

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0004-21\_

SPONSOR: Wilson C. Stewart, Jr.

**TITLE: An Action Relating To The Resources And Development Committee:  
Waiving The Navajo Nation Road Fund Regulations; Amending TCDCJN-25-06,  
RDSCS-58-14, RDCD-61-14, RDCD-90-15, RDCAP-22-16, RDCMY-47-18, RDCMY-  
52-17 And RDCO-83-18 By Approving The Navajo Nation Division Of  
Transportation Navajo Nation Road Fund Project Budget Extensions In The  
Amount Of \$6,222,719.15 To Allow The Funds For 43 Road Projects To Be Used  
Beyond The Date Of The Fiscal Years In Which The Funds Were Allocated Or  
Extended**

*Date posted:* January 11, 2021 at 5:05 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.*

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0004-21

**DATE:** January 11, 2021

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; WAIVING THE NAVAJO NATION ROAD FUND REGULATIONS; AMENDING TCDCJN-25-06, RDCS-58-14, RDCS-61-14, RDCD-90-15, RDCAP-22-16, RDCMY-47-18, RDCMY-52-17 AND RDCO-83-18 BY APPROVING THE NAVAJO NATION DIVISION OF TRANSPORTATION NAVAJO NATION ROAD FUND PROJECT BUDGET EXTENSIONS IN THE AMOUNT OF \$6,222,719.15 TO ALLOW THE FUNDS FOR 43 ROAD PROJECTS TO BE USED BEYOND THE DATE OF THE FISCAL YEARS IN WHICH THE FUNDS WERE ALLOCATED OR EXTENDED

**PURPOSE:** If this resolution is approved, it will waive a portion of the Navajo Nation Road Fund Regulations; amend TCDCJN-25-06, RDCS-58-14, RDCS-61-14, RDCD-90-15, RDCAP-22-16, RDCMY-47-18, RDCMY-52-17 and RDCO-83-18 by approving the Navajo Nation Division Of Transportation Navajo Nation Road Fund Project budget extensions in the amount of \$6,222,719.15 to allow the funds for 43 road projects to be used beyond the date of the fiscal years in which the funds were allocated or extended.

**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 to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 01-16-21  
Eligible for Action: 01-17-21

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2021

3 INTRODUCED BY

4   
5  
6 (Sponsor)

7 TRACKING NO. 0004-21

8  
9 AN ACTION

10 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;  
11 WAIVING THE NAVAJO NATION ROAD FUND REGULATIONS; AMENDING  
12 TCDCJN-25-06, RDCS-58-14, RDCS-61-14, RDCD-90-15, RDCAP-22-16, RDCMY-  
13 47-18, RDCMY-52-17 AND RDCO-83-18 BY APPROVING THE NAVAJO NATION  
14 DIVISION OF TRANSPORTATION NAVAJO NATION ROAD FUND PROJECT  
15 BUDGET EXTENSIONS IN THE AMOUNT OF \$6,222,719.15 TO ALLOW THE  
16 FUNDS FOR 43 ROAD PROJECTS TO BE USED BEYOND THE DATE OF THE  
17 FISCAL YEARS IN WHICH THE FUNDS WERE ALLOCATED OR EXTENDED

18  
19 BE IT ENACTED:

20 **Section One. Authority**

21 The Resources and Development Committee is the oversight committee for the  
22 Navajo Nation Division of Transportation and is the oversight committee for the  
23 Navajo Nation Road Fund Regulations. 2 N.N.C. § 502(C)(1). *See also* RDCJN-36-  
24 14.

25  
26 **Section Two. Findings**

27 A. The Navajo Nation Road Fund Regulations (“Regulations”), as approved by  
28 resolution RDCJN-36-14, regulate the Navajo Nation Road Fund which is funded by  
29 the fuel excise tax. These Regulations state at Section VII – Use of Unexpended  
30 Funds, “[a]ny unexpended funds within a fiscal year shall be reverted back to the

1 Fund Balance and eligible for reallocation for the following fiscal year specific to  
2 Section V [eligible road maintenance and road improvement activities].”

