

LEGISLATIVE SUMMARY SHEET

Tracking No. 0062-21

DATE: March 26, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18, EXHIBIT D, PROJECT NO. D5; DELETING THE PROJECT DESCRIPTION “MULTI-PURPOSE SITE IMPROVEMENT” AND ADDING “ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN & CONSTRUCT” AND CHANGING THE FUNDING YEAR TO YEAR 3

PURPOSE: The purpose of this resolution is for the Navajo Nation to approve a change in CAP-35-18 to change Project No. D5 (San Juan Chapter) from “Multi-Purpose Site Improvement” to “Road Improvement for N566 and N361 – Plan/Design & Construct” and changing the funding year to Year 3.

5-DAY BILL HOLD PERIOD: John
Website Posting Time/Date: 3:45pm 03-29-21
Posting End Date: 04-03-21
Eligible for Action: 04-04-21

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0062-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND
FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO.
CAP-35-18, EXHIBIT D, PROJECT NO. D5; DELETING THE PROJECT
DESCRIPTION “MULTI-PURPOSE SITE IMPROVEMENT” AND ADDING
“ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN &
CONSTRUCT” AND CHANGING THE FUNDING YEAR TO YEAR 3

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 500 (C)(1).
- B. The Budget and Finance Committee of the Navajo Nation Council exercises authority over budgeting, appropriations, investment, and management of all funds of the Navajo Nation. 2 N.N.C. §301 (B)(2).
- C. Navajo Nation Council Resolution No. CAP-35-18 provides: “[a] chapter project, power line, or waterline project may be changed, including the year funded, or added to Exhibits A through E with the concurrence of the Delegate representing the Chapter’s Council District and the approval of the Resources and Development Committee and Budget and Finance Committee, as long as such project has been certified as construction-ready by

1 CPMD or NTUA and the total Sihasin Funding for the District does not exceed
2 \$4,166,666.67.” See CAP-35-18, Section Four, Paragraph C.
3

4 **SECTION TWO. FINDINGS**

5 A. On April 17, 2018, the Navajo Nation approved Council Resolution CAP-35-18 titled,
6 “Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant
7 to CD-68-14, As Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended;
8 Waiving 12 N.N.C. §§ 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital
9 Improvement Budget and the Capital Improvement Process.”

10 B. In Exhibit D attached to Resolution No. CAP-35-18, the Navajo Nation Council approved
11 \$683,333 in Sihasin funding for a “Multi-Purpose Site Improvement Project” for the San
12 Juan Chapter, designated as Project No. D5. **Exhibit A.**

13 C. Regarding Project No. D5, the Capital Projects Management Department (“CPMD”) on
14 behalf of the San Juan Chapter, has requested to delete the “Multi-Purpose Site
15 Improvement Project” and change the project description to “Road Improvement for
16 N566 and N361; Plan/Design & Construct” and the change the funding year to Year 3.
17 The CPMD has submitted a “Sihasin Project Amendment Certification” form, attached
18 as **Exhibit B.**

19 D. As required by CAP-35-18, Section Four (C), and as set forth in the attached **Exhibit B,**
20 the San Juan Chapter N566/N361 Road Improvement Project has been certified by the
21 CPMD as construction-ready; and, the total Sihasin Funding for the Project will not
22 exceed \$4,166,666.67. In fact, the funding amount originally approved for the Project
23 will remain at \$683,333.
24

25 **SECTION THREE. APPROVAL**

26 The Navajo Nation hereby approves the change to CAP-35-18 Exhibit D Project No. D5, the
27 San Juan Chapter Project, by deleting the “Multi-Purpose Site Improvement Project” and
28 changing the project description to “Road Improvement for N566 and N361; Plan/Design &
29 Construct” and changing the funding year to Year 3, as shown in **Exhibit B.**
30

1 **SECTION FOUR. EFFECTIVE DATE**

2 The actions enacted herein shall be effective pursuant to 2 N.N.C. § 221 (B) and, 2 N.N.C. §
3 164 (A)(17).
4

5 **SECTION FIVE. SAVINGS CLAUSE**

6 Should any provision(s) of this action be determined invalid by the Navajo Nation Supreme
7 Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation
8 Supreme Court, those provision(s) that are not determined invalid shall remain the law of the
9 Nation.
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CAP-35-18

EXHIBIT:

D

**SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN**

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design, Design/Construction)	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
1	Newcomb	Helipad	Design/Construction	18-24 months	\$100,000.00	\$339,637.00	\$0.00	\$75,000.00	\$439,637.00
2	Newcomb	Sr. Center Renovation	Plan/Construction	6-8 months	\$228,189.00	\$0.00	\$0.00	\$0.00	\$228,189.00
3	Hogback	New Chapter House	Design/Construction	8-16 months	\$150,018.78	\$593,100.00	\$0.00	\$0.00	\$743,118.78
4	Bumham	Community Center	Design/Construction	18-24 months	\$300,000.00	\$383,500.00	\$0.00	\$0.00	\$683,500.00
5	San Juan	Multi-Purpose Site Improvement Project	Plan/Design/Construction	24 months	\$150,000.00	\$533,333.00	\$0.00	\$0.00	\$683,333.00
6	Upper Fruitland	Renovation Walter Collins Multi-Purpose Bldg	Design/Construction	18-24 months	\$0.00	\$694,444.44	\$0.00	\$0.00	\$694,444.44
7	Nenahnezaad	Multi-Purpose Renovation	Design/Construction	18-24 months	\$0.00	\$694,444.44	\$0.00	\$0.00	\$694,444.44
8	Nazlini	Senior Center	Design/Construction	24 months	\$0.00	\$1,980,000.00	\$0.00	\$60,000.00	\$1,980,000.00
9	Low Mountain	Head Start Facility	Design/Construction	24 months	\$0.00	\$596,666.66	\$0.00	\$0.00	\$596,666.66
10	Blue Gap/Tachee	New Chapter House	Construction	12-18 mths	\$0.00	\$530,000.00	\$0.00	\$150,000.00	\$530,000.00
11	Many Farms	Market Study	Planning	24-36 months	\$0.00	\$265,000.00	\$0.00	\$20,000.00	\$265,000.00
12	Ramah	Chapter Renovation	Design/Construction	24-36 months	\$0.00	\$1,388,888.89	\$0.00	\$20,000.00	\$1,388,888.89
13	Tohajiilee	Road Improvement	Design/Construction	36 months	\$1,388,888.89	\$0.00	\$0.00	\$353,000.00	\$1,388,888.89
14	Coyote Canyon	New Chapter Tractor	New Equipment	2-4 mths	\$50,000.00	\$0.00	\$0.00	\$9,000.00	\$50,000.00
15	Coyote Canyon	Senior Center Van	New Equipment	2-4 months	\$50,000.00	\$0.00	\$0.00	\$50,000.00	\$50,000.00
16	Coyote Canyon	New Chapter Truck & Flatbed	New Equipment	2-4 months	\$90,000.00	\$0.00	\$0.00	\$0.00	\$90,000.00
17	Coyote Canyon	New Warehouse	Other Tribal Facilities	10-12 months	\$0.00	\$38,563.00	\$0.00	\$72,756.00	\$38,563.00
18	Coyote Canyon	Senior Citizen Center	Senior Center Building	10-12 months	\$109,000.00	\$0.00	\$0.00	\$520,000.00	\$109,000.00
19	Coyote Canyon	Parking Lot w/Landscape	Design/Construction	12 months	\$0.00	\$119,455.00	\$0.00	\$0.00	\$119,455.00
20	Coyote Canyon	Bathroom Addition	Design/Construction	12 months	\$126,315.33	\$0.00	\$0.00	\$11,311.00	\$126,315.33
21	Coyote Canyon	N96 Chip Seal	Design/Construction	10-12 months	\$250,000.00	\$0.00	\$0.00	\$75,864.00	\$250,000.00
22	Bahastlah (Twin Lakes)	Caterpillar 420 F2 4WD Backhoe Loader	Major Equipment	2-4 months	\$143,000.00	\$0.00	\$0.00	\$52,620.00	\$143,000.00
23	Bahastlah (Twin Lakes)	Massey Ferguson 2706E	Major Equipment	2-4 months	\$55,000.00	\$0.00	\$0.00	\$12,000.00	\$55,000.00

**CAPITAL PROJECTS MANAGEMENT DEPARTMENT
SIHASIN PROJECT AMENDMENT CERTIFICATION
CAP-35-18**

I. PROJECT DETAILS

DATE SUBMITTED: September 17, 2020

PROJECT NAME: San Juan Multi-Purpose Site Improvement Project

REFERENCE NUMBER: CPMD-#41

PROJECT TYPE: Plan/Design & Construction

ORIGINAL DATE APPROVED: November 28, 2019

II. NATURE OF CHANGE AND COST DETAILS

EXHIBIT & PROJECT NO.	PROJECT DESCRIPTION	FUNDING				FUNDING AMOUNT ADDED OR DELETED
		YEAR 1	YEAR 2	YEAR 3	TOTAL FUNDING	
D #5	Delete Project Description: Multi-Purpose Site Improvement	150,000	533,333			DELETED
D #5	Amend the Project Description to: Road Improvement for			683,333	683,333	ADDED
	N566 & N361; Plan/Design & Construct, and to move year 3					
TOTAL: [] INCREASED / [] DECREASED FUNDING:					\$ 683,333	

