

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING THE PLAN OF OPERATION FOR THE NAVAJO DIVISION OF COMMUNITY DEVELOPMENT IN 2 N.N.C. § 1453; APPROVING AMENDMENTS TO THE MASTER PLAN OF OPERATION OF THE DIVISION OF COMMUNITY DEVELOPMENT, THE PLAN OF OPERATION FOR THE COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT AND THE PLAN OF OPERATION FOR THE ADMINISTRATIVE SERVICE CENTERS AND APPROVING A NEW PLAN OF OPERATION FOR THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT WHICH WILL MERGE THE CAPITAL IMPROVEMENT OFFICE, DESIGN & ENGINEERING SERVICES DEPARTMENT, AND THE SOLID WASTE MANAGEMENT PROGRAM

BE IT ENACTED:

SECTION 1. AUTHORITY

The Resources and Development Committee has the power to grant final approval for the Plan of Operations, including any amendments, for the Division of Community Development. 2 N.N.C. § 501(B)(2)(g).

SECTION 2. FINDINGS

A. The Division of Community Development has requested a change in its plan of operation as enacted by Resolution GSCJA-05-08/A, attached as Exhibit "I." Amendments are requested in the Master Plan of Operation for the Division of Community Development, attached as Exhibit "A"; the Plan of Operation for the Community Housing and Infrastructure Department, attached as Exhibit "B"; the Plan of Operation for a new department to be called the Capital Projects Management Department, attached as Exhibit "C," which is essentially a merging of the Capital Improvement Office, the Design and Engineering Services Department, and the Solid Waste Management Program; and amendments to the Administrative Services Centers Plan of Operation, attached as Exhibit "D." The Division of Community Development also requests that the Plan of Operation entitled "Navajo Department of Transportation Dmision (sic) of Community Development," attached as Exhibit "H," be deleted in its entirety.

B. The Navajo Nation hereby finds that it is in the best interest of the Navajo Nation to amend 2 N.N.C. § 1453 to add a new department to be called Capital Projects Management Department in the Plan of Operation for the Division of Community Development and to remove the Capital Improvement Office (Exhibit "E"), the Design and Engineering Services Department (Exhibit "F"), and the Solid Waste Management Program (Exhibit "G").

C. The Navajo Nation hereby finds that it is in the best interest of the Navajo Nation to amend the Master Plan of Operation for the Division of Community Development, the Plan of Operation for the Community Housing and Infrastructure Department, and the Plan of Operation for the Administrative Services Centers and to adopt a new Plan of Operation for the Capital Projects Management Department.

SECTION 3. APPROVING AMENDMENTS TO 2 N.N.C § 1453

The Navajo Nation hereby amends Title 2 of the Navajo Nation Code as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 2. NAVAJO NATION GOVERNMENT
CHAPTER 5. EXECUTIVE BRANCH
SUBCHAPTER 19. DIVISION OF COMMUNITY DEVELOPMENT**

§ 1453. Personnel and organization

* * * *

B. The Division of Community Development shall consist of:

1. Division-Administration;
2. Community Housing and Infrastructure Department;
3. Administrative Service Centers;
4. Capital Projects Management Department.

SECTION 4. AMENDING THE MASTER PLAN OF OPERATION FOR THE DIVISION OF COMMUNITY DEVELOPMENT

The Navajo Nation hereby amends the Master Plan of Operation for the Division of Community Development as provided in Exhibit "A."

SECTION 5. AMENDING THE PLAN OF OPERATION FOR THE COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT

The Navajo Nation hereby adopts a Plan of Operation for the Community Housing and Infrastructure Department as provided in Exhibit "B."

SECTION 6. AMENDING THE PLAN OF OPERATION FOR THE ADMINISTRATIVE SERVICE CENTERS

The Navajo Nation hereby adopts a Plan of Operation for the Administrative Service Centers as provided in Exhibit "D."

SECTION 7. APPROVING PLAN OF OPERATION FOR NEW CAPITAL PROJECTS MANAGEMENT DEPARTMENT

The Navajo Nation hereby adopts a Plan of Operation for the new Capital Projects Management Department within the Division of Community Development as provided in Exhibit "C."

SECTION 8. RESCINDING THE PLANS OF OPERATION FOR THE CAPITAL IMPROVEMENT OFFICE, THE DESIGN AND ENGINEERING SERVICES DEPARTMENT, THE SOLID WASTE MANAGEMENT PROGRAM AND THE "NAVAJO DEPARTMENT OF TRANSPORTATION DMISION (SIC) OF COMMUNITY DEVELOPMENT"

The Navajo Nation hereby rescinds the Plans of Operation for the Capital Improvement Office (Exhibit "E"), the Design and Engineering Services Department (Exhibit "F"), the Solid Waste Management Program (Exhibit "G") and the Plan of Operation entitled "Navajo Department of Transportation Dmision (sic) of Community Development" (Exhibit "H").

SECTION 9. EFFECTIVE DATE

The amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

SECTION 10. CODIFICATION

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION 11. SAVING CLAUSE

Should any provision of these amendments be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of these amendments which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, (Navajo Nation) Tse Bonito, New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 2 opposed, 1 abstained this 25th day of October, 2016.



**Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

Motion: Honorable Jonathan Perry
Second: Honorable Leonard Pete

**RESOURCES AND DEVELOPMENT COMMITTEE
22rd NAVAJO NATION COUNCIL**

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION # 0350-16: AN ACT RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; AMENDING THE PLAN OF OPERATION FOR THE NAVAJO DIVISION OF COMMUNITY DEVELOPMENT IN 2 N.N.C. § 1453; APPROVING AMENDMENTS TO THE MASTER PLAN OF OPERATION OF THE DIVISION OF COMMUNITY DEVELOPMENT, THE PLAN OF OPERATION FOR THE COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT AND THE PLAN OF OPERATION FOR THE ADMINISTRATIVE SERVICE CENTERS AND APPROVING A NEW PLAN OF OPERATION FOR THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT WHICH WILL MERGE THE CAPITAL IMPROVEMENT OFFICE, DESIGN & ENGINEERING SERVICES DEPARTMENT, AND THE SOLID WASTE MANAGEMENT PROGRAM *Sponsor: Honorable Benjamin Bennett*

Has had it under consideration and reports the Committee approved the above-referenced legislation with the following amendments as outlined in Page 3 of 5 on Line 9 through Line 17 to the Division of Community Development Master Plan of Operation. In finalizing the resolution, the overstricken language was deleted and the underscored language was incorporated accordingly:

SECTION 3. APPROVING AMENDMENTS TO 2 N.N.C § 1453

The Navajo Nation hereby amends Title 2 of the Navajo Nation Code as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 2. NAVAJO NATION GOVERNMENT
CHAPTER 5. EXECUTIVE BRANCH
SUBCHAPTER 19. DIVISION OF COMMUNITY DEVELOPMENT**

§ 1453. Personnel and organization

* * * *

B. The Division of Community Development shall consist of:

1. Division-Administration;
- ~~2. Capital Improvement Office;~~
- ~~3. Design and Engineering Services Department;~~
- ~~4. 2. Community Housing and Infrastructure Department;~~
- ~~5. Solid Waste Management Program;~~
- ~~6. 3. Administrative Service Centers;~~
4. Capital Projects Management Department.

AMENDMENT # 1: On Page 3 of 5, Line 24 and 25, delete "~~Capital Project Management~~" and incorporate "Community Housing and Infrastructure Department." (M: **Walter Phelps;** S: **Benjamin Bennett V: 5-0-1**)

And thereafter approved the legislation.

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: October 25, 2016
Main Motion: Honorable Jonathan Perry
Second: Honorable Leonard Pete
Vote: 5-0-1 (CNV)

EXHIBIT A

MASTER PLAN OF OPERATION FOR THE DIVISION OF COMMUNITY DEVELOPMENT

I. ESTABLISHMENT

There is hereby established the Navajo Division of Community Development (Division) within the Executive Branch of the Navajo Nation Government.

II. PURPOSE

The purpose of the Division shall be to develop a dynamic and cohesive plan for community development activities, and provide relevant community education for orderly growth of the Navajo Nation that contributes to self-sufficiency of communities and families by constructing quality homes, community public facility buildings and infrastructure that is in harmony with nature and people's needs.

III. GOALS AND OBJECTIVES

- A. To provide technical assistance and administrative support at chapter governments in its development of becoming self-sustaining and self-governing entities through coordination with local, county, state and federal government offices.
- B. To improve the standard of living for Navajo families and individuals through the use of modern methods and techniques in the construction of new homes and rehabilitation of existing homes.
- C. To promote and foster land use planning and growth management policies and practices.
- D. To provide technical services in developing plans cooperatively with communities for proper solid waste management practices and disposal systems.
- E. To provide technical services and administrative support, in coordination with other appropriate entities, to plan, implement and maintain the rural addressing system in support of enhanced 9-1-1 Navajo Nation-wide.

IV. PERSONNEL AND ORGANIZATION

A. PERSONNEL

The Division shall be administered by a Executive Director, who shall be appointed by the President of the Navajo Nation, confirmed by the Navajo Nation Council and shall serve at the pleasure of the President of the Navajo Nation. The Executive Director shall hire personnel as may be deemed necessary to carry out the purposes of the Division and as funds are available. All personnel shall be employed and compensated in accordance with the Navajo Nation Personnel Policies Manual and other applicable Navajo Nation laws and policies.

B. ORGANIZATION

The Division shall consist of four (4) Departments to execute the Division's purpose, goals and objectives. The four (4) Departments may consist of sections, programs and agencies to accomplish the respective Departments' purposes. The four (4) Departments are as follows:

- 1) Division Administration;
- 2) Community Housing and Infrastructure Department;
- 3) Administrative Service Center; and
- 4) Capital Projects Management Department.

The organizational chart of the Division is displayed as Attachment A-1.

V. AUTHORITIES, DUTIES AND RESPONSIBILITIES

A. The Executive Director shall have the authority for the overall Division's operational planning and direction. The Executive Director shall have the following duties and responsibilities:

1. Execute directives of the President of the Navajo Nation, Navajo Nation Council and the Resources and Development Committee.
2. Provide written monthly and/or quarterly reports to the Office of the President and Vice-President, Resources and Development Committee of the Navajo Nation Council, annual reports to the Navajo Nation Council and any other necessary reports.
3. Issue Division's procedures to ensure the proper and timely implementation of Division projects.
4. Establish and maintain partnership with local, county, state, federal and other entities on matters related to the objectives of the Division.
5. Provide effective overall management and financial direction to Divisions' departments and programs.
6. Delegate authority pertaining to the operation of the Division and its program to subordinate directors of the Division, as appropriate and to the extent permitted by Navajo Nation laws and policies.
7. Negotiate written agreements on behalf of the Division relevant to community development.
8. Seek external funding for departments and projects to enhance community development.
9. Recommend the creation, merger, separation, amendment or abolishment of programs, or specific functions within the Division in accordance with applicable Navajo Nation laws and policies.
10. Recruit, select, supervise, conduct employee performance evaluation and recommend reclassification of positions for the Division Administration staff and Department Managers in accordance with the Navajo Nation Personnel Policies Manual.

B. ADMINISTRATION OFFICE:

The purpose of the Administration Office is to provide for overall management of the Division. The Administration staff shall handle its duties and

responsibilities in accordance with Navajo Nation laws and policies. The duties and responsibilities are as follows:

1. Recommend policies and legislation on community development issues to the Resources and Development Committee and other appropriate committees of the Navajo Nation Council.
2. Administer overall direction of the Division by monitoring short and long range plans, goals and objectives.
3. Maintain communication with Navajo Nation chapters on the overall Division's operation.
4. Ensure that departments and programs carryout their functions, authorities and responsibilities.
5. Assist in the coordination and development of strategies to implement Division functions.

VI. LEGISLATIVE OVERSIGHT

Pursuant to 2 NNC §501(C), the Division shall operate under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council.

VII. AMENDMENTS

Section I through V may be amended from time-to-time by the Resources and Development Committee of the Navajo Nation Council.

