**$ 74,076,413.86**	**182**
NTUA POWERLINE PROJECTS	**$ 18,696,787.92**	**29**
NON-NTUA PROJECTS	**$ 3,584,605.24**	**9**
NTUA WATERLINE PROJECTS	**$ 4,242,192.99**	**9**
SUBTOTAL	**$ 100,600,000.01**	
SIHAASIN APPROPIATION	**$ 100,600,000.00**	**229**
	$ (0.01) *(Rounding Error)*	

	YEAR 1	YEAR 2	YEAR 3	MATCHING FUNDS
CAPITAL PROJECTS	$37,423,205.14	$31,124,968.21	$5,528,240.51	$17,842,593.31
NTUA POWERLINE PROJECTS	$2,866,370.94	$12,154,756.58	$3,675,660.40	$540,156.79
NON-NTUA PROJECTS	$1,444,199.79	$1,855,564.61	$284,840.84	$3,913,859.66
NTUA WATERLINE PROJECTS	$560,557.00	$1,068,666.66	$2,612,969.33	$15,110,777.71
	$42,294,332.87	**$46,203,956.06**	**$12,101,711.08**	**$37,407,387.47**

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN
(NTUA POWERLINES)

EXHIBIT: B

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
1	Many Farms	Powerline Phase II	Design/Construction	18-24 months	$37,432.20	$227,567.80	$0.00	$0.00	$265,000.00
2	Tselani/ Cottonwood	Powerline Ext. Ph I, II, & Scattered	ROW/Pre-Design	18-24 months	$0.00	$265,000.00	$0.00	$0.00	$265,000.00
3	Tsaile/ Wheatfields	Rural Electrication Project Horseshoe Canyon Powerline Ext.	ROW/Pre-Design	18-24 months	$0.00	$191,493.75	$0.00	$0.00	$191,493.75
4	Sawmill	Powerline ext.	Pre-Design	12 months	$120,000.00	$0.00	$0.00	$0.00	$120,000.00
5	Dennehotso	Scattered Powerline Project	Design/Construction	18-24 months	$40,031.25	$418,220.75	$0.00	$0.00	$458,252.00
6	Chilchinbeto	Powerline-Assayi-2nd phase	Design/Construction	18-24 months	$115,000.00	$1,071,765.53	$0.00	$20,000.00	$1,186,765.53
7	Oljato	Powerline Project	Design/Construction	24-36 months	$0.00	$400,000.00	$641,666.66	$0.00	$1,041,666.66
8	Navajo Mountain	Powerline Project	Design/Construction	18-24 months	$0.00	$400,000.00	$641,666.66	$0.00	$1,041,666.66
9	Shonto	Powerline	Design/Construction	24-36 months	$0.00	$400,000.00	$641,666.66	$0.00	$1,041,666.66
10	Inscription House	Powerline Extenstion	Design/Construction	24-36 months	$0.00	$0.00	$661,666.68	$0.00	$661,666.68
11	Teecnospos	Powerline -North Phase 3	Design/Construction	18-24 months	$0.00	$2,233,813.51	$0.00	$0.00	$2,233,813.51
12	Mexican Water	3-Phase Powerline	Construction	18-24 months	$0.00	$1,634,047.00	$0.00	$0.00	$1,634,047.00
13	Indian Wells	Salt Seep Powerline -	Design/Construction	18-24 months	$40,000.00	$0.00	$0.00	$0.00	$40,000.00
14	Whitecone	Powerline Scattered	Design/Construction	18-24 months	$70,000.00	$0.00	$164,333.49	$0.00	$234,333.49
15	Teesto	Teesto Scattered Powerline	Design/Construction	18-24 months	$0.00	$332,273.00	$0.00	$45,927.86	$332,273.00
16	Dilkon	John Draw Powerline Project	Pre-Design	18-24 months	$250,000.00	$0.00	$0.00	$0.00	$250,000.00
17	Leupp	Powerline Project-Grandfalls	Design/Construction	12-18 months	$0.00	$733,333.00	$0.00	$352,237.50	$733,333.00

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN
(NTUA POWERLINES)

EXHIBIT: B

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
18	Birdsprings	Powerline Ext. Phase III	Design-Construction	18-24 months	$84,105.00	$649,228.00	$0.00	$0.00	$733,333.00
19	Kindahlichii	Single-Phase Powerline Ext.	Design/Construction	18-24 months	$0.00	$371,729.00	$0.00	$0.00	$371,729.00
20	Kindahlichii	Powerline (Upper WS Ext.)	Design/Construction	18 months	$0.00	$366,873.00	$0.00	$0.00	$366,873.00
21	Coppermine	IV P/L Project	Design/Construction	18-24 months	$0.00	$400,000.00	$0.00	$0.00	$400,000.00
22	Kaibeto	Poweline Project	Design/Construction	18-24 months	$219,187.50	$460,812.50	$0.00	$0.00	$680,000.00
23	LeChee	Powerline Project	Construction	16 months	$92,006.25	$0.00	$924,660.25	$0.00	$1,016,666.50
24	Klagetoh	Salt Springs Powerline	Design/Construction	36 months	$39,643.15	$421,709.06	$0.00	$0.00	$461,352.21
25	Lupton	Powerline	Pre-Design	37 months	$6,036.07	$89,074.42	$0.00	$49,110.49	$95,110.49
26	Houck	Powerline	Desgin/Construction	12-18 months	$80,000.00	$273,278.00	$0.00	$69,056.25	$353,278.00
27	Wide Ruins	Boggy Lake/Tanner Springs	Design/Construction	24-36 months	$200,000.00	$634,538.26	$0.00	$0.00	$834,538.26
28	Piñon	Scattered Powerline Project	Design Constrution	12-18 months	$0.00	$180,000.00	$0.00	$0.00	$180,000.00
29	Black Mesa	Powerline	Pre-Design/ Design/Construction	24 months	$1,472,929.52	$0.00	$0.00	$227,606.25	$1,472,929.52
					$2,866,370.94	$12,154,756.58	$3,675,660.40	GRAND TOTAL	$18,696,787.92

EXHIBIT: C

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN (NON-NTUA POWERLINES)

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
1	Alamo	Powerline/Waterline	Construction	6 months	$694,444.44	$694,444.45	$0.00	$0.00	$1,388,888.89
2	TseLichii	Powerline Project	Design/Construction	18-24 months	$0.00	$ 305,393.00	$0.00	$50,000.00	$305,393.00
3	Manuelito	Powerline Project	Design/Construction	18-24 months	$0.00	$ 397,580.00	$0.00	$50,000.00	$397,580.00
4	Chichiltah	Powerline Project	Design/Construction	18-24 months	$0.00	$ 337,520.00	$0.00	$250,000.00	$337,520.00
5	Ojo Encino	Eagle Spring Powerline Extension Project	Design/Construction	6 months	$0.00	$120,627.16	$0.00	$30,156.79	$120,627.16
6	Pueblo Pintado	Badger Springs Powerline Ext.	Construction	24 months	$0.00	$0.00	$ 284,840.84	$0.00	$284,840.84
7	Baca-Prewitt	Powerline Extension	Construction	6 months	$160,000.00	$0.00	$0.00	$0.00	$160,000.00
8	Whitehorse	Powerline Extension	Construction	12 months	$133,884.48	$0.00	$0.00	$0.00	$133,884.48
9	Counselor	Powerline Extension	Construction	13 months	$455,870.87	$0.00	$0.00	$0.00	$455,870.87
					$1,444,199.79	**$1,855,564.61**	**$284,840.84**	**GRAND TOTAL**	**$3,584,605.24**

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

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
1	Newcomb	Helipad	Design/Construction	18-24 months	$100,000.00	$339,637.00	$0.00	$75,000.00	$439,637.00
2	Newcomb	Sr. Center Renovation	Plan/Construction	6-8 months	$228,189.00	$0.00	$0.00	$0.00	$228,189.00
3	Hogback	New Chapter House	Design/Construction	8-16 months	$150,018.78	$593,100.00	$0.00	$0.00	$743,118.78
4	Burnham	Community Center	Design/Construction	18-24 months	$300,000.00	$383,500.00	$0.00	$0.00	$683,500.00
5	San Juan	Multi-Purpose Site Improvement Project	Plan/Design/Construction	24 months	$150,000.00	$533,333.00	$0.00	$0.00	$683,333.00
6	Upper Fruitland	Renovation Walter Collins Multi-Purpose Bldg	Design/Construction	18-24 months	$0.00	$694,444.44	$0.00	$0.00	$694,444.44
7	Nenahnezaad	Multi-Purpose Renovation	Design/Construction	18-24 months	$0.00	$694,444.44	$0.00	$0.00	$694,444.44
8	Nazlini	Senior Center	Design/Construction	24 months	$0.00	$1,980,000.00	$0.00	$60,000.00	$1,980,000.00
9	Low Mountain	Head Start Facility	Design/Construction	24 months	$0.00	$596,666.66	$0.00	$0.00	$596,666.66
10	Blue Gap/Tachee	New Chapter House	Construction	12-18 mths	$0.00	$530,000.00	$0.00	$150,000.00	$530,000.00
11	Many Farms	Market Study	Planning	24-36 months	$0.00	$265,000.00	$0.00	$20,000.00	$265,000.00
12	Ramah	Chapter Renovation	Design/Construction	24-36 months	$0.00	$1,388,888.89	$0.00	$20,000.00	$1,388,888.89
13	Tohajiilee	Road Improvement	Design/Construction	36 months	$1,388,888.89	$0.00	$0.00	$353,000.00	$1,388,888.89
14	Coyote Canyon	New Chapter Tractor	New Equipment	2-4 mths	$50,000.00	$0.00	$0.00	$9,000.00	$50,000.00
15	Coyote Canyon	Senior Center Van	New Equipment	2-4 months	$50,000.00	$0.00	$0.00	$50,000.00	$50,000.00
16	Coyote Canyon	New Chapter Truck & Flatbed	New Equipment	2-4 months	$90,000.00	$0.00	$0.00	$0.00	$90,000.00
17	Coyote Canyon	New Warehouse	Other Tribal Facilties	10-12 months	$0.00	$38,563.00	$0.00	$72,756.00	$38,563.00
18	Coyote Canyon	Senior Citizen Center	Senior Center Builidng	10-12 months	$109,000.00	$0.00	$0.00	$520,000.00	$109,000.00
19	Coyote Canyon	Parking Lot w/Landscape	Design/Construction	12 months	$0.00	$119,455.00	$0.00	$0.00	$119,455.00
20	Coyote Canyon	Bathroom Addition	Design/Construction	12 months	$126,315.33	$0.00	$0.00	$11,311.00	$126,315.33
21	Coyote Canyon	N96 Chip Seal	Design/Construction	10-12 months	$250,000.00	$0.00	$0.00	$75,864.00	$250,000.00
22	Bahastlah (Twin Lakes)	Caterpillar 420 F2 4WD Backhoe Loader	Major Equipment	2-4 months	$143,000.00	$0.00	$0.00	$52,620.00	$143,000.00
23	Bahastlah (Twin Lakes)	Massey Ferguson 2706E	Major Equipment	2-4 months	$55,000.00	$0.00	$0.00	$12,000.00	$55,000.00

