## **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)	
7		
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	
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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 <b>667,000.00</b> \$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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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						<b>N</b>	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
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CAPITAL PROJECTS MANAGEMENT DEPARTMENT

Dev. CPMD 10.03.19

R5551200P

C01700 MEX SPRGS RD MAINT, C &BRIDGES

Job Project

NAVAJO NATION Job Status Inquiry Print

12/21/2021 14:57:42 Page - 1

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 24<sup>th</sup> 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 24<sup>th</sup> 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.