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: Bluehorse
Website Posting Time/Date: 03-18-2021 5:13PM
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.

OLC No. 21-104-1

SECTION TWO. FINDINGS

A. On April 17, 2018, the Navajo Nation Council adopted Council Resolution No. CAP-35-18, "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 Budget and Capital Improvement Process." Resolution No. CAP-35-18 is incorporated herein by reference.

B. A "Cemetery Pre-Design" Project is listed in Resolution No. CAP-35-18 at Exhibit D, Project No. 143. The relevant page of Exhibit D of CAP-35-18 is attached as **Exhibit 1**.

C. The Lupton Chapter has submitted a "Síhasin Project Amendment Certification" form attached as **Exhibit 2**, requesting a change to the description for Project No. 143 from "Cemetery Pre-Design" to "Plan, Design, Construct and Equipment" for the Cemetery Project. No change in Síhasin funding for the Project is requested, and the amount of allocated funding will remain at $100,000.

D. The Sihasin Project Amendment Certification form has been signed by the Navajo Nation Council Delegate representing the Lupton Chapter's council district, as required by CAP-35-18, Section 4, Paragraph C.

E. The Capital Projects Management Department, through its signature in Section IV of **Exhibit 2**, has indicated the Project is construction ready, and the total Sihasín Funding for the Lupton Council District will not exceed $4,166,666.67.

F. The Lupton Chapter has passed Resolution No. TSA-2019-04-020, dated April 16, 2019, explaining the need for the change in language in Exhibit D to CAP-35-18, to include construction and land planning/pre-design work for the Cemetery Project. Resolution No. TSA-2019-04-020 is attached as **Exhibit 3**.

SECTION THREE. APPROVAL

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

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.

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	Desgin/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	Basketall 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

tabbies 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				FUNDING AMOUNT ADDED OR DELETED
		YEAR 1	YEAR 2	YEAR 3	TOTAL FUNDING	
D-143	Cemetery Pre-Design			100,000		DELETED
D-143	Cemetery: Change Project type to Plan, Design,			100,000	100,000	Added
	Construct and Equipment.					

TOTAL: [ ] INCREASED / [ ] DECREASED FUNDING: $ 100,000

Acknowledgement of Project Amendment:

	PRINTED NAME	SIGNATURE	DATE
Navajo Nation Council Delegate	Raymond Smith, Jr.		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.***

tabbies EXHIBIT 2

IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE DEEMED CONSTRUCTION-READY.

	PRINTED NAME	SIGNATURE	DATE
CMPD Project Manager	Kent Grantsen	Kent Grantsen	12-17-19
CPMD Department Manager	James Adakai		12-17-19

EXHIBIT tabbies 3

TSÉ SÍ ANÍ
CERTIFIED CHAPTER

TSA-2019-04-020

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

SECONDED BY: Irvin Benally

Yvonne Murphy, Chapter President

Alvin Blackgoat, Chapter Vice President

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

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

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

FROM : Luralene D. Tapahe
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	***None***
Comments/Recommendations	***None***

Johnson
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.