THE NAVAJO NATION
EXECUTIVE BRANCH/DIVISION OF COMMUNITY DEVELOPMENT

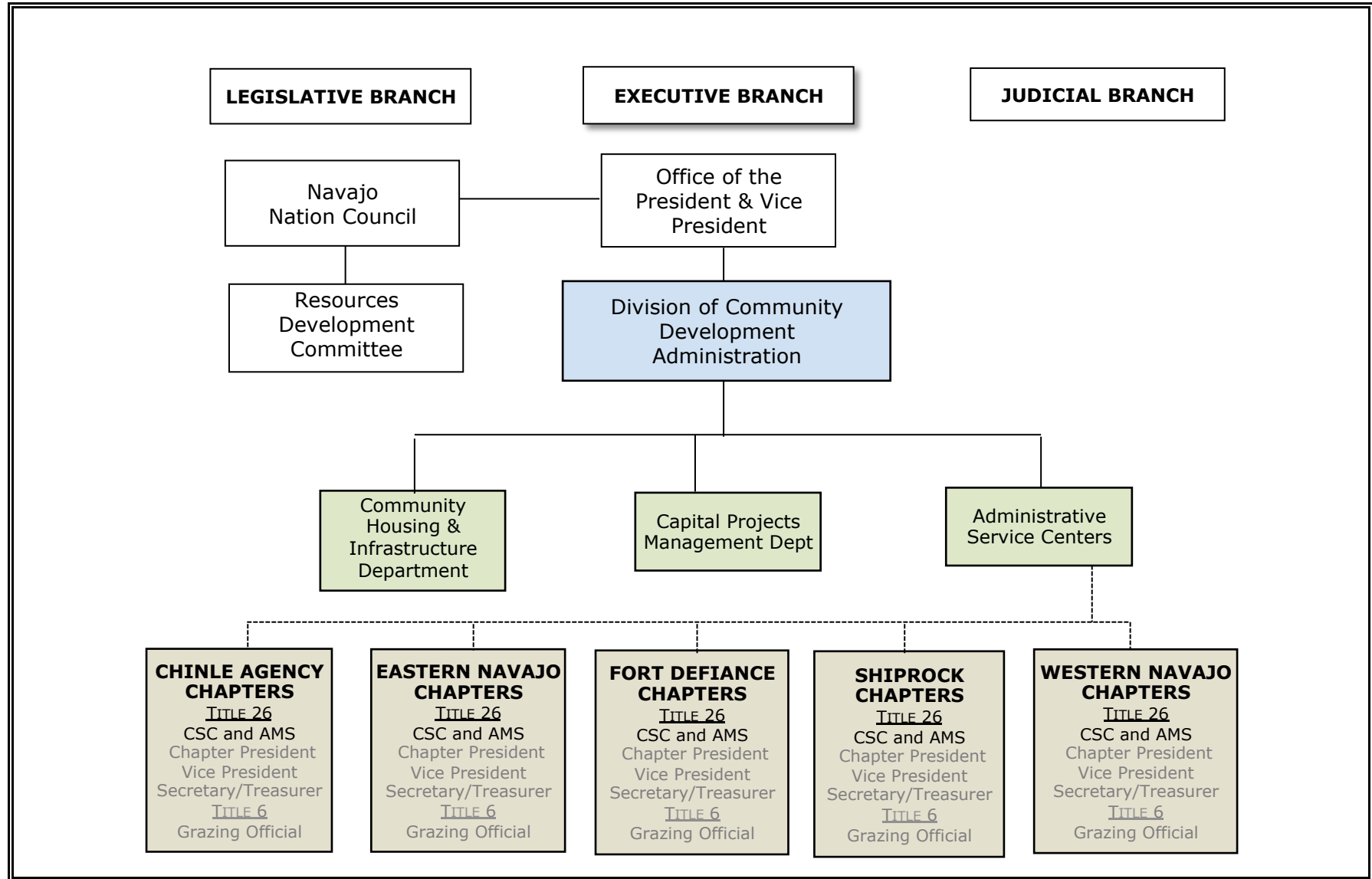


EXHIBIT B

PLAN OF OPERATION

COMMUNITY HOUSING AND INFRASTRUCTURE DEPARTMENT

I. ESTABLISHMENT

The Community Housing and Infrastructure Department (CHID) is hereby established within the Division of the Executive Branch of the Navajo Nation Government.

II. PURPOSE

The CHID shall strengthen communities and improve living conditions for Navajo families by developing comprehensive strategies for housing, utility services, public facilities, and improve energy efficiency for existing homes.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

1. The Department Manager shall be hired by the Executive Director in accordance with the Navajo Nation Personnel Policies Manual. All other personnel shall be employed and compensated in accordance with the Navajo Nation Personnel Policies Manual.
2. The Department Manager shall determine the need for staff, additional professional, technical and administrative positions and establish field offices to carry out the purposes herein.

B. ORGANIZATION

The CHID consist of the following sections and functions to accomplish the purpose: The CHID organizational chart is displayed as Attachment B-1.

1. Administration and administrative support;
2. Planning;
3. Accounting and Contract Management;
4. Compliance and Monitoring;
5. Funding/Grant Administration of external grants, which include, but not limited to the following:
 - Community Development Block Grant (HUD);
 - NAHASDA (HUD);
 - Housing Improvement Program (BIA);

- Weatherization Assistance Program (DOE); and
 - New Mexico Capital Outlay.
6. Other housing and infrastructure programs as authorized.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

A. The Department Manager shall:

1. Report to the Executive Director.
2. Develop policies and procedures for effective management of CHID and take appropriate actions to achieve CHID's purpose.
3. Perform periodic reviews and evaluations for staff and CHID.
4. Develop annual fiscal operating budgets for approval by the Executive Branch of the Navajo Nation, legislative oversight Committee and Navajo Nation Council.
5. Represent the CHID at the Navajo Nation, local, state and federal levels.

B. CHID shall:

1. Administer internally and externally-funded programs for the benefit of Navajo chapters and communities, in full compliance with all applicable Navajo Nation and federal laws and policies.
2. Seek and secure funding from Navajo Nation, federal, state and other agencies;
3. Compliance with internal and external funding sources;
4. Provide technical support and training to the Navajo Nation Divisions, Chapters, community service staff and individuals for housing and infrastructure improvement projects.
5. Implement and maintain data of CHID programs and projects.
6. Assist Navajo Nation chapters in the execution of housing development and renovation programs including community infrastructure development.
7. Provide training and public information, meetings and workshops to Navajo Nation Chapters, families and individuals on housing improvement opportunities and regulations.
8. Develop policies and procedures to implement the purpose of CHID.

V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 501(C), the CHID shall operate under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council.

VI. AMENDMENTS

Sections I through V may be amended time-to-time by Resources and Development Committee of the Navajo Nation Council.

