

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0424-17

**DATE:** October 16, 2017

**SUBJECT** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION SEVEN HUNDRED AND TWENTY-ONE THOUSAND NINE HUNDRED AND FOUR DOLLARS (\$2,721,904.00) FOR A GRANT TO THE SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION FOR NEEDED ROAD REPAIRS TO THE ROAD SERVICING THE SCHOOL AND NEARBY COMMUNITY

**PURPOSE:** The purpose of this legislation is to approve a supplemental appropriation so necessary repairs may be made to the road servicing the Saint Michaels Association for Special Educaion and the surrounding community.

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

5-DAY BILL HOLD PERIOD: SNOTAH  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 10/23/2017  
Eligible for Action: 10/24/2017

Health, Education & Human Services Committee  
THENCE  
Budget & Finance Committee  
THENCE  
Naa'biik'íyáti' Committee  
THENCE  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0424-17

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND  
FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING  
SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND  
BALANCE IN THE AMOUNT OF TWO MILLION SEVEN HUNDRED AND  
TWENTY-ONE THOUSAND NINE HUNDRED AND FOUR DOLLARS (\$2,721,904.00)  
FOR A GRANT TO THE SAINT MICHAELS ASSOCIATION FOR SPECIAL  
EDUCATION FOR NEEDED ROAD REPAIRS TO THE ROAD SERVICING THE  
SCHOOL AND NEARBY COMMUNITY

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation established the Health, Education and Human Services Committee as a Navajo Nation Council standing committee and as such gave the Committee oversight over matters impacting the health of the Diné. 2 N.N.C. §§ 401(B)(1).
- B. The Navajo Nation established the Budget and Finance Committee (BFC) as a Navajo Nation Council standing committee and as such empowered BFC

1 to review and recommend to the Navajo Nation Council the management of  
2 all funds. 2 N.N.C. §§ 164 (A)(9), 300 (A), 301 (B)(2).

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

7 D. The Title 12 Appropriations Act Supplemental Appropriation requirements  
8 include:

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

## 20 **Section Two. Findings**

- 21 A. This is a funding request for a grant to the Saint Michaels Association for  
22 Special Education, a non-profit organization, to provide needed repairs to  
23 the road servicing the school and nearby community. See Exhibit A.
- 24 B. The supplemental funding request forms are attached as Exhibit B.
- 25 C. The Office of Management and Budget has been informed of this request.
- 26 D. The Office of the Controller has provided a memorandum dated September 8,  
27 2017 indicating the balance in the Unreserved, Undesignated Fund Balance as  
28 of September 8, 2017 is \$31,258,307. This memorandum is provided to meet  
29 the requirements of 12 N.N.C, 820 (L), however the Controller of the Navajo  
30

1 Nation has not designated the funds as recurring or non-recurring. This  
2 memorandum is attached as Exhibit C.

- 3 E. The Navajo Nation finds it in the best interest of the Navajo people to approve  
4 this supplemental appropriation request.  
5

6 **Section Three. Approving the Supplemental Appropriation from the Unreserved,**  
7 **Undesignated Fund Balance in the Amount of \$2,721,904.00 for a grant to the**  
8 **St. Michaels Association for Special Education for needed repairs to the road**  
9 **servicing the school and nearby community.**

- 10 A. This supplemental appropriation of \$2,721,904.00 shall be from that amount  
11 of funds that exceeds the minimum fund balance of the Unreserved,  
12 Undesignated Fund Balance as determined by the Office of the Controller  
13 and to Business Unit Number to be determined.

- 14 B. The Navajo Nation hereby approves the supplemental appropriation from the  
15 Unreserved, Undesignated Fund Balance for a grant to the St. Michaels  
16 Association for Special Education, Business Unit New for \$2,721,904.00.  
17

18 **Section Four. Effective Date**

19 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

# St. Michaels Association for Special Education

P. O. Drawer 100 • Mustang Road  
St. Michaels, AZ 86511

## ABSTRACT

TO:

## THE NAVAJO NATION COUNCIL

Honorable LoRenzo Bates	Honorable Kee Allen Begay, Jr.	Honorable Norman M. Begay
Honorable Steven Begay	Honorable Nelson S. Begay	Honorable Benjamin Bennett
Honorable Nathaniel Brown	Honorable Tom Chee	Honorable Amber Kanazbah Crotty
Honorable Seth Damon	Honorable Herman Daniels, Jr.	Honorable Davis Filfred
Honorable Jonathan Hale	Honorable Lee Jack, Sr.	Honorable Jonathan Perry
Honorable Leonard H. Pete	Honorable Walter Phelps	Honorable Alton Joe Shepherd
Honorable Tuchoney Slim, Jr.	Honorable Raymond Smith, Jr.	Honorable Otto Tso
Honorable Leonard Tsosie	Honorable Dwight Witherspoon	Honorable Edmund Yazzie

FROM: Michelle Spencer, Executive Director  
St. Michaels Association for Special Education (SMASE)

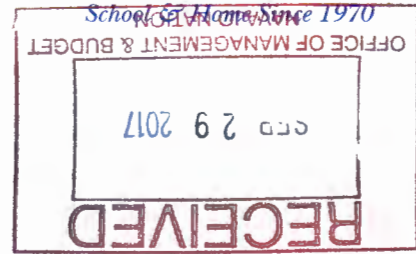
DATE: September 28, 2017

**SUBJECT: A PROPOSAL TO PAVE ROAD TO SMASE SCHOOL AND TO PAVE  
THE CAMPUS FOR THE SAFETY OF STUDENTS, STAFF and  
EMERGENCY PERSONNEL**

## PURPOSE

We write this letter to propose a solution to a recurring and hazardous road condition to SMASE School. Our school is requesting for approval of funds in the amount of \$2,721,904.00 to improve the safe accessibility to SMASE School as well as within the campus boundaries.

There is no question that many of the roads at SMASE are in deplorable and worsening condition. Unpaved and riddled with nearly impassable puddles, they suffer from erosion, lack of drainage, widespread neglect and inadequate planning. Roads are in poor condition and often present physical problems as well. It is well known that the deteriorating roads take a toll on vehicle health and performance, increase fuel consumption, and ultimately result in great expense for road users. Although many reports on our Navajo Reservation refer to the detriments of deteriorating paved roads, the same principles would be applicable to unpaved roads. The damage afforded by the latter probably exceeds that of the former. Rough roads can extend travel time and make for an uncomfortable ride for our students and members and the pond-like potholes of SMASE roads not only undermine the integrity of the roads, but can make



*Approved Council for Michelle Spencer*



it difficult for cars and buses to safely use them. The poor quality of these roads can lead to costly automotive repairs, and many are reluctant to travel on them for this reason. For some, this reluctance has served to create an atmosphere of isolation which negatively impacts relationships with family and the quality of life. SMASE's sole monetary source for road repairs is donations, now, and this have been largely insufficient. To improve the area and the lives of its residents in general, road conditions and roads, and upgrades on campus should be made compulsory for SMASE.

## **SOLUTION TO THE PROBLEM**

Safe and well-maintained roads and paths are a key service that should be provided by SMASE. Recent budget constraints have limited the Association's ability to keep up with the needs. Delaying repairs for roads results in more costly repairs later.

This proposal includes funding estimates to improve safety measures:

- Road Pave to the SMASE Campus would ensure safer transport and access to SMASE Campus for students/staff/consumers/families/emergency personnel
- Campus Paving would ensure safer accessibility to 7 Group Homes, 6 classrooms, Cafeteria, Nurses Station and Bus Loading Dock.
- Ensure Pedestrian Safety
- Ensure Safe Parking for staff/consumers/Bus Holding/Parking
- Street Lights (12) would ensure safety measures for Group Home Clients/Staff/Emergency Personnel
- Cattle Guards replacements (2) for safety measures
- Paved Roads to improve safe environment for Transportation facilities as defined as transportation structure and amenities along or decently adjacent to SMASE roadways that maintain the effectiveness of the SMASE bus systems,

We have experienced delay in students attending school due to the conditions of the road. The SMASE staff have been injured due to the poor conditions of the sidewalks. The staff also are reluctant to drive onto the premises due to the conditions of the roads.

## **COST**

● Civil Design Work – Assessment Planning	\$140,000.00
● Site Surveying	\$ 50,000.00
● Drainage Improvement	\$100,000.00
● Quality Control/Material Testing	\$ 50,000.00
● Concrete/Curb/Gutter	\$122,000.00
● ADA Concrete Sidewalks	\$ 30,290.00
● Navajo Nation Tax 5%	<u>\$129,614.00</u>

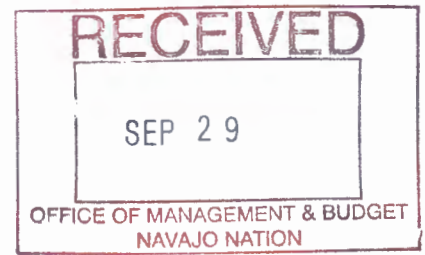
<b>TOTAL ESTIMATE</b>	<b>\$2,721.904.00</b>
-----------------------	-----------------------

## **CONCLUSION**

SMASE will benefit immensely from the improvement of the roads to the facility and within the facilities. This is maintaining safety for our consumers, residents, students, staff, parents, community, volunteers, visitors and emergency personnel.

August 21, 2017

**THE NAVAJO NATION COUNCIL**



Honorable LoRenzo Bates	Kee Allen Begay, Jr	Honorable Norman M. Begay
Honorable Steven Begay	Honorable Nelson S. Begay	Honorable Benjamin Bennett
Honorable Nathaniel Brown	Honorable Tom Chee	Honorable Amber Kanazbah Crotty
Honorable Seth Damon	Honorable Herman Daniels, Jr	Honorable Davis Filfred
Honorable Jonathan Hale	Honorable Lee Jack, Sr.	Honorable Jonathan Perry
Honorable Leonard H. Pete	Honorable Walter Phelps	Honorable Alton Joe Shepherd
Honorable Tuchoney Slim, Jr.	Honorable Raymond Smith, Jr.	Honorable Otto Tso
Honorable Leonard Tsosie	Honorable Dwight Witherspoon	Honorable Edmund Yazzie

**REF: Emergency Funding Request to Pave Road and Campus for St. Michaels Association for Special Education (SMASE)**

**ISSUE:** For years, concerns have been raised but never addressed regarding the deplorable and at times impassable road conditions that students of SMASE School have had to endure 24/7, seven days a week.

The SMASE campus is situated in an area where rain and snow frequently bogs down roadways and walkways with 8 to 10 inches of clay mud. As in past winter conditions, we have witnessed staff having to exert tremendous effort to push and pull wheelchair-bound students and supply wagons from one area to another.

For safety measures, there have been days SMASE had to close due to the impassable roads and difficult transportation conditions on campus. Efforts to deal with muddy conditions places great burden on available resources. The school is tasked with dealing with expensive repair and maintenance transportation costs on an already strained budget.

We are concerned about the impact of impassable roads to the education of our special-needs sons and daughters and about the safety of the dedicated staff there. There is a great need and a responsibility to all involved to ensure the safety needs are met and special-needs students have access to education.

We want to ensure our child is able to:

1. Transport to their school safely; and
2. Transport to the campus facilities safely i.e. (cafeteria, nurses station, activity center, group homes, playgrounds, etc.)



We want to ensure:

1. Emergency transport are able to safely and promptly reach a call on campus at all times.
2. Fire / Police will have easier access to campus in case of an emergency.

Another winter season is coming up, we are concerned that if road/campus conditions are not tended to, the safety of our children, the staff and emergency personnel continues to be placed at risk.

As our Navajo Nation delegate, we raise these issues to you and ask your support of legislation to fund much needed improvements to the SMASE campus and roadways leading to the campus. Your support will provide our children with special needs an opportunity to continue their education in a safe and pleasant environment.