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

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
24	Bahastlah (Twin Lakes)	Caterpillar 140M3 AWD Motor Grader	Major Equipment	2-4 months	$238,091.16	$0.00	$0.00	$20,000.00	$238,091.16
25	Bahastlah (Twin Lakes)	New Warehouse	Design/Construction	8-12 months	$0.00	$328,242.33	$0.00	$0.00	$328,242.33
26	Bahastlah (Twin Lakes)	Road Maintenance	Desgin/Construction	8-12 months	$0.00	$69,000.00	$0.00	$35,000.00	$69,000.00
27	Naschitti	New Chapter Truck	Major Equipment	2-4 months	$73,333.33	$0.00	$0.00	$0.00	$73,333.33
28	Naschitti	New Warehouse	Design/Construction	12 months	$0.00	$376,000.00	$0.00	$36,000.00	$376,000.00
29	Naschitti	966M XE Wheel Loader	Major Equipment	2-4 months	$231,000.00	$0.00	$0.00	$0.00	$231,000.00
30	Naschitti	Backhoe	Major Equipment	2-4 months	$103,000.00	$0.00	$0.00	$0.00	$103,000.00
31	Naschitti	Cemetery Expansion Project	Design/Construction	12 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
32	Mexican Springs	Deer Springs Road	Design/Construction	12-18 months	$667,000.00	$0.00	$0.00	$0.00	$667,000.00
33	Mexican Springs	Road Maintenance, Culverts & Bridges	Desgin/Construction	12-18 months	$121,333.34	$0.00	$0.00	$0.00	$121,333.34
34	Mexican Springs	Massey Ferguson 2706E	Major Equipment	2-4 months	$45,000.00	$0.00	$0.00	$0.00	$45,000.00
35	Round Rock	Road Improvement-Apache Cty. 590	Pre-Design/Design	18-24 months	$50,000.00	$60,000.00	$228,533.94	$0.00	$338,533.94
36	Round Rock	Road Improvement Apache Co. 492	Design/Construction	18-24 months	$50,000.00	$60,000.00	$351,153.69	$0.00	$461,153.69
37	Round Rock	Signage Proposal	Design/Construction	6-8 months	$33,198.50	$0.00	$0.00	$0.00	$33,198.50
38	Tsaile/Wheatfields	Fencing of Tract	Design/Construction	6-8 months	$220,000.00	$0.00	$0.00	$0.00	$220,000.00
39	Tsaile/Wheatfields	Senior Center Rehabilitation of Facility	Design/Construction	6-8 months	$0.00	$48,255.00	$319,000.00	$0.00	$367,255.00
40	Tsaile/Wheatfields	Cemetery	Design/Construction	6-8 months	$20,032.12	$0.00	$0.00	$0.00	$20,032.12
41	Tsaile/Wheatfields	Chapter Tract Master Plan	Design/Construction	18-24 months	$35,000.00	$0.00	$0.00	$0.00	$35,000.00
42	Rock Point	BIA Road Route 8070	Design/Construction	12-16 months	$46,100.00	$143,250.00	$643,983.00	$0.00	$833,333.00
43	Rough Rock	Senior Center	Construction	12 months	$245,333.33	$0.00	$0.00	$0.00	$245,333.33
44	Lukachukai	Chapter Fencing	Design/Construction	12-18 months	$482,903.33	$0.00	$0.00	$20,000.00	$482,903.33
45	Lukachukai	Chapter Agriculture Building	Construction	6-8 months	$0.00	$70,000.00	$0.00	$0.00	$70,000.00
46	Lukachukai	Chapter Equipment	Major Equipment	4-6 months	$144,000.00	$0.00	$0.00	$0.00	$144,000.00
47	Lukachukai	Chapter Equipment Manlift	Major Equipment	6-8 months	$39,500.00	$0.00	$0.00	$0.00	$39,500.00

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

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

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
77	Shiprock	New Traffic Lights	Construction	12 months	$200,000.00	$0.00	$0.00	$0.00	$200,000.00
78	Shiprock	Shiprock Cemetery	Plan/Design/Construction	12 months	$90,000.00	$0.00	$0.00	$0.00	$90,000.00
79	Shiprock	Plan/Design 36 acre Tract	Plan/Design/Construction	24 months	$85,000.00	$0.00	$0.00	$0.00	$85,000.00
80	Shiprock	Visitor Center	Plan/Design	12 months	$360,666.66	$0.00	$0.00	$0.00	$360,666.66
81	Shiprock	Widening San Francisco Peak Blvd.	Plan/Design	12 months	$500,000.00	$0.00	$0.00	$0.00	$500,000.00
82	Beclabito	Beclabito Road Project N5113	Design/Construction	24-36 months	$0.00	$0.00	$615,000.00	$0.00	$615,000.00
83	Cove	Cove Senior Center	Construction	8-12 months	$255,704.00	$0.00	$0.00	$0.00	$255,704.00
84	Cove	Cove Veterans Pavilion	Planning/Design	10-12 months	$0.00	$130,000.00	$0.00	$8,000.00	$130,000.00
85	Gadiahii	Gaddii ahii/ Tokoi Infrastructure New Development	Design/Construction	10-12 months	$0.00	$300,000.00	$0.00	$0.00	$300,000.00
86	Red Valley	Transfer Station	Design/Construction	24-36 months	$200,000.00	$0.00	$0.00	$0.00	$200,000.00
87	Sheep Springs	Multi-Purpose Building	Construction	8-12 months	$682,629.66	$0.00	$0.00	$240,000.00	$682,629.66
88	Two Grey Hills/Toadlena	ROW N19	Pre-Design	8-12 months	$600,000.00	$0.00	$0.00	$0.00	$600,000.00
89	Tse Alnaozt'i'i	5010 Road Design	Design	24-36 months	$75,000.00	$0.00	$0.00	$0.00	$75,000.00
90	Beclabito	Fiber Optic - Broadband	Planning/Design	12-18 months	$708,333.00	$0.00	$0.00	$0.00	$708,333.00
91	Cove	Agriculture - Watershed Study	Planning/Design	12-18 months	$600,000.00	$0.00	$0.00	$0.00	$600,000.00
92	Tse'Lichii	New Senior Center	Design/Construction	12-24 months	$0.00	$1,600,000.00	$0.00	$400,000.00	$1,600,000.00
93	Tsayatoh	Chapter Renovation	Design/Construction	12-16 months	$0.00	$500,000.00	$0.00	$100,000.00	$500,000.00
94	Baahaali	Pine Haven Road	Design/Construction	18-24 months	$0.00	$600,000.00	$0.00	$655,000.00	$600,000.00
95	Baahaali	Senior Center (Renov./Addition)	Design/Construction	8-12 months	$150,000.00	$0.00	$0.00	$450,000.00	$150,000.00
96	Rock Springs	Multi-Purpose Building	Pre-Design	20-24 months	$0.00	$276,173.66	$0.00	$450,000.00	$276,173.66
97	Inscription House	Solid Waste Transfer Station	Design/Construction	24-36 months	$0.00	$0.00	$330,000.00	$0.00	$330,000.00
98	Inscription House	House Wiring	Design/Construction	24-36 months	$0.00	$50,000.00	$0.00	$0.00	$50,000.00
99	Red Mesa	Chapter House Renovation	Design/Construction	12 months	$238,249.15	$0.00	$0.00	$0.00	$238,249.15
100	St. Michael's	New Chapter House	Construction	10-14 mths	$2,083,333.33	$0.00	$0.00	$53,409.00	$2,083,333.33
101	Oaksprings	Chapter Major Renovation	Design/Construction	24 months	$1,000,000.00	$1,083,333.33	$0.00	$10,000.00	$2,083,333.33

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
102	Greasewood Springs	Master Tract Plan	Planning, Pre-Design, Design/Construction	12-24 months	$400,000.00	$433,333.33	$0.00	$0.00	$833,333.33
103	Dilkon	Multi Purpose Complex	Planning	12 months	$333,333.33	$0.00	$0.00	$120,000.00	$333,333.33
104	Dilkon	Chapter Tract Infrastructure Upgrade	Plan/Design	12 months	$0.00	$275,000.00	$0.00	$0.00	$275,000.00
105	Indian Wells	HVAC Unit	Major Equipment	4-6 months	$25,000.00	$0.00	$0.00	$66,000.00	$25,000.00
106	Indian Wells	Senior Center Facility Repairs	Planning	12 months	$265,000.00	$279,393.67	$0.00	$0.00	$544,393.67
107	Indian Wells	10 Commercial Site Development	Planning	18-24 months	$200,000.00	$0.00	$0.00	$678,000.00	$200,000.00
108	Whitecone	Road Improvement	Design/Construction	18-24 months	$194,000.00	$0.00	$0.00	$0.00	$194,000.00
109	Whitecone	JW2 - Master Tract Plan	Planning, Pre-Design, Design/Construction	12-24 months	$66,000.00	$0.00	$0.00	$0.00	$66,000.00
110	Whitecone	Motor Grader	Major Equipment	6-8 months	$339,000.00	$0.00	$0.00	$0.00	$339,000.00
111	Teesto	Community Center	Design/Construction	18-24 months	$500,000.00	$0.00	$0.00	$0.00	$500,000.00
112	Standing Rock	Tseiiahi Head Start	Construction	8-12 months	$3,269,616.66	$0.00	$0.00	$125,000.00	$3,269,616.66
113	Whiterock	Chapter Renovation	Design/Construction	6-8 months	$500,000.00	$0.00	$0.00	$359,476.65	$500,000.00
114	Huerfano	Senior Center	Design/Construction	8-12 months	$0.00	$397,050.00	$0.00	$53,261.00	$397,050.00
115	Chinle	N7 Solar Stree Light	Pre-Design, Design/Construction	24 months	$50,000.00	$1,735,534.45	$0.00	$0.00	$1,785,534.45
116	Chinle	Del Muerto Headstart Improvement	Construction	12 months	$0.00	$0.00	$301,496.21	$0.00	$301,496.21
117	Cameron	Cultural Center	Pre-Design	24 months	$250,000.00	$250,000.00	$133,333.00	$0.00	$633,333.00
118	Cameron	Demonstration Farm	Planning	18-24 months	$100,001.66	$0.00	$0.00	$0.00	$100,001.66
119	Coalmine	Chapter House Building Repair	Renovation	12-18 months	$200,000.00	$533,333.00	$0.00	$20,000.00	$733,333.00
120	Birdsprings/Leupp	Commercial Farm Project	Planning	24 months	$250,000.00	$200,000.00	$50,000.00	$0.00	$500,000.00
121	Tolani Lake	New Senior Center Replacement	Design/Construction	18-24 months	$0.00	$733,333.00	$0.00	$0.00	$733,333.00
122	Cornfields	Community/ Veterans Cemetry	Design/Construction	12 months	$66,333.33	$0.00	$0.00	$0.00	$66,333.33
123	Cornfields	Deer Point Development	Pre-Design	24-36 months	$0.00	$0.00	$300,000.00	$0.00	$300,000.00

