LEGISLATIVE SUMMARY SHEET

Tracking No. 0105-19

DATE: May 7, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN PROJECT FUNDING IN RESOLUTION CAP-35-18; APPROVING A REALLOCATION OF $69,641.67 FOR THE DESIGN, PLANNING AND CONSTRUCTION OF THE SOLAR STREET LIGHT PROJECT PHASE II AND III

PURPOSE: If approved, this resolution will deleted $69,641.67 from funding for Year 1 of the Street Rehabilitation (CAP-35-18, Exhibit D, Project 53) and reallocated to Year 2 of the plan for the Solar Street Light Project (CAP-35-18, Exhibit D, Project 52), Phase II and III which will include designing, planning and construction.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Lewis Bss
Website Posting Time/Date: _____
Posting End Date: 5-12-19
Eligible for Action: 5-13-19

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Wilson Stewart

Primary Sponsor

TRACKING NO. 0105-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN PROJECT FUNDING IN RESOLUTION CAP-35-18; APPROVING A REALLOCATION OF $69,641.67 FOR THE DESIGN, PLANS AND CONSTRUCTION FOR THE SOLAR STREET LIGHT PROJECT FOR PHASE II AND III

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."

Section Two. Findings

A. The Navajo Nation Council adopted Council Resolution 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" on April 17, 2018.

B. Ft. Defiance Chapter submitted a CAP-35-18 Project Change Form, which is attached as **Exhibit A**.

C. The Project Change Form indicates $69,641.67 will be deleted from the funding for Year 1 of the Street Rehabilitation (CAP-35-18, Exhibit D, Project 53) and reallocated to Year 2 of the plan for the Solar Street Light Project (CAP-35-18, Exhibit D, Project 53), Phase II and III which will include designing, planning and construction.

Section Three. Approval

A. The Navajo Nation hereby approves a change allowing $69,641.67 to be deleted from the funding for Year 1 of the Street Rehabilitation (CAP-35-18, Exhibit D, Project 53) and reallocated to Year 2 of the plan for the Solar Street Light Project (CAP-35-18, Exhibit D, Project 52), Phase II and III which will include designing, planning and construction.

EXHIBIT
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A

CAP-35-18 PROJECT CHANGE FORM

COUNCIL DISTRICT: Wilson C. Stewart Jr.

DELEGATE SIGNATURE: Wilson C. Stewart Jr.

DATE: 04-10-2019

PROJECTS TO BE ADDED						
Chapter	Project Description	Funding				Check-Off List?
		Year 1	Year 2	Year 3	Total Funding	
Fort Defiance	Solar Street Light Project, Phase II & III for planning/design/construction		X		$69,641.67	
				Total Added Funding:	$69,641.67	

CAP-35-18 PROJECT CHANGE FORM

PROJECTS TO BE DELETED						
Exhibit & Project No.	Project Description	Funding				All Funding Deleted?
		Year 1	Year 2	Year 3	Total Funding	
D	Street Rehabilitation	X			$69,641.67	Yes
				Total Deleted Funding:	$69,641.67	

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.

CPMD: Benjamen Cerda, Construction — Name & Title

Signature

4/10/19 — Date

Instructions

for

CAP-35-18 PROJECT CHANGE FORM

The **CAP-35-18 PROJECT CHANGE FORM** ("FORM") is intended to be submitted to the Capital Projects Management Department ("CPMD") for review and signature, and then attached as an exhibit to the committee legislation requesting approval of the project change(s).

The following instructions apply to *all* project changes, including LGA Certified Chapter projects, *Non*-LGA Certified Chapter projects, CPMD projects and NTUA projects, and are intended to ensure that all information is correctly included so that CPMD can provide an expeditious review and sign-off.

1. The "COUNCIL DISTRICT" line should be filled in with the name of the Council Delegate representing the chapter(s) whose project(s) is to be changed.

2. The FORM should be signed and dated by the Council Delegate *before* the FORM is submitted to CPMD. This is necessary as CAP-35-18 requires project changes be concurred with by the Delegate representing the Council District where the project(s) at issue at located.

3. The "PROJECTS TO BE ADDED" section is where each *new* project is to be listed. In situations where the funding year for a project is to be changed, the project, along with its *new* funding year, should be listed in the "PROJECTS TO BE ADDED" section.

    a. The "CHAPTER" block should be filled in with the name of the Chapter where the added project is located.

    b. The "PROJECT DESCRIPTION" block should describe the added project, including whether it is planning, design, renovation, construction, adding funds to an ongoing project, etc.

    c. The "FUNDING" blocks should indicate which year(s) funding is requested, as well as the total amount of funding requested. Note that CAP-35-18 only allows 24 months after distribution for the funds

to be spent or encumbered. Also note that Year 1 funding is to be available for distribution on July 1, 2018; Year 2 funding is to be available on January 1, 2019; and Year 3 funding is to be available on January 1, 2020.

d. The "CHECK-OFF LIST?" block should indicate by "yes" or "no" whether a CPMD certified completed Project Proposals Check-Off List or NTUA equivalent is attached to the Form. CAP-35-18 requires that CPMD or NTUA certify that an added project, including earlier year funding, is construction-ready.

e. The "TOTAL ADDED FUNDING" block should indicate the total dollar amount for *all* added projects and should include funding being added for a different year.