Respectfully Submitted,

1. <u>Styles Danton</u>	<u>P.O. Box JWR, AZ 86515</u>
2. <u>Choyke Dora</u>	<u>" " " " " "</u>
3. <u>Willetta Ariz</u>	<u>" " " " " "</u>
4. <u>Darlene Blydenie</u>	<u>P.O. Box - , Ft. Def, AZ 86504</u>
5. <u>Vabitta Curley</u>	<u>P.O. Box - Window Rock, AZ 86515</u>
6. <u>Harriet S. Fraland</u>	<u>P.O. Box - , Window Rock, AZ 86515</u>
7. <u>Ronald J Bernal</u>	<u>P.O. Box - Window Rock, AZ 86515</u>
8. <u>Mary Lucy Joe</u>	<u>P.O. Box - , Window Rock, AZ 86515</u>
9. <u>Gifford Mike</u>	<u>Box - W/R AZ 86515</u>
10. <u>Peterson Zah</u>	
11. <u>Rosalie Zah</u>	
12. <u>Benjamin Yarrow</u>	<u>Box - 2 Shoshone AZ</u>
13. <u>Elizabeth Beyer</u>	<u>P.O. Box - W/R AZ</u>
14. <u>Billy Sendoral</u>	<u>Box - , Window Rock, AZ</u>
15. <u>Anthony</u>	<u>Box - Saint Michaels, AZ</u>
16. <u>Rozie Poshlakui</u>	<u>P.O. Box - Window Rock AZ 86515</u>
17. <u>John Arthur</u>	<u>P.O. Box - Window Rock, AZ 86515</u>
18. <u>Katherine Dempsey</u>	<u>Box - Window Rock AZ 86515</u>
19. <u>Alex Dempsey</u>	<u>P.O. Box - W/R AZ 86515</u>

20. Aena Dempsey Thompson Box: Window Rock #86515

21. \_\_\_\_\_

22. \_\_\_\_\_

23. \_\_\_\_\_

24. \_\_\_\_\_

25. \_\_\_\_\_

26. \_\_\_\_\_

27. \_\_\_\_\_

28. \_\_\_\_\_

29. \_\_\_\_\_

30. \_\_\_\_\_

31. \_\_\_\_\_

32. \_\_\_\_\_

33. \_\_\_\_\_

34. \_\_\_\_\_

35. \_\_\_\_\_

36. \_\_\_\_\_

37. \_\_\_\_\_

38. \_\_\_\_\_

39. \_\_\_\_\_

40. \_\_\_\_\_

41. \_\_\_\_\_

42. \_\_\_\_\_

43. \_\_\_\_\_

44. \_\_\_\_\_

45. \_\_\_\_\_

46. \_\_\_\_\_

# EMERGENCY FUNDING REQUEST FOR STUDENTS OF SMASE - ROAD AND CAMPUS PAVING

September 21, 2017

## PROPOSED BUDGET

CONTENTS OF MATERIAL	Estimated	Estimated Total
Area to be considered for paving: Total of 178,931 square feet. 1. All roads inside the SMASE compound 2. The county road from SMASE East to the West end of St. Michael Housing		
Civil Design Work - Assessment/Planning	140,000.00	
Site Surveying	50,000.00	
Drainage Improvement (Cattle Guard, Culverts, CMP Storm Pipes, or any Import Fill	100,000.00	
Quality Control/Material Testing	50,000.00	
3" Asphalt over 6" Basecourse over 8: Scarfied & Compacted Subgrade (includes labor)	2,100,000.00	
Concrete Curb/Gutter (where required) = \$25.00 LF x 4893 LF =	122,000.00	
ADA Concrete Sidewalk (where required over compact Sub-Grade-No Rebar = \$10.00 / SF x 3029 LF = \$30,290	30,290.00	
Navajo Nation Tax = 5% to pricing	129,614.15	
		2,721,904.15



**DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515  
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474

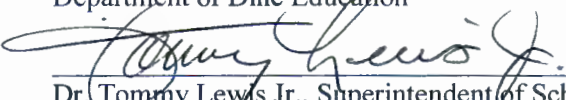


Russell Begay  
President

Jonathan Nez  
Vice-President

**MEMORANDUM:**

**TO:** Program Managers and Staff  
Department of Diné Education

**FROM:**   
Dr. Tommy Lewis Jr., Superintendent of Schools  
Department of Diné Education – Administration

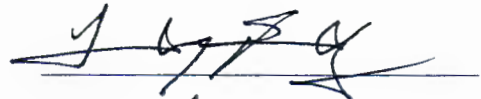

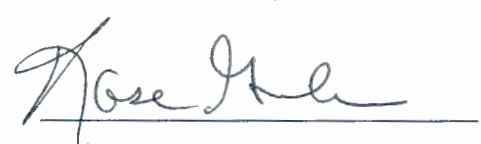
**DATE:** June 1, 2017

**SUBJECT:** STANDING DELEGATION OF AUTHORITY – FY 2017 (REVISED)

During my absence from the office, the following individuals are authorized to act on my behalf, in the order they are placed, to ensure the proper and uninterrupted functioning of the Department of Diné Education by performing the routine duties required of the Superintendent of Schools:

**ACKNOWLEDGED**

1. **Dr. Timothy Benally, Assistant Superintendent**  
Department of Diné Education – Administration
2. **Dr. Anselm Davis, Education Program Manager**  
North Central Association /AdvancED (NCA/AdvancED)
3. **Ms. Rose Graham, Department Manager II**  
Office of Navajo Nation Scholarship and Financial  
Assistance (ONNSFA)

This delegation authorizes my designee to review and approve all routine administrative, financial and personnel documents, with the understanding that they will consult with me as necessary. However, all requests for Off Reservation Travel (ORT) will follow the process outlined in the memo distributed on March 20, 2013, authorizing only the Superintendent and the Assistant Superintendent to approve those requests.

Please continue to bring all documents requiring the review and approval of the Superintendent of Schools to the Department of Diné Education-Administration Office.

If you have any inquires relative to this matter, contact the DODE Administration Office at 928-871-7475.  
Your cooperation is expected and appreciated.

**XC:** Honorable Russell Begaye, President, The Navajo Nation  
Honorable Jonathan Nez, Vice President, The Navajo Nation  
Arbin Mitchell, Chief of Staff, Office of the President/Vice President,  
Pearline Kirk, Controller, Office of the Controller  
Dominic Beyal, Executive Director, Office of Management and Budget

**BOARD OF EDUCATION**

**Bennie Begay, President · Gloria Johns, Vice President · Delores Greyeyes, Secretary**  
**Members:** Dolly C. Begay · Dr. Pauline Begay · Dr. Bernadette Todacheene · Patrick D. Lynch · Marlene Burbank  
**Dr. Tommy Lewis, Superintendent of Schools**



ST. MICHAELS ASSOCIATION FOR SPECIAL EDUCATION

SEP 29

St. Michaels Association for Special Education was founded by Sr. Mary Jane Ryan in 1968, and operated for 3 years. In March 1970, the organization was officially incorporated with Board of Directors serving for the school to continue to meet the needs of the consumers.

Mission Statement

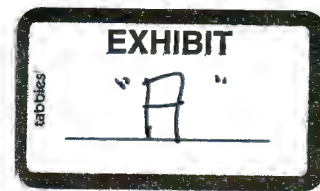
To Promote and Provide a coordinated, accessible system  
of quality of services  
for Navajo children and adults with  
developmental disabilities including their families.

SMASE strongly believes in and support each person with special needs or disabilities. Every individual has a right to services provided by SMASE. The consumers, residents and clients of SMASE continue to grow and develop regardless of a disability. Each child and adult has the potential to reach the fullness of life despite the special limitations. The foundation of the organization and the commitment of the staff is to interaction with the child and/or adult to grow, learn, develop their physical capacity, and to enlighten their sensory skills and to effectively communicate, in their way, with their family and the community. We reach out to the family and encourage the child/adult to continue to grow and learn. To utilize the skills to the best of their ability.

Each student who attends SMASE and graduates has a choice to continue to develop their skills and to participate in sheltered workshops at SMASE or other adult service agencies/programs. They choose to participate and take advantage of becoming an active and functional adult with skills attained through the programs. They can contribute to their home environment, and gain employment to become self-supporting with continual guidance and assistance.

We strongly believe in the individual success of our consumers and students. They are the "special individuals" who make working worthwhile at SMASE for our employees. Our employees are dedicated to the well-being of each person at SMASE.





BY-LAWS OF  
ST. MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.  
(Revised 5-23-2011)

The mission of St. Michaels Association for Special Education, Inc., is to promote and provide a coordinated, accessible system of quality services for Navajo children and adults with developmental disabilities and their families.

ARTICLE I  
BOARD OF DIRECTORS

100 General Authority

The affairs of the St. Michaels Association for Special Education, Inc., shall be managed by its Board of Directors. Directors need not be residents of the State of Arizona, but they must fulfill one of the criteria for Board Membership set out in Section 101.

101 Criteria for Board Membership

Eligibility for a position on the Board of Directors of St. Michaels Association for Special Education, Inc., shall be governed by the following criteria:

101.1 Board Member may be the parent/guardian of a current or former student or consumer in any program of St. Michaels Association for Special Education, Inc.

101.2 A Board Member may be an individual from a community served by the St. Michaels Association for Special Education, Inc., where such Board Member has demonstrated interest and concern for St. Michaels Association for Special Education, Inc., and/or for the education and development of special needs children and consumers.

101.3 A Board Member may be an individual that currently makes or who, in the past has made significant contribution to the St. Michaels Association for Special Education, Inc.; where such Board Member has demonstrated an interest and concern for the students and consumers served by the Association.

102 Number of Directors

The number of Directors on the Board of Directors shall be from three (3) to fifteen (15).

103 Delegation of Authority

The Board of Directors may by these By-Laws, or by resolution, delegate certain of its authority to the officers of St. Michaels Association for Special Education, Inc., a committee of the Board, or any agent of the corporation.

#### 104 Terms of Office

Each Board of Director shall be elected for a period of three years, may serve an additional three year term, or additional terms, as approved by the Board of Directors.

#### 105 Meetings

105.1 The annual meeting of the Board of Directors shall be held on the third Monday in May. Written notice of the place, date, and hour of the annual meeting shall be given personally or by mail to each Director not less than ten (10) nor more than fifty (50) days prior to the meeting.

105.2 Regular meetings of the Board of Directors will be held at least once every quarter beginning with the annual meeting to be held on the third Monday in May, at times and places to be determined by the Board. The President shall cause each Director to be notified in writing at least ten (10) days prior to each regular meeting.

105.3 Special meetings may be called by the President or any two Directors, upon giving at least five (5) days written notice to each Director. The notice shall specify the time, date, and place of the meeting and the purpose for which it was called.

105.4 A majority of the voting members of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

105.5 Meetings of the Board of Directors may be conducted by teleconference, conference call, or other electronic means, as permitted by law, provided that all persons can communicate with one another, and all persons are otherwise able to fully participate in the meeting. Votes of the members of the Board of Directors received in such manner shall have the same force and effect as votes at a meeting at which the members of the Board of Directors are physically congregated.

#### 106 Notice of Meetings

In addition to the notice to Directors as specified in Section 105 of these By-Laws, notice of all meetings of the Directors shall be posted at the School Cafeteria on the grounds of the Special Education School run by this corporation, and at three other conspicuous places on the school grounds. Posting shall occur at least ten (10) days prior to the meeting, except in the case of a special meeting called pursuant to Section 105.3 of these By-Laws, in which case notice shall be posted at least five (5) days prior to the meeting.

#### 107 Procedure

107.1 The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these By-Laws.

107.2 There shall be no voting by proxy at a Board of Directors meeting.

107.3 Robert's Rule of Order shall be followed at all meetings of the Board, unless thereafter suspended by a majority vote of the members at any regularly scheduled meeting.

107.4 All meetings of the Board of Directors shall be open to the public, except that the public or any person may be excluded from a meeting for unduly interfering with the orderly conduct of business or where the Board, by majority vote of the Board Members present at the meeting, elects to discuss matters in Executive Session.

108 Compensation

Directors shall not receive any stated salary for their services, but may be paid a stipend rate of up to \$150.00 for a duly called regular meeting. A stipend rate of up to \$75.00 may be paid for a special meeting. No payment of mileage and/or per diem is authorized; however, Directors may elect to receive payment in accordance with St. Michael's Association for Special Education travel policies in lieu of a stipend.

109 Vacancies

The Board of Directors shall have the authority to fill vacancies among the Directors occurring between annual meetings, provided, however, that all vacancies be filled with individuals eligible under the eligibility criterion. Each person so elected to fill a vacancy as it has occurred shall be a Director of the remaining term of the vacant Board seat and as such shall be eligible to serve at the conclusion of the term due to vacancy.

110 Absences

Any Director who is absent for two (2) consecutive unapproved absences or three (3) in any twelve (12) month period without notification and approval from an Officer of the Board within an annual year: a year beginning with the annual meeting in May, is automatically removed as a Director, making available a vacancy to be filled at the annual meeting of the Board, or by special vacancy election at any regularly called meeting.

111 Resignation

Any Director may resign from service as a member of the Board of Directors by delivering a written resignation to the Board President or the executive director.

112 Removal

Any Director or any number of Directors may be removed with or without cause by a vote of a majority of the members of the Board of Directors. In addition any Officer may be removed from office by an affirmative vote of the majority of Directors then in office. Any Director with the number of absences prescribed in these bylaws necessary for removal, or who no longer is a Member in good standing, shall automatically be removed as a Member of the Board of Directors.

---

ARTICLE II  
OFFICERS

200     Officers

The Officers of St. Michaels Association for Special Education, Inc. must be members of the Board of Directors. There shall be a President, a Vice President, and a Secretary-Treasurer.

201     Election and Term of Office

The Officers of the St. Michaels Association for Special Education, Inc., shall be elected by the Board of Directors at every third annual meeting or until his/her successor has been elected or appointed and takes office.

201     The President

The President shall be the principal executive officer of St. Michaels Association for Special Education, Inc. He/She shall preside at all meetings of the Board of Directors which he/she is present. He/She may sign any deeds, mortgages, bonds, contracts or other instruments which the Board of Directors has authorized the President to execute on behalf of the corporation; the President shall see that all orders and resolutions of the Board of Directors are carried into effect, and in general perform all duties incident to the office of President; the President shall have such other duties and authority as may be prescribed by the Board of Directors from time to time.

202     The Vice President

The Vice President shall have the authority and perform the duties of the President in the event of the absence or inability of the President to act, or when requested to do so by the President; the Vice President shall have such other duties and authority as may be prescribed by the Board of Directors from time to time.

204     The Secretary-Treasurer

The Secretary-Treasurer shall:

- 204.1   Cause the minutes of the meetings of the Board of Directors to be kept in a manner best suited to provide an accurate and complete record.
- 204.2   See that all notices of meetings are given in accordance with these By-Laws.
- 204.3   Be custodian of all corporate assets and shall see that accurate and complete financial records are kept.
- 204.4   Have such other duties and authorities as may be prescribed by the President or the Board of Directors from time to time.



ARTICLE II  
POWERS OF THE DIRECTORS

300 General Powers

The property and business of this corporation shall be managed by its Board of Directors.

301 Specific Powers

Without prejudice to the general powers and other powers conferred by these By-Laws, the Board of Directors shall have the following powers:

301.1 From time to time to make and change rules and regulations, not inconsistent with law or with these By-Laws, for the management of the corporation's business and its affairs.

301.2 To lease, purchase, or otherwise acquire in any lawful manner and for and in the name of the corporation, and all real estate and other property rights and privileges, whatsoever, deemed necessary or convenient for carrying on the business of the corporation, and which the corporation is authorized to acquire such rights in property at such price or consideration and, in the discretion of the Board of Directors, to pay therefore either wholly or partly in money, or other securities of the corporation.

301.3 To sell or dispose of any real or personal estate, property rights or privileges belonging to the corporation whenever in the opinion of the Board of Directors the corporation's interests would thereby be promoted; and, pursuant to the vote or written consent of the Board of Directors entitled to exercise a majority of the voting power of the corporation, to sell, assign, transfer or otherwise dispose of the whole property of this corporation subject, however, to the provisions of Section 600 of these By-Laws.

301.4 Unless otherwise suspended, participate fully in the planning, development, implementation, and evaluation of the Johnson O'Malley (JOM) program in the capacity of the JOM Indian Education Committee.

302 Records of the Board

It shall be the duty of the Board of Directors to cause to be kept a complete record of all minutes and acts of the Board of Directors.

303 Board Supervision

The Board of Directors shall supervise all officers, agents, and employees of the corporation and it shall see that the duties of all such officers, agents, and employees are properly performed.

304 Additional Powers

In addition to the powers and authority expressly conferred on the Board of Directors by these By-Laws, the Board of Directors may exercise all powers of the corporation and do all lawful acts and



things as are not by statute or by the Articles of Incorporation of this corporation or by these By-Laws directed or required to be exercised by employees of the corporation.

305 Inspection of Books

The Directors shall determine from time to time whether, and under what conditions, the accounts and books of the corporation (except such as are by statute specifically open to inspection), or any of them, shall be opened to inspection by authorized agencies or individuals seeking such inspection of the corporations books and records.

306 Checks

All checks or demands for money, drafts, and notes of the corporation shall be signed by such officer or officers as the Board of Directors may from time to time designate.

307 Fiscal Year

The Fiscal Year for this corporation shall begin on the first day of October.

308 Directors Annual Statement

The Board of Directors shall require at each annual meeting a full and clear statement of the business and the condition of the corporation.

#### ARTICLE IV COMMITTEES OF DIRECTORS

400 Standing Committees

The Board of Directors shall have the following Standing Committees:

- Budget and Finance Committee
- Long Range Planning and Fund Raising Committee
- Nominating Committee
- Executive Committee

400.1 The Budget and Finance Committee of the Board

Shall consist of two (2) Board Members, the executive director and others who from time to time shall be appointed by the executive director.

It shall be the duty of the Finance and Budget Committee of the Board to meet quarterly, review budgets and financial results and to recommend to the Board resolutions or courses of action of a financial or budgetary nature.

400.2 The Long Range Planning and Fund Raising Committee

Shall consist of three (3) Board Members, the executive director and others who from time to time shall be appointed by the executive director.

One of the duties of the Long Range Planning and Fund Raising Committee of the Board shall be to meet at least annually and recommend to the Board of Directors resolutions or courses of action regarding the long-range plans and visions of the Association.

Another duty of the Long Range Planning and Fund Raising Committee of the Board shall be to meet at least quarterly and oversee the fund raising activities of the Association.

#### 400.3 The Nominating Committee

Shall consist of two (2) Board Members, the executive director and others who from time to time shall be appointed by the Board of Directors.

It shall be the duty of the Nominating Committee to meet from time to time and recommend to the Board of Directors individuals to fill board vacancies or new positions.

Another duty of the Nominating Committee shall be to oversee succession of the executive director.

#### 401 Other Committees

The Board of Directors may, by Resolution, from time to time create one or more permanent or temporary Committees.

401.1 Each such Committee shall consist of at least one (1) Board Member and shall have such other members as are set forth in the Board Resolution.

401.2 The purpose and function (and duration, for Committees which shall exist for only a limited period) of each such Committee shall be set forth in the Board Resolution which establishes such Committee.

#### 402 Authority of Committees of Directors

Any Committees of the Board of Directors shall have and exercise the authority of the Board of Directors to the extent provided in the Resolution creating the Committee.

#### 403 Executive Committee

There shall be, at all times during the operations of this corporation, a standing committee of the Board of Directors called the Executive Committee. The Executive Committee shall be composed of three officers of the corporation and one additional non-officer Board Member elected by the Board to sit on the Executive Committee.

##### 403.1 Powers of the Executive Committee

403.1.1 To meet to discuss the corporation's emergency business matters.

403.1.2 To propose measures relating to the corporation's business to the Board of Directors.

403.1.3 To take emergency action on behalf of the corporation.

403.2 Ratification by the Full Board

All actions of the Executive Committee, to be effective, must be ratified by a majority vote of a quorum of the Board of Directors at a regularly scheduled Board meeting.

404 Responsibility of the Board of Directors

The designation of any Board Committees, including the Executive Committee, and the delegation thereto of authority shall not relieve the Board of Directors of any responsibility imposed upon it by law or by these By-Laws.

ARTICLE V  
OFFICES OF THE CORPORATION

500 Principal Office

The Principal Office of St. Michaels Association for Special Education, Inc., shall be located on the Navajo Nation at St. Michaels, Apache County, Arizona at the site of the Special Education School run by the corporation.

501 Offices

St. Michaels Association for Special Education, Inc., may locate and maintain any offices, with mobile office units, part-time offices, or any other facilities which the Board deems necessary in furtherance of the purposes of the corporation, by resolution of the Board of Directors.

ARTICLE VI  
DISSOLUTION

600 Dissolution

Pursuant to Article XI of the Articles of Incorporation of the St. Michaels Association for Special Education, Inc., upon dissolution of the corporation, all proceeds from the sale or other disposition of the assets shall be given to a non-profit organization located within the Navajo Nation, where such organization qualifies under Section 501(c)(3) of the Internal Revenue Code. In the event a suitable corporation cannot be found, then the property of this corporation upon dissolution shall

issue to the Navajo Tribe to be used for a public purpose not inconsistent with purposes of this corporation as set forth in its Articles of Incorporation.

ARTICLE VII  
THE EXECUTIVE DIRECTOR

700    Executive Director

The Board of Directors shall employ an executive director to supervise the day to day activities of St. Michaels Association for Special Education, Inc. He/She shall be an individual with such qualifications as are determined by the Board of Directors. The executive director shall serve at the pleasure of the Board of Directors and shall have the duties and authority prescribed by these By-Laws or as set by resolution of the Board of Directors.

701    Responsibility to the Corporation and to the Board

The executive director shall be responsible to the Board of Directors, and he/she shall maintain utmost loyalty to the Board of Directors and to the purposes of St. Michaels Association for Special Education, Inc.

702    Exercise of Duties

The executive director shall faithfully and diligently execute his/her duties and shall exercise his/her authority prudently and wisely and in the best interest of St. Michaels Association for Special Education, Inc., and in the interest of the people whom the corporation serves.

703    Reporting to the Board

The executive director shall at all time keep the Board of Directors fully informed of the activities of the corporation, and he/she shall also inform the Board of any special program or occurrence requiring the Board's attendance or action.

704    Administrative Duties

The executive director shall have the duty and responsibility to conduct and administer the activities of St. Michaels Association for Special Education, Inc., and shall see that the corporation properly meets any and all of its obligations.

705    Personnel

The executive director shall select, employ, supervise, and may discharge, all personnel employed by St. Michaels Association for Special Education, Inc.; except that no member of the Board of Directors shall be employed unless the member resigns such membership on the Board of Directors; further that professional contract personnel will be hired, administered, and terminated only in accordance with prescribed personnel procedures affecting such employees.

706 Fiscal Authority

The executive director shall have the authority to expend funds received from all sources pursuant to the contracts between St. Michaels Association for Special Education, Inc., and federal/state/tribal agencies, and shall have the authority to expend any other corporate funds without direct authority from the Board of Directors; except when capital buildings or capital costs are involved.

707 Executive of Documents

The executive director may sign any bonds, contract, or other instruments or agreements on behalf of the corporation in furtherance of the purposes of the St. Michaels Association for Special Education, Inc., where thereby empowered by the Board of Directors.

708 Other Authority of Executive Director

The executive director shall have other authority and duties as prescribed by the Board of Directors.

ARTICLE VIII  
CONTRACTS AND OTHER INSTRUMENTS

800 Contracts and Other Instruments

The Board of Directors may authorize the executive director, or any agent of the corporation, in addition to the officers and executive director so authorized by these By-Laws, to enter into any contract or execute and deliver any instrument in the name of and in behalf of the corporation, and such authorization may be general or specific.

ARTICLE IX  
FISCAL MATTERS

900 Checks, Drafts, etc.

All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of St. Michaels Association for Special Education, Inc., shall be signed and/or countersigned by such officers or employees of the corporation as is determined by a resolution of the Board of Directors.

901 Deposits

All funds of the corporation shall be deposited to its credit at Federal Deposit Insurance Corporation (FDIC) insured banks or other FDIC depositories as the Board of Directors may select.



902 Gifts and Contributions

The Board of Directors, the Long Range Planning and Fund Raising Committee and the executive director may accept on behalf of St. Michaels Association for Special Education, Inc., (or St. Michaels School and Home for Special Navajo Children) any gift, contribution, bequest or devise for the general purposes or for any special purposes of the corporation.

ARTICLE X  
RECORD KEEPING

1000 Records and Accounts

The corporation shall keep adequate, correct, and complete records and accounts, including accounts of property, personnel and financial records, to assure a proper accounting for all corporate funds.

1001 Minutes of Meetings

The corporation shall keep accurate and complete minutes of all meetings of the Board of Directors.

1002 Record of Activities

The corporation shall keep appropriate record of activities and the activities of its personnel in order to permit an evaluation of its effectiveness.

ARTICLE XI  
SEAL

1100 Seal

The Board of Directors may by resolution provide for a corporate seal, which may be in any form and have any words inscribed thereon, except that the seal shall include the name of the corporation.

1200 Waiver of Notice

Whenever any notice is required to be given by law, by the Articles of Incorporation, or by these By-Laws, a waiver thereof in writing signed by the person entitled to receive each notice shall be deemed equivalent to such notice.

1300 Amendments

These By-Laws may be altered, amended, or repealed, and new By-Laws may be adopted, at any annual, regular, or special meeting of the Board of Directors, if at least fourteen (14) days written

notice is given of the intention to alter, amend, repeal or to adopt new By-Laws at such meeting. Such notice shall be given to sitting Directors of the Board of Directors and shall be posted as provided in Section 106 of these By-Laws.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned President of St. Michaels Association for Special Education, Inc., does hereby certify that the above and foregoing amendments and alterations of the By-Laws of this Corporation were duly adopted by the Board of Directors on the 23rd day of May 2011, and these By-Laws as amended, now constitute the By-Laws of the Corporation.

  
\_\_\_\_\_  
President  
Board of Directors

ARTICLES OF INCORPORATION  
OF  
SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, desiring to form a nonprofit corporation under the laws of the State of Arizona, do hereby voluntarily associate ourselves together for that purpose, and adopt the following Articles of Incorporation.

ARTICLE I

The name of the corporation shall be:  
SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.

ARTICLE II

The principal place of business of this corporation is Saint Michaels, Navajo Nation, in the County of Apache, State of Arizona.

