

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 FOR THE
WHIPPOORWILL CHAPTER BY MOVING FUNDS FOR THE WHIPPOORWILL
CHAPTER HOUSE RENOVATION, IN THE AMOUNT OF \$450,000.00, FROM
FUNDING YEAR 2 TO YEAR 3.

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 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 exceed \$4,166.666.67.

- C. The amount of \$450,000.00 for the Whippoorwill Chapter's "Chapter House Renovation (Plan, Design, Construct and Equipment)" Project was approved in CAP-35-18 as Project number 173 in Exhibit D. The Whippoorwill Chapter's "Chapter House Renovation (Plan, Design, Construct and Equipment)" Project's funding was later moved from Year 1 to Year 2 in Resolution BFMA-12-20, attached as **EXHIBIT 1**.
- D. The Whippoorwill Chapter now wishes to carryover the approved Síhasin Whippoorwill Chapter House Renovation in the amount of \$450,000.00 from Funding Year 2 to Funding Year 3. The Whippoorwill Chapter has passed Resolution No. WC-21-09, dated December 10, 2020, to request this project change. **EXHIBIT 2**.
- E. The Division of Community Development - Capital Projects Management Department ("CPMD") has submitted, on behalf of the Chapter, a Síhasin Project Amendment Certification Form. **EXHIBIT 3**. The CPMD Amendment Certification Form shows the signature of the Navajo Nation Council Delegate for the Whippoorwill Chapter, as required by 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 \$450,000.000 for the Whippoorwill Chapter, as approved in CAP-35-18, will remain unchanged.

SECTION THREE. APPROVAL

The Navajo Nation Council hereby approves a change to Resolution BFMA-12-20, moving \$450,000.000 for the Whippoorwill Chapter "Plan, Design, Construct, and Equip." from Funding Year 2 to Funding Year 3, as shown in the attached **EXHIBIT 3**.

SECTION FOUR. DIRECTIVES

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.

CERTIFICATION

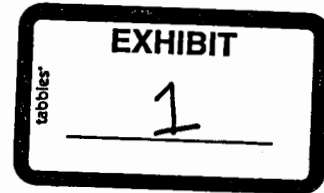
I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held by teleconference at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 opposed, this 15th day of November 2022.

A handwritten signature in black ink, appearing to read 'Jamie Henio', with a long horizontal line extending to the right.

Jamie Henio, Chairperson
Budget and Finance Committee

Motion: Honorable Nathaniel Brown
Second: Honorable Raymond Smith, Jr.

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL



24TH NAVAJO NATION COUNCIL - Second Year, 2020

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE
COMMITTEES; APPROVING A CHANGE IN RESOLUTION CAP-35-18 EXHIBIT
D NO. 173 WHIPPOORWILL SPRINGS CHAPTER PROJECT BY AMENDING THE
PROJECT DESCRIPTION, PROJECT TYPE, PROJECT DURATION, AND
FUNDING YEARS

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 Resolutions 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. Whippoorwill Springs Chapter Project is listed in CAP-35-18 at Exhibit D, Project Number 173. Exhibit D of CAP-35-18 is attached as **Exhibit 2**.
- C. Whippoorwill Chapter submitted a CAP-35-18 Sihasin Project Amendment Certification form, which is attached as **Exhibit 1**.
- D. The CAP-35-18 Sihasin Project Amendment Certification form, **Exhibit 1**, indicates changes to be made to CAP-35-18 Exhibit D, No. 173 regarding the Whippoorwill Springs Chapter. Changes are to be made to the:

PROJECT DESCRIPTION: from Renovation-Sr. Center, Warehouse, Admin. Building to Chapter House Renovation.

PROJECT TYPE: from Design/Construction to Plan, Design, Construct & Equip.

PROJECT DURATION: from 24 months to 36 months

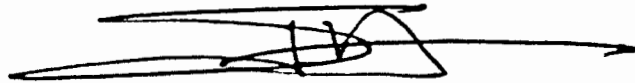
FUNDING: Deleting \$450,000 from Funding Year 1 and placing the \$450,000 into Funding Year 2.

SECTION THREE. APPROVAL

The Navajo Nation hereby approves changes to CAP-35-18 Exhibit D, Project No. 173, Whippoorwill Springs Chapter changing the Project Description from "Renovation-Sr. Center, Warehouse, Admin. Building" to "Chapter House Renovation"; changing Project Type from "Design/Construction" to "Plan, Design, Construct & Equip."; changing the Project Duration from "24 months" to "36 months"; and deleting \$450,000 from Funding Year 1 and placing the \$450,000 into Funding Year 2, as shown in **Exhibit 1**.

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 at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 4 in favor and 0 opposed, this 17th day of March 2020.

A handwritten signature in black ink, appearing to read 'J. Henio', with a horizontal line drawn through it.

Jamie Henio, Chairperson
Budget and Finance Committee

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

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

EXHIBIT

1

I. PROJECT DETAILS

DATE SUBMITTED: December 13, 2019

PROJECT NAME: Whippoorwill Chapter

REFERENCE NUMBER: CMPD # 35

PROJECT TYPE: Design & Construction

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	
D-173	Renovation-Sr. Center, Warehouse, Admin. Building	450,000			Deleted
D-173	Change to Chapter House Renovation (Plan, Design, Construct & Equip.) and also change the duration to 36 months		450,000		Added
TOTAL: INCREASED / DECREASED FUNDING:					450,000

