

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

24TH NAVAJO NATION COUNCIL - Fourth Year, 2022

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 3, 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 Amended by CAJ-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. Section4(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, in the Year 3 funding period.
- 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.

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, in the Year 3 funding period, 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. SAVINGS CLAUSE

If any provision of this Act 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, those 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 4 in favor and 0 opposed, this 20th day of September 2022.

A handwritten signature in black ink, appearing to read 'J. Henio', written over a horizontal line.

Jamie Henio, Vice Chairperson
Budget and Finance Committee

Motion: Honorable Elmer P. Begay
Second: Honorable Amber Kanazbah Crotty

CAP-35-18

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN

EXHIBIT:

D

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 Road Improvement-Apache	Major Equipment	2-4 months	\$45,000.00	\$0.00	\$0.00	\$0.00	\$45,000.00
35	Round Rock	Road Improvement-Apache City 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 Senior Center	Design/Construction	6-8 months	\$220,000.00	\$0.00	\$0.00	\$0.00	\$220,000.00
39	Tsalle/Wheatfields	Rehabilitation of Facility Cemetery	Design/Construction	6-8 months	\$0.00	\$48,255.00	\$319,000.00	\$0.00	\$367,255.00
40	Tsalle/Wheatfields	Chapter Tract Master Plan	Design/Construction	6-8 months	\$20,032.12	\$0.00	\$0.00	\$0.00	\$20,032.12
41	Tsalle/Wheatfields	BIA Road Route 8070	Design/Construction	12-16 months	\$35,000.00	\$0.00	\$0.00	\$0.00	\$35,000.00
42	Rough Rock	Senior Center	Construction	12 months	\$245,333.33	\$0.00	\$0.00	\$0.00	\$245,333.33
43	Lukachukai	Chapter Fencing	Design/Construction	12-18 months	\$482,903.33	\$0.00	\$0.00	\$20,000.00	\$482,903.33
44	Lukachukai	Chapter Agriculture Building	Construction	6-8 months	\$0.00	\$70,000.00	\$0.00	\$0.00	\$70,000.00
45	Lukachukai	Chapter Equipment	Major Equipment	4-6 months	\$144,000.00	\$0.00	\$0.00	\$0.00	\$144,000.00
46	Lukachukai	Chapter Equipment Manlift	Major Equipment	6-8 months	\$39,500.00	\$0.00	\$0.00	\$0.00	\$39,500.00
47	Lukachukai								

CAPITAL PROJECTS MANAGEMENT DEPARTMENT

SIHASIN PROJECT AMENDMENT CERTIFICATION CAP-35-18

I. PROJECT DETAILS

DATE SUBMITTED: 08/30/22

PROJECT NAME: Mexican Springs Chapter Rd. Maintenance Culverts & Bridges

REFERENCE NUMBER: CPMD-# 47

PROJECT TYPE: 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	
D-33	Mexican Springs Road Maintenances Culverts & Bridges Change Project Description To: Road Improvement-Badger Loop	121,333.34			Deleted
D-33	Mexican Springs Chapter Rd Improvement-Badger Loop Move to third year.			121,333.34	Added

TOTAL: \$121,333.34

I INCREASED / I DECREASED FUNDING

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate:

Pernell Halona

[Signature]

9/6/22

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

SIGNATURE

DATE

CPMD Project Manager

Donald Jackson

[Signature]

9/6/22

CPMD Department Manager

James Adakai, Delegated Dept. Manager

[Signature]

8-30-22

EXHIBIT 2

Job

C01700 MEX SPRGS RD MAINT, C & BRIDGES

From Date 10/1/2020 Thru Date

9/30/2021

Project

Cost Code	Cost Type	Description	L P M	DECUM	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	BN	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

BUDGET AND FINANCE COMMITTEE

20 September 2022

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0103-22: An Act Relating to the Resources and Development, 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 *Sponsored by Pernell Halona, Council Delegate*

Motion: Elmer P. Begay

Second: Amber K. Crotty

Vote: 4-0, Chairman not voting

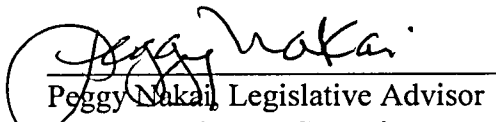
Final Vote Tally:

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

Excused: Jimmy Yellowhair



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee