

## **SUMMARY OF PROPOSED LEGISLATION**

TrackingNo. 0103-22

Date: June 17, 2022

**Re: 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 1, WITH NO CHANGE IN THE ORIGINAL FUNDING AMOUNT**

### **Purpose of this Legislation:**

to approve a project change in CAP-35-18 Exhibit D-33 for the Mexican Springs Chapter, to delete the “Road Maintenance, Culverts, and Bridges” in the Year 1 funding period and to add the “Road Improvement - Badger Loop” Project, also in Year 1.

OLC No. 22-119-1

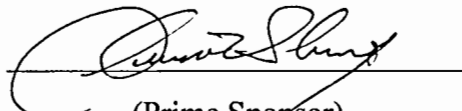
5-DAY BILL HOLD PERIOD: Applusem  
Website Posting Time/Date: 8:35pm; 06-21-22  
Posting End Date: 06-26-22  
Eligible for Action: 06-27-22

Resources & Development Committee  
Thence  
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

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

Introduced by:

  
(Prime Sponsor)

Tracking No. 0103-22

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 1, 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 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 \$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, also in Year 1.

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

1 Improvement - Badger Loop” Project for the Mexican Springs Chapter, also in Year 1, as  
2 shown in the attached **EXHIBIT 2**.

3 B. The Síhasin Fund shall be reimbursed the \$121,333.34 reallocated herein, from funds  
4 available to the Navajo Nation from any and all state and federal sources, including  
5 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-  
6 19-related relief, so long as the expenditures for the Mexican Springs Chapter project are  
7 deemed eligible under such COVID-19-related or other funding sources.

#### 8 9 **SECTION FOUR. EFFECTIVE DATE**

10 This Legislation shall become effective pursuant to 12 N.N.C. §2505.  
11

#### 12 **SECTION FIVE. SAVING CLAUSE**

13 If any provision of this Legislation is determined invalid by the Supreme Court of the Navajo  
14 Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme  
15 Court, the provision(s) not determined invalid shall remain as Navajo Nation law.  
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CAP-35-18

EXHIBIT:  
DSIHASIN 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
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 Cty. 590	Major Equipment	2-4 months	\$45,000.00	\$0.00	\$0.00	\$0.00	\$45,000.00
35	Round Rock	Road Improvement-Apache Co. 492	Pre-Design/Design	18-24 months	\$50,000.00	\$60,000.00	\$228,533.94	\$0.00	\$338,533.94
36	Round Rock	Signage Proposal	Design/Construction	18-24 months	\$50,000.00	\$60,000.00	\$351,153.69	\$0.00	\$461,153.69
37	Round Rock	Fencing of Tract	Design/Construction	6-8 months	\$33,198.50	\$0.00	\$0.00	\$0.00	\$33,198.50
38	Tsaile/Wheatfields	Senior Center Rehabilitation of Facility	Design/Construction	6-8 months	\$220,000.00	\$0.00	\$0.00	\$0.00	\$220,000.00
39	Tsaile/Wheatfields	Cemetery	Design/Construction	6-8 months	\$0.00	\$48,255.00	\$319,000.00	\$0.00	\$367,255.00
40	Tsaile/Wheatfields	Chapter Tract Master Plan	Design/Construction	6-8 months	\$20,032.12	\$0.00	\$0.00	\$0.00	\$20,032.12
41	Tsaile/Wheatfields	BIA Road Route 8070	Design/Construction	18-24 months	\$35,000.00	\$0.00	\$0.00	\$0.00	\$35,000.00
42	Rough Rock	Senior Center	Design/Construction	12-16 months	\$46,100.00	\$143,250.00	\$643,983.00	\$0.00	\$833,333.00
43	Lukachukai	Chapter Fencing	Construction	12 months	\$245,333.33	\$0.00	\$0.00	\$0.00	\$245,333.33
44	Lukachukai	Chapter Agriculture Building	Design/Construction	12-18 months	\$482,903.33	\$0.00	\$0.00	\$20,000.00	\$482,903.33
45	Lukachukai	Chapter Equipment	Construction	6-8 months	\$0.00	\$70,000.00	\$0.00	\$0.00	\$70,000.00
46	Lukachukai	Chapter Equipment	Major Equipment	4-6 months	\$144,000.00	\$0.00	\$0.00	\$0.00	\$144,000.00
47	Lukachukai	Chapter Equipment Manlift	Major Equipment	6-8 months	\$39,500.00	\$0.00	\$0.00	\$0.00	\$39,500.00



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

**I. PROJECT DETAILS**

DATE SUBMITTED: May 20, 2021

PROJECT NAME: Mexican Springs-Rd. Maint. Culverts & Bridges

REFERENCE NUMBER: CPMD Ref. #47

PROJECT TYPE: Design & Construction

ORIGINAL DATE APPROVED: November 17, 2018

**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 Rd. Maint. Culverts & Bridges	121,333.34			Deleted
	Change Project Description To:				
	Road Improvement - Badger Loop	121,333.34			Added
TOTAL: <input type="checkbox"/> INCREASED / <input type="checkbox"/> DECREASED FUNDING:		121,333.34			

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Pernell Holona



3/1/22

**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

CMPD Project Manager

Donald Jackson

CPMD Department Manager

James Adakai



3-24-22

Job

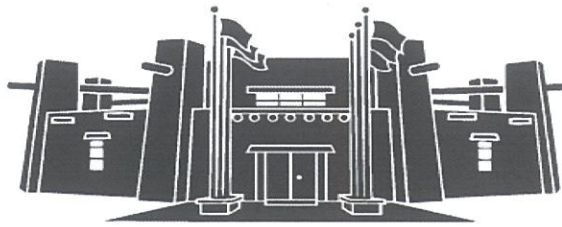
C01700 MEX SPRGS RD MAINT, C &amp; BRIDGES

Job Status Inquiry Print

From Date 10/1/2020 Thru Date 9/30/2021

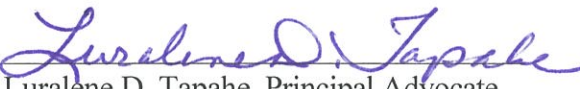
Project

Cost Code	Cost Type	Description	L P M	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



## MEMORANDUM

To: Hon. Pernell Halona, Member  
Health, Education, and Human Services Committee  
24<sup>th</sup> Navajo Nation Council

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

Date: June 17, 2022

Subject: **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 1, WITH NO CHANGE IN THE ORIGINAL FUNDING AMOUNT**

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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 regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

**Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.**

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. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: [LuraleneTapahe@navajo-nsn.gov](mailto:LuraleneTapahe@navajo-nsn.gov)

Thank you for your cooperation.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0103-22\_

SPONSOR: Pernell Halona

**TITLE: 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**

***Date posted:*** June 21, 2022 at 8:35PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.

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**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0103-22**

**SPONSOR: Honorable Pernell Halona**

**TITLE: 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**

**Posted: June 21, 2022 at 8:35 PM**

**5 DAY Comment Period Ended: June 26, 2022**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	<i>None</i>

  
**Legislative Tracking Secretary  
Office of Legislative Services**

**June 27, 2022; 11:15 AM**  
**Date/Time**