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: Johnson
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

CPMD or NTUA and the total Síhasin Funding for the District does not exceed $4,166,666.67." See CAP-35-18, Section Four, Paragraph C.

SECTION TWO. FINDINGS

A. On April 17, 2018, the Navajo Nation approved Council Resolution CAP-35-18 titled, "Adopting the 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."

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

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

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

SECTION THREE. APPROVAL

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

SECTION FOUR. EFFECTIVE DATE

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

SECTION FIVE. SAVINGS CLAUSE

Should any provision(s) of this action 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 provision(s) that are not determined invalid shall remain the law of the Nation.

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	Burnham	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 Facilties	10-12 months	$0.00	$38,563.00	$0.00	$72,756.00	$38,563.00
18	Coyote Canyon	Senior Citizen Center	Senior Center Builidng	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

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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. CPM

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EXHIBIT

B

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

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	*None*
Comments Opposing	*None*
Comments/Recommendations	*None*

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