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

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
124	Cornfields	Sunrise Low Water Crossing (Road)	Pre-Design	26-36 months	$0.00	$266,000.00	$0.00	$0.00	$266,000.00
125	Cornfields	Rural Address LRAC E-911	Design/Construction	12 months	$10,000.00	$0.00	$0.00	$0.00	$10,000.00
126	Cornfields	Backhoe Purchase	Purchase	6 months	$40,000.00	$0.00	$0.00	$25,000.00	$40,000.00
127	Cornfields	Green House	Design/Construction	12 months	$1,000.00	$0.00	$0.00	$1,000.00	$1,000.00
128	Kindalichii	Chapter House Parking Lot	Desgin/Construction	12-24 months	$94,731.32	$0.00	$0.00	$0.00	$94,731.32
129	Jeddito	Backhoe Purchase	Major Equipment	6 months	$107,064.66	$0.00	$0.00	$0.00	$107,064.66
130	Jeddito	Bathroom Addition (Goldwater Loop)	Design/Construction	18-24 months	$0.00	$363,134.33	$0.00	$0.00	$363,134.33
131	Jeddito	Bathroom Addition (Upper Highland/ Sitting Rk)	Design/Construction	18-24 months	$0.00	$363,134.34	$0.00	$0.00	$363,134.34
132	Steamboat	Old Chapter Renovation (Stone Bldg.)	Construction	8-12 months	$220,000.00	$0.00	$0.00	$0.00	$220,000.00
133	Steamboat	Chapter Building Renovation	Design/Construction	18-24 months	$0.00	$0.00	$400,000.00	$50,000.00	$400,000.00
134	Steamboat	Chapter Warehouse	Design/Construction	18-24 months	$0.00	$213,333.33	$0.00	$25,000.00	$213,333.33
135	Ganado	Senior Center Building	Design/Construction	18-24 months	$0.00	$833,333.34	$0.00	$0.00	$833,333.34
136	Coppermine	Backhoe	Major Equipment	4-6 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
137	Coppermine	Multipurpose Building	Pre-Design	18-24 months	$0.00	$0.00	$200,000.00	$0.00	$200,000.00
138	Coppermine	Western Navajo Pipeline, Fireflow, Storage Tank	Design/Construction	18-24 months	$0.00	$400,000.00	$0.00	$0.00	$400,000.00
139	Kaibeto	Kaibeto Design Infrastructure	Design/Construction	18-24 months	$0.00	$370,000.00	$0.00	$0.00	$370,000.00
140	Tonalea	Government Building	Construction	8-12 months	$1,050,000.00	$0.00	$0.00	$0.00	$1,050,000.00
141	Klagetoh	Head Start Project	Pre-Design	8-12 months	$0.00	$400,000.00	$0.00	$0.00	$400,000.00
142	Lupton	Basketall Court Development	Pre-Design	12 months	$0.00	$53,795.00	$0.00	$0.00	$53,795.00
143	Lupton	Cemetery	Pre-Design	13 months	$0.00	$0.00	$100,000.00	$0.00	$100,000.00
144	Lupton	Warehouse Renovation	Pre-Design	14 months	$68,795.00	$0.00	$0.00	$0.00	$68,795.00

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design,	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
145	Lupton	Housewiring	Construction	15 months	$0.00	$13,000.00	$0.00	$0.00	$13,000.00
146	Lupton	Road Improvement	Pre-Design	16 months	$0.00	$0.00	$75,040.00	$0.00	$75,040.00
147	Nahatadzil	Shopping Center	Construction	12-18 months	$1,265,035.70	$0.00	$0.00	$7,200,000.00	$1,265,035.70
148	Houck	Bathroom Additions	Design/Construction	18-24 months	$60,000.00	$255,000.00	$0.00	$0.00	$315,000.00
149	Houck	Cemetery	Plan/Design/Construction	18-24 months	$46,722.00	$0.00	$0.00	$0.00	$46,722.00
150	Houck	9402 Road Improvement	Plan/Design	18-24 months	$85,000.00	$0.00	$0.00	$0.00	$85,000.00
151	Tuba City	Senior Center	Design/Construction	18-24 months	$1,400,000.00	$2,766,666.66	$0.00	$370,000.00	$4,166,666.66
152	Casamero Lake	McKinley County Rd.19 Construction Proejct	Construction	24 months	$2,811,443.31	$0.00	$0.00	$0.00	$2,811,443.31
153	Baca-Prewitt	Backhoe	Major Equipment	4-6 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
154	Baca-Prewitt	New Warehouse	Pre-Design	12-18 months	$150,000.00	$0.00	$0.00	$0.00	$150,000.00
155	Hardrock	Senior Center Facility Repairs	Design/Construction	24 months	$250,000.00	$0.00	$0.00	$0.00	$250,000.00
156	Hardrock	ADA	Design/Construction	24 months	$0.00	$60,000.00	$0.00	$0.00	$60,000.00
157	Hardrock	Walk-In Shower	Design/Construction	24 months	$52,269.00	$0.00	$0.00	$0.00	$52,269.00
158	Hardrock	HVAC Unit	Design/Construction	24 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
159	Hardrock	Vehicle	Major Equipment	24 months	$74,886.00	$0.00	$0.00	$0.00	$74,886.00

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

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
160	Hardrock	Wellness Equipment	Major Equipment	24 months	$44,940.00	$0.00	$0.00	$0.00	$44,940.00
161	Piñon	Chapter Communication Systems Upgrade	Major Equipment	10 months	$150,000.00	$0.00	$0.00	$0.00	$150,000.00
162	Piñon	Chapter House Perimeter Fencing	Construction	6 months	$21,660.00	$0.00	$0.00	$0.00	$21,660.00
163	Piñon	Clearances for Withdrawal of Land for Community	Pre-Design	12-18 months	$10,000.00	$0.00	$0.00	$0.00	$10,000.00
164	Piñon	Chapter Vehicle w/ Metal 1000 gal. Water Tank	Major Equipment	2-4 months	$150,000.00	$0.00	$0.00	$0.00	$150,000.00
165	Piñon	Chapter Vehicle	Major Equipment	2-4 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
166	Piñon	Rural Addressing	Construction	12 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
167	Piñon	Housewiring/Bathroom Additions	Construction	12 months	$25,000.00	$0.00	$0.00	$0.00	$25,000.00
168	Piñon	Housewiring/Bathroom Additions	Construction	12 months	$23,648.14	$0.00	$0.00	$0.00	$23,648.14
169	Piñon	N8030 Road Project	Design/Construction	24 months	$0.00	$0.00	$68,334.00	$0.00	$68,334.00
170	Piñon	Dzilyijiin Public Safety Utility	Planning	18 months	$0.00	$0.00	$400,000.00	$0.00	$400,000.00
171	Piñon	Dzilyijiin College Land Withdrawal	Planning	24 months	$0.00	$0.00	$83,000.00	$0.00	$83,000.00
172	Forest Lake	Senior Center (Renov./Addition)	Design/Construction	24 months	$500,000.00	$0.00	$0.00	$50,000.00	$500,000.00
173	Whippoorwill Springs	Renovation-Sr. Center, Warehouse, Admin. Building	Design/Construction	24 months	$450,000.00	$0.00	$0.00	$0.00	$450,000.00
174	Iyanbito	Garden & Community Project	Pre-Design	4-6 months	$0.00	$10,000.00	$97,700.00	$0.00	$107,700.00
175	Iyanbito	Head Start Project	Pre-Design	8-10 months	$0.00	$576,744.44	$0.00	$238,528.00	$576,744.44

