

RESOLUTION OF THE  
BUDGET AND FINANCE COMMITTEE  
OF THE NAVAJO NATION COUNCIL

24<sup>TH</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

AN ACT

RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND  
FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT E TO CAP-35-  
18 FOR THE CHINLE CHAPTER BY DELETING THE "WATERLINE -  
SPIDERROCK PHASE 2.5" PROJECT AND ADDING THE "WATERLINE AND  
SEWER - SPIDERROCK PHASE 2.5" PROJECT, BY CHANGING THE FUNDING  
YEAR PERIODS, AND BY DESIGNATING THE WATER MANAGEMENT BRANCH AS  
THE AGENCY THAT WILL ADMINISTER THE ADDED PROJECT

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, entitled, "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." 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 \$1,429,636 for the Chinle Chapter "Waterline-SpiderRock Phase 2.5" project was approved in Exhibit E to CAP-35-18. The CAP-35-18 Exhibit E showing the Chinle Chapter Project No. E-7 is attached here to as **EXHIBIT 1**.
  - D. The Chinle Chapter desires to delete Project No. E-7 in the Year 1 and Year 3 funding periods and to add the "Waterline and Sewer - SpiderRock Phase 2.5" project in the Year 2 and Year 3 funding periods. The Chapter also desires to have the Navajo Nation Water Management Branch administer the project and the \$1,429,636 in approved Síhasin funds.
  - E. The Division of Community Development - Capital Projects Management Department ("CPMD") has submitted, on behalf of the Chinle Chapter, a Síhasin Project Amendment Certification Form, attached as **EXHIBIT 2**, explaining that the original project parameters did not include a sewer line and did not provide for the administration of the project by the Water Management Branch. The Síhasin Project Amendment Certification Form shows the signature of the Navajo Nation Council Delegate for the Chinle Chapter, in accordance with CAP035-18 Section 4(C).
  - F. As required by CA-35-18 Section 4(C), the new project activities (sewer line project) to be added have 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 \$1,429,636 for the Chinle Chapter, as approved in CAP-35-18, will remain unchanged.

### **SECTION THREE. APPROVAL**

- A. The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit E, Project No. E-7, by deleting the "Waterline - SpiderRock Phase 2.5" project in the Year 1 and Year 3 funding periods and adding the

"Waterline and Sewer - SpiderRock Phase 2.5" project in the Year 2 and Year 3 funding periods, as showing EXHIBIT 2.

- B. The Navajo Nation hereby designates the Navajo Nation Water Management Branch as the agency that will implement and manage the "Waterline and Sewer - SpiderRock Phase 2.5" project and administer the allocated Síhasin funds.
- C. Pursuant to Section Four (B) of CAP-35-18, CPMD shall enter into a partnership agreement with the Water Management Branch providing for the Water Management Branch to implement and manage the added project and administer the \$1,429,636 in Síhasin funds.
- D. The Síhasin Fund shall be reimbursed the \$1,429,636 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 Chinle Chapter's 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. SAVINGS 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.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held by teleconference at which a quorum was present and that the same was passed by a vote of 5 in favor and 0 opposed, this 3<sup>rd</sup> day of May 2022.

A handwritten signature in blue ink, appearing to read 'J. Henio', is written over the printed name.

Jamie Henio, Chairperson  
Budget and Finance Committee

Motion: Honorable Nathaniel Brown  
Second: Honorable Elmer P. Begay

# EXHIBIT: E

## SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN (WATERLINES)

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	Tselani/ Cottonwood	Waterline	Construction	18-24 months	\$0.00	\$265,000.00	\$0.00	\$0.00	\$265,000.00
2	Rough Rock	Low Water project	Design/ Construction	16-24 months	\$0.00	\$588,000.00	\$0.00	\$0.00	\$588,000.00
3	Tohatchi	Waterline	Plan/ Design/ Construction	36 months	\$200,000.00	\$0.00	\$633,333.33	\$25,000.00	\$833,333.33
4	Crystal	Green Knoll/Split Mesa Waterline and Water Storage	Plan/ Design/Construction	36 months	\$100,000.00	\$65,666.66	\$0.00	\$0.00	\$165,666.66
5	Shiprock	Waterline Extension/Updates	Pre-Design (ROW, Survey, Assessment)	36 months	\$100,000.00	\$0.00	\$0.00	\$0.00	\$100,000.00
6	Tolikan	Water line extension	Plan/ Design/ Construction	24 months	\$60,557.00	\$0.00	\$0.00	\$5,000.00	\$60,557.00
7	Chinle	Waterline-SpiderRock Phase 2.5	Plan/ Design/ Construction	24 months	\$50,000.00	\$0.00	\$1,379,636.00	\$0.00	\$1,429,636.00
8	Chinle	Water Well-Construction	Design/ Construction	36 months	\$50,000.00	\$0.00	\$600,000.00	\$0.00	\$650,000.00
9	Cornfields	Waterline	Pre-Design (ROW)	24 months	\$0.00	\$150,000.00	\$0.00	\$0.00	\$150,000.00
					\$560,557.00	\$1,068,666.66	\$2,612,969.33	GRAND TOTAL	\$4,242,192.99

