SUMMARY OF PROPOSED LEGISLATION

Tracking No. <u>0103-22</u>

Date: June 17, 2022

Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18 FOR THE MEXICAN SPRINGS CHAPTER BY DELETING THE "ROAD MAINTENANCE, CULVERTS, AND BRIDGES" PROJECT AND ADDING THE "ROAD IMPROVEMENT -BADGER LOOP" PROJECT, IN FUNDING YEAR 1, WITH NO CHANGE IN THE ORIGINAL FUNDING AMOUNT

Purpose of this Legislation:

to approve a project change in CAP-35-18 Exhibit D-33 for the Mexican Springs Chapter, to delete the "Road Maintenance, Culverts, and Bridges" in the Year 1 funding period and to add the "Road Improvement - Badger Loop" Project, also in Year 1.

OLC No. 22-119-1

| | L HOLD PERIOD: Afformson Resources & Development Com | |
|-------------|--|---------|
| | nd Date: 06/26/22 | [hence |
| Eligible fo | r Action: <u>06/27/22</u> Budget & Finance Com | nmittee |
| 1 | PROPOSED NAVAJO NATION COUNCIL RESOLUTION | |
| 2 | 24th NAVAJO NATION COUNCIL - Fourth Year, 2022 | |
| 3 | Introduced by: | |
| 4 | | |
| 5 | filler_ | |
| 6 | (Prime Sponsor) | |
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| 8 | Tracking No | |
| 9 | | |
| 10 | ANACT | |
| 11 | RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET | |
| 12 | AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18 | |
| 13 | FOR THE MEXICAN SPRINGS CHAPTER BY DELETING THE "ROAD | |
| 14 | MAINTENANCE, CULVERTS, AND BRIDGES" PROJECT AND ADDING | |
| 15 | THE "ROAD IMPROVEMENT - BADGER LOOP" PROJECT, IN FUNDING | |
| 16 | YEAR 1, WITH NO CHANGE IN THE ORIGINAL FUNDING AMOUNT | |
| 17 | | |
| 18 | BE IT ENACTED: | |
| 19 | | |
| 20 | SECTION ONE. AUTHORITY | |
| 21 | A. The Resources and Development Committee of the Navajo Nation Council is empowered to | |
| 22 | exercise oversight authority over Chapter activities. 2 N.N.C. §500(C). | |
| 23 | B. The Budget and Finance Committee of the Navajo Nation Council is empowered to review | |
| 24 | and recommend to the Navajo Nation Council the budgeting, appropriation, investment and | |
| 25 | management of all funds, and to coordinate and review all fiscal, financial and investment | |
| 26 | activities of the Navajo Nation. 2 N.N.C. §301(B)(2) and §301(B)(5). | |
| 27 | | |
| 28 | SECTION TWO. FINDINGS | |
| 29 | A. The Navajo Nation Council approved Resolution No. CAP-35-18, titled: "Adopting the | |
| 30 | Síhasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as | |

- Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the Capital Improvement Process." CAP-35-18 is incorporated herein by reference.
 B. Section 4(C) of CAP-35-18 provides: "A chapter project, powerline, 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 approvals of the Resources and Development Committee and Budget and Finance Committee, as long as such
- project has been certified as construction-ready by CPMD or NTUA and the total Síhasin Funding for the District does not exceed \$4,166,666.67."
- C. The amount of \$121,333.34 for the Mexican Springs Chapter "Road Maintenance, Culverts,
 and Bridges" Project was approved in Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D
 showing the Mexican Springs Chapter Project No. D-33 is attached hereto as EXHIBIT 1.
- D. The Mexican Springs Chapter wishes to delete the "Road Maintenance, Culverts, and
 Bridges" Project No. D-33 in the Year 1 funding period and to add the "Road Improvement
 Badger Loop" Project, also in Year 1.
- E. The Division of Community Development Capital Projects Management Department
 ("CPMD") has submitted, on behalf of the Mexican Springs Chapter, a Síhasin Project
 Amendment Certification Form, attached hereto as EXHIBIT 2, explaining the Chapter's
 requested change of project. The Síhasin Project Amendment Certification Form shows the
 signature of the Navajo Nation Council Delegate for the Mexican Springs Chapter, in
 accordance with CAP-35-18 Section 4(C).
 - F. As required by CAP-35-18 Section 4(C), the new project has been certified by CPMD as construction-ready and the total Síhasin Funding for the Council District will not exceed \$4,166,666.67. In fact, the original Síhasin funding amount of \$121,333.34 for the Mexican Springs Chapter, as approved in CAP-35-18, will remain unchanged.

27 SECTION THREE. APPROVAL

A. The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit
 D, Project No. D-33, by deleting the "Road Maintenance, Culverts, and Bridges" Project in
 the Year 1 funding period for the Mexican Springs Chapter, and adding the "Road

Improvement - Badger Loop" Project for the Mexican Springs Chapter, also in Year 1, as shown in the attached **EXHIBIT 2**.

B. The Síhasin Fund shall be reimbursed the \$121,333.34 reallocated herein, from funds available to the Navajo Nation from any and all state and federal sources, including Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-19-related relief, so long as the expenditures for the Mexican Springs Chapter project are deemed eligible under such COVID-19-related or other funding sources.

SECTION FOUR. EFFECTIVE DATE

This Legislation shall become effective pursuant to 12 N.N.C. §2505.

SECTION FIVE. SAVING CLAUSE

If any provision of this Legislation is determined invalid by the Supreme Court of the Navajo Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the provision(s) not determined invalid shall remain as Navajo Nation law.

CAP-35-18

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN

| EXHIBIT: D | |
|---------------|--|
|---------------|--|

| REQUESTED | \$238,091.16 | \$328,242.33 | \$69,000.00 | \$73,333-33 | \$376,000.00 | \$231,000.00 | | 103,000.00 | \$103,000.00 \$50,000.00 | 103,000.00 50,000.00 667,000.00 | \$103,000.00 \$50,000.00 \$667,000.00 \$121,333.34 | 103,000.00 56,000.00 567,000.00 111,333,34 45,000.00 | \$103,000.00 \$667,000.00 \$121,333.34 \$121,333.34 \$128,533.94 | \$103,000.00 \$50,000.00 667,000.00 \$121,333.34 \$121,333.34 \$133.533.94 \$461,153.69 | 103,000.00 50,000.00 667,000.00 45,000.00 45,000.00 461,153.69 461,153.69 | \$103,000.00 \$50,000.00 \$667,000.00 \$42,000.00 \$461,153.69 \$33,198.50 \$2220,000.00 | \$103,000.00 \$50,000.00 \$667,000.00 \$133,34 \$121,333,34 \$133,198,50 \$33,198,50 \$33,198,50 \$322,000.00 | \$50,000.00 \$50,000.00 (667,000.00 \$11,333.34 \$121,333.34 \$121,333.34 \$133.198.50 \$333.198.50 \$133,198.50 \$135,00 \$1220,000.00 | \$103,000.00 \$50,000.00 \$121,333.34 \$121,333.34 \$121,333.34 \$121,333.34 \$133,198.50 \$33,198.50 \$135,000.00 \$220,032.12 \$20,032.12 | 103,000.00 59,000.00 667,000.00 45,000.00 338,533-94 461,153.69 461,153.69 461,153.69 336,233-94 333,733.00 335,000.00 335,000.00 | \$103,000.00 \$567,000.00 \$121,333.34 \$121,333.34 \$131,153.69 \$1361,153.69 \$1361,153.69 \$1367,125.00 \$1367,125.00 \$1367,125.00 \$1363,333.00 | \$103,000.00 \$50,000.00 \$667,000.00 \$1338,533.94 \$121,333.34 \$131,198.50 \$133,198.50 \$135,100.00 \$135,105 \$135,000.00 \$133,333.00 \$1487,333.33 \$482,903.33 | \$103,000.00 \$50,000.00 \$667,000.00 \$1333,34 \$121,333,34 \$121,333,34 \$120,000.00 \$133,133,198,50 \$146,153,69 \$146,153,69 \$155,000.00 \$133,333.00 \$146,333,33 \$160,000.00 \$1482,903,33 \$1482,903,33 | \$105,000.00 \$56,000.00 \$667,000.00 \$133334 \$121,333334 \$121,333334 \$145,000.00 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$133,198.50 \$134,000.00 \$144,000.00 |
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| | Caterpillar 140M3 AWD Motor Grader | New Warehouse | Road Maintenance | New Chapter Truck | New Warehouse | 966M XE Wheel Loader | | Backhoe | Backhoe Cemetery Expansion Project | Backhoe Cemetery Expansion Project Deer Springs Road | Backhoe Cemetery Expansion Project Deer Springs Road Road Maintenance, Culverts & Bridges | Backhoe Cemetery Expansion Project Deer Springs Road Road Maintenance, Culverts & Bridges Massey Ferguson 2706E | Backhoe Cemetery Expansion Deer Project Deer Project Road Maintenance, Cuivers & Bridges Massey Ferguson 2706E Road