

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, EXHIBIT E,
FOR THE CRYSTAL CHAPTER BY REALLOCATING \$165,666.66 IN SÍHASIN
FUNDS TO THE CHAPTER'S FIRE SUPPRESSION PROJECT AND MOVING
FUNDS TO THE YEAR 3 FUNDING PERIOD

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation 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 this reference.
- B. Section 4(C) of CAP-35-18 allows an approved Chapter project to be changed, by changing the year funded, by adding to the project, or by changing the project entirely, with the concurrence of the Council Delegate representing the 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 and the total Síhasin Funding for the District does not exceed \$4,166,666.67.

- C. The amount of \$165,666.66 for the Crystal Chapter's "Green Knoll/Split Mesa Waterline and Storage" project was approved in Exhibit E of CAP-35-18. The CAP-35-18 Exhibit E showing the Crystal Project No. E-4 is attached hereto as **EXHIBIT 1**.
- D. The Crystal Chapter desires to delete Project No. E-4 in the Year 1 and Year 2 Funding Periods and reallocate the approved funds to the Year 3 Funding Period, and to change the approved project to the "Fire Suppression System" project. The Division of Community Development - Capital Projects Management Department ("CPMD") has submitted, on behalf of the Chapter, a Síhasin Project Amendment Certification Form. **EXHIBIT 2**. The CPMD Amendment Certification Form shows the signature of the Navajo Nation Council Delegate for the Crystal Chapter, as required by CAP-35-18 Section 4(C).
- E. The Crystal Chapter has passed Resolution No. CRY-01-2022-002, dated January 23, 2022, to request this project change. **EXHIBIT 3**.
- 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 \$165,666.66 for the Crystal Chapter, as approved in CAP-35-18, will remain unchanged.
- G. The Síhasin Fund shall be reimbursed the \$165,666.66 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 described herein are deemed eligible under such COVID-19 related or other funding sources.

SECTION THREE. APPROVAL

The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit E, Project No. E-4, for the Crystal Chapter by deleting the "Green Knoll/Split Mesa Waterline

and Storage Project" in Funding Year 1 and Year 2, and adding the "Fire Suppression System" Project to the Year 3 Funding Period, as shown in the attached **EXHIBIT 2**.

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 3RD day of May 2022.


Jamie Henio, Chairperson
Budget and Finance Committee

Motion: Honorable Amber Kanazbah Crotty
Second: Honorable Raymond Smith, Jr.

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

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

I. PROJECT DETAILS

DATE SUBMITTED: 01/28/2022

PROJECT NAME: Crystal Chapter

REFERENCE NUMBER: _____

PROJECT TYPE: Chapter Fire Suppression Water Tank Project

ORIGINAL DATE APPROVED: November 28, 2019

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		
E-4	Amend-Remove Chapter Funds	\$100,000.00	\$65,666.67		\$165,666.67	DELETE
	Green Knoll/Split Mesa Waterline and Storage - Project					
D-51	Amend- Added funding to Crystal chapter Fire Suppression		\$165,666.67		\$165,666.67	ADDED
	Fire Suppression System					
TOTAL: INCREASED DECREASED FUNDING:					\$165,666.67	

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Wilson Stewart Jr.

Wilson Stewart Jr.

01-28-2022

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

CPMD Project Manager

James Atkinson

James Atkinson

01/28/22
1-28-22

CPMD Department Manager

EXHIBIT
2



PO Box 775, Navajo, New Mexico 87328

(505)777-2800/2801

CRY-01-2022-002

RESOLUTION OF THE CRYSTAL CHAPTER

RESPECTFULLY REQUESTING RESOURCES & DEVELOPMENT COMMITTEE (RDC) AND THE BUDGET & FINANCE COMMITTEE (BFC) TO APPROVE A CHANGE IN FUNDING IN RESOLUTION CAP-35-18 TO TRANSFER THE REMAINING BALANCE OF \$165,666.67 FROM THE WATER LINE EXTENSION / WATER STORAGE PROJECT TO THE FIRE SUPPRESSION SYSTEM PROJECT.

WHEREAS:

1. Pursuant to 26 N.N.C, Section 3 (A) The Crystal Chapter is a duly recognized Certified Chapter of the Navajo Nation Government as listed at 11 N.N.C., Part 1 of Section 10; and
2. Pursuant to 26 N.N.C, Section 1 (B), the Crystal Chapter is delegated with the government authority to make decisions over local matters consistent with Navajo law, customs, and traditions; and
3. Pursuant to 2 N.N.C. #500(A) and (C)(7) and #501(C)(1), the Resources and Development Committee (RDC) was established as a Standing Committee of the Navajo Nation Council with the responsibility to establish rules, regulations and policies to streamline procedures for approval, management, and enforcement to enhance the development of the economy and increase development on the Navajo Nation and is the Oversight Committee of the Division of Community Development, Administrative Services Centers, and the 110 chapter ; and
4. On May 07, 2018, the 23rd Navajo Nation Council passed resolution CAP-35-18, the Sihasin Fund Powerline and Chapter Projects Expenditure Plan, which combined the Undesignated Unreserved Fund Balance and Shiasin Fund totaling \$100,000,000.00 that was divided equally amongst the twenty-four (24) Council Delegate District equaling \$4,166,666.67 per district; and
5. The resolution CAP-35-18, the Sihasin funding and Chapter Project expenditure plan of \$165,666.67 was approved and allocated for the Crystal Chapter Water line extension / Water Storage Project; and
6. All required documents to request a “change in the funding and transfer” are hereby attached to the following resolution.


NOW THEREFORE, BE IT RESOLVED THAT:

1. The Crystal Chapter respectfully requests Resources & Development Committee (RDC) and the Budget & Finance Committee (BFC) to approve a change in funding year in

Resolution CAP-35-18 to transfer the remaining balance of \$165,666.67 from the Water line extension / Water storage Project to Fire suppression system project.

CERTIFICATION

I, hereby certify the foregoing resolution was duly considered by the Crystal Chapter at a duly called meeting at Crystal (Navajo Nation), New Mexico which a quorum was present and that same was motioned by **Randall Kelly** and seconded by **Darrell Stewart** and votes of **(06)** in favor, **(00)** opposed and **(01)** abstained this **23rd** day of January 2022.



Patricia Slim, Chapter President

BUDGET AND FINANCE COMMITTEE

3 May 2022

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0056-22: An Act Relating to the Resources and Development, and Budget and Finance Committees; Approving a Change to CAP-35-18, Exhibit E, for the Crystal Chapter by Allocating \$165,666.66 in Sihasin Funds to the Chapter's Fire Suppression Project and Moving Funds to the Year 3 Funding Period *Sponsored by Wilson C. Stewart, Jr., Council Delegate*


Motion: Amber K. Crotty

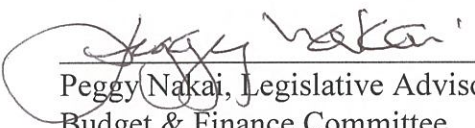
Second: Raymond Smith, Jr.

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	



Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee