

LEGISLATIVE SUMMARY SHEET

Tracking No. **0049-21**

DATE: March 18, 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 FOR LUPTON CHAPTER BY DELETING THE CEMETERY PRE-DESIGN PROJECT NO. D-143, AND ADDING A CEMETERY "PLAN, DESIGN, CONSTRUCT AND EQUIPMENT" PROJECT FOR LUPTON CHAPTER

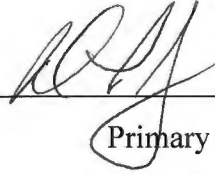
PURPOSE: The purpose of this resolution is for the Navajo Nation to approve a change in Resolution No. CAP-35-18 for Lupton Chapter by deleting the cemetery pre-design project and adding a cemetery "plan, design, construct and equipment" project.

5-DAY BILL HOLD PERIOD: 1 Bloodhorse
Website Posting Time/Date: 03-18-2021 5:13 PM
Posting End Date: 03-23-2021
Eligible for Action: 03-24-2021

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24TH NAVAJO NATION COUNCIL - Third Year, 2021

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0049-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND
FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO.
CAP-35-18 FOR LUPTON CHAPTER BY DELETING THE CEMETERY PRE-
DESIGN PROJECT NO. D-143, AND ADDING A CEMETERY "PLAN, DESIGN,
CONSTRUCT AND EQUIPMENT" PROJECT FOR LUPTON CHAPTER

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 501(C)(1).
- B. The Budget and Finance Committee of the Navajo Nation Council exercises authority over budgeting, appropriation, investment and management of all funds. 2 N.N.C. § 301 (B)(2).
- C. Council Resolution 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." CAP-35-18, Section Four, Paragraph C.

1 **SECTION TWO. FINDINGS**

- 2 A. On April 17, 2018, the Navajo Nation Council adopted Council Resolution No. CAP-
3 35-18, "Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan
4 Pursuant to CD-68-14, as Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as
5 Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to
6 the Capital Budget and Capital Improvement Process." Resolution No. CAP-35-18
7 is incorporated herein by reference.
- 8 B. A "Cemetery Pre-Design" Project is listed in Resolution No. CAP-35-18 at Exhibit
9 D, Project No. 143. The relevant page of Exhibit D of CAP-35-18 is attached as
10 **Exhibit 1.**
- 11 C. The Lupton Chapter has submitted a "Sihasin Project Amendment Certification"
12 form attached as **Exhibit 2**, requesting a change to the description for Project No.
13 143 from "Cemetery Pre-Design" to "Plan, Design, Construct and Equipment" for
14 the Cemetery Project. No change in Sihasin funding for the Project is requested, and
15 the amount of allocated funding will remain at \$100,000.
- 16 D. The Sihasin Project Amendment Certification form has been signed by the Navajo
17 Nation Council Delegate representing the Lupton Chapter's council district, as
18 required by CAP-35-18, Section 4, Paragraph C.
- 19 E. The Capital Projects Management Department, through its signature in Section IV of
20 **Exhibit 2**, has indicated the Project is construction ready, and the total Sihasin
21 Funding for the Lupton Council District will not exceed \$4,166,666.67.
- 22 F. The Lupton Chapter has passed Resolution No. TSA-2019-04-020, dated April 16,
23 2019, explaining the need for the change in language in Exhibit D to CAP-35-18, to
24 include construction and land planning/pre-design work for the Cemetery Project.
25 Resolution No. TSA-2019-04-020 is attached as **Exhibit 3.**

26
27 **SECTION THREE. APPROVAL**

28 The Navajo Nation hereby approves the change in Project description, as requested by
29 the Lupton Chapter in accordance with the attached **Exhibit 2.**

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
7 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
8 Nation Supreme Court, those provision(s) that are not determined invalid shall remain the
9 law of the Nation.
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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 |
|-----|-------------|--|--|---------------------|----------------|----------------|----------------|------------------------------|----------------------------|
| 124 | Cornfields | Sunrise Low Water Crossing (Road) | Pre-Design | 26-36 months | \$0.00 | \$266,000.00 | \$0.00 | \$0.00 | \$266,000.00 |
| 125 | Cornfields | Rural Address LRAC E-911 | Design/Construction | 12 months | \$10,000.00 | \$0.00 | \$0.00 | \$0.00 | \$10,000.00 |
| 126 | Cornfields | Backhoe Purchase | Purchase | 6 months | \$40,000.00 | \$0.00 | \$0.00 | \$25,000.00 | \$40,000.00 |
| 127 | Cornfields | Green House | Design/Construction | 12 months | \$1,000.00 | \$0.00 | \$0.00 | \$1,000.00 | \$1,000.00 |
| 128 | Kindalichii | Chapter House Parking Lot | Design/Construction | 12-24 months | \$94,731.32 | \$0.00 | \$0.00 | \$0.00 | \$94,731.32 |
| 129 | Jeddito | Backhoe Purchase | Major Equipment | 6 months | \$107,064.66 | \$0.00 | \$0.00 | \$0.00 | \$107,064.66 |
| 130 | Jeddito | Bathroom Addition (Goldwater Loop) | Design/Construction | 18-24 months | \$0.00 | \$363,134.33 | \$0.00 | \$0.00 | \$363,134.33 |
| 131 | Jeddito | Bathroom Addition (Upper Highland/ Sitting Rk) | Design/Construction | 18-24 months | \$0.00 | \$363,134.34 | \$0.00 | \$0.00 | \$363,134.34 |
| 132 | Steamboat | Old Chapter Renovation (Stone Bldg.) | Construction | 8-12 months | \$220,000.00 | \$0.00 | \$0.00 | \$0.00 | \$220,000.00 |
| 133 | Steamboat | Chapter Building Renovation | Design/Construction | 18-24 months | \$0.00 | \$0.00 | \$400,000.00 | \$50,000.00 | \$400,000.00 |
| 134 | Steamboat | Chapter Warehouse | Design/Construction | 18-24 months | \$0.00 | \$213,333.33 | \$0.00 | \$25,000.00 | \$213,333.33 |
| 135 | Ganado | Senior Center Building | Design/Construction | 18-24 months | \$0.00 | \$833,333.34 | \$0.00 | \$0.00 | \$833,333.34 |
| 136 | Coppermine | Backhoe | Major Equipment | 4-6 months | \$50,000.00 | \$0.00 | \$0.00 | \$0.00 | \$50,000.00 |
| 137 | Coppermine | Multipurpose Building | Pre-Design | 18-24 months | \$0.00 | \$0.00 | \$200,000.00 | \$0.00 | \$200,000.00 |
| 138 | Coppermine | Western Navajo Pipeline, Fireflow, Storage Tank | Design/Construction | 18-24 months | \$0.00 | \$400,000.00 | \$0.00 | \$0.00 | \$400,000.00 |
| 139 | Kaibeto | Kaibeto Design Infrastructure | Design/Construction | 18-24 months | \$0.00 | \$370,000.00 | \$0.00 | \$0.00 | \$370,000.00 |
| 140 | Tonalea | Government Building | Construction | 8-12 months | \$1,050,000.00 | \$0.00 | \$0.00 | \$0.00 | \$1,050,000.00 |
| 141 | Klagetoh | Head Start Project | Pre-Design | 8-12 months | \$0.00 | \$400,000.00 | \$0.00 | \$0.00 | \$400,000.00 |
| 142 | Lupton | Basketball Court Development | Pre-Design | 12 months | \$0.00 | \$53,795.00 | \$0.00 | \$0.00 | \$53,795.00 |
| 143 | Lupton | Cemetery | Pre-Design | 13 months | \$0.00 | \$0.00 | \$100,000.00 | \$0.00 | \$100,000.00 |
| 144 | Lupton | Warehouse Renovation | Pre-Design | 14 months | \$68,795.00 | \$0.00 | \$0.00 | \$0.00 | \$68,795.00 |

PREPARED BY: S. YAZZIE AND L. TSO

6

4/24/18

tabbles

EXHIBIT

1

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

I. PROJECT DETAILS

DATE SUBMITTED: December 16, 2019

PROJECT NAME: Lupton Chapter Cemetery Project

REFERENCE NUMBER: CPMD REF-15

PROJECT TYPE: Pre-Design

ORIGINAL DATE APPROVED: _____

II. NATURE OF CHANGE AND COST DETAILS

| EXHIBIT & PROJECT NO. | PROJECT DESCRIPTION | FUNDING | | | TOTAL FUNDING | FUNDING AMOUNT ADDED OR DELETED |
|---|--|---------|--------|---------|---------------|---------------------------------------|
| | | YEAR 1 | YEAR 2 | YEAR 3 | | |
| D-143 | Cemetery Pre-Design | | | 100,000 | | DELETED |
| D-143 | Cemetery: Change Project type to Plan, Design, Construct and Equipment. | | | 100,000 | 100,000 | Added |
| | | | | | | |
| | | | | | | |
| TOTAL: [] INCREASED / [] DECREASED FUNDING: | | | | | \$ 100,000 | |

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Raymond Smith, Jr.

[Signature]

12/18/19

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

Kent Grantson

[Signature]

12-17-19

CPMD Department Manager

Jones Adalberto

[Signature]

12-17-19



RESOLUTION OF THE TSE SI ANI CHAPTER

Amending the Language of the Sihasin Capital Improvement Plan 2018 from Planning/Pre-Design and Land of Cemetery to Read Planning/Pre-Design, Land and Construction

WHEREAS:

1. Tse Si Ani Chapter is a certified and local governmental entity of the Navajo Nation government which has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of its community, programs and property; and
2. Tse Si Ani Chapter is a certified chapter that is recognized by the Navajo Nation Council pursuant to 26 N.N.C. Section 3, and pursuant to 11 N.N.C. Part 1, Section 10, the Navajo Nation Council adopted the Navajo Nation Local Governance Act, which directs local chapters to promote all matters that affect the local community members and to make appropriate decisions, recommendations and advocate on their behalf; and
3. Per the Sihasin Legislation Cap 35-18 the Tse Si Ani Chapter had pre-design and planning for the cemetery; however, the language needs to be changed to include construction, land and planning/pre-design; and
4. The Tse Si Ani Chapter is working diligently working to ensure all necessary aspects of these two projects are in compliance with the legislature; and
5. Tse Si Ani Chapter is striving to better serve it's community for all ages to provide economic and social strides in service and delivery.

NOW, THEREFORE BE IT RESOLVED THAT:


The Tse Si Ani Chapter is requesting to amend the language of the Sihasin Capital Improvement Plan 2018 from Planning/Pre-Design and Land of cemetery to read planning/pre-design, land and construction.

RAYMOND SMITH JR. | COUNCIL DELEGATE
YVONNE S. MURPHY | PRESIDENT
ALVIN BLACKGOAT | VICE PRESIDENT
MARLENE S. APACHEE | SECRETARY/TREASURER
RANDALL COMB | GRAZING OFFICIAL

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Tse Si Ani Chapter at a duly called chapter meeting at the Tse Si Ani Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 19 in favor, 0 opposed and 1 abstained, on this 16th day of April 2019.

MOTIONED BY: Jeanet Desson



Yvonne Murphy, Chapter President

SECONDED BY: Irvin Benally



Alvin Blackgoat, Chapter Vice President

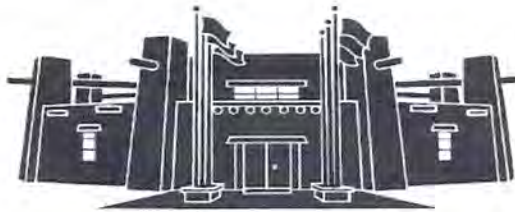
Marlene S Apachee

Marlene S. Apachee, Secretary/Treasurer



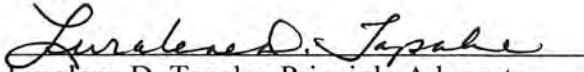
Raymond Smith Jr., Council Delegate

TSA-2019-04-020 Amending the Language of the Sihasin Capital Improvement Plan 2018 from Planning/Pre-Design and Land of Cemetery to Read Planning/Pre-Design, Land and Construction



MEMORANDUM

TO : Honorable Raymond Smith, Jr., Delegate
24th Navajo Nation Council

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

DATE : March 18, 2021

SUBJECT : AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
AND BUDGET AND FINANCE COMMITTEES; APPROVING A
CHANGE IN RESOLUTION NO. CAP-35-18 FOR LUPTON
CHAPTER BY DELETING THE CEMETERY PRE-DESIGN
PROJECT NO. D-143, AND ADDING A CEMETERY "PLAN,
DESIGN, CONSTRUCT AND EQUIPMENT" PROJECT FOR
LUPTON CHAPTER

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: _0049-21__

SPONSOR: Raymond Smith, Jr.