Improvement-Apache Cty-590 | Backhoe Cemetery Expansion Peer Project Deer Springs Road Road Maintenance, Cuiverts & Bridges Massey Ferguson 2706E Road Improvement-Apache Cty. 50 Road Improvement Apache | Backhoe Cemetery Expansion Peer Project Deer Springs Road Road Maintenance, Culverts & Bridges Massey Ferguson 2706E Road Improverment-Apache Road Improverment-Apache Road Improverment Apache Co. 492 Signage Proposal | Backhoe Cemetery Expansion Project Deer Springs Road Road Maintenance, Ulverts & Bridges Massey Ferguson 2706E Road Improvement-Apache Cty. 590 Road Improvement Apache Co. 492 Signage Proposal Fencing of Tract | Backhoe Cemetery Expansion Deer Project of Deer Project of Road Maintenance, Guiverts & Bridges Massey Ferguson 2706E Road Improvement Apache Cuy. 590 Road Improvement Apache Co. 492 Co. 492 Signage Proposal Fencing of Tract Senior Center Reabilitation of Facility | Backhoe Cemetery Expansion Deer Project Deer Project Road Maintenance, Guiverts & Bridges Massey Ferguson 2706E Road Improvement: Apache Cty. 590 Road Improvement: Apache Cuyets Bridges Signage Proposal Fenior Genter Senior Center Rehabilitation of Facility Cemetery | Backhoe Cemetery Expansion Deer Project Deer Project Road Maintenance, Curvers & Bridges Massey Ferguson 2706E Road Improvement Apache Cty. 590 Road Improvement Apache Cury 590 Road Improvement Apache Cury 500 Road Improvement Apache Cury 60 Tract Fencting of Tract Senior Center Rehabilitation of Facility Cemetery Chapter Tract Master Plan | Backhoe Cemetery Expansion Deer Project Deer Project Road Maintenance, Culverts B Bridges Massey Freguson 2706E Road Improvement Apache Cty. 590 Road Improvement Apache Cupyer Tract Apache Co. 492 Senior Center Rehabilitation of Facility Cemetery BIA Road Route 8070 | Backhoe Cemetery Expansion Deer Project Deer Springs Road Road Maintenance, Culverts & Bridges Massey Freguson 2706E Road Improvement Apache Cty. 590 Road Improvement Apache Cty. 590 Road Improvement Apache Co. 492 Senior Center Rehabilitation of Facility Chapter Tract Master Plan BIA Road Route 8070 Senior Center | Backhoe Cemetery Expansion Deer Projeg Road Road Maintenance, Culverts & Bridges Massey Ferguson 2706E Road Improvement-Apache Cty. 590 Road Improvement Apache Signage Proposal Fencing of Tact Senior Center Rehabilitation of Facility Chapter Tract Master Plan Blanda Route 8070 Senior Center Chapter Fencing | Backhoe Cemetery Expansion Deer Project Deer Project Road Maintenance, Guiverts & Bridges Massey Ferguson 2706E Road Improvement Apache Cuy. 590 Road Improvement Apache Cuy. 590 Road Improvement Apache Cuy. 590 Co. 492 Senior Center Senior Center Senior Center BIA Road Route 8070 BIA Road Route 8070 BIA Road Route 8070 Chapter Tract Master Plan BIA Road Route 8070 Chapter Tencing Chapter Fencing | Backhoe Cemetery Expansion Deer Project Deer Project Road Maintenance, Guiverts & Bridges Massey Ferguson 2706E Road Improvement Apache Cuy. 590 Road Improvement Apache Cuy. 590 Road Improvement Apache Cuy. 590 Co. 492 Senior Center Senior Center Senior Center Chapter Tract Master Plan BIA Road Route 8070 BIA Road Route 8070 Chapter Tract Master Plan BIA Road Route 8070 Chapter Tract Master Plan BIA Road Route 8070 Chapter Fencing Chapter Agriculture Building Chapter Equipment |
| | Bahastlah (Twin Lakes) | Bahastlah (Twin Lakes) | Bahastlah (Twin Lakes) | Naschitti | Naschitti | Naschitti | Nachitti | INTRICENT | Naschitti | Naschitti Naschitti Mexican Springs | Naschitti Naschitti Mexican Springs Mexican Springs | Naschitti Naschitti Mexican Springs Mexican Springs Mexican Springs | | | | | | | | | | | | |
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PREPARED BY: S. YAZZIE AND L. TSO

