

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0185-22\_

SPONSOR: Rickie Nez

**TITLE An Action Relating to the Resources and Development Committee; Waiving the Navajo Nation Road Fund Regulations; Approving the Navajo Nation Division of Transportation Navajo Nation Road Fund Project Budget Extensions in the Amount of \$6,189,335.03 to Allow the Funds for 26 Road Projects to be Used Beyond the Date of the Fiscal Years in Which the Funds were Allocated or Extended**

***Date posted:*** September 29, 2022 at 5:15PM

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**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0185-22**

**DATE:** September 29, 2022

**TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; WAIVING THE NAVAJO NATION ROAD FUND REGULATIONS; APPROVING THE NAVAJO NATION DIVISION OF TRANSPORTATION NAVAJO NATION ROAD FUND PROJECT BUDGET EXTENSIONS IN THE AMOUNT OF \$6,189,335.03 TO ALLOW THE FUNDS FOR 26 ROAD PROJECTS TO BE USED BEYOND THE DATE OF THE FISCAL YEARS IN WHICH THE FUNDS WERE ALLOCATED OR EXTENDED**

**PURPOSE:** The purpose of this legislation is to approve Navajo Nation Division of Transportation (“NDOT”) Navajo Nation Road Fund Project budget extensions for 26 Road Fund projects beyond 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  
24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2024

INTRODUCED BY

  
\_\_\_\_\_  
(Sponsor) Rick Nez

TRACKING NO. 0185-22

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE;  
WAIVING THE NAVAJO NATION ROAD FUND REGULATIONS; APPROVING  
THE NAVAJO NATION DIVISION OF TRANSPORTATION NAVAJO NATION  
ROAD FUND PROJECT BUDGET EXTENSIONS IN THE AMOUNT OF  
\$6,189,335.03 TO ALLOW THE FUNDS FOR 26 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].”

- 1 B. In a memorandum from Navajo Division of Transportation, Roads Department  
2 Manager, dated May 26, 2022, attached as **Exhibit 1**, the Navajo Nation Division of  
3 Transportation (“NDOT”) requested project budget extensions for 26 Road Fund  
4 projects. “Reasons for the time extension are 1) NN employees placed on  
5 Administrative Leave due to the Covid pandemic. This caused projects to a) halt or  
6 slowly progress through the design procurement process at NDOT; b) no personnel to  
7 prepare C520 construction contracts prior to beginning the 164 Review process; and c)  
8 delays or slow progress at other Divisions and/or departments to sign-off on 164(b)  
9 contracts. 2) Environmental and archeological personnel turnover at EPA, Fish &  
10 Wildlife, Historic Preservation Department, and at NDOT – this has caused delays in  
11 construction permits acquisition. 3) Inflation has meant changes to the Scope of Work.”
- 12 C. The requested 26 Road Fund project extensions are from various business units as listed  
13 in **Exhibit 2** and were allocated in Fiscal Years 2006, 2014, 2015, 2016, and 2018.
- 14 D. The Resources and Development Committee and its predecessor, the Transportation  
15 and Community Development Committee, previously approved TCDCJN-25-06,  
16 RDCS-58-14, RDCS-61-14, RDCD-90-15, RDCAP-22-16, RDCMY-47-18 which  
17 were Road Fund allocations to various Navajo Nation Road Fund Projects. These  
18 resolutions (with select exhibits omitted) are attached as **Exhibits 3, 4, 5, 6, 7 and 8**  
19 respectively.
- 20 E. The Resource and Development Committee approved RDCMY-52-17 which granted a  
21 project extension date of September 30, 2018 to various Navajo Nation Road Fund  
22 Projects originating in Fiscal Years 2003, 2005, 2006, 2007, 2014, and 2015.  
23 Resolution RDCMY-52-17 (with select exhibits omitted) is attached as **Exhibit 9**.
- 24 F. The Resource and Development Committee approved RDCO-83-18 which granted a  
25 project extension date of September 30, 2020 to various Navajo Nation Road Fund  
26 Projects originating in Fiscal Years 2006, 2007, 2014, 2015, and 2016. This resolution  
27 (with select exhibits omitted) is attached as **Exhibit 10**.
- 28 G. The Resource and Development Committee approved RDJA-02-21 which granted a  
29 project extension date of September 30, 2022 to various Navajo Nation Road Fund  
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1 Projects originating in Fiscal Years 2006, 2014, 2015, and 2016. This resolution (with  
2 select exhibits omitted) is attached as **Exhibit 11**.

3 H. The FMIS Job Status Inquiry Reports for 26 Road Fund Project Business Unit  
4 Accounts, as of April 30, 2022, are attached as **Exhibit 12**.

5 I. The Navajo Nation Project Budget Schedules for the 26 Road Fund Projects Business  
6 Unit Accounts are attached as **Exhibit 13**.

7 J. The Executive Branch has completed its Executive Review process Document No.  
8 18724. The Office of Management and Budget, Office of the Controller and  
9 Department of Justice have indicated the documentation as sufficient. These approvals  
10 are provided in **Exhibit 14**.

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

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

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19 **Section Four. Approval for extension of Navajo Nation Road Fund Projects to**  
20 **September 30, 2026**

21 The Navajo Nation hereby extends the project completion dates to September 30, 2026 for  
22 the following Navajo Nation Road Fund Projects:

- 23 1. Black Mesa Bus Route Drainage (C01303), TCDCJN-25-06, RDCJA-02-21;
- 24 2. Low Water Crossing (C01507) RDCS-58-14, RDCJA-02-21;
- 25 3. Ft. Defiance Route N112 (C01514) RDCS-61-14;
- 26 4. Dilkon Route N9837 (C01519) RDCS-61-14;
- 27 5. Shiprock Route N546 (C01521) RDCS-61-14;
- 28 6. Red Valley Route N5020 (C01524) RDCS-61-14;
- 29 7. Kayenta N106 and N591 (C01530) RDCS-61-14;
- 30 8. Shonto N128 (C01531) RDCS-61-14;

- 1 9. Chinle Agency Road Improvement (C01547), RDCS-61-14;
- 2 10. NDOT Road Project Preliminary (C01561) RDCD-90-15;
- 3 11. Whitehorse Lake Maintenance Yard (C01567) RDCD-90-15;
- 4 12. Pinon N8030 Gravel (C01576) RDCAP-22-16;
- 5 13. Newcomb N5007 Captain Tom Wash (C01644) RDCD-47-18;
- 6 14. Greasewood N9003 Bridge Design (C01646) RDCD-47-18;
- 7 15. Tsaille/Wheatfields N8077 Bus Route (C01647) RDCD-47-18;
- 8 16. Teecnospos N5060 (C01648) RDCD-47-18;
- 9 17. Rock Point 8009 (C01649) RDCD-47-18;
- 10 18. Kindahlichii (C01650) RDCD-47-18;
- 11 19. Kayenta N6486 (C01651) RDCD-47-18;
- 12 20. Leupp N6910 (C01652) RDCD-47-18;
- 13 21. Whippoorwill N673 (C01653) RDCD-47-18;
- 14 22. Sawmill-White Clay (C01655) RDCD-47-18;
- 15 23. Red Lake N112 (C01656) RDCD-47-18;
- 16 24. Aneth-Hatch Trading Post N5000 (C01660) RDCD-47-18;
- 17 25. Gravel Pit Development Equipment (C01665) RDCD-47-18;
- 18 26. Airport Ext Grants-Cash Match (C01667) RDCD-47-18.

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