3 B. The Resources and Development Committee and its predecessor the Transportation  
4 and Community Development Committee previously approved TCDCJN-25-06,  
5 RDCS-58-14, RDCS-61-14, RDCD-90-15, RDCAP-22-16, and RDCMY-47-18  
6 which were Road Fund allocations or reallocations to various Navajo Nation Road  
7 Fund Projects. These resolutions (with select exhibits omitted) are attached as  
8 **Exhibits 1, 2, 3, 4, 5 and 6**, respectively.

9 C. The Resource and Development Committee approved RDCMY-52-17 which granted  
10 a project extension date of September 30, 2018 to various Navajo Nation Road Fund  
11 Projects originating in Fiscal Years 2003, 2005, 2006, 2007, 2014, and 2015.  
12 Resolution RDCMY-52-17 (with select exhibits omitted) is attached as **Exhibit 7**.

13 D. The Resource and Development Committee approved RDCO-83-18 which granted a  
14 project extension date of September 30, 2020 to various Navajo Nation Road Fund  
15 Projects originating in Fiscal Years 2006, 2007, 2014, 2015, and 2016. This  
16 resolution (with select exhibits omitted) is attached as **Exhibit 8**.

17 E. In a letter from Roads Department, NDOT, Department Manager, dated August 13,  
18 2020, attached as **Exhibit 9**, the Navajo Nation Division of Transportation (“NDOT”)  
19 describes a request for project budget extensions for 43 Road Fund projects to allow  
20 the funds to be used beyond the date of the fiscal years in which the funds were  
21 allocated. The letter states that “[t]he extension is necessary to provide NDOT Project  
22 Managers the additional time to fully and properly complete each project.”

23 F. The requested project extensions are from various business units as listed in **Exhibit**  
24 **10** and were allocated in Fiscal Years 2006, 2014, 2015, 2016, and 2018.

25 G. The FMIS Job Status Inquiry Reports for 43 Road Fund Project Business Unit  
26 Accounts, as of August 18, 2020, are attached as **Exhibit 11**.

27 H. Although the amounts have lapsed, the funds in the accounts listed in **Exhibit 10**  
28 have not reverted back to the Road Fund Balance.

29 I. The Executive Branch has completed its Executive Review process. The Office of  
30 Management and Budget, Office of the Controller and Department of Justice have

1 indicated the documentation as sufficient. These approvals are provided in **Exhibit**  
2 **12.**

3  
4 **Section Three. Waiving Navajo Nation Road Fund Regulations (“Regulations”),**  
5 **RDCJN-36-14, by Preventing the Unexpended Funds from Reverting to the Navajo**  
6 **Nation Road Fund Balance**

7 The Resources and Development Committee waives Navajo Nation Road Fund  
8 Regulations, RDCJN-36-14, allowing unexpended funds within a fiscal year from  
9 reverting back to the Navajo Nation Road Fund Balance.

10  
11 **Section Four. Amending TCDCJN-25-06 by extending select project dates to**  
12 **September 30, 2022**

13 A. The Resources and Development Committee’s predecessor the Transportation and  
14 Community Development Committee through TCDCJN-25-06 approved the  
15 allocation of several Fuel Excise Tax projects listed in Exhibit A of TCDCJN-25-  
16 06 attached hereto as **Exhibit 1.**

17 B. The Resources and Development Committee amends TCDCJN-25-06 to extend  
18 the project dates for Black Mesa Bus Route Drainage (CO1303), and Pueblo  
19 Colorado Wash Crossing (CO1305) to September 30, 2022.