4/24/18

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EXHIBIT 1

| | | | | í | | Q | | 1-1 | | | | I | EXHIBIT 2 |
|---|------------------------------|---|--------------------------------------|---------------------------------------|------------------------------|----------------------------|--------------------------------------|--------------------------------|--------------------------------|--------------------------|---------------------------------------|--------------------------------|--|
| | | 21 | 2018 | | DI MINIMU | AMOUNT ADDED OR DELETED | Deleted | | Added | | DATE | 1/22 | 34- 25 |
| | Aay 20, 2021 | CPMD Ref. #4 | Vovember 17, | | | TOTAL FUNDING | | | 121,333.34 | 121,333.34 | | N/ | EADY. |
| ATION | DATE SUBMITTED: May 20, 2021 | REFERENCE NUMBER: CPMD Ref. #47 | ORIGINAL DATE APPROVED: November 17, | | FUNDING | YEAR3 T | | | - | DECREASED FUNDING: 1 | SIGNATURE | 200 Selung | 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 deleted projects; 2. Each added project check-Off List signed off by CPMD and attached to this Form; and 3. After the project 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 Manager CMPD Project Manager CMD Department Manager |
| CERTIFIC | DA | REFER | ORIGINAL D/ | | FUN | YEAR 2 | | | | | | N | leleted projects; o this Form; and istrict does not e> SIGNA |
| IECT AMENDMENT CERTIFICATION CAP-35-18 | | | | | and the second second second | YEAR1 | 121,333.34 | | 121,333.34 | TOTAL: [] INCREASED / [] | | | 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 deleted projects; 2. Each added project thas a completed Project Check-Off List signed off by CPMD and attached to this Form; and 3. After the project has a completed Project Check-Off List signed off by CPMD and attached to this Form; and 4. Add language to legislation "EXHIBIT D" Funding Use/Year. IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE DEEMED C PRINTED NAME CMPD Project Manager Donald Jackson CPMD Department Manager |
| OJECT AM | | s & Bridges | | | the second second second | | & Bridges | | | TOTAL: [| PRINTED NAME | | oncurs that: total amount o gned off by CPI -35-18 funding - TFIES THE P THE P DN ED NAME |
| SIHASIN PROJ | | Maint. Culvert | | DETAILS | | PROJECT DESCRIPTION | aint.Culverts | otion To: | adger Loop | | PRINT | Pernell Holona | nange Form and con projects equals the to Check-Off List sign, ted, the total CAP-3; Funding Use/Year. RS AND CERTIF RS AND CERTIF PRINTED PAINTED Donald Jackson James Adakai |
| S | | PROJECT NAME: Mexican Springs-Rd. Maint. Culverts & Bridges | PROJECT TYPE: Design & Construction | II. NATURE OF CHANGE AND COST DETAILS | | PROJECT | Mexican Springs Rd. Maint.Culverts & | Change Project Description To: | Road Improvement - Badger Loop | | Amendment: | I | 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 amou 2. Each added project has a completed Project Check-Off List signed off by 3. After the project has a completed Project Check-Off List signed off by 3. After the project has a completed Project Check-Off List signed off by 4. Add language to legislation "EXHIBIT D" Funding Use/Year. IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES TH PRINTED NAME CMPD Project Manager Donald Jackson CPMD Department Manager |
| | DETAILS | ME: Mexican | PE: Design & | OF CHANGE | | | Mexican S | Change P | Road Imp | | Acknowledgement of Project Amendment: | Navajo Nation Council Delegate | III. REASON FOR AMENDMENT CPMD has reviewed the CAP-35-18 Pro. 1. The total amount of funding for the a 2. Each added project has a completed P 3. After the projects have been added an 4. Add language to legislation " <i>EXHIBI</i> IV. AFTER REVIEW, CPMD CON IV. AFTER REVIEW, CPMD CON CMPD Project Manager CPMD Department Manager |
| | I. PROJECT DETAILS | PROJECT NA | PROJECT TY. | II. NATURI | | EXHIBIT & PROJECT NO. | "D" #33 | | | | Acknowledgeı | Navajo Nation | III. REASON FOR AME CPMD has reviewed the CAI CPMD has reviewed the CAI The total amount of fundi Each added project has a (a) After the project have be Add language to legislatio Add language to legislatio IV. AFTER REVIEW, CI IV. AFTER REVIEW, CI CMPD Project Manager CPMD Department Manager |

