

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0103-22

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

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 06/26/22
Eligible for Action: 06/27/22

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:


(Prime Sponsor)

Tracking No. **0103-22**

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**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over Chapter activities. 2 N.N.C. §500(C).
- B. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds, and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §301(B)(2) and §301(B)(5).

SECTION TWO. FINDINGS

- A. The Navajo Nation Council approved Resolution No. CAP-35-18, titled: “Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as

1 Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§
2 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the
3 Capital Improvement Process.” CAP-35-18 is incorporated herein by reference.

4 B. Section 4(C) of CAP-35-18 provides: “A chapter project, powerline, or waterline project may
5 be changed, including the year funded, or added to Exhibits A through E with the concurrence
6 of the Delegate representing the chapter’s Council District and the approvals of the
7 Resources and Development Committee and Budget and Finance Committee, as long as such
8 project has been certified as construction-ready by CPMD or NTUA and the total Síhasin
9 Funding for the District does not exceed \$4,166,666.67.”

10 C. The amount of \$121,333.34 for the Mexican Springs Chapter “Road Maintenance, Culverts,
11 and Bridges” Project was approved in Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D
12 showing the Mexican Springs Chapter Project No. D-33 is attached hereto as **EXHIBIT 1**.

13 D. The Mexican Springs Chapter wishes to delete the “Road Maintenance, Culverts, and
14 Bridges” Project No. D-33 in the Year 1 funding period and to add the “Road Improvement
15 - Badger Loop” Project, also in Year 1.

16 E. The Division of Community Development - Capital Projects Management Department
17 (“CPMD”) has submitted, on behalf of the Mexican Springs Chapter, a Síhasin Project
18 Amendment Certification Form, attached hereto as **EXHIBIT 2**, explaining the Chapter’s
19 requested change of project. The Síhasin Project Amendment Certification Form shows the
20 signature of the Navajo Nation Council Delegate for the Mexican Springs Chapter, in
21 accordance with CAP-35-18 Section 4(C).

22 F. As required by CAP-35-18 Section 4(C), the new project has been certified by CPMD as
23 construction-ready and the total Síhasin Funding for the Council District will not exceed
24 \$4,166,666.67. In fact, the original Síhasin funding amount of \$121,333.34 for the Mexican
25 Springs Chapter, as approved in CAP-35-18, will remain unchanged.

26 27 **SECTION THREE. APPROVAL**

28 A. The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit
29 D, Project No. D-33, by deleting the “Road Maintenance, Culverts, and Bridges” Project in
30 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

EXHIBIT:
DSIHASIN 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
24	Bahastlah (Twin Lakes)	Caterpillar 140M3 AWD Motor Grader	Major Equipment	2-4 months	\$238,091.16	\$0.00	\$0.00	\$20,000.00	\$238,091.16
25	Bahastlah (Twin Lakes)	New Warehouse	Design/Construction	8-12 months	\$0.00	\$328,242.33	\$0.00	\$0.00	\$328,242.33
26	Bahastlah (Twin Lakes)	Road Maintenance	Design/Construction	8-12 months	\$0.00	\$69,000.00	\$0.00	\$35,000.00	\$69,000.00
27	Naschitti	New Chapter Truck	Major Equipment	2-4 months	\$73,333.33	\$0.00	\$0.00	\$0.00	\$73,333.33
28	Naschitti	New Warehouse	Design/Construction	12 months	\$0.00	\$376,000.00	\$0.00	\$36,000.00	\$376,000.00
29	Naschitti	966M XE Wheel Loader	Major Equipment	2-4 months	\$231,000.00	\$0.00	\$0.00	\$0.00	\$231,000.00
30	Naschitti	Backhoe	Major Equipment	2-4 months	\$103,000.00	\$0.00	\$0.00	\$0.00	\$103,000.00
31	Naschitti	Cemetery Expansion Project	Design/Construction	12 months	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00
32	Mexican Springs	Deer Springs Road	Design/Construction	12-18 months	\$667,000.00	\$0.00	\$0.00	\$0.00	\$667,000.00
33	Mexican Springs	Road Maintenance, Culverts & Bridges	Design/Construction	12-18 months	\$121,333.34	\$0.00	\$0.00	\$0.00	\$121,333.34
34	Mexican Springs	Massey Ferguson 2706E	Major Equipment	2-4 months	\$45,000.00	\$0.00	\$0.00	\$0.00	\$45,000.00
35	Round Rock	Road Improvement-Apache Cty, 590	Pre-Design/Design	18-24 months	\$50,000.00	\$60,000.00	\$228,533.94	\$0.00	\$338,533.94
36	Round Rock	Road Improvement Apache Co. 492	Design/Construction	18-24 months	\$50,000.00	\$60,000.00	\$351,153.69	\$0.00	\$461,153.69
37	Round Rock	Signage Proposal	Design/Construction	6-8 months	\$33,198.50	\$0.00	\$0.00	\$0.00	\$33,198.50
38	Tsalle/Wheatfields	Fencing of Tract	Design/Construction	6-8 months	\$220,000.00	\$0.00	\$0.00	\$0.00	\$220,000.00
39	Tsalle/Wheatfields	Senior Center Rehabilitation of Facility	Design/Construction	6-8 months	\$0.00	\$48,255.00	\$319,000.00	\$0.00	\$367,255.00
40	Tsalle/Wheatfields	Cemetery	Design/Construction	6-8 months	\$20,032.12	\$0.00	\$0.00	\$0.00	\$20,032.12
41	Tsalle/Wheatfields	Chapter Tract Master Plan	Design/Construction	18-24 months	\$35,000.00	\$0.00	\$0.00	\$0.00	\$35,000.00
42	Rock Point	BIA Road Route 8070	Design/Construction	12-16 months	\$46,100.00	\$143,250.00	\$643,983.00	\$0.00	\$833,333.00
43	Rough Rock	Senior Center	Construction	12 months	\$245,333.33	\$0.00	\$0.00	\$0.00	\$245,333.33
44	Lukachukai	Chapter Fencing	Design/Construction	12-18 months	\$482,903.33	\$0.00	\$0.00	\$20,000.00	\$482,903.33
45	Lukachukai	Chapter Agriculture Building	Construction	6-8 months	\$0.00	\$70,000.00	\$0.00	\$0.00	\$70,000.00
46	Lukachukai	Chapter Equipment	Major Equipment	4-6 months	\$144,000.00	\$0.00	\$0.00	\$0.00	\$144,000.00
47	Lukachukai	Chapter Equipment Manlift	Major Equipment	6-8 months	\$39,500.00	\$0.00	\$0.00	\$0.00	\$39,500.00

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

I. PROJECT DETAILS

DATE SUBMITTED: May 20, 2021

PROJECT NAME: Mexican Springs-Rd. Maint. Culverts & Bridges

REFERENCE NUMBER: CPMD Ref. #47

PROJECT TYPE: Design & Construction

ORIGINAL DATE APPROVED: November 17, 2018

II. NATURE OF CHANGE AND COST DETAILS

EXHIBIT & PROJECT NO.	PROJECT DESCRIPTION	FUNDING			FUNDING AMOUNT ADDED OR DELETED
		YEAR 1	YEAR 2	YEAR 3	
"D" #33	Mexican Springs Rd. Maint. Culverts & Bridges	121,333.34			Deleted
	Change Project Description To:				
	Road Improvement - Badger Loop	121,333.34			Added
TOTAL: <input type="checkbox"/> INCREASED / <input type="checkbox"/> DECREASED FUNDING:		121,333.34			

Acknowledgement of Project Amendment:

PRINTED NAME

Navajo Nation Council Delegate

Pernell Holona

SIGNATURE

DATE

3/1/22

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

Donald Jackson

SIGNATURE

[Signature]

CPMD Project Manager

CPMD Department Manager

James Adakai

3-24-22

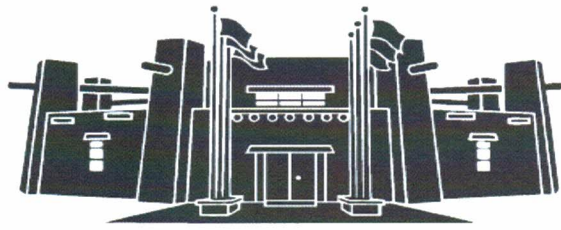
Job
Project

C01700 MEX SPRGS RD MAINT, C & BRIDGES

From Date 10/1/2020 Thru Date 9/30/2021


Job Status Inquiry Print

Cost Code	Cost Type	Description	L P M D E C U M	Original Budget Amt	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
1996	Allocation		7 N	121,333.34-	121,333.34-			121,333.34-		1.00
1991	Overhead Allocation		6 T	121,333.34-	121,333.34-			121,333.34-		1.00
1990	Other Revenues		5 T	121,333.34-	121,333.34-			121,333.34-		1.00
1850	Other Revenue Sources		4 T	121,333.34-	121,333.34-			121,333.34-		1.00
1000	Revenues		3 T	121,333.34-	121,333.34-			121,333.34-		1.00
6520	Consulting		6 B N	121,333.34	121,333.34			121,333.34		1.00
6520	Consulting		6 T	121,333.34	121,333.34			121,333.34		1.00
6510	Professional Services		5 T	121,333.34	121,333.34			121,333.34		1.00
6500	Contractual Services		4 T	121,333.34	121,333.34			121,333.34		1.00
2000	Expenses		3 T	121,333.34	121,333.34			121,333.34		1.00



MEMORANDUM

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. §164(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.