COMMUNITY HOUSING and INFRASTRUCTURE DEPARTMENT ORGANIZATION CHART

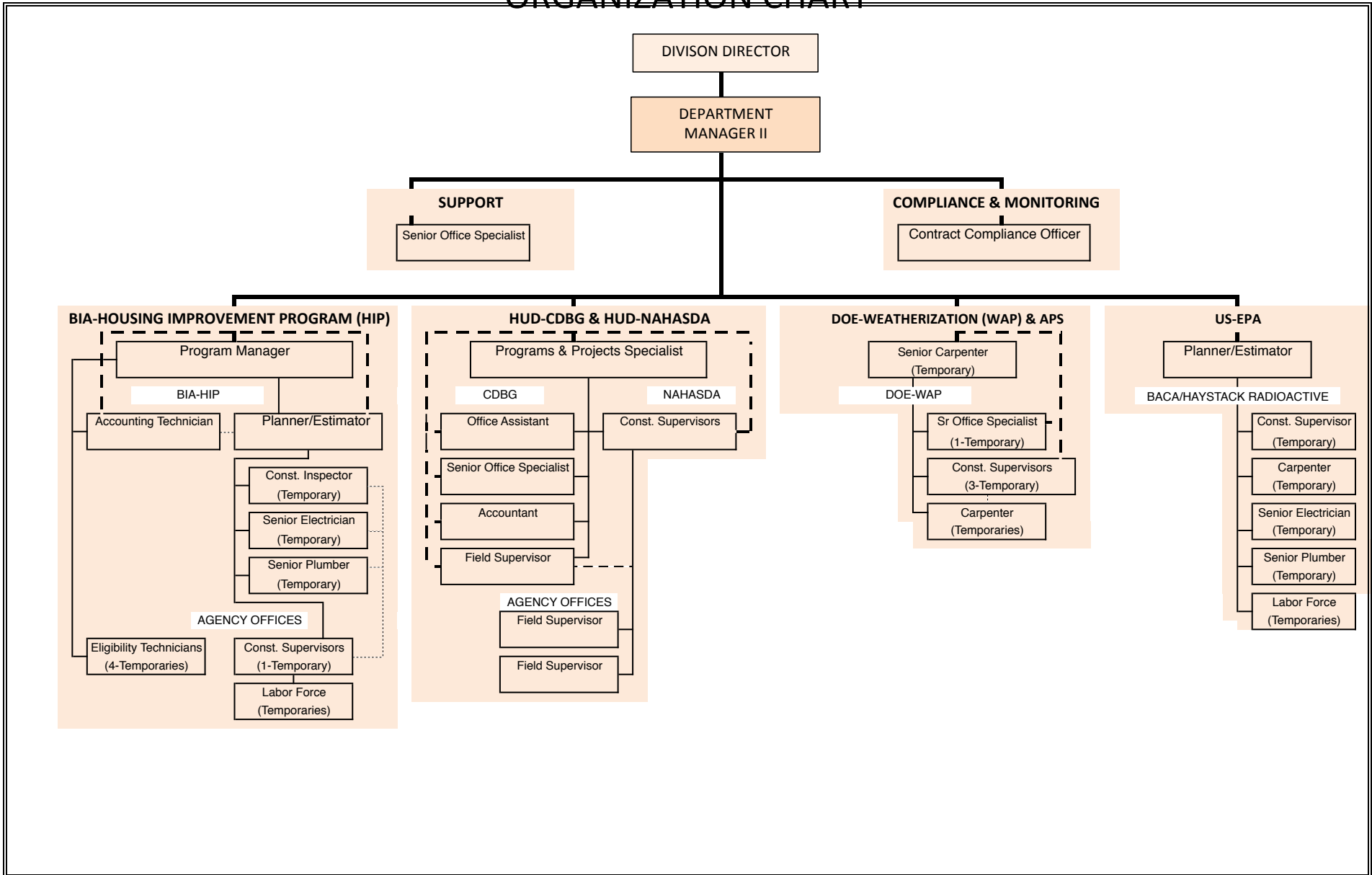


EXHIBIT C

PLAN OF OPERATION

CAPITAL PROJECTS MANAGEMENT DEPARTMENT DIVISION OF COMMUNITY DEVELOPMENT

I. ESTABLISHMENT

The Capital Projects Management Department (CPMD) is hereby established within the Division of the Executive Branch of the Navajo Nation Government.

II. PURPOSE AND MISSION: CPMD shall assist the Navajo Nation Divisions, Chapters and other entities for public facilities with the following:

- A. Provide programmatic planning, design and project/construction management;
- B. Seek and secure financing from the Navajo Nation, federal, state and other agencies;
- C. Comply with the Navajo Nation and external funding source requirements; and
- D. Maintain programmatic and financial policies for prioritizing and estimating capital improvement projects.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

- 1. The Department Manager shall be hired and supervised by the Executive Director in accordance with the Navajo Nation Personnel Policies Manual. All other personnel shall be employed and compensated in accordance with applicable Navajo Nation Personnel Policies Manual.
- 2. The Department Manager shall determine the need for staff, additional professional, technical and administrative positions and establishing field offices to carry out the purposes provided herein.

B. ORGANIZATION

The CPMD consist of the following sections and functions to accomplish the purpose:

- 1. Planning;
- 2. Design;
- 3. Project/Construction Management;
- 4. Funding/Compliance.

The Organizational Chart for the CPMD is attached as Attachment C-1 and incorporated herein.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

A. The Department Manager shall:

1. Report to the Executive Director.
2. Formulate the overall administrative and operating policies and procedures necessary for effective management of the CPMD and take appropriate actions to accomplish the purposes.
3. Conduct periodic reviews and evaluations of staff and CPMD.
4. Prepare annual fiscal operating budget for approval by the Executive Branch of the Navajo Nation, oversight Committee and Navajo Nation Council.
5. Represent the CPMD at the Navajo Nation, local, state and federal levels.