CAPITAL PROJECTS MANAGEMENT DEPARTMENT

Dev. CPMD 10.03.19

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Job Project

NAVAJO NATION Job Status Inquiry Print

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From Date 10/1/2020 Thru Date

9/30/2021

| | | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1 00 |
|-------------|-------------|-------------|---------------------|----------------|-----------------------|-------------|------------|------------|-----------------------|----------------------|------------|
| % Revised | Remaining | | | | | | | | | | |
| % Revised | Spent | | | | | | | | | | |
| Budget | Balance | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34 | 121,333.34 | 121,333.34 | 121,333.34 | 121 333 34 |
| Open Commit | Amount | | | | | | | | | | |
| Actual | Amount | | | | | | | | | | |
| Revised | Budget Amt | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34 | 121,333.34 | 121,333.34 | 121,333.34 | 121,333.34 |
| Original | Budget Amt | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34- | 121,333.34 | 121,333.34 | 121,333.34 | 121,333.34 | 121,333.34 |
| LPM | DECUM | N L | 6 T | 5 T | 4 T | 3 T | 6 B N | 6 T | 5 T | 4 T | 3 T |
| | Description | Allocation | Overhead Allocation | Other Revenues | Other Revenue Sources | Revenues | Consulting | Consulting | Professional Services | Contractual Services | Expenses |
| Cost | Type | 1996 | 1661 | 1990 | 1850 | 1000 | 6520 | 6520 | 6510 | 6500 | 2000 |
| Cost | Code | | | | | | | | | | |

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Office of Legislative Counsel Phone: (928) 871-7166 Fax: (928) 871-7576



Hon. Seth Damon, Speaker 24th Navajo Nation Council 2019 - 2023

M E M O R A N D U M

To: Hon. Pernell Halona, Member Health, Education, and Human Services Committee 24th Navajo Nation Council

From:

Luralene D. Tapahe, Principal Advocate Office of Legislative Counsel

Date: June 17, 2022

Subject: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18 FOR THE MEXICAN SPRINGS CHAPTER BY DELETING THE "ROAD MAINTENANCE, CULVERTS, AND BRIDGES" PROJECT AND ADDING THE "ROAD IMPROVEMENT - BADGER LOOP" PROJECT, IN FUNDING YEAR 1, WITH NO CHANGE IN THE ORIGINAL FUNDING AMOUNT

Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. [64(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your cooperation.