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18 for Lupton Chapter by Deleting the Cemetery Pre-design Project No. D-143, and Adding a Cemetery “Plan, Design, Construct and Equipment” Project for Lupton Chapter

Date posted: March 18, 2021 at 5:13PM

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.: 0049-21

SPONSOR: Honorable Raymond Smith, Jr.

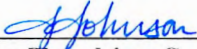
TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18 for Lupton Chapter by Deleting the Cemetery Pre-design Project No. D-143, and Adding a Cemetery "Plan, Design, Construct and Equipment" Project for Lupton Chapter

Posted: March 18, 2021 at 5:13 PM

5 DAY Comment Period Ended: March 23, 2021

Digital Comments received:

| | |
|--------------------------|---------------------------------------|
| Comments Supporting | 1) Yovonne Murphy, Tse Si Ani Chapter |
| Comments Opposing | <i>None</i> |
| Comments/Recommendations | <i>None</i> |



Legislative Tracking Secretary
Office of Legislative Services

03/24/21 9:15Am

Date/Time

Legislation 0049-21

Y Murphy <pintosprings96@gmail.com>

Tue 3/23/2021 3:24 PM

To:comments <comments@navajo-nsn.gov>;

Honorable Committee Members,

The Tse Si Ani (Lupton) Chapter is in need of a community cemetery. We are currently working towards the completion of the cemetery; however, the current language in the original Sihasin legislation limits our capability to complete the project. Therefore, the Tse Si Ani Chapter respectfully requests the B&F Committee to support and approve the amendment to the Sihasin cemetery project to broaden the scope of work in order to utilize all Sihasin funds for the project. Your support and approval is greatly appreciated.

Thank you,

Yvonne Murphy, TSA President

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**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 # 0049-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND BUDGET AND FINANCE COMMITTEE; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18 FOR LUPTON CHAPTER BY DELETING THE CEMETERY PRE-DESIGN PROJECT D-143, AND ADDING A CEMETERY "PLAN, DESIGN, CONSTRUCT AND EQUIPMENT" PROJECT FOR LUPTON CHAPTER. *Sponsor: Honorable Raymond Smith, Jr.*

Has had it under construction and reports a DO PASS with no amendments

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

Respectfully submitted,



Rickie Nez, Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: March 24, 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: Mark A. Freeland Vote: 4-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., and Herman M. Daniels
Excuse: Thomas Walker, Jr.
Not Voting: Presiding Chairperson Rickie Nez

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

THIRD YEAR 2021

ROLL CALL
VOTE TALLY SHEET

LEGISLATION # 0049-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND BUDGET AND FINANCE COMMITTEE; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18 FOR LUPTON CHAPTER BY DELETING THE CEMETERY PRE-DESIGN PROJECT D-143, AND ADDING A CEMETERY "PLAN, DESIGN, CONSTRUCT AND EQUIPMENT" PROJECT FOR LUPTON CHAPTER. *Sponsor: Honorable Raymond Smith, Jr.*

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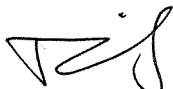
Main Motion:

Motion: Wilson C. Stewart, Jr. S: Mark A. Freeland Vote: 4-0-1 (CNV)

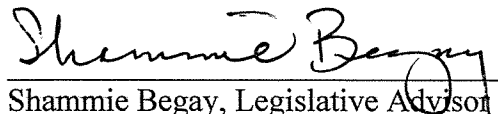
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., and Herman M. Daniels

Excuse: Thomas Walker, Jr.

Not Voting: Presiding Chairperson Rickie Nez



Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services