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Jimmy Yellowhair

Jimmy Yellowhair

01/07/20

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
Andy Thomas

SIGNATURE

DATE

CMPD Project Manager

12/23/19

CPMD Department Manager

James Adakai

12/24/19

SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS EXPENDITURE PLAN

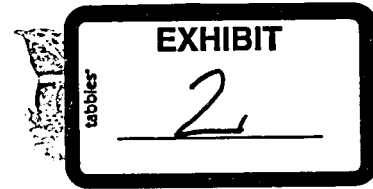
**EXHIBIT:
D**

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
160	Hardrock	Wellness Equipment	Major Equipment	24 months	\$44,940.00	\$0.00	\$0.00	\$0.00	\$44,940.00
161	Pifion	Chapter Communication Systems Upgrade	Major Equipment	10 months	\$150,000.00	\$0.00	\$0.00	\$0.00	\$150,000.00
162	Pifion	Chapter House Perimeter Fencing	Construction	6 months	\$21,660.00	\$0.00	\$0.00	\$0.00	\$21,660.00
163	Pifion	Clearances for Withdrawal of Land for Community	Pre-Design	12-18 months	\$10,000.00	\$0.00	\$0.00	\$0.00	\$10,000.00
164	Pifion	Chapter Vehicle w/ Metal 1000 gal. Water Tank	Major Equipment	2-4 months	\$150,000.00	\$0.00	\$0.00	\$0.00	\$150,000.00
165	Pifion	Chapter Vehicle	Major Equipment	2-4 months	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00
166	Pifion	Rural Addressing	Construction	12 months	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00
167	Pifion	Housewiring/Bathroom Additions	Construction	12 months	\$25,000.00	\$0.00	\$0.00	\$0.00	\$25,000.00
168	Pifion	Housewiring/Bathroom Additions	Construction	12 months	\$23,648.14	\$0.00	\$0.00	\$0.00	\$23,648.14
169	Pifion	N8030 Road Project	Design/Construction	24 months	\$0.00	\$0.00	\$68,334.00	\$0.00	\$68,334.00
170	Pifion	Dzilijjin Public Safety Utility	Planning	18 months	\$0.00	\$0.00	\$400,000.00	\$0.00	\$400,000.00
171	Pifion	Dzilijjin College Land Withdrawal	Planning	24 months	\$0.00	\$0.00	\$83,000.00	\$0.00	\$83,000.00
172	Forest Lake	Senior Center (Renov./Addition)	Design/Construction	24 months	\$500,000.00	\$0.00	\$0.00	\$50,000.00	\$500,000.00
173	Whippoorwill Springs	Renovation-Sr. Center, Warehouse, Admin. Building	Design/Construction	24 months	\$450,000.00	\$0.00	\$0.00	\$0.00	\$450,000.00
174	Iyanbito	Garden & Community Project	Pre-Design	4-6 months	\$0.00	\$10,000.00	\$97,700.00	\$0.00	\$107,700.00
175	Iyanbito	Head Start Project	Pre-Design	8-10 months	\$0.00	\$576,744.44	\$0.00	\$238,528.00	\$576,744.44



Whippoorwill Chapter

P.O. Box 279
Pinon, AZ 86510
Phone #: (928)725-3727/3728
Fax #: (928)725-3745



Emerson G. Begay, Chapter Manager

Rosabelle Charley, Administrative Assistant

Jimmy Yellowhair, Council Delegate

Gerald Ahasteen, President

Dennis H. Tom, Vice-President

Peter Sage, Secretary/Treasurer

RESOLUTION OF THE WHIPPOORWILL CHAPTER

Resolution No. WC-21-09

APPROVING AND ACCEPTING THE REQUEST TO CARRYOVER THE SIHASIN CHAPTER CAPITAL PROJECT FUND-WHIPPOORWILL CHAPTER HOUSE RENOVATION IN THE AMOUNT OF \$450,000.00 FROM YEAR 2 TO YEAR 3.

WHEREAS:

1. Pursuant to the "Local Governance Act," 26 N.N.C., Chapter 1, Subchapter 1, Section 3. (a) the Whippoorwill Chapter is certified a local chapter of the Navajo Nation Government by the Navajo Nation Council Resolution No. CS-34-98; AND
2. Pursuant to Chapter 1, Section 131 (1)(2) of the same "Act," the chapter has the responsibility and authority to promote, protect, and preserve the interest and the general welfare of its community people and program; AND
3. Pursuant to "Indian Self Determination Act (PL 93-638)" as mentioned by the U.S. Congress, the Whippoorwill Chapter is entitled to support and initiate plans, make decisions, and recommendations according to the needs and desires of the community people; AND
4. The Whippoorwill Chapter requests to carryover the Sihasin Chapter Capital Project Fund-Whippoorwill Chapter House Renovation in the amount of \$450,000.00 from Year 2 to Year 3.

NOW THEREFORE BE IT RESOLVED THAT:

The Whippoorwill Chapter hereby approves and accepts the request to carryover the Sihasin Chapter Capital Project Fund-Whippoorwill Chapter House Renovation in the amount of \$450,000.00 from Year 2 to Year 3.

CERTIFICATION

We, the undersigned certify the foregoing resolution was presented to the Whippoorwill Chapter at a duly called meeting at the Whippoorwill, Navajo Nation, Arizona, at which a quorum was



Whippoorwill Chapter



P.O. Box 279
Pinon, AZ 86510
Phone #: (928)725-3727/3728
Fax #: (928)725-3745

Emerson G. Begay, Chapter Manager

Rosabelle Charley, Administrative Assistant

Jimmy Yellowhair, Council Delegate Gerald Ahasteen, President Dennis H. Tom, Vice-President Peter Sage, Secretary/Treasurer
present that same day and was passed by a vote of 4 in FAVOR, 0 OPPOSED and 1
ABSTAINED on the 10 day of December 2020.

Motion By: PHILLIP TOM

Second By: DAVID SHONIE

Gerald Ahasteen, Chapter President

Dennis Tom, Chapter Vice-President

