LEGISLATION SUMMARY SHEET

TRACKING NO. 0246-21

DATE: November 18, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD PROJECT

PURPOSE OF THIS LEGISLATION: to approve a change to CAP-35-18 Exhibit D to delete the Tse Si Ani (Lupton) Chapter Road Improvement Project No. D-146 and reallocate the $75,040 in approved funds to the N-9402 Road Improvement Project.

5-DAY BILL HOLD PERIOD: Julissa Johnson/VSR
Website Posting Time/Date: Nov. 19, 2021 @ 5:05PM
Posting End Date: November 24, 2021
Eligible for Action: November 25, 2021

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

Introduced by:

(Prime Sponsor)

Tracking No. 0246-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD 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 $75,040 for the Tse Si Ani (Lupton) Chapter Road Improvement Project was approved in Exhibit D of CAP-35-18. The CAP-35-18 Exhibit D showing the Chapter Project No. 146 is attached hereto as **EXHIBIT 1**.

D. In Resolution No. TSA-2021-07-044 the Chapter requests to delete No. D-146 and to reallocate the $75,040 in approved funds to the N-9402 Road Improvement Project that will significantly benefit the Chapter community. **EXHIBIT 2**.

E. Regarding this change request, the Division of Community Development, Capital Projects Management Department ("CPMD") has submitted on behalf of the Chapter, a Síhasin Project Amendment Certification Form, attached hereto as **EXHIBIT 3**. The CPMD Amendment Certification Form shows the signature of the Navajo Nation Council Delegate for the Tse Si Ani (Lupton) Chapter, as required by CAP-35-18 Section 4(C).

F. As required by CAP-35-18 Section 4(C), the new N-9402 Project to receive the Síhasin funds has been certified by CPMD as construction-ready and the total Síhasin Funding for the Chapter's Council District will not exceed $4,166,666.67. In fact, the Síhasin funding amount of $75,040 originally approved in CAP-35-18 will remain unchanged.

G. The Síhasin Fund shall be reimbursed, in the amount of the allocation authorized in this Legislation, from prospective funds available to the Navajo Nation from any and all appropriate state and federal sources.

SECTION THREE. APPROVAL

The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit D, Project No. 146, for the Tse Si Ani (Lupton) Chapter, as shown in **EXHIBIT 3**.

SECTION FOUR. EFFECTIVE DATE

This Legislation shall become effective pursuant to 12 N.N.C. §2505.

SECTION FIVE. SAVING 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.

EXHIBIT: D

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS
EXPENDITURE PLAN

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design,	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
145	Lupton	Housewiring	Construction	15 months	$0.00	$13,000.00	$0.00	$0.00	$13,000.00
146	Lupton	Road Improvement	Pre-Design	16 months	$0.00	$0.00	$75,040.00	$0.00	$75,040.00
147	Nahatadzil	Shopping Center	Construction	12-18 months	$1,265,035.70	$0.00	$0.00	$7,200,000.00	$1,265,035.70
148	Houck	Bathroom Additions	Design/Construction	18-24 months	$60,000.00	$255,000.00	$0.00	$0.00	$315,000.00
149	Houck	Cemetery	Plan/Design/Construction	18-24 months	$46,722.00	$0.00	$0.00	$0.00	$46,722.00
150	Houck	9402 Road Improvement	Plan/Design	18-24 months	$85,000.00	$0.00	$0.00	$0.00	$85,000.00
151	Tuba City	Senior Center	Design/Construction	18-24 months	$1,400,000.00	$2,766,666.66	$0.00	$370,000.00	$4,166,666.66
152	Casamero Lake	McKinley County Rd.19 Construction Proejct	Construction	24 months	$2,811,443.31	$0.00	$0.00	$0.00	$2,811,443.31
153	Baca-Prewitt	Backhoe	Major Equipment	4-6 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
154	Baca-Prewitt	New Warehouse	Pre-Design	12-18 months	$150,000.00	$0.00	$0.00	$0.00	$150,000.00
155	Hardrock	Senior Center Facility Repairs	Design/Construction	24 months	$250,000.00	$0.00	$0.00	$0.00	$250,000.00
156	Hardrock	ADA	Design/Construction	24 months	$0.00	$60,000.00	$0.00	$0.00	$60,000.00
157	Hardrock	Walk-in Shower	Design/Construction	24 months	$52,269.00	$0.00	$0.00	$0.00	$52,269.00
158	Hardrock	HVAC Unit	Design/Construction	24 months	$50,000.00	$0.00	$0.00	$0.00	$50,000.00
159	Hardrock	Vehicle	Major Equipment	24 months	$74,886.00	$0.00	$0.00	$0.00	$74,886.00

tabbies EXHIBIT 1

TSÉ SÍ ANÍ
CERTIFIED CHAPTER

EXHIBIT 2

TSA-2021-07-044

RESOLUTION OF THE TSE SI ANI CHAPTER

Requesting the Navajo Nation Resources & Development and the Budget & Finance Committees To Approve Tse Si Ani Chapter's Request to Amend CAP-35-18 to Delete D-146 Road Improvement And Transfer the Funds of $75,040 to D-144, the N-9402 Road Improvement Project and to Amend The Project Description to Plan, Design and Construction

WHEREAS:

1. Tse 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 the project D-146 Road Improvement for pre-design; however the current language limits the ability to improve the road beyond pre-design; and
4. The Tse Si Ani Chapter approves a change to resolution CAP-35-18 for project D-146 Road Improvement of Exhibit D for deletion and the transfer of funds of $75,040 to D-144 N-9402 Road Improvement Project; and
5. Amend the Project Description to Plan, Design and Construct; and
6. The Tse Si Ani Chapter is striving to better serve its community for all ages to provide economic and social strides in service and delivery.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Tse Si Ani Chapter is requesting the Navajo Nation Resources & Development and Budget & Finance Committees to approve the Tse Si Ani Chapter's request to amend CAP-35-18 to delete D-146 road improvement and transfer the funds of $75,040 to D-144, the N-9402 Road Improvement Project and to amend the project description to plan, design and construction.