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Rickie Nez



2-08-21

III. REASON FOR AMENDMENT

CPMD has reviewed the CAP-35-18 Project Change Form and concurs that:

1. The total amount of funding for the added projects equals the total amount of funding for the deleted projects;
2. Each added project has a completed Project Check-Off List signed off by CPMD and attached to this Form; and
3. After the projects have been added and deleted, the total CAP-35-18 funding for the Council District does not exceed \$4,166,666.67.
4. Add language to legislation "**EXHIBIT D**" Funding Use/Year.

IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE DEEMED CONSTRUCTION-READY.

PRINTED NAME

SIGNATURE

DATE

CPMD Project Manager

Rory Jaques



10-1-20

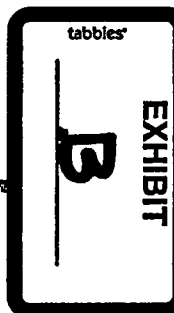
CPMD Department Manager

James Adakai



09-17-20

Dev. CPMD





MEMORANDUM

TO : Honorable Rick Nez, Delegate
24th Navajo Nation Council

FROM : Luralene D. Tapahe
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

DATE : March 26, 2021

SUBJECT : AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18, EXHIBIT D, PROJECT NO. D5; DELETING THE PROJECT DESCRIPTION "MULTI-PURPOSE SITE IMPROVEMENT" AND ADDING "ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN & CONSTRUCT" AND CHANGING THE FUNDING YEAR TO YEAR 3

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient. However, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation 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. Ahe'he'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0062-21_

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18, Exhibit D, Project No. D5; Deleting the Project Description "Multi-Purpose Site Improvement" and Adding "Road Improvement for N566 and N361; Plan/Design & Construct" and Changing the Funding Year to Year 3

Date posted: March 29, 2021 at 3:45PM

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.: 0062-21

SPONSOR: Honorable Rick Nez


TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18, Exhibit D, Project No. D5; Deleting the Project Description "Multi-Purpose Site Improvement" and Adding "Road Improvement for N566 and N361; Plan/Design & Construct" and Changing the Funding Year to Year 3

Posted: March 29, 2021 at 03:45 PM

5 DAY Comment Period Ended: April 3, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>


Legislative Tracking Secretary
Office of Legislative Services
April 5, 2021 8:45 AM
Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

THIRD YEAR 2021

COMMITTEE REPORT

Mr. Speaker,

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

LEGISLATION # 0062-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18, EXHIBIT D., PROJECT NO. D5; DELETING THE PROJECT DESCRIPTION "MULTI PURPOSE SITE IMPROVEMENT" AND ADDING "ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN AND CONSTRUCT" AND CHANGING THE FUNDING YEAR TO YEAR 3. *Sponsor: Honorable Rickie Nez*

Has had it under consideration and reports a DO PASS with one amendments

Amendment # 1: Page 1 of 3, Line 15, Delete N566 and replace with "N556"; Page 2 of 3, Line 16, Line 20 and Line 28, Delete N566 and replace with "N556"; and Exhibit B – Sihasin Project Amendment Certification, D # 5, third line, Delete N566 and replace with "N556"

And thereafter the matter was referred to Budget and Finance Committee.

Respectfully submitted



Thomas Walker, Jr., Vice-Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: April 7, 2021 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Wilson C. Stewart, Jr. S: Kee Allen Begay, Jr. 4-0-1 (VCNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., and Rickie Nez
Excuse: Herman M. Daniels
Not Voting: Presiding Vice-Chairperson Thomas Walker, Jr.

AMENDMENT # 1:

Motion: Kee Allen Begay, Jr. S: Rickie Nez.

4-0-1 (VCNV)

In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., and Rickie Nez

Excuse: Herman M. Daniels

Not Voting: Presiding Vice-Chairperson Thomas Walker, Jr.

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

THIRD YEAR 2021

ROLL CALL
VOTE TALLY SHEET

LEGISLATION # 0062-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18, EXHIBIT D., PROJECT NO. D5; DELETING THE PROJECT DESCRIPTION "MULTI PURPOSE SITE IMPROVEMENT" AND ADDING "ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN AND CONSTRUCT" AND CHANGING THE FUNDING YEAR TO YEAR 3. *Sponsor: Honorable Rickie Nez*

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Honorable Thomas Walker, Jr., Presiding Vice-Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services