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

EXHIBIT: D

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
176	Iyanbito	Veterans	Pre-Design	6-8 months	$0.00	$0.00	$10,000.00	$0.00	$10,000.00
177	Thoreau	Veterans Building	Design/Construction	12-18 months	$0.00	$694,444.00	$0.00	$700,000.00	$694,444.00
178	Mariano Lake	Multi-Purpose Building	Construction	8-12 months	$391,044.90	$0.00	$0.00	$291,255.66	$391,044.90
179	Mariano Lake	Lake House Wiring	Construction	6-8 months	$303,400.00	$0.00	$0.00	$0.00	$303,400.00
180	Pinedale	Veterans Building	Construction	8-12 months	$694,444.44	$0.00	$0.00	$96,609.00	$694,444.44
181	Smithlake	Bay/Shop Building	Construction	6-10 months	$694,444.44	$0.00	$0.00	$0.00	$694,444.44
182	Churchrock	Multi-Purpose Building	Design/Construction	18-24 months	$0.00	$694,444.44	$0.00	$0.00	$694,444.44
***	Window Rock	Administrative Funds	***	***	$200,000.00	$200,000.00	$200,000.00		$600,000.00
					$37,423,205.14	**$31,124,968.21**	**$5,528,240.51**	**GRAND TOTAL**	**$74,076,413.86**

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN (WATERLINES)

EXHIBIT: E

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
1	Tselani/ Cottonwood	Waterline	Construction	18-24 months	$0.00	$265,000.00	$0.00	$0.00	$265,000.00
2	Rough Rock	Low Water project	Design/ Construction	16-24 months	$0.00	$588,000.00	$0.00	$0.00	$588,000.00
3	Tohatchi	Waterline	Plan/ Design/ Construction	36 months	$200,000.00	$0.00	$633,333.33	$25,000.00	$833,333.33
4	Crystal	Green Knoll/Split Mesa Waterline and Water Storage	Plan/ Design/Construction	36 months	$100,000.00	$65,666.66	$0.00	$0.00	$165,666.66
5	Shiprock	Waterline Extension/Updates	Pre-Design (ROW, Survey, Assessment)	36 months	$100,000.00	$0.00	$0.00	$0.00	$100,000.00
6	Tolikan	Water line extenstion	Plan/ Design/ Construction	24 months	$60,557.00	$0.00	$0.00	$5,000.00	$60,557.00
7	Chinle	Waterline-SpiderRock Phase 2.5	Plan/ Design/ Construction	24 months	$50,000.00	$0.00	$1,379,636.00	$0.00	$1,429,636.00
8	Chinle	Water Well-Construction	Design/ Construction	36 months	$50,000.00	$0.00	$600,000.00	$0.00	$650,000.00
9	Cornfields	Waterline	Pre-Design (ROW)	24 months	$0.00	$150,000.00	$0.00	$0.00	$150,000.00
					$560,557.00	$1,068,666.66	$2,612,969.33	GRAND TOTAL	$4,242,192.99

NAVAJO NATION

RCS# 1069

4/17/2018

Spring Session

11:53:07 PM

Amd# to Amd#

Legislation 0116-18:
Adopting the Sihasin Fund
Powerline and Chapter Projects
Expenditure Plan Pursuant...

PASSED

MOT Damon
SEC Begay, S

Yea : 21 **Nay : 0** **Excused : 0** **Not Voting : 3**

Yea : 21

Begay, K	Chee	Hale	Slim
Begay, NM	Crotty	Jack	Smith
Begay, S	Damon	Perry	Tso
BeGaye, N	Daniels	Pete	Witherspoon
Bennett	Filfred	Phelps	Yazzie
Brown			

Nay : 0

Excused : 0

Not Voting : 3

Bates	Tsosie	Shepherd

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

EXHIBIT 2

MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker
Navajo Nation Council

FROM: Russell Begaye, *President*
THE NAVAJO NATION

DATE: May 7, 2018

SUBJECT: **Resolution No. CAP-35-18: RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, NABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SISHASIN 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**

Pursuant to 2 N.N.C. 1005 (C)(10), action for Resolution No. CAP-35-18 is being submitted to the Navajo Nation Council, through the Office of the Speaker within the ten (10) days requirement. Furthermore, the Navajo Nation President has line item veto authority for budget items within the Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. 164 (A)(17).

After review of **Resolution No. CAP-35-18,** I hereby exercise my line-veto to:

1. **Section Three. Approval and Adoption of Expenditure Plan.**
2. **Section Four. Approval and Adoption of Expenditure Plan Administration.**
3. **EXHIBIT D. SISHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN**

a. **NO. 42 YEAR 1 Funding $46,100.00, YEAR 2 Funding $143,250.00, YEAR 3 Funding $643,983.00, SIHASIN FUNDS REQUESTED in the total amount of $833,333.00.**
b. **NO. 70 YEAR 1 Funding $350,000.00, SIHASIN FUNDS REQUESTED in the total amount of $350,000.00**

After consultation with the impacted Divisions, I have decided to exercise my line-item veto authority. The justification and details for use of the President's line-item veto is set forth below.

a. **NO. 42 YEAR 1 Funding $46,100.00, YEAR 2 Funding $143,250.00, YEAR 3 Funding $643,983.00, SIHASIN FUNDS REQUESTED in the total amount of $833,333.00.**
b. **NO. 70 YEAR 1 Funding $350,000.00, SIHASIN FUNDS REQUESTED in the total amount of $350,000.00**

First, the 110 Chapters have millions in unexpended dollars and should expend these fund for the many uses and projects on this Sihasin project listing. There are still many people that need water and electricity and these dollars should be priority for these funds. Second, the two projects vetoed are Bureau of Indian Affairs (BIA) projects and should remain under the BIA funding. Third, I support these appropriations as they also fulfill our four (4) pillars for Veterans, Youth and Elders, Jobs and Infrastructure.