B. CPMD shall:

1. Provide comprehensive planning, design and project/construction management;
2. Seek and secure funding from the Navajo Nation, federal, state and other agencies;
3. Comply with internal and external funding sources;
4. Implement and maintain a central electronic filing and project tracking system;
5. Assist in the application for external funding to administer projects that are consistent with the purpose of CPMD;
6. Develop policies and procedures to implement the purpose of CPMD;
7. Use and abide by the International Building Code maintained by the International Code Council;
8. Purchase and inventory equipment and furnishing;
9. Ensure capital improvements projects are completed in a cost effective and efficient manner;
10. Conduct all duties related to the development of the Capital Improvement Plan as provided in 12 N.N.C. § 860;
11. Conduct periodic work sessions and/or project meetings to provide information on activities and project status; and

12. Carry out other duties and responsibilities as assigned by the Executive Director.

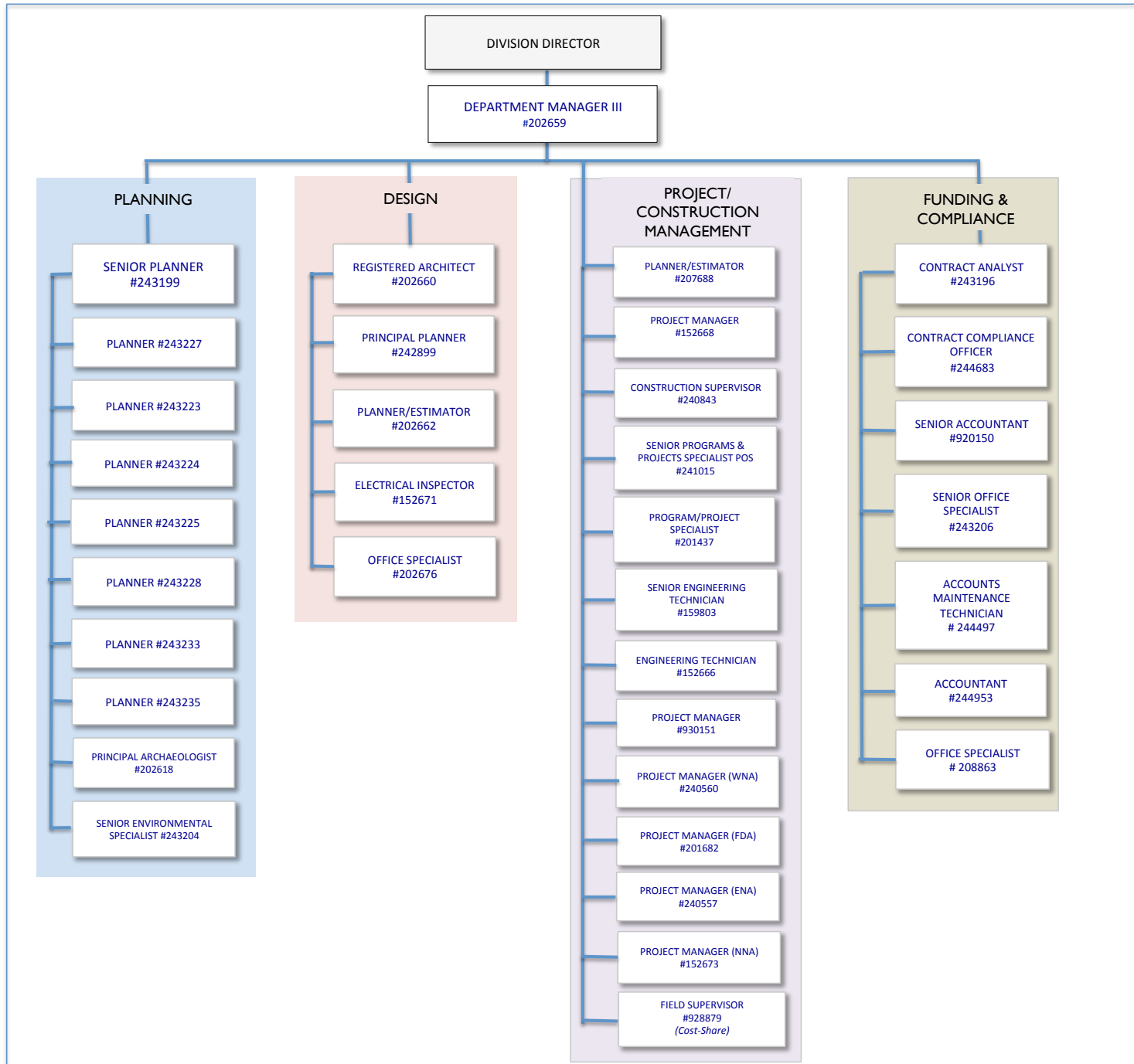
V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. § 501(C), the CPMD shall operate under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council.

