TITLE: An Action Relating To The Resources And Development Committee: Waiving The Navajo Nation Road Fund Regulations; Amending TCDC,JN-25-06, RDCS-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

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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.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Sponsor)

TRACKING NO. 0004-21

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

BE IT ENACTED:

Section One. Authority

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

Section Two. Findings

A. The Navajo Nation Road Fund Regulations (“Regulations”), as approved by
resolution RDCJN-36-14, regulate the Navajo Nation Road Fund which is funded by
the fuel excise tax. These Regulations state at Section VII – Use of Unexpended
Funds, “[a]ny unexpended funds within a fiscal year shall be reverted back to the
Fund Balance and eligible for reallocation for the following fiscal year specific to Section V [eligible road maintenance and road improvement activities].”

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

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

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

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

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

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

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

I. The Executive Branch has completed its Executive Review process. The Office of Management and Budget, Office of the Controller and Department of Justice have
indicated the documentation as sufficient. These approvals are provided in Exhibit 12.

Section Three. Waiving Navajo Nation Road Fund Regulations ("Regulations"), RDCJN-36-14, by Preventing the Unexpended Funds from Reverting to the Navajo Nation Road Fund Balance

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

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

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

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

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

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

B. The Resources and Development Committee amends RDCS-58-14 to extend the project dates for Tohajiilee Road Improvement (CO1506) and Low Water Crossing (CO1507) to September 30, 2022 to allow for project completion.
Section Six. Amending RDCS-61-14 by extending select project dates to September 30, 2022

A. RDCS-61-14 approved the allocation of several Fuel Excise Tax projects listed in Exhibit A of RDCS-61-14 and is attached hereto as Exhibit 3.

B. The Resources and Development Committee amends RDCS-61-41 to extend the project dates for 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) to September 30, 2022 to allow for project completion.

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

A. RDCD-90-15 approved the allocation of several Fuel Excise Tax projects listed in Exhibit A of RDCD-90-15 and is attached hereto as Exhibit 4.

B. The Resources and Development Committee amends RDCD-90-15 to extend the project dates for Window Rock Airport (C01560), NDOT Road Project Preliminary (C01564), Jeddito/Skunk Springs 9102 (C01564), and Whitehorse Lake Maintenance Yard (C01567) to September 30, 2022 to allow for project completion.

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

A. RDCAP-22-16 approved the allocation of several Fuel Excise Tax projects listed in Exhibit A of RDCAP-22-16 and is attached hereto as Exhibit 5.

B. The Resources and Development Committee amends RDCAP-22-16 to extend the project dates for Ft. Defiance Street Lighting (C01575), Pinon N8030 Gravel (C01576), Inscription House N16 Culverts (C01577), and Navajo County Gravel Crushing (C01579), Coconino County School Bus Route (C01580) to September 30, 2022 to allow for project completion.
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 N9537 (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).