I am pleased to sign this legislation into law as it will stimulate our economy by creating much needed jobs and bringing in infrastructure for our People.

Therefore, I will exercise my line-item veto authority to only two (2) items.

EXHIBIT 3

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

MEMORANDUM

TO : Rickie Nez, Chairperson & Committee Members
Resources and Development Committee
24th Navajo Nation Council

FROM :

Pearl Yellowman, Executive Director
Division of Community Development

DATE : May 27, 2020

SUBJECT : **RECOMMENDING AMENDMENT TO SIHASIN LEGISLATION #CAP-35-18**

The Division of Community Development - Capital Projects Management Department (CPMD) is requesting for amendment to the Sihasin Legislation #CAP-35-18 for a two-year extension for Sihasin Funding Years 1, 2, and 3 from the Navajo Nation Council. The request for the extension of the Sihasin Funding are for the following reasons:

1. The Navajo Nation Office of the President and Vice President issued an Executive Order (#001-20) closing government offices and schools on March 13, 2020. A majority of CPMD staff stayed home to protect their health and safety. Only a few essential staff were available for limited operation at the office. However, they were redirected to concentrate on COVID-19 related assignments and projects. The closure has been extended by Executive Orders 002-20, 003-20 and 004-20. Similar action were executed by surrounding states, affecting commercial activity. In addition, the Public Health Orders issued for COVID-19 Pandemic Emergency impacted all aspects of project progress - planning, assessment, coordination, execution, construction and closing out projects. The emergency declarations and public health orders caused all projects to lag behind, projects funded from the Navajo Nation, States of Arizona, New Mexico, and Utah.

2. The Navajo Nation government offices closures adversely impacted all capital

projects schedule. Offices such as OMB, OOC, RBDO, and chapters had only essential workers providing minimal services, or work related to COVID-19. As a result, CPMD was not able to hold bid openings, contract development, and project coordination meetings to move Year 1 and Year 2 projects forward. Payments for services rendered are also at a standstill, affecting the drawdown and extending project timelines forward.

3. The Sihasin legislation timeframes have been adversely impacted by the pandemic emergency especially Year One projects which expires November 2020 and Year Two projects which are still pending issuance of Business Unit numbers. Some Year Three projects are connected with Year Two projects, and some do not have business units assigned by OMB.

4. As the number of COVID-19 positive cases continues to rise, there is an uncertainty of when DCD/CPMD will resume normal operations and capacity.

Therefore, the Division of Community Development is respectfully requesting the Department of Justice and the Office of Legislative Counsel to start drafting a legislation for the extension of Sihasin Funds timeline for two years as described above.

I appreciate your support to amend the Sihasin Legislation. If you have any questions, please contact my office, or Mr. James Adakai at 871-6211 or james_adakai@nndcd.org.

Ahéhee'

c. James Adakai, Department Manager II, Capital Projects Management Department

NAVAJO D.O.T.

NAVAJO DIVISION OF TRANSPORTATION

POST OFFICE BOX 4620, WINDOW ROCK, AZ 86515
TEL: 505-371-8300/8301 FAX: 505-371-8399

MEMORANDUM

DATE : May 15, 2020

TO : Seth Damon, Speaker,
Presiding Chair of NAABIK'I'YATI' COMMITTEE
24TH NAVAJO NATION COUNCIL

FROM : _____
Dr. Pearl Yellowman, Division Director
NAVAJO DIVISION OF COMMUNITY DEVELOPMENT

FROM : _____
Garret Silversmith, Division Director
NAVAJO DIVISION OF TRANSPORTATION

SUBJECT : Request for Sihasin Project Timeline/Business Unit Extension

The Navajo Division of Transportation (Navajo DOT) requests for *Project Timeline and Business Unit* extension for 20 Sihasin (Transportation) projects. Specifically, to extend each project by two years, for each funding year:

Year 1 Projects	Extend to September 30, 2022	$ 7,630,332.21
Year 2 Projects	Extend to September 30, 2023	$ 1,203,677.00
Year 3 Projects	Extend to September 30, 2024	$ 1,194,687.63
	TOTAL	$10,028,696.84

There are four project managers with Navajo DOT, and they are working with Chapters, Division of Community Development (DCD) and Capital Projects Management Department (CPMD) staff in the development of the projects. The Project Managers are also preparing and submitting budgets to CPMD and the Office of Management and Budget (OMB) staff in getting the business unit issued.

Each 20 Sihasin/Transportation Projects are at different phases of project development and they are outlined in attached Exhibit "A" Matrix. The phases include one or more of the following: preliminary studies (archaeological, biological, etc.), plan and design, 401 permitting process, procurement, contracting, and construction. All the projects have activities, but we need additional time to complete the projects.

Below are additional reasons for our request:

1) A few projects have multiple funding from Sihasin, Capital Outlay, and/or Road Fund (a.k.a. Fuel Excise Tax). Multiple funding requirements has posed a challenge in issuing contracts in accordance to each of the funding requirements and it takes additional time to complete the process.

2) Most project still require drainage studies and design development.

3) Two Chapters selected routes going through Allotment Land, but after Navajo DOT met with Chapter representatives, Chapter decided to change the location of road improvement to Tribal Trust Land only. This process took some time to address.

4) **Mostly importantly,** the progress of the projects has been significantly delayed due to the COVID-19 pandemic. Although the Navajo DOT Project Managers have been diligently working with CPMD and OMB Staff, the partial Navajo Nation government shut down has slowed the process even more.