ARTICLE III

The time of the commencement of this corporation shall be when the Articles of Incorporation have been filed in the office of the Corporation Commission of the State of Arizona, and the time of its termination shall be twenty-five (25) years thereafter, with the privilege of renewal as provided by law.

ARTICLE IV

This corporation is organized exclusively for charitable, educational, and scientific purposes, including but not limited to the establishment, organization, equipping, owning, operation, management, control, maintenance and conduct of health, social services, correctional, training and educational facilities,

programs or services of whatsoever kind or character reasonably calculated, in whole or in part, to serve the needs of exceptional children, as defined in the Bylaws.

To accomplish the foregoing purposes and objectives, this corporation shall have the authority to do any and every act or thing, and to engage in any other activity or undertaking necessary or convenient to the fulfillment of the purposes of the corporation as herein identified or set forth in the Bylaws, which a corporate body may lawfully do or perform.

#### ARTICLE V

This corporation is not formed for purposes of pecuniary gain nor profit to the members hereof, directly or indirectly, and no part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered, and to make payments and distributions in furtherance of the purposes set forth in Article IV hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of these Articles, the corporation shall not carry on any other activity prohibited for corporations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.

#### ARTICLE VI

The names, residences, and post office addresses of the incorporators of this corporation are:

Fr. Marcan Hetteberg, O.F.M.	St. Michaels Mission St. Michaels, Arizona 86511
Sr. Marijane, F.M.M.	St. Michaels Mission St. Michaels, Arizona 86511
Mr. Irvin Jones	P. O. Box 397 Window Rock, Arizona 86515
Mrs. Marie Allen	P. O. Box 615 Fort Defiance, Arizona 86504
Judge Murray Lincoln (Retired)	Klagetoh Trading Post Ganado, Arizona 86505
Miss Patricia Doerger	P. O. Box 384 St. Michaels, Arizona 86511
Miss Laurine Ruleau	P. O. Box 28 Window Rock, Arizona 86515
Mr. Byron Houseknecht	P. O. Box 47 Window Rock, Arizona 86515
Mrs. Martha Slocumb	P. O. Box 318 Fort Defiance, Arizona 86504
Mr. Andrell Henry	P. O. Box 678 Fort Defiance, Arizona 86504
Mrs. Eloise DeGroat	P. O. Box 521 Fort Defiance, Arizona 86504
Mr. Elmer Lincoln	P. O. Box 224 Window Rock, Arizona 86515
Mrs. Sally Begay	P. O. Box 335 Fort Defiance, Arizona 86504
Mr. Jerry S. Bathke	P. O. Box 663 Window Rock, Arizona 86515

#### ARTICLE VII

The affairs of this corporation shall be conducted by a Board of Directors of not less than three nor more than fifteen Directors, who shall be elected at the annual meeting of the members, and who shall hold office until the next annual meeting of the members or until their successors shall have been duly elected and qualified. The first Board of Directors of this corporation shall be the incorporators of the corporation and shall hold office until the succeeding annual meeting of the members.



#### ARTICLE VIII

The annual meeting of the members of this corporation shall be held on the first Monday in May, and on the same date of each and every year thereafter. Special meetings may be held at such time and in such place and in such manner as may be prescribed by the Bylaws of the corporation. The first annual meeting of the Board of Directors will be held in the year 1971.

#### ARTICLE IX

The officers of the corporation shall consist of a President, Secretary, and Treasurer, and such other officers as the Board of Directors may from time to time elect, as provided in the Bylaws.

#### ARTICLE X

Mr. Irvin Jones of Window Rock, County of Apache, Arizona, who has been a bona fide resident in the State of Arizona for at least three (3) years, is hereby appointed the lawful agent of this corporation for and in behalf of the corporation, to accept and acknowledge service of, and upon whom may be served, all necessary processes in any action, suit, or proceeding that may be had or brought against the corporation in any of the courts of the State of Arizona and for all purposes required by law. Such service or process or notice or the endorsed acceptance thereof, will have the same force and effect as if served upon the President and Secretary-Treasurer of the corporation. The Board of Directors of this corporation may revoke this appointment at any time and shall have power to fill any vacancy in such position.

#### ARTICLE XI

Upon dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation as provided in the Bylaws.

#### ARTICLE XII

The greatest amount of indebtedness or liability, direct or contingent, to which this corporation may at any time subject itself is \$1,000,000.

#### ARTICLE XIII

The private property of the members, incorporators, Board of Directors, and officers of this corporation shall forever be exempt from the debts and obligations of the corporation.

#### ARTICLE XIV

The Bylaws of the corporation, which shall be made, amended or repealed by the Board of Directors of this corporation by a majority vote at any regular or special meeting where a quorum is present, shall provide for the membership, perpetuation and government of this corporation and may contain such other provisions as may be provided by the laws of the State of Arizona.

#### ARTICLE XV

The Board of Directors shall have the power to amend these Articles by majority vote at any regular or special meeting when a quorum is present. Written notice of any proposed amendments shall be given to each of the members of the Board of Directors at least ten days prior to any such meeting.

#### ARTICLE XVI

This corporation shall issue no capital stock and shall be composed of members rather than stockholders. The membership of the Board of Directors of this corporation shall constitute the membership of the corporation, as provided in the Bylaws.

IN WITNESS WHEREOF, for the purpose of forming this non-profit corporation, we, the below-named incorporators and Directors,

being of lawful age, have executed these Articles of Incorporation  
this \_\_\_\_\_ day of \_\_\_\_\_, 1970.

<u>Fr. Marcan Hetteberg, O.F.M.</u>	<u>Mr. Byron Houseknecht</u>
<u>Sr. Marijane, F.M.M.</u>	<u>Mrs. Martha Slocumb</u>
<u>Mr. Irvin Jones</u>	<u>Mr. Andrell Henry</u>
<u>Mrs. Marie Allen</u>	<u>Mrs. Eloise DeGroat</u>
<u>Judge Murray Lincoln (Retired)</u>	<u>Mr. Elmer Lincoln</u>
<u>Miss Patricia Doerger</u>	<u>Mrs. Sally Begay</u>
<u>Miss Laurine Ruleau</u>	<u>Mr. Jerry S. Bathke</u>

STATE OF ARIZONA )  
                              ) SS.  
County of Apache )

On this 10th day of March, 1970, before  
me, the undersigned officer, personally appeared

Fr. Marcan Hetteberg, O.F.M.	Mr. Byron Houseknecht
Sr. Marijane, F.M.M.	Mrs. Martha Slocumb
Mr. Irvin Jones	Mr. Andrell Henry
Mrs. Marie Allen	Mrs. Eloise DeGroat
Judge Murray Lincoln	Mr. Elmer Lincoln
Miss Patricia Doerger	Mrs. Sally Begay
Miss Laurine Ruleau	Mr. Jerry S. Bathke

known to me to be persons whose names are subscribed to the fore-  
going Articles of Incorporation, and duly acknowledged that they  
executed the same for the purposes therein contained.

Notary Public

My Commission Expires:  
September 6, 1970

78715

ARIZONA COMMISSION  
INCOME TAX

MAR 18 1970

At 9:00 A. M. request of  
Jerry S. Bathke  
Address Post Office Box 663  
Window Rock, Arizona 86515  
By May S. Oates



CHARLES D. HADLEY

STATE OF ARIZONA)  
COUNTY OF APACHE) ss.

Fee No. 58291

I hereby certify that  
the within instrument was filed and  
recorded March 18, 1970, at 9:00 P.M.  
in Docket No. 126, Page 436-443  
at the request of Martha Slocumb

VIRGIE HEAR, Recorder  
By May S. Oates Deputy

DKT 126 PAGE 443

# STATE OF ARIZONA

## Corporation Commission



To all to Whom these Presents shall Come, Greeting;

I, WILLIAM R. JOHNSON SECRETARY OF THE ARIZONA  
CORPORATION COMMISSION, DO HEREBY CERTIFY THAT the annexed is a true and  
complete copy of the AMENDMENT to the ARTICLES OF INCORPORATION  
of  
SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.

which was filed in the office of the Arizona Corporation Commission  
on the 7th day of July, 1971 as provided by law.

IN WITNESS WHEREOF, I HAVE HEREUNTO  
SET MY HAND AND AFFIXED THE OFFICIAL SEAL  
OF THE ARIZONA CORPORATION COMMISSION, AT  
THE CAPITOL, IN THE CITY OF PHOENIX, THIS 7th  
DAY OF July, A. D. 1971

William R. Johnson  
BY SECRETARY



78715

ARIZONA CORPORATION COMMISSION  
INCORPORATING DIVISION

FILED

JUL 7 1971

10:35 A. M.

at request of  
Saint Michaels Association For Special Education, Inc.

Address P.O. Box 34

St. Michaels, Arizona 85511

by Trudy Kriegel

SECRETARY

William R. Johnson

AMENDMENT NO. 1  
ARTICLES OF INCORPORATION  
OF

SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.

ARTICLE XI


In the event of dissolution of this corporation, its assets remaining after payment of all debts and liabilities of this corporation shall be distributed to a fund, foundation, or corporation which is organized and operated exclusively for non-profit, religious, or charitable purposes and which has established its tax exempt status under Section 501 (c)(3) of the Internal Revenue Code.

Acknowledged: -

  
President

KNOW ALL MEN BY THESE PRESENTS:

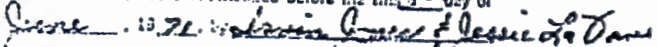
That the undersigned Secretary-Treasurer of Saint Michaels Association for Special Education, Inc. does hereby certify that the above and foregoing Amendment No. 1 to the Articles of Incorporation was duly adopted by the Board of Directors on the 16<sup>th</sup> day of March 1971 and it now constitutes an amendment to the Articles of Incorporation of the Corporation.

  
Secretary-Treasurer

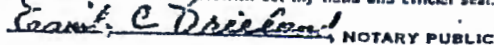
STATE OF ARIZONA  
COUNTY OF APACHE

} ss.

This instrument was acknowledged before me this 3<sup>rd</sup> day of

June 1971 by 

Witness whereof I have set my hand and official seal.

  
NOTARY PUBLIC

My Commission Expires Sept. 22, 1973

ARTICLES OF AMENDMENT TO  
ARTICLES OF INCORPORATION OF  
SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.

MAY 30 1 17 PM '95

Pursuant to A.R.S. § 10-1035, Saint Michaels Association for Special Education, Inc. hereby adopts the following Articles of Amendment to its Articles of Incorporation:

H. Kreuder  
6-28-95

1. The duration of the corporation before the adoption of the Amendment:

007 8 715-7

"The time of the commencement of this corporation shall be when the Articles of Incorporation have been filed in the office of the Corporation Commission of the State of Arizona, and the time of its termination shall be twenty-five (25) years thereafter, with the privilege of renewal as provided by law."

2. The Amendment to the Articles of Incorporation as adopted:

RESOLVED, that Article III of the Articles of Incorporation of this Corporation be, and it hereby is, amended to read as follows:

ARTICLE III

The duration of the corporation is perpetual.

3. The Amendment to Articles of Incorporation was adopted by the Board of Directors on May 22, 1995 by a vote of 5 in favor 0 opposing and 0 abstaining.

IN WITNESS WHEREOF, the President and Secretary of the Corporation, acting for and on behalf of the Corporation have hereunto set their hands this 22 day of May, 1995.

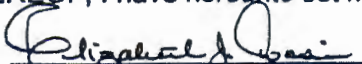
  
PRESIDENT

  
SECRETARY

STATE OF ARIZONA  
COUNTY OF APACHE

On this 22nd day of May, 1995, before me, the undersigned Notary Public, personally appeared Donald Dodge and Velma K. Spencer, the President and Secretary of Saint Michaels Association for Special Education, Inc., an Arizona Corporation, and acknowledged to me that they, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by themselves as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

  
Notary Public

My Commission expires: 07/13/98

AZ CORPORATION COMMISSION  
FILED

OCT 04 2010

FILE NO. 0078715-7

**NON-PROFIT CORPORATION  
ARTICLES OF AMENDMENT**  
Pursuant to A.R.S. §10-11006



1. The name of the corporation is:  
St. Michsel's Association for Special Education, Inc.
2. Attached hereto as Exhibit A is the text of each amendment adopted.
3. The amendment was adopted the 17th day of May 2010.
4. The amendment was duly adopted by act of (choose one):  
☐ the members  
☒ the board of directors (without member action and either member action was not required or members are not entitled to vote).
5. ☐ and with approval, in writing, by the person or persons so specified in the corporation's Articles of Incorporation or bylaws.

Dated as of this 30th day of September, 2010.

Signature:   
(Pursuant to ARS §10-3120 (F)(G)) the Articles of Amendment must be executed by an officer of the corporation or the Chairman of the Board of Directors).