4. The "PROJECTS TO BE DELETED" section is where each existing project to be deleted should be listed, this includes projects where the funding is to be reduced but not completely eliminated. In situations where the funding year for a project is to be changed, the existing project, along with its existing funding year, should be listed in the "PROJECTS TO BE DELETED" section.

   a. The "EXHIBIT & PROJECT NO." block is the CAP-35-18 Exhibit and Project Number for the deleted project. For example, *if* the Alamo-Powerline/Waterline (Exhibit E, Project No. 1) was to be deleted it would be identified here as E-1.

   b. The "PROJECT DESCRIPTION" block should state the Chapter wherein the deleted project is located plus the project description used in the CAP-35-18 exhibits.

c. The "FUNDING" blocks should indicate how much money is being deleted each year, as well as the total amount of funding deleted. If the funding for a project is only being reduced and not completely eliminated, only the dollar amount of the reduction should be listed.

d. The "ALL FUNDING DELETED?" block should indicate "yes" if all funding for a project is being deleted and "no" if the funding for a project is only being reduced and not completely eliminated.

e. The "TOTAL DELETED FUNDING" block should indicate the total dollar amount of funding being deleted and should include funding being moved to a different year.

5. The "TOTAL ADDED FUNDING" amount and the "TOTAL DELETED FUNDING" amount *must* match exactly.

6. CPMD will sign the FORM after it has verified that the FORM is in strict compliance with CAP-35-18.

7. The FORM should then be submitted to the Office of Legislative Counsel by the respective Delegate as an attachment to their request for committee legislation.

THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Phone: (928) 729-4352 • Fax (928) 729-4353
Email: *ftdefiance@navajochapters.org*

Wilson St
Aaron S
Brenda Wauneka,
Herman Billie, *Grazing Official*
Benjamin Bennett *Council Delegate*

EXHIBIT
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RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

RESOLUTION OF THE FORT DEFIANCE CHAPTER
NAVAJO NATION

FDC-2018-18-11-02

REQUESTING THE RESOURCE & DEVELOPMENT COMMITTEE AND THE BUDGET AND FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL TO RE-ALLOCATE THE FY2019 SIHASIN FUNDS OF $69,641.67 FOR THE DESIGN & PLANS, AND CONSTRUCTION FOR FORT DEFIANCE SOLAR STREET LIGHT PROJECT FOR PHASE II AND III.

WHEREAS:

1. Pursuant to 26 N. N. C, Section 3 (A) the Fort Defiance Chapter is a duly recognized Chapter of the Navajo Nation Government, as listed at II N. N. C., part 1, Section 10; and

2. The Navajo Nation Council pursuant to legislation 0116-18, the Council approved and adopted the Sihasin funds for powerline and chapter projects; and

3. The Fort Defiance Chapter received $972,025.00 from the Sihasin funding allocation for the solar street light project for phase I; and

4. The remaining balance of $69,641.67 was earmarked for street rehabilitation under year two for FY2019 budget allocation; and

5. The Fort Defiance Chapter has started the process to implement the solar street light project for 3.32 miles for phase II along BIA Navajo routes N7, N112, N110 and 3.0 miles for phase III along BIA Navajo routes N110, and N12.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Fort Defiance Chapter hereby requests the Resource & Development Committee and the Budget and Finance Committee of the Navajo Nation Council to re-allocate the FY2019 Sihasin funds of $69,641.67 for the design & plans and construction for the solar street light project for phase II and III.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting In (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of 36 In favor, 0 opposed and 1 abstained on this 18th day of November 2018.

Motioned By: Katherine Arviso

Seconded By: George Mitchell

for

Wilson Stewart Jr., President

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Wilson C. Stewart
24th Navajo Nation Council Delegate

FROM: _____
Candace French, Attorney
Office of Legislative Counsel

DATE: May 7, 2019

RE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN PROJECT FUNDING IN RESOLUTION CAP-35-18; APPROVING A REALLOCATION OF $69,641.67 FOR THE DESIGN, PLANNING AND CONSTRUCTION OF THE SOLAR STREET LIGHT PROJECT PHASE II AND III

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. 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 to make to the proposed resolution.