5) There are sixteen (16) projects in Year 1 and the funding will end on September 30, 2020. This is not enough time to complete the projects because Year 1 funding have not been obligated yet. Most contracts are still pending approval. This will become a domino effect in trying to spend the funds for Year 2 and year 3.

6) It takes time to complete the preliminary studies including the 401 and 404 permitting process. Again, these processes have been delayed due to the COVID-19 pandemic and the National Government-shut down. There are limited services from regulatory offices such as Bureau of Indian Affairs, Historic Preservation Department, Environmental Protection Agency, United States Army Corps of Engineering, etc. Once the regulatory offices are back in full operation, Navajo DOT will complete the processes; however, additional time is still needed to complete the actual "construction" or the road/transportation improvements.

Navajo DOT staff are committed in completing the projects, and we do not want the funds to be reverted to the fund balance. Project Managers have already invested time and effort in moving the projects along. Navajo DOT needs additional time to complete the projects and therefore, requesting to extend the project timeline and business unit numbers by two years, respectively by each funding year.

If you have any questions, please contact me at (505) 371-8300, or you may contact the following Navajo DOT staff members:

Ardaniel Begay	abegay@navajodot.org	Max Bighorse	mbighorse@navajodot.org
Joseph Peterman	jpeterman@navajodot.org	Donald Jackson	djackson@navajodot.org
Marlinda Littleman	mlittleman@navajodot.org	Wayne Williams	wwilliams@navajdot.org
Priscilla Lee	plee@navajodot.org		

Thank you.

xc: File
DCD and CPMD Staff
OMB Staff
Navajo DOT Managers
Navajo Nation Council Members

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

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Raymond Smith
24th Navajo Nation Council

FROM: Dana Bobroff
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: November 19, 2020

SUBJECT: **AN ACTION RELATING TO LAW AND ORDER, HEALTH EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING CAP-35-18, SÍHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN, TO EXTEND PROJECT COMPLETION DEADLINES TO FORTY-EIGHT MONTHS**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0289-20__ **SPONSOR: Raymond Smith, Jr.**

TITLE: An Action Relating to Law and Order, Health Education and Human Services, Resources and Development, Budget and Finance and Naabik'íyáti' Committees and Navajo Nation Council; Amending CAP-35-18, Síhasin Find Powerline and Chapter Projects Expenditure Plan, to Extend Project Completion Deadlines to Forty-Eight Months

***Date posted*: November 23, 2020 at 4:50PM**

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.: 0289-20

SPONSOR: Honorable Raymond Smith, Jr.

TITLE: An Action Relating to Law and Order, Health Education and Human Services, Resources and Development, Budget and Finance and Naabik'íyáti' Committees and Navajo Nation Council; Amending CAP-35-18, Síhasin Fund Powerline and Chapter Projects Expenditure Plan, to Extend Project Completion Deadlines to Forty-Eight Months

Posted: November 23, 2020 at 4:50 PM

5 DAY Comment Period Ended: November 28, 2020

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	**1) Toni Mina**

Legislative Tracking Secretary
Office of Legislative Services

11/30/20 7:30 AM
Date/Time

Legislation 0289-20

Toni Mina <tonimina@yahoo.com>

Tue 11/24/2020 12:56 PM

To: comments <comments@navajo-nsn.gov>;

Having read the legislation; I wanted to express some concerns regarding section J. I understand that with the pandemic it's becoming increasingly difficult to complete the infrastructure projects that are needed in our communities. When the Chapters ask for updates from the project managers they're given very little to no update in most cases. For instance, some project managers are in contact with their perspective Chapters and are working diligently to get these projects to completion. My case and point: we've been lead to believe that the materials for building bathroom additions were being purchased in September but the factual reality is that as of today it's not purchased. Get any substantial update from our project manager has been a chore in itself, he is consistently dodging our calls, and insinuating that NECA is taking up the project while we all know good and well that NECA is spread thin with other projects related to the CARES ACT. When will CPMD be held accountable for upholding their end of the deal? We do need the extra time to complete these projects, however, is 48 months really the accurate portrayal of when the funding will be encumbered?

Toni Mina,

"The world as we have created it is a process of our thinking. It can not be changed without changing our thinking".- E.S

WARNING: External email. Please verify sender before opening attachments or clicking on links.

LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0289-20: An Action Relating to Law and Order, Health, Education and Human Services, Resources and Development, Budget and Finance and Naabik'iyati' Committees and Navajo Nation Council; Amending CAP-35-18, Sihasin Fund Powerline and Chapter Projects Expenditure Plan to Extend Project Completion Deadlines to Forty-Eight Months – *Sponsors: Honorable Raymond Smith, Jr./Honorable Vince James/Honorable Otto Tso*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendments

And thereafter referred to Health, Education & Human Services Committee

Respectfully submitted,

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: December 07, 2020

Main Motion: Honorable Eugene Tso
Second : Honorable Vince James
Vote : 2-0-3 (Chairwoman not voting)

LAW AND ORDER COMMITTEE
Special Meeting
December 07, 2020

Legislation No. 0289-20: An Action Relating to Law and Order, Health, Education and Human Services, Resources and Development, Budget and Finance and Naabik'iyati' Committees and Navajo Nation Council; Amending CAP-35-18, Sihasin Fund Powerline and Chapter Projects Expenditure Plan to Extend Project Completion Deadlines to Forty-Eight Months – *Sponsors: Honorable Raymond Smith, Jr./Honorable Vince James/Honorable Otto Tso*

VOTE TALLY SHEET:

Motion: Eugene Tso Second: Vince James Vote: 2-0-3

Yea: Eugene Tso/Vince James
Nay: None
Not Voting: Eugenia Charles-Newton
Excused: Otto Tso
Absent: Edmund Yazzie

Eugenia Charles-Newton, Chairwoman
Law and Order Committee

Laureen Spencer, Legislative Advisor
Office of Legislative Services