CPMD REF#: 11

## CAP-35-18 PROJECT CHANGE FORM

COUNCIL DISTRICT: Council Delegate Eugene Tso

DELEGATE SIGNATURE: *Eugene Tso*

DATE: Sept. 3, 2019

### PROJECTS TO BE ADDED

Chapter	Project Description	CPMD Project Mgr	Funding			Check-Off List?
			Year 1	Year 2	Year 3	
Chinle	Waterline and Sewer-SpiderRock Phase 2.5 - Project Type: plan, design, construction	Benjamin Cowboy	\$0.00	\$50,000.00	\$1,379,636.00	\$ 1,429,636.00
Total Added Funding:			\$ 1,429,636.00			

Justification	<p>To allow NN Water Management Branch (WMB) to manage expenditure of funds to plan, design, and construct a waterline. WMB will then establish an MOA or MOU with IHS to do planning (ROW) with Year-2 funding and construction activities taking place in Year 3. Original project description also did not include activities for sewer, which has now been added to the Project Description. Project will serve 17 homes on the north side of Highway 7 (South Rim Highway) along Canyon de Chelly. Project is in the IHS SDS system as project # AZ01054-0108.</p>
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# CAP-35-18 PROJECT CHANGE FORM

CPMD REF#: 11

## PROJECTS TO BE DELETED

Exhibit & Project No.	Project Description	CPMD Project Mgr	Funding			All Funding Deleted?
			Year 1	Year 2	Year 3	
E-7	Chinle - Waterline-SpiderRock Phase 2.5	Benjamin Cowboy	\$50,000.00	\$0.00	\$ 1,379,636.00	yes
			Total Deleted Funding: \$ 1,429,636.00			

Justification	The current Legislation CAP-35-18 does not allow NN Water Management Branch to manage expenditure of funds to plan, design, and construct waterlines and sewer to serve 17 homes on the north side of Highway 7 (South Rim Highway) along Canyon de Chelly. The project is in the IHS SDS system as project # AZ01054-0108.				

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 delete project;
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. After review, CPMD considers and certifies the project to be construction-ready.

CPMD: Benjamin Cowboy, Invest. Supervisor  
Name & Title

[Signature]  
Signature

9/27/19  
Date

## BUDGET AND FINANCE COMMITTEE

3 May 2022

Regular Meeting

### VOTE TALLY SHEET:

**Legislation No. 0061-22:** An Act Relating to the Resources and Development and Budget and Finance Committees; Approving a Change in Exhibit E to CAP-35-18 for the Chinle Chapter by Deleting the "Waterline- Spider Rock Phase 2.5" Project and Adding the "Waterline and Sewer – SpiderRock Phase 2.5" Project, by Changing the Funding Year periods, and by Designating the Water Management Branch as the Agency that will Administer the Added Project *Sponsored by Eugene Tso, Council Delegate*


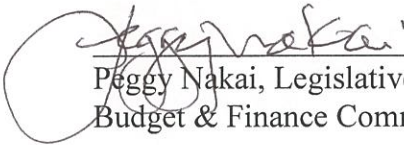
*Motion: Nathaniel Brown*

*Second: Elmer P. Begay*

*Vote: 5-0, Chairman not voting*

### Final Vote Tally:

Jamie Henio		
Raymond Smith Jr.	yea	
Elmer P. Begay	yea	
Nathaniel Brown	yea	
Amber K. Crotty	yea	
Jimmy Yellowhair	yea	

  
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Jamie Henio, Chairman  
Budget & Finance Committee  
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Peggy Nakai, Legislative Advisor  
Budget & Finance Committee