VI. AMENDMENTS

Subsections I through VI of this Section may be amended from time-to-time by the Resources and Development Committee of the Navajo Nation Council.

THE NAVAJO NATION
 DIVISION OF COMMUNITY DEVELOPMENT
CAPITAL PROJECTS MANAGEMENT DEPARTMENT



PLAN OF OPERATION

**ADMINISTRATIVE SERVICE CENTERS
DIVISION OF COMMUNITY DEVELOPMENT**

I. ESTABLISHMENT

There is hereby established the Administrative Service Centers (ASC) within the Division of the Navajo Nation.

II. PURPOSE AND GOALS

- A. The purpose of the ASC shall be to provide administrative support, technical assistance and guidance to chapters.
- B. The goals of the ASC shall be to:
 - 1. Promote Local Governance Act certification
 - a. Provide technical assistance and guidance;
 - b. Implement Local Governance Act transition plan;
 - c. Implementation of the Five Management Systems
 - 2. Assist with Post-Local Governance Act Certification activities
 - a. Alternative Form of Government (AFOG);
 - b. Contract requirements;
 - c. Zoning, taxation, leasing, and other ordinances
 - 3. Enhance Human Resource and Professional Development
 - a. Capacity building;
 - b. Accredited training and education;
 - c. Partnerships; and
 - d. Proposal/Grant writing skills.

III. PERSONNEL AND ORGANIZATION

A. PERSONNEL

- 1. The Executive Director shall designate the ASC Department Manager to oversee the operation of the ASC and the non-LGA Certified Chapter Administration Staff in accordance with applicable Navajo Nation laws and policies.
- 2. The ASC Manager shall be authorized to recommend additional professional, technical, and administrative positions as needed to carry out the organizational purposes and objectives.

3. Additional positions shall be established in accordance with the Navajo Nation Personnel Policies Manual and pursuant to applicable rules established for conducting the annual budget process.
4. The ASC shall be staffed to accomplish the purpose, goals and objectives as provided herein.

B. ORGANIZATION

1. The ASC shall consist of these functions necessary to accomplish the purpose cited.

Administration;
Chapter planning;
Compliance/monitoring; and
Chapter legal services through the Department of Justice

The Organizational Chart for the Administrative Services Centers is attached as Attachment D-1, and incorporated herein.

IV. AUTHORITIES, DUTIES AND RESPONSIBILITIES

A. The ASC Department Manager shall:

1. Develop and implement the overall administrative policies and procedures necessary for effective management of the ASC.
2. Conduct periodic reviews of staff and program effectiveness and present operating budgets for the appropriate committees of the Navajo Nation Council.
3. Represent the ASC at the Navajo Nation, county, state, and federal levels.

B. The ASC shall have the following duties and responsibilities:

1. Assist in monitoring pre-procurement activities.
2. Monitor and ensure implementation of the Five Management System and accounting services.
3. Prepare written reports for presentations at chapter meetings and planning sessions.
4. Assist to secure additional revenue and in-kind contributions from the Navajo Nation and other funding agencies consistent with the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 et. seq..
5. Ensure that the chapters' expenditures are in compliance with applicable Navajo Nation, federal, and state laws or grant agreements.
6. Assist chapters with developing corrective action plans for audit findings.

7. Assist chapters that have been sanctioned by the Budget and Finance Committee of the Navajo Nation Council with budget review and approval so funds can be disbursed.
8. Assist chapters in finalizing and processing of payroll and tax liabilities.
9. Assist chapters with data entry and uploading accounting and budget information into the governmental accounting software and online budget application.
10. Ensure chapter compliance with monthly/quarterly financial reporting requirements and the Five Management System Policies and Procedures.
11. Carry out other responsibilities as assigned by the Executive Director.

V. LEGISLATIVE OVERSIGHT

Pursuant to 2 N.N.C. §501(C), the ASC are under the legislative oversight of the Resources and Development Committee of the Navajo Nation Council

VI. AMENDMENTS:

The section herein may be amended from time-to-time by the Resource and Development Committee of the Navajo Nation Council.

DIVISION OF COMMUNITY DEVELOPMENT
ADMINISTRATIVE SERVICE CENTERS
ORGANIZATIONAL CHART