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 5 in favor, 0 opposed and 1 abstained on this 20th day of July 2021.

MOTIONED BY: Margaret Yazzie

SECONDED BY: Marlene S Apachee

Chapter President, Yvonne Murphy

Chapter Vice President, Margaret Yazzie

Secretary/Treasurer, Marlene S. Apachee

Council Delegate, Honorable Raymond Smith Jr.

Yvonne S. Murphy | President
Margaret Yazzie | Vice President
Marlene Apachee | Secretary/Treasurer
Raymond Smith Jr. | Council Delegate
Randall Comb | Grazing Official

CAPITAL PROJECTS MANAGEMENT DEPARTMENT

SIHASIN PROJECT AMENDMENT CERTIFICATION

CAP-35-18

I. PROJECT DETAILS

DATE SUBMITTED: _____

PROJECT NAME: Lupton Chapter Road Improvement

REFERENCE NUMBER: #50

PROJECT TYPE: Pre-Design

ORIGINAL DATE APPROVED: July 20, 2021

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-146	Lupton Road Improvement			$75,040	$0	Delete
	N-9402 Road Improvement: Plan, D., & C. *			$75,040	$75,040	Add
	*Transfer funds into N-9402 Road Improvement					
				TOTAL: [ ] INCREASED / [ ] DECREASED FUNDING:	$75,040	

Acknowledgement of Project Amendment:

	PRINTED NAME	SIGNATURE	DATE
Navajo Nation Council Delegate	Raymond Smith Jr.,		7/20/2021

III. REASON FOR AMENDMENT

CPMD has reviewed the CAP-35-18 Project Change Form and concurs that:

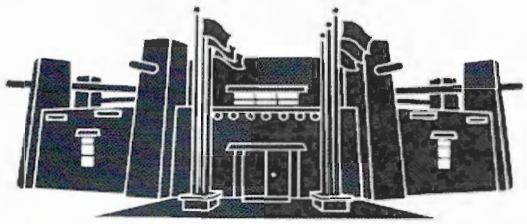
1. The total amount of funding for the added projects equals the total amount of funding for the deleted projects;
2. Each added project has a completed Project Check-Off List signed off by CPMD and attached to this Form; and
3. After the projects have been added and deleted, the total CAP-35-18 funding 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 CONSTRUCTION-READY.

	PRINTED NAME	SIGNATURE	DATE
CMPD Project Manager	Kent Grantsen	Kent Grantsen	7/20/21
CPMD Department Manager	James Adakai, Delegated		7-20-21

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Hon. Delegate Raymond Smith, Jr., Vice-Chairman
Budget and Finance Committee
24th Navajo Nation Council

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

DATE: November 18, 2021

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD PROJECT**

Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to review by the Navajo Nation courts in the event of proper legal challenge.

Please ensure that this legislation is precisely what you want. You are encouraged to review this proposed legislation to ensure that it is drafted to your satisfaction.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. Nevertheless, the Speaker of the Navajo Nation Council may assign this legislation to committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find this document unacceptable for any reason, please immediately contact me at the Office of Legislative Counsel (at extension 7166) and advise me of the changes you would like made to this proposed legislation. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0246-21__ **SPONSOR: Raymond Smith, Jr.**

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Exhibit D to Resolution No. CAP-35-18 for Tse Si Ani (Lupton) Chapter by Deleting the Chapter Road Improvement Project and Reallocating the $75,040 in Funds to the N-9402 Road Project

***Date posted*: November 19, 2021 at 5:05PM**

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.: 0246-21

SPONSOR: Honorable Raymond Smith, Jr.

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Exhibit D to Resolution No. CAP-35-18 for Tse Si Ani (Lupton) Chapter by Deleting the Chapter Road Improvement Project and Reallocating the $75,040 in Funds to the N-9402 Road Project

Posted: November 19, 2021 at 5:05 PM

5 DAY Comment Period Ended: November 24, 2021

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

11/29/21 9:10AM
Date/Time

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 #0246-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD PROJECT. *Sponsor: Honorable Raymond Smith, Jr.*

Has had it under consideration 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: December 22, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Mark A. Freeland **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Mark A. Freeland; Herman M. Daniels; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

THIRD YEAR 2021

ROLL CALL
VOTE TALLY SHEET

LEGISLATION #0246-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD PROJECT. *Sponsor: Honorable Raymond Smith, Jr.*

Date: December 22, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Mark A. Freeland **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Mark A. Freeland; Herman M. Daniels; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

Honorable Rickie Nez, *Chairperson*
Resources and Development Committee

Rodney L. Tahe

Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services