Title: President, Board of Directors

Printed Name: Anna Beth Nez

ARTICLES OF AMENDMENT TO  
ARTICLES OF INCORPORATION OF  
SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION, INC.

Pursuant to A.R.S. § 10-11006, Saint Michaels Association for Special Education, Inc. hereby adopts the following Articles of Amendment to its Articles of Incorporation:

1. The greatest amount of indebtedness before the adoption of the Amendment:

"The greatest amount of indebtedness or liability, direct or contingent, to which this corporation may at any time subject itself is \$1,000,000."

2. The Amendment to the Articles of Incorporation as adopted:

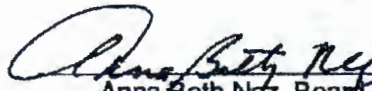
RESOLVED, that Article XII of the Articles of Incorporation of this Corporation be, and it hereby is, amended to read as follows:

ARTICLE XII

The greatest amount of indebtedness or liability, direct or contingent, to which this corporation may at any time subject itself is \$1,500,000.

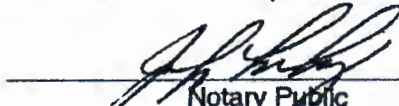
3. The Amendment to Articles of Incorporation was adopted by the Board of Directors on May 17, 2010 by a vote of 3 in favor 0 opposing and 0 abstaining.

IN WITNESS WHEREOF, the President and the Secretary-Treasurer of the Corporation, acting for and on behalf of the Corporation have hereunto set their hands this 17<sup>th</sup> day of May, 2010.

  
Anna Beth Nez, Board President

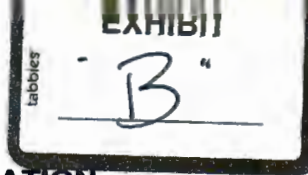
  
Karine Crow, Board Secretary-Treasurer

State of Arizona  
County of Apache  
Subscribed and Sworn to before me  
this 30th day of September, 2010.

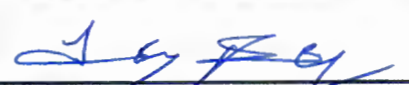
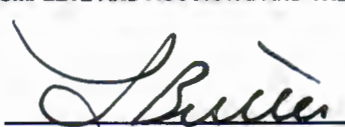
  
Notary Public







**THE NAVAJO NATION  
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

<b>PART I. Business Unit No.:</b> <u>NEW</u>		<b>Program Title:</b> <u>St. Michaels Association for Special Education</u>	
<b>Division/Branch:</b> _____	<b>Amount Requested:</b> <u>\$2,721,904.15</u>	<b>Phone No.:</b> <u>928-871-2800</u>	
<b>Prepared By:</b> _____		<b>Email Address:</b> _____	
<b>PART II. REASON FOR REQUEST AND STATEMENT OF NEED:</b>  <p>This proposal is submitted to request for funding of establishing adequate roads in and out of the school campus of St. Michaels Association for Special Education (SMASE) for the students, consumers, parents, visitors, business associates, FedEx, UPS, school buses, and for the staff. The school has operated over 47 years and the road conditions has been a dirt road access. SMASE has asked the State of Arizona to assist with possible improvements to the road. We has contended with this condition for all of these years; yet each year the road gets worse. In the winter time, it is absolutely muddy and difficult at time for the staff to enter the campus.</p>			
<b>PART III. CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:</b>  <p>The contingency plan is to continue to meet with the State of Arizona to inquire on avenues to provide assistance to improve the conditions of the road. The plans may include seeking funds from other sources through a foundation or a grant.</p>			
<b>PART IV. ALTERNATIVE FUNDING SOURCES BEING PURSUED:</b>  <p>We have not pursued other alternative funding sources at the present time.</p>			
<b>PART V. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.</b>			
 <u>10.4.17</u>		 <u>10/5/17</u>	
<b>REVIEWED BY: Division Director's Signature / Date</b>		<b>RECOMMEND APPROVAL: Branch Chief's Signature / Date</b>	

FY 18

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page    of     
BUDGET FORM 1

<b>PART I.</b> Business Unit No.: <u>          New          </u> Program Title: <u>St. Michaels Association for Special Education, Inc.</u> Division/Branch: <u>                                </u> DODE <u>                                </u>			
Prepared By: <u>Michelle Spencer, Executive Director</u> Phone No.: <u>928-871-2800</u> Email Address: <u><a href="mailto:mspencer@smase.org">mspencer@smase.org</a></u>			

PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
FY 18 UUFB	10/1/17 to 9/30/2018	2,721,904	100%					
				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				0
				7000 Special Transactions				0
				8000 Public Assistance				0
				9000 Capital Outlay	1		2,721,904	2,721,904
				9500 Matching Funds				0
				9500 Indirect Cost				0
<b>TOTAL:</b>						\$0.00	2,721,904.00	2,721,904

<b>PART IV. POSITIONS AND VEHICLES</b>  Total # of Positions Budgeted: <u>                    </u>  Total # of Permanently Assigned Vehicles: <u>                    </u>	<div style="display: flex; justify-content: space-between;"> <span>(D)</span> <span>(E)</span> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 40%; height: 20px;"></div> <div style="border: 1px solid black; width: 40%; height: 20px;"></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border: 1px solid black; width: 40%; height: 20px;"></div> <div style="border: 1px solid black; width: 40%; height: 20px;"></div> </div>
---	---

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

SMASE - Michelle Spencer, Executive Director

SUBMITTED BY: Printed Name

10/4/17

SUBMITTED BY: Program Manager's Signature and Date

DODE

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

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

**PART I. PROGRAM INFORMATION:**

Business Unit No.: New

Program Name/Title: St. Michaels Association for Special Education, Inc.

**PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:**

Founded in 1970, SMSE is the only school located on the Navajo Reservation dedicated to the care and education of moderate to severely disabled children (ages 6 to 22) and adults (22+). Together, the Education, DTA and Residential programs provide services to roughly 50 students and clients. Math, reading, and science are taught, along with horticulture and Dine Culture. Clients also have access to physical therapy, speech pathology and occupational therapy in their daily lessons. A strong emphasis is placed on functional and daily living tasks, which integrate our clients into the community through frequent outings and events.<sup>1</sup>

**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:

### Planning for road construction.

Goal Statement:

Drainage and other studies; planning of construction

4		4					
---	--	---	--	--	--	--	--

- ## 2. Program Performance Area:

Actual construction of pavement; cattle guards; sidewalks; adequate street lights; fencing.

Goal Statement:

Paving of all campus roads.

				1		1	
--	--	--	--	---	--	---	--

- ### 3. Program Performance Area:

15 sidewalks with more needed as a means of safety for our students and members.

Goal Statement:

Construction of all campus roads

				15		15	
--	--	--	--	----	--	----	--

- #### 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.

SMASE - Michelle Spencer, Executive Director

Michelle Spencer, Executive Director

Program Manager's Signature and Date

DODE

Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date

FY 18

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

Page    of     
**BUDGET FORM 4**

<b>PART I. PROGRAM INFORMATION:</b>				
Program Name/Title:		St. Michaels Association for Special Education, Inc.		Business Unit No.: New
<b>PART II. DETAILED BUDGET:</b>				
(A)	(B)	(C)	(D)	
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code	
8700	Grants			
8780	Entities			2,721,904
	8785 Entity Grants			
1	Area to be considered for paving: Total of 178,931 square feet			
2	The country road from SMASE East to the West end of St. Michael Housing Subdivision			
	Civil Design Work - Assessment/Planning	140,000		
	9070 - CAP Pro Tech Services			
	Site Surveying	50,000		
	9010 - Land and Improvements			
	Drainage Improvement (Cattle Guard, Culverts, CMP Storm Pipes, or any Import Fill	100,000		
	9070 - CAP - Pro Tech Services			
	Quality Control/Material Testing	50,000		
	9020 - Infrastructure			
	3" Asphalt over 6" Base course over 8: Scar field and Compacted Subgrade (includes labor)	2,100,000		
	Concrete Curb/Gutter (where required) - \$25.00 LF x 4893 LF	122,000		
	ADA Concrete Sidewalk (where required over compact Sub-Grade-No-Rebar)			
	\$10.00/SF x 3029 LF - \$30,290			
	Nation Nation Tax - 5% to pricing	129,614		
<b>TOTAL</b>		2,721,904		2,721,904





THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE-PRESIDENT



**Memorandum**

Date: September 8, 2017

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

Honorable Lorenzo Bates, Speaker  
Navajo Nation Council

Honorable Thomas J Holgate, Acting Chief Justice  
Judicial Branch

From:   
Pearline Kirk, Controller  
Office of the Controller

Subject: Financial Update-(General Fund Revenue, Expenditures, UUFB)

The gross General Fund Revenues, (see Exhibit "A"), as of August 31, 2017 is \$203,053,235, (see Footnote 1). The total General Fund set asides is \$ \$51,749,599 (Footnote 2). The Net Revenue for the General Fund is \$151,303,727 (see Footnote 3). The permanent fund income transfer is \$24,411,000 (Footnote 4). The reserve taken for the permanent fund income transfer is \$2,885,000 (Footnote 5). The grand total revenue for the General Fund is \$172,829,727 (see Footnote 6) which is 98.78% of the projection.

Next, are the total expenditures by Branch, (see Exhibit "B"), as of August 31, 2017, the Legislative Branch has expenditures of \$14,836,331 (see Footnote 1a); encumbrances of \$822,493 (see Footnote 1b) with a remaining budget of \$3,307,669 (see Footnote 1c). The Executive Branch expenditures are \$162,500,722 (see Footnote 2a); encumbrances are \$7,206,122 (see Footnote 2b) with a remaining budget of \$37,797,219 (see Footnote 2c). The Judicial Branch expenditures are \$11,718,156 (see Footnote 3a); with encumbrances of \$73,692 (see Footnote 3b) and remaining budget of \$2,356,349 (see Footnote 3c). Total General Fund expenditures are \$189,055,209 (see Footnote 4a); total encumbrances are \$8,102,307 (see Footnote 4b) with an overall remaining budget of \$43,461,236 (see Footnote 4c).

The updated Undesignated Unreserved Fund Balance (UUFB), (see Exhibit "C") as of September 8, 2017 is \$31,258,217. The Fiscal Year 2016 audited numbers were approved via CJY-51-17 and an amount of \$11, 728,198 that was previously reserved for debt service for capital projects was returned back to the UUFB with the approval of CJY-50-17. These two amounts have been incorporated into this new schedule.

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



THE NAVAJO NATION  
General Fund Revenue Schedule  
(Unaudited)  
August 31, 2017

FY 2017

GENERAL FUND REVENUE	Original Budget	Revised Budget	Actual Revenue Received	Revenue to be collected	% Revenue of Total
TNN: ROYAL; GAS; OIL	\$ 24,700,000	\$ 24,700,000	22,503,079	\$ 2,196,921	91.11
TNN: COAL REVENUES	55,850,000	55,850,000	51,709,402	4,140,598	92.59
TNN:OTR MINERALS REV			79,149	(79,149)	
TNN: LAND REVENUES	58,450,000	58,450,000	59,393,523	(943,523)	101.61
TNN: BUSINESS FEES			80,415	(80,415)	
TNN: INTEREST INCOME	1,600,000	1,600,000	4,249,477	(2,649,477)	265.59
TNN: TAX REVENUES	64,150,000	64,150,000	63,125,774	1,024,226	98.40
COURT FINES + FEES	400,000	400,000	379,897	20,103	94.97
TNN: OTHER REVENUES	500,000	500,000	1,270,889	(770,889)	254.18
BIA: ROYAL; GAS; OIL			111,327	(111,327)	
BIA: COAL REVENUES			114	(114)	
BIA:OTR MINERALS REV				-	
BIA: LAND REVENUES			150,280	(150,280)	
<b>TOTAL REVENUE</b>	<b>\$ 205,650,000</b>	<b>\$ 205,650,000</b>	<b>203,053,325</b>	<b>(1) \$ 2,596,675</b>	<b>98.74</b>
<b>LESS:SET ASIDES</b>					
CAPITAL OUTLAY MATCH	\$ (2,000,000)	\$ (2,000,000)	(2,000,000)	\$ -	100.00
LAND FUND TRANSFER	(4,113,000)	(4,113,000)	(4,061,067)	(51,933)	98.74
PERMANENT FUND TRNSF	(24,678,000)	(24,678,000)	(24,366,399)	(311,601)	98.74
WATER RIGHTS CLAIM FU	(2,000,000)	(2,000,000)	(2,000,000)	-	100.00
DINE' HIGHER EDUCATIO	(11,200,000)	(11,200,000)	(11,200,000)	-	100.00
VETERANS TRUST FUND S	(8,226,000)	(8,226,000)	(8,122,133)	(103,867)	98.74
<b>TOTAL SET ASIDE</b>	<b>\$ (52,217,000)</b>	<b>\$ (52,217,000)</b>	<b>\$ (51,749,599)</b>	<b>(2) \$ (467,401)</b>	<b>99.10</b>
<b>SUB TOTAL</b>	<b>\$ 153,433,000</b>	<b>\$ 153,433,000</b>	<b>\$ 151,303,727</b>	<b>(3) \$ 2,129,273</b>	<b>98.61</b>
<b>PERMANENT FUND INCOME TRANSFER</b>					
OTHER REVENUE TRANSFER	\$ 24,411,000	\$ 24,411,000	\$ 24,411,000	(4) \$ -	100.00
LESS: PF FIVE-YEAR CONTINGENCY	(2,885,000)	(2,885,000)	(2,885,000)	(5) -	100.00
<b>TOTAL PFI TRANSFER</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ -</b>	<b>100.00</b>
<b>NET PFI TRANSFER</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ 21,526,000</b>	<b>\$ -</b>	<b>100.00</b>
<b>GRAND TOTAL</b>	<b>\$ 174,959,000</b>	<b>\$ 174,959,000</b>	<b>\$ 172,829,727</b>	<b>(6) \$ 2,129,273</b>	<b>98.78</b>

(1) Gross General Fund Revenues

(2) Total Set Asides for General Fund Revenue

(3) Net General Fund Revenue

(4) Permanent Fund Income allocation to General Fund

(5) Permanent Fund Income allocation reserve (CO-54-16)

(6) Grand total General Fund Revenues

**EXHIBIT "A"**

Prepared by:  
General Accounting  
9/8/2017



# FY 2017 EXHIBIT "B"

## The Navajo Nation Budget Status\_Income Statement As of August 31, 2017

Branch / Object Account	Original Budget	Revised Budget	Actual Expenses	Encumbrances	Budget Available	% Available
<b>LEGISLATIVE BRANCH</b>						
2001 - Personnel Expenses	\$ 10,851,778	\$ 12,278,822	\$ 10,019,466		\$ 2,259,357	18.40
3000 - Travel Expenses	1,321,631	1,765,310	1,572,327	46,213	545,274	30.89
3500 - Meeting Expenses	159,932	399,826	210,861	-	204,416	51.13
4000 - Supplies	196,565	744,678	455,884	31,130	248,147	33.32
5000 - Lease & Rental	212,423	226,684	179,129	10,417	50,024	22.07
5500 - Communications & Utilities	119,335	158,833	134,035	-	80,813	38.83
6000 - Repairs & Maintenance	44,547	152,091	74,100	7,525	57,978	38.12
6500 - Contractual Services	541,691	1,553,788	963,771	462,824	197,091	12.88
7000 - Special Transactions	294,373	619,408	411,587	42,876	239,264	38.63
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	20,000	1,069,274	815,172	221,509	586,817	54.88
9500 - Matching & Indirect Cost	-	-	-	-	-	-
<b>Total LEGISLATIVE BRANCH</b>	<b>\$ 13,562,275</b>	<b>\$ 18,968,493</b>	<b>\$ 14,836,331</b>	<b>\$ 822,493</b>	<b>\$ 3,307,659</b>	<b>17.84</b>
<b>EXECUTIVE BRANCH</b>						
2001 - Personnel Expenses	82,554,098	\$ 85,757,946	\$ 67,342,879	\$ -	\$ 18,415,068	21.47
3000 - Travel Expenses	9,499,593	9,499,299	8,499,697	8,235	990,367	10.43
3500 - Meeting Expenses	981,047	1,713,064	1,321,407	-	391,657	22.86
4000 - Supplies	5,400,663	7,963,841	4,549,358	897,024	2,517,459	31.61
5000 - Lease & Rental	1,751,399	1,969,091	1,196,102	28,114	444,875	28.65
5500 - Communications & Utilities	7,305,566	8,123,429	6,513,700	589,673	1,020,057	12.56
6000 - Repairs & Maintenance	3,914,876	8,788,252	5,571,378	1,030,316	2,186,557	24.88
6500 - Contractual Services	4,653,568	12,866,818	6,849,248	2,804,762	3,212,809	24.97
7000 - Special Transactions	10,318,377	11,986,749	10,083,552	322,516	1,580,681	13.19
8000 - Assistance	41,728,697	48,837,782	45,579,345	1,174,985	2,083,432	4.27
9000 - Capital Outlay	764,670	2,746,354	1,563,730	350,497	832,127	30.30
9300 - Other Income and Expense	-	-	-	-	-	-
9500 - Matching & Indirect Cost	7,552,457	7,562,457	3,430,326	-	4,122,131	54.58
<b>Total EXECUTIVE BRANCH</b>	<b>\$ 176,423,911</b>	<b>\$ 207,504,063</b>	<b>\$ 162,500,722</b>	<b>\$ 7,206,122</b>	<b>\$ 37,797,219</b>	<b>16.22</b>
<b>JUDICIAL BRANCH</b>						
2001 - Personnel Expenses	\$ 12,523,143	\$ 12,566,722	\$ 10,812,000		\$ 1,754,722	13.96
3000 - Travel Expenses	433,764	419,940	243,969	-	175,971	41.90
3500 - Meeting Expenses	-	26,807	10,955	-	15,852	59.13
4000 - Supplies	68,291	378,953	241,164	27,553	110,238	29.09
5000 - Lease & Rental	9,000	45,670	19,012	-	26,658	58.37
5500 - Communications & Utilities	69,206	90,472	68,386	-	22,087	24.41
6000 - Repairs & Maintenance	-	210,010	99,988	46,094	63,927	30.44
6500 - Contractual Services	-	89,627	50,671	-	38,956	43.46
7000 - Special Transactions	103,339	274,160	172,011	44	102,105	37.24
8000 - Assistance	-	-	-	-	-	-
9000 - Capital Outlay	-	45,834	-	-	45,834	100.00
9300 - Other Income and Expense	-	-	-	-	-	-
<b>Total JUDICIAL BRANCH</b>	<b>\$ 13,208,743</b>	<b>\$ 14,148,196</b>	<b>\$ 11,718,156</b>	<b>\$ 73,692</b>	<b>\$ 2,356,349</b>	<b>16.65</b>
<b>GRAND TOTAL:</b>	<b>\$ 203,192,029</b>	<b>\$ 240,618,752</b>	<b>\$ 189,055,209</b>	<b>\$ 8,102,307</b>	<b>\$ 43,461,236</b>	<b>18.06</b>

### Footnotes:

#### Legislative Branch

- (1a) Legislative Expenses
- (1b) Legislative Encumbrances
- (1c) Legislative Budget Available

#### Executive Branch

- (2a) Executive Expenses
- (2b) Executive Encumbrances
- (2c) Executive Budget Available

#### Judicial Branch

- (3a) Judicial Expenses
- (3b) Judicial Encumbrances
- (3c) Judicial Budget Available

#### Total General Fund

- (4a) General Fund Expenses
- (4b) General Fund Encumbrances
- (4c) General Fund Budget Available

**EXHIBIT "C"**

Memo Dated Sept. 8, 2017

Financial Update

**Undesignated, Unreserved, Fund Balance (UUFB)  
September 8, 2017**

09-30-16 UUFB balance <u>(Audited)</u> CJY-15-17		26,763,946
<b>Less Supplementals:</b>		
CO-55-16 Election	510,616	
CN-58-16-Budget	3,848,764	
CJA-05-17 Bennett Freeze	254,656	
CAP-22-17-Dine Bii Association	239,200	
CJN-34-17 Summer Youth Employment	2,161,748	
CJY-37-17- Transportation Stimulus Election	218,943	7,233,927
Total UUFB less Supplementals		19,530,019
<b>Add:</b>		
CJY-50-17 Deposit into UUFB.		11,728,198
<b>UUFB 09-08-17</b>		<b>31,258,217</b>

Prepared by: General Accounting

9/8/2017

5:00 PM





**MEMORANDUM**

**TO:** Honorable Jonathan Hale  
Navajo Nation Council

**FROM:**

  
Edward A. McCool, Principal Attorney  
Office of Legislative Counsel

**DATE:** October 16, 2017

**SUBJECT:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAA'BIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION SEVEN HUNDRED AND TWENTY-ONE THOUSAND NINE HUNDRED AND FOUR DOLLARS (\$2,721,904.00) FOR A GRANT TO THE SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION FOR NEEDED ROAD REPAIRS TO THE ROAD SERVICING THE SCHOOL AND NEARBY COMMUNITY

As requested, 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. Please ensure that this 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 Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0424-17\_\_

SPONSOR: Johnathan L. Hale

**TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance, NAABIK'IYATI' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million Seven Hundred And Twenty-One Thousand Nine Hundred And Four Dollars (\$2,721,904.00) For A Grant To The Saint Michaels Association For Special Education For Needed Road Repairs To The Road Servicing The School And Nearby Community**

***Date posted: October 18, 2017 at 7:21 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.: 0424-17**

**SPONSOR: Honorable Jonathan L. Hale**

**TITLE: An Action Relating to Health, Education And Human Services, Budget And Finance, NAABIK'IYATI' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million Seven Hundred And Twenty-One Thousand Nine Hundred And Four Dollars (\$2,721,904.00) For A Grant To The Saint Michaels Association For Special Education For Needed Road Repairs To The Road Servicing The School And Nearby Community.**

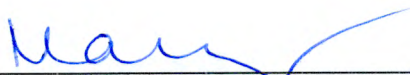
**Posted: October 18, 2017 at 7:21 PM**

**5 DAY Comment Period Ended: October 23, 2017**

**Digital Comments received:**

<b>Comments Supporting (22)</b>	<ol style="list-style-type: none"> <li><b>1. DonnaLeigh Dedman</b></li> <li><b>2. Sami Rapp, IT Technician; St. Michaels Association for Special Education, Inc.</b></li> <li><b>3. Margaret Blount, Mercy Volunteer Corps.</b></li> <li><b>4. Abigail C. Rieker, Special Education Teacher; St. Michaels Association for Special Education, Inc.</b></li> <li><b>5. Styles J. Damon, Charlesie B. Damon, Nelda Yazzie; St. Michaels Association for Special Education, Inc.</b></li> <li><b>6. Helena Marie Nez-Hubbard, Residential Director and Parent</b></li> <li><b>7. Kameo Benally, Speech Language Pathology Assistant.</b></li> <li><b>8. Sarah Hubbell, Accounting Manager; St. Michaels Association for Special Education, Inc.</b></li> <li><b>9. Brenda Begay</b></li> <li><b>10. Mary Blackmountain</b></li> <li><b>11. Evelyn Owens, Para-Professional; St. Michaels Association for Special Education, Inc.</b></li> </ol>
-------------------------------------	---

	<p>12. Juanita Cook, Para-Professional; St. Michaels Association for Special Education, Inc.</p> <p>13. Michael Jaeger, Teacher; St. Michaels Association for Special Education, Inc.</p> <p>14. Clayton Begay, Para-Professional; St. Michaels Association for Special Education, Inc.</p> <p>15. Aaron Joe, Para-Professional; St. Michaels Association for Special Education, Inc.</p> <p>16. Jessica Gross, Special Education Teacher; St. Michaels Association for Special Education, Inc.</p> <p>17. Lavina Anderson, Para-Professional; St. Michaels Association for Special Education, Inc.</p> <p>18. Felencia Woodie, Para-Professional; St. Michaels Association for Special Education, Inc.</p> <p>19. Etta Lewis, Para-Professional; St. Michaels Association for Special Education, Inc.</p> <p>20. Lahomah A. Bahe, General Ledger Accountant; St. Michaels Association for Special Education, Inc.</p> <p>21. Kayla Yazzie</p> <p>22. Ronnie Townsend</p>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>



Legislative Secretary II  
Office of Legislative Services

10/24/2017 8:39am  
Date/Time



0424-17

DonnaLeigh Dedman <donali\_arviso@hotmail.com>

Sun 10/22/2017 4:14 PM

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

Yes!! Finally our students and their needs are being addressed. All students should have the comfort of safe transportation to and from school. I happy to see that are students at SMASE are a priority for once. This is a big upgrade for the current SMASE students and students in the future. This is a very wise choice.

Sent from my Verizon, Samsung Galaxy smartphone

# Legislation Number: 0424-17

Sami Rapp <sami.rapp@smase.org>

Mon 10/23/2017 3:07 PM

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

Cc: Michelle Spencer <m Spencer@smase.org>;

## To whom it May Concern:

My name is Sami Rapp, I am the Information Technology (IT) Technician at St. Michaels Association for Special Education (SMASE). I am writing in favor of the suggested road improvement plan Legislation Number: 0424-17. I reside at 210 Shonto Boulevard, not far from the school and my mailing address is PO Box 3452 Window Rock, Az 86515. Before accepting a permeant position as the IT Technician at SMASE, I was a Mercy Corps Volunteer for the 2016-2017 school year. As a volunteer, I chaperoned numerous bus runs with students and clients almost daily. During those bus runs I notice discomfort in the students and clients due to the poor road conditions on and near the school. Many of our clients and students have poor neck control; even with support from neck braces, other adaptive devices and cautious driving, the bumps and shaking still affected our students and clients negatively.