20  
21 **Section Five. Amending RDCS-58-14 by extending select project dates to**  
22 **September 30, 2022**

23 A. The Resources and Development Committee through RDCS-58-14 approved the  
24 reallocation of several Fuel Excise Tax projects listed in Exhibit A of RDCS-58-  
25 14 and is attached hereto as **Exhibit 2.**

26 B. The Resources and Development Committee amends RDCS-58-14 to extend the  
27 project dates for Tohajiilee Road Improvement (CO1506) and Low Water  
28 Crossing (CO1507) to September 30, 2022 to allow for project completion.

1 **Section Six. Amending RDCS-61-14 by extending select project dates to September**  
2 **30, 2022**

- 3 A. RDCS-61-14 approved the allocation of several Fuel Excise Tax projects listed in  
4 Exhibit A of RDCS-61-14 and is attached hereto as **Exhibit 3**.
- 5 B. The Resources and Development Committee amends RDCS-61-41 to extend the  
6 project dates for Ft. Defiance Route 112 (C01514), Dilkon Route N9837  
7 (C01519), Shiprock Route N546 (C01521), Red Valley Route N5020 (C01524),  
8 Kayenta N106 and N591 (C01530), Shonto N128 (C01531), Black Mesa Low  
9 Water Crossing N8065 and N8066 (C01544), Chinle Agency Road Improvement  
10 (CO1547) to September 30, 2022 to allow for project completion.

11  
12 **Section Seven. Amending RDCD-90-15 by extending select project dates to**  
13 **September 30, 2022**

- 14 A. RDCD-90-15 approved the allocation of several Fuel Excise Tax projects listed in  
15 Exhibit A of RDCD-90-15 and is attached hereto as **Exhibit 4**.
- 16 B. The Resources and Development Committee amends RDCD-90-15 to extend the  
17 project dates for Window Rock Airport (C01560), NDOT Road Project  
18 Preliminary (C01564), Jeddito/Skunk Springs 9102 (C01564), and Whitehorse  
19 Lake Maintenance Yard (C01567) to September 30, 2022 to allow for project  
20 completion.

21  
22 **Section Eight. Amending RDCAP-22-16 by extending select project dates to**  
23 **September 30, 2022**

- 24 A. RDCAP-22-16 approved the allocation of several Fuel Excise Tax projects listed  
25 in Exhibit A of RDCAP-22-16 and is attached hereto as **Exhibit 5**.
- 26 B. The Resources and Development Committee amends RDCAP-22-16 to extend the  
27 project dates for Ft. Defiance Street Lighting (C01575), Pinon N8030 Gravel  
28 (C01576), Inscription House N16 Culverts (C01577), and Navajo County Gravel  
29 Crushing (C01579), Coconino County School Bus Route (C01580) to September  
30 30, 2022 to allow for project completion.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**Section Nine. Amending RDCMY-52-17 and RDCO-83-18**

- A. The Navajo Nation hereby amends RDCMY-52-17 by extending the completion date to September 30, 2022 with regard to TCDCJN-25-06 Black Mesa Bus Route Drainage (C01303), and Pueblo Colorado Wash Crossing (C01305); and Resolution RDCS-58-14 project Tohajiilee Road Improvement (C01506).
  
- B. The Navajo Nation hereby amends RDCO-83-18 by extending the completion date to September 30, 2022 with regard to TCDCJN-25-06 projects Black Mesa Bus Route Drainage (C01303), and Pueblo Colorado Wash Crossing (C01305); Resolution RDCS-58-14 projects Tohajiilee Road Improvement (C01506) and Low Water Crossing (C01507); Resolution RDCS-61-14 projects Ft. Defiance Route 112 (C01514), Dilkon Route N9837 (C01519), Shiprock Route N546 (C01521), Red Valley Route N5020 (C01524), Kayenta N106 and N591 (C01530), Shonto N128 (C01531), Black Mesa Low Water Crossing N8065 and N8066 (C01544), Chinle Agency Road Improvement (C01547); RDCD-90-15 projects Window Rock Airport (C01560), NDOT Road Project Preliminary (C01564), Jeddito/Skunk Springs 9102 (C01564), and Whitehorse Lake Maintenance Yard (C01567).