Another major issue with the road quality in and around our school has to do with walking and wheeling clients through the mud and uneven terrain. Here at St. Michaels Association for Special Education, we have both ambulatory (able to walk) and non-ambulatory (not able to walk; confined to a wheel chair) students and clients. The uneven terrain of our roads and those around our school greatly impacts our clients' abilities to get from one place to another. For students and clients in wheelchairs, it requires an enormous amount of energy for staff to get our clients from one place to another, especially in areas where there are no sidewalks. For ambulatory students and clients, the uneven terrain can be dangerous, many of our ambulatory clients have balance issues and trip easily.

In muddy and snowy conditions, all of these issues are exacerbated and worsened. Our school buses and even the staff's personal vehicles often slip and slide when weather is bad- a dangerous situation at any school, but especially at ours, where our students and clients have less spatial awareness than most. Pushing a wheelchair through snow or mud is also extremely difficult and often dangerous as well.

I believe that improving the roads in and near SMASE will greatly improve our clients comfort and overall quality of life. As I have also stated, I live quite close to the school and often use the road near the school to travel to and from my house. Improving the road near the school would also help to improve the lives of those living near the school, as many of us travel on that road daily. In the winter, that road is almost impassable, especially if you drive a car, like I do. Thank you for your time, I am excited to see progress made on this issue.

-Sami Rapp

~Sami Rapp  
IT Technician | SMASE  
928-871-2811

# SMASE Road Repairs

Meg Blount <meg.blount@smase.org>

Mon 10/23/2017 3:26 PM

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

Cc: Michelle Spencer <mspencer@smase.org>;

To whom it concerns,

My name is Margaret Blount and I currently work as the Therapy Aide at the St. Michaels Association for Special Education (SMASE). I am writing in regard to funding allocation by the Navajo Nation to SMASE for road repairs. The roads at our beloved school are currently unpaved and this causes many issues for our students and clients.

Many of our students and clients have cerebral palsy and are in wheelchairs. Their wheelchairs often get stuck in the mud, causing delays in their schedules. Also, the mud tracks into the classrooms and the therapy gym which gets into expensive, delicate medical equipment. The wear and tear the mud and unpaved entrance roads causes is indescribable. We routinely have to order new wheelchair parts in more sturdy, and thus expensive, designs. SMASE also has an incredible wheelchair accessible playground, but without paved roads it is hard to get our students to the playground. Paving the roads would increase the quality of life some of the Navajo Nation's most medically fragile and in need populations.

This is to say nothing of the safety concerns that dirt roads present to both students and staff. In the winter the dirt turns to mud and ice. Sending large, wheelchair accessible busses over icy roads is dangerous to everyone involved. Many of our clients live on our campus and providers must be here rain or shine. Paved roads would increase the safety of everyone that comes to SMASE: client, teachers, staff, and the general public.

I greatly appreciate the time and attention that is being paid to this very special place. SMASE is truly unique and our clients deserve the very best.

Respectfully,  
Margaret Blount  
Mercy Volunteer Corps - St. Michaels, AZ

# St. Michael's Association for Special Education- Roads

Abigail Rieker <abigailrieker@gmail.com>

Mon 10/23/2017 3:30 PM

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

Hello,

My name is Abby Rieker and I am one of the teachers at SMASE. I teach in the Autistic Support Classroom. I am writing this letter on behalf of my students, staff, and myself. The SMASE campus consists of all dirt roads. In the winter, the roads become complete mud and it makes it nearly impossible to walk or drive on the campus. Our students are all Special Education Students and Adults and have very high needs. We also have many students in wheel chairs. The mud that are roads become do not allow the wheel chairs to get around campus and many of our walker students fall in the mud. Our students are very special, in so many ways, and bring so much joy to SMASE and to the community. Our students and adult members deserve so much more than this. They deserve to be able to go on walks in the winter. They deserve to be able to get on the bus without getting stuck in the mud. The grant money would be used in the best way possible if given to SMASE for the roads.

Thank you,

--

Abigail C. Rieker

Special Education Teacher- Autism Support

St. Michael's School of Special Education

St. Michael's, AZ

Mercy Volunteer Corps

419-346-9301



# 0424-17

Nelda Yazzie <maeleebah@icloud.com>

Mon 10/23/2017 3:31 PM

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

Greetings Respective Delegates.

Our names are Styles J. Damon, Charlesie B. Damon and Nelda Yazzie. We are from the St Michaels Chapter. Charlesie and Styles have attended SMASE since 1989.

Initially this proposal came from my son Styles and daughter Charlesie who both attend SMASE. For the past few years road and campus conditions have worsen and is becoming a serious safety issue not only for them but their classmates, their teachers, school personnel, vendors and emergency personnel. Styles tells us of their school bus experiences, battling the deteriorating & muddy road conditions especially during the winter. He would express "bus got stuck again," or "so and so got hurt they hit their head on the window, road is ugly" and "mommy tell them to fix the road!"

We started our journey with many phone calls and sometimes on-site visits to: Navajo DOT, BIA Roads, Apache County Roads Dept.

They all seem to have barriers preventing them to assist from the lack of jurisdictions, funding, material or equipment.

We started attending chapter meetings, planning meetings, doing community outreach, meeting with our community representatives. Meeting with OMB and many Department heads to school us along the way. All have been great in offering guidance and support. In which we are happy to see this legislation move thus far.

We ask each of you for your support to vote for this legislation. We are not politically motivated people but simple people who have big hearts for the safety of our special friends.

Please vote in support of legislation 424-17.

Respectfully,  
Styles J. Damon, SMASE Student since 1992  
Charlesie B. Damon, SMASE Student since 1989  
Nelda Yazzie, Parent

Sent from my iPhone

Date: October 23, 2017

Subject: Needed road improvements

St. Michaels Association for Special Education, Inc. (SMASE) is a business serving children and adults with developmental disabilities. SMASE has been in business for forty plus years. The school in dire need of road improvement. There are two routes to take to get to the school. One route is via Shonto Blvd, and Mustang Road through St. Michaels Housing (West of the Navajo Nation Capital), and the other route is off US Hwy 264, Mustang Road. Both roads in and out of SMASE are dirt roads

During inclement weather the dirt roads become muddy and impassable. There were times when the school vehicles would get stuck in the mud. The Dirt Mustang Roads are not maintained at all times. It is very important that our roads are safe for the children and adults we serve. St. Michaels Association for Special Education is the only entity in this part of our reservation that serve our population with developmental disabilities.

The Agency is visited by other schools as far as Telluride Mountain School of Telluride, Colorado, visitors from the Navajo Nation Council, Arizona State Department of Economic Security Representatives, Mercy Corp Volunteers, Construction workers and supplies, Navajo Nation Police Departments, Navajo Nation Department of Developmental Disabilities, Navajo Nation Division of Social Services and others that support our children and adults with developmental disabilities.

We are asking for your support in having the roads passible and safe for our children, adults, families, and visitors to the school. After all, our Navajo Nation Leaders' philosophy is always geared towards children, education, and the disabled citizens. We too need support from our leaders as we too are voting citizens and have been supportive of our leaders in office.

Lastly, I would like to thank all the leaders that have supported us in the pass in the much needed assistance. Thank you kindly

Helena Marie Nez-Hubbard, Residential Director and Parent

---

October 23, 2017

To Whom It May Concern:

St. Michaels Association for Special Education is in need of paved roads due to the muddy season that is coming upon us. I have lived in the Window Rock area all my life and as a first time employee here at SMASE my first concern was the roads. Many employees do not have a 4x4 vehicle here at the school, me included. The school would benefit greatly of having a paved road to remove the worry of our vehicle getting stuck in the mud. The soil the school is on is like clay. When you walk or drive in the mud it can cake on become difficult to maneuver in, not to mention slippery. There are two roads that lead to our school and both options are risky to take during the muddy season.

Sincerely,

Kameo Benally  
Speech Language Pathology Assistant  
P.O. Box 677 St. Michaels, AZ 86511

# Comments to Support NN Legislation by Jonathan Hale

Sarah Hubbell <sarah.hubbell@smase.org>

Mon 10/23/2017 3:51 PM

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

Cc: Michelle Spencer <mspencer@smase.org>;

To Whom It May Concern:

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION  
LEGISLATION NO: \_0424-17\_\_ SPONSOR: Johnathan L. Hale**

**TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance, NAABIK'IYATI' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million Seven Hundred And Twenty-One Thousand Nine Hundred And Four Dollars (\$2,721,904.00) For A Grant To The Saint Michaels Association For Special Education For Needed Road Repairs To The Road Servicing The School And Nearby Community**

***Date posted: October 18, 2017 at 7:21 PM***

**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.*

**Digital comments may be e-mailed to comments@navajo-nsn.gov  
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.**

\*\*\*\*\*  
\*\*\*\*\*

**Comments:**

*As an employee of St. Michaels Association for Special Education, I support all and any improvements to the school campus roads for the safety of all Consumers, Residents, Employees & Community Members. The **dirt roads** get muddy and transportation equipment/vehicles are getting heavy wear & tear that causes increased maintenance & repairs. Some sidewalks have been installed between group homes, however, many require repairs from erosion. More sidewalks are required to access the campus from parking lots to avoid personal injuries from tripping & falling. The Roads on campus to access buildings and group homes get extremely muddy & it's difficult to drop-off Consumers on a daily basis to ensure daily operations are continuous. Vendors will not make deliveries*



*to cafeteria and/or any buildings during the winter months due to muddy roads. I support **paved asphalt roads** throughout the SMASE campus including proper drainage of rainfall. SMASE is a non-profit organization that provides many special and unique services to students and adults with disabilities within the Navajo Nation and surrounding areas. Please approve paved roads to SMASE and our campus that will help improve our enrollment and retain consumers & employees.*

*Sarah Hubbell*

Accounting Manager

St. Michaels Association for Special Education, Inc.

P. O. Box 100, St. Michaels, AZ 86511

email: sarah.hubbell@smase.org

Bri Begay <[bbegay3@smase.org](mailto:bbegay3@smase.org)>

Mon 10/23/2017 3:53 PM

To: comments <[comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)>;

Cc: Michelle Spencer <[m Spencer@smase.org](mailto:m Spencer@smase.org)>;

Brenda Begay  
Horticulture  
[bbegay@smase.org](mailto:bbegay@smase.org)

Why we want paved roads, is so we dont ruin our vehicles. I have been going through the terrible road for 23 years plus. I am very happy that were going to get paved roads. Thank you Johnathan Hale for the repair to the road to St. Michaels Association for Special Education.

Bri Begay <bbegay3@smase.org>

Mon 10/23/2017 4:02 PM

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

Cc: Michelle Spencer <mspencer@smase.org>;

The reasons we should have our school paved is because during Winter the roads are dangerous always slippery and some of us staff always have a hard time getting thru with the buses and cars. We need them paved for our students safety to get to school safely. I highly would recommend for this to happen would really help are staff and community get to our school. We also would like it to happen so our students are able to walk the course without having the potholes and dust to prevent them from falling. I really pray that it happens. Thank you.

## Reference #0424-17

Mary Blackmountain <mblackmountain@smase.org>

Mon 10/23/2017 4:03 PM

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

Thank you so much for considering smase road, I have employee at SMASE for 29 years, it would be a blessing to upgrade the road to smase because the road gets really muddy especially during the winter or when it rains, it's always hard for the bus to come in and around the campus, and some of students are on wheelchair and even harder for staff to push the wheelchairs around between buildings.

The buses comes right up to classroom side and park in the muddy area to unload students Monday to Friday. To transport students five days week with the way the road is not safe, especially some of our students are medical fragile, wheelchairs.

This goes the same for staff.

SMASE campus needs more side walks and street lights.

Thank you so much for your consideration. Please visit our school.

Mary B.



# Legislation No: 0424-17

Michael Jaeger <michael.jaeger@smase.org>

Mon 10/23/2017 4:03 PM

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

Cc: Michelle Spencer <mspencer@smase.org>;

Evelyn Owens: Para-professional- evelyn.ownes@smase.org PO Box 100 St.Michaels Arizona

It is important for our kids here at SMASE because they are special needs. It is very difficult to push students in their wheel chairs through the mud during the winter months. For 40 years we have dealt with these type of road conditions. It is time for a new road. It is only fair for the students and employees. We have gained a reputation across the reservation as the "mud" school. This is not the type of negative image we want to present to the outside community. People coming from off the reservation do not understand why we have to deal with such an awful road. It is about time we fix this problem.

Juanita Cook: Para-professional- juanita.cook@smase.org PO Box 100 St.Michaels Arizona

The reason why our school needs a new road is because of the mud. Our student population is very fragile and it is very difficult to transport students around campus. It is also very dangerous for our consumers and students because of the rocky and uneven road. This causes busses to have a hard time getting around campus. A real parking area is important for our staff and busses to prevent vandalism to our personal vehicles and our new busses. Also sometimes our students get sick and it is difficult for the EMT to reach them because of the poor road conditions.

Michael Jaeger: Teacher- michael.jaeger@smase.org PO Box 100 St.Michaels Arizona

I feel it is important for the Navajo Nation to fix our roads on campus here at SMASE because it is their duty to the Navajo children enrolled here at the school. Every other school on the reservation has a paved road. What makes us different? Our students struggle everyday with obstacles that are out of their control. They should not have to suffer from something that can be fixed. It is extremely difficult to transport students around campus daily especially during the winter months. Wheel chairs get stuck frequently and this causes damage to very expensive chairs. SMASE students, clients, and staff deserve the road to be fixed.

Clayton Begay: Para -professional- clayton.begay@smase.org PO Box 100 St.Michaels Arizona

It is important for our kids here at SMASE, because every year we have to struggle pushing wheel chairs through the mud. Winter is coming around again .It will be nice if they pave the roads .

Aaron Joe: Para Professional- aaron.joe@smase.org PO Box 100 St.Michaels Arizona

Hello I Like to express how deeply I feel in paving the roads to S.M.A.S.E it is very important to clients, families and people in the community especially for people of disability so paving makes coming to S.M.A.S.E. easier during the winter and bad weather.

# Legislative 0424-17 SMASE and Community Road Improvements

Jessie Gross <jessie.gross@smase.org>

Mon 10/23/2017 4:25 PM

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

Cc: Michelle Spencer <msspencer@smase.org>;

## To Whom It May Concern:

My name is Jessica Gross, and I am writing on behalf of the entire staff of the Multi-Sensory classroom at St. Michaels Association for Special Education. I am the certified classroom teacher, and my staff consist of five para-professionals who work one on one with the students daily. Our classroom consists of six students- six of the most medically fragile students here at SMASE. They all have multiple disabilities and are wheelchair bound. I am writing this email to stress the fact that the proposed legislation for needed road repairs to the road servicing our school, St. Michaels Association for Special Education, is a legislative action that would improve the lives of many. I have worked at this school for two years, and have witnessed firsthand the effects of the improperly paved road. Our school, in general, services some of the most fragile and severely disabled children and clients on the Reservation, and our current road situation does not allow for safe driving conditions. With winter weather here in St. Michaels, almost all of our staff, parents, and school buses transporting students and clients have a hard time making their way to our school each and every day. When we are unable to make it to school because of the road conditions, we are unable to provide our students with the proper care and teaching. Many days throughout the winter, our classroom is short staffed, due to our inability to drive safely into our school. This means our students are not provided with the one on one care that they need and deserve- which includes their physical and medical needs. With wheelchair bound students, the state of the road is a disservice to them- causing them to lose balance in their chairs, making them uncomfortable and unable to re-situate themselves due to the nature of their disabilities.

The road itself presents unsafe driving no matter the weather, with its continuous potholes and frequent bumps. My students are non-ambulatory and most of them exhibit very poor neck control. They are unable to hold their heads up independently in their wheelchairs, and use specialized pillows to keep them comfortable and safe. The road leading up to the school makes this problem worse, each morning and afternoon that they are transported on it. Due to the unevenness of the road- my students and almost all students/clients at SMASE are unable to sit comfortably and properly each time they ride in a car or school bus to and from our campus. I greatly endorse this grant and the funding for this project, as I know that it will improve my student's quality of life, which is our main goal here at St. Michaels Association for Special Education.

Thank you for your time,

Jessica Gross  
Special Education Teacher  
[jessie.gross@smase.org](mailto:jessie.gross@smase.org)  
P.O. Box 100, St. Michaels, AZ 86511

Lavina Anderson  
Para-Professional  
[Lelee1281@yahoo.com](mailto:Lelee1281@yahoo.com)  
P.O Box 601, Fort Defiance, AZ 86504

Felencia Woodie  
Para-Professional

10/24/2017

Legislative 0424-17 SMASE and Community Road Improvements - comments

Woodie\_10@yahoo.com

244 Jeddito Drive, St. Michaels AZ 86511

Etta Lewis

Para-Professional

P.O. Box 932, St. Michaels AZ 86511

October 23, 2017

To whom it may concern:

In reference to road improvement at St. Michaels Association for Special Education. As a current employee of SMASE; commuting daily on the dirt roads that lead to SMASE can be rather rigorous and damaging to personal vehicles when the weather is not permitting. Road improvement is very much needed for the students, consumers, clients, staff, and local individuals. As a new employee, I have only experienced the mud when it rains and terrorizes the driveways and sidewalks by making it slippery and muddy to our offices. Although I do not work in the classrooms, I do see the teachers, as well as their staff unloading and directing the children to their designated area or classroom in the mud.

With the mud, water, weeds on the sidewalks and no pavement I do see that it makes it difficult for them to push or lead the children especially if they utilize a wheel chair on a daily basis. I have encountered the frustration from them and from current employees walking to and from their offices, parking lot, classrooms, and from the homes of the consumers. Being that it is October and the winter months are ahead, the mud I have experienced is nothing compared to the snow and muddy road conditions they have experienced in the past.

Road improvements are very well needed at St. Michaels Association for Special Education, to help the students, staff, consumers, visitors, and the community. Paved roads in and around the community I see and feel are so much easier to maintain as well as a luxury. Local businesses do not have to worry about the thought of exiting their vehicle and the possibility of falling or losing a shoe, or getting stuck while pushing a wheel chair. Paved roads are very much deserved and will help in such a big way at St. Michaels Association for Special Education.

Thank you,

Lahomah A. Bahe  
General Ledger Accountant  
St. Michaels Association for Special Education  
(928) 871-2802

# SMASE Roads

Kayla Yazzie <kayla.yazzie@smase.org>

Mon 10/23/2017 4:56 PM

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

Cc: Michelle Spencer <msspencer@smase.org>;

Hello,

I am emailing to address my concerns about St. Michaels Special Education roads. The school is located near Shonto housing. This school provides the care, education, and comfort to special needs children. People here work hard every day to care for the students. Not only are the staff affected by the road conditions, it also takes a toll on the students here. They have to be transported on and off campus everyday. Last year the bus slid off the road with two students inside and two bus drivers. They were still on the dirt road by SMASE trying to get to the Shonto housing. It puts the students and staff at risk of injuries.

People forget that staff and students not only have to drive through the treacherous mud but they also walk through it. This can be dangerous for students because they can fall and hurt themselves. There are also the students who reside here on campus and some are in wheelchairs, this makes the transportation for them more difficult.

Getting the roads paved would be greatly appreciated by our staff and children here. Not many people know the difficulties SMASE face on a daily base and the roads are one of the issues. During the winter or any day after a rainfall would be the best time to visit the campus to see what our school has to endure with the mud and icy roads.



# SMASE ROAD PAVEMENT

Ronnie Townsend <ronnie.townsend3@gmail.com>

Mon 10/23/2017 8:54 PM

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

Good Evening,

I work at SMASE and I would be more than appreciative if the roadways were able to be paved, we have Children that are wheel chair bound and it is very rough pushing them when it rains or when it snows and it gets muddy. It also would be nice, because no one well have to worry about their car getting stuck in the mud when it is wet out. Please help us!

Thanks,  
Ronnie

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

**LEGISLATION NO.: 0424-17**

**SPONSOR: Honorable Jonathan L. Hale**

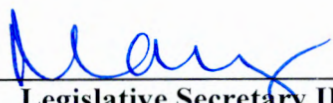
**TITLE: An Action Relating to Health, Education And Human Services, Budget And Finance, NAABIK'IYATI' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million Seven Hundred And Twenty-One Thousand Nine Hundred And Four Dollars (\$2,721,904.00) For A Grant To The Saint Michaels Association For Special Education For Needed Road Repairs To The Road Servicing The School And Nearby Community.**

**Posted: October 18, 2017 at 7:21 PM**

**5 DAY Comment Period Ended: October 23, 2017**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments (1)</b>	<b>1. Dominic Beyal, Executive Director; Office of Management and Budget.</b>

  
 \_\_\_\_\_  
**Legislative Secretary II  
Office of Legislative Services**

12/12/2017 4:53pm  
 \_\_\_\_\_  
**Date/Time**



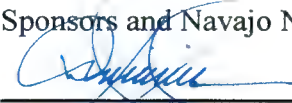
# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

## Office of Management and Budget

### Memorandum

To: Sponsors and Navajo Nation Council Committees

From:   
Dominic Beyer, Executive Director

Date: November 2, 2017

Subject: Proposed Legislation 0424-17 for St. Michaels Association for Special Education, Inc. (SMASE) Supplemental Funding in the Amount of \$2,721,904

The above subject document was reviewed by the Office of Management and Budget and the findings are as follows:

1. This supplemental request was not processed through the required 164 document review process and, therefore, comments by OMB and other Executive Branch programs prior to the proposed legislation is not included. All proposed supplemental budget requests should be routed through the 164 document review process prior to any action by the Navajo Nation Council committees.
2. The proper forms to be completed should be the Navajo Nation Projects forms 1, 2 and 3 as described starting on page 76 of the Fiscal Year 2018 Budget Instructions Manual which has the proper forms to be completed.
3. The total amount on page 2 of the proposal does not add up to \$2,721,904. However, the proposed budget page and the proposed budget on Navajo Nation budget forms add up to the same total amount of \$2,721,904.
4. The budget amounts on Budget Form 4 (no page #) should be revised in accordance with instructions provided for the form on page 31 of the Fiscal Year 2018 Budget Instructions Manual. The revisions to be made include:
  - a. Entry of the 9000 object code in Column (B) of the form for Capital Outlay and corresponding entry of the total amount (\$2,721,904) in Column (D).
  - b. Start with entry of object code 9010 in Column (A) for Drainage Improvement which is a professional technical service cost item. Enter all corresponding cost items for the 9010 object code in Column (C).
  - c. Next enter object code 9020 in Column (A) for all infrastructure improvements to be funded including laying of asphalt, concrete curb and gutter and concrete sidewalk. Enter all corresponding cost items for the 9020 object code in Column (C).
  - d. Lastly, enter object code 9070 in Column (A) for all design, site surveying and quality control costs. Enter all corresponding cost items for object code 9070 in Column (C).

5. The Supplemental Funding Proposal Summary in Part IV states that SMASE has not sought other funding sources for this project, but Part III states that SMASE will continue to inquire about revenues from other sources, such as the State of Arizona or other foundations. This indicates that SMASE is relying solely on the Navajo Nation general funds when other sources may be available for this project. SMASE has already received funding from the Navajo Nation general fund and this is the second request for significant amount of funding from the Navajo Nation.
6. There are numerous supplemental budget requests (in excess of \$60 million) before the various Navajo Nation Council committees which are more than the funding available in the UUFB. The Navajo Nation Council, in its budget resolution, CS-53-17, directed “the Branch Chiefs of the Executive, Legislative and Judicial Branches to prioritize the unmet needs of their respective branches and to prepare appropriate budgets for such prioritized needs for potential consideration of supplemental appropriations in Fiscal Year 2018.....” This has not been done, except by the Judicial Branch. The Navajo Nation Council with the many supplemental budget requests to be considered should follow its own rules rather than simply inviting any and all Navajo Nation programs or entities to submit supplemental budget requests without some way to address the many requests and to insure those that need funds the most are strongly considered.

The Office of Management and Budget recommends the budget on Navajo Nation Budget Form 4 be revised in accordance with paragraph # 4 of this memorandum before further consideration for funding. Contact Mr. Emmett Francis, Budget Officer, at the Office of Management and Budget, phone number (928) 871-7648, for assistance, if needed.

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

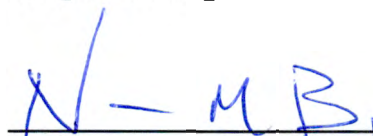
LEGISLATION NO. 0424-17

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAA'BIK'IYATI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MILLION SEVEN HUNDRED AND TWENTY-ONE THOUSAND NINE HUNDRED AND FOUR DOLLARS (\$2,721,904.00) FOR A GRANT TO THE SAINT MICHAELS ASSOCIATION FOR SPECIAL EDUCATION FOR NEEDED ROAD REPAIRS TO THE ROAD SERVICING THE SCHOOL AND NEARBY COMMUNITY

*Sponsor: Honorable Jonathan L. Hale*

Has had under consideration and report the same with the recommendation that Legislation 0424-17 PASS with no amendment and no directive; and therefore referred the same to the BUDGET AND FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,

  
\_\_\_\_\_  
Norman M. Begay, Vice-Chairperson  
Health, Education and Human Services Committee

Dated: October 30, 2017

**Main Motion**

Motion by: Honorable Jonathan L. Hale

Seconded by: Honorable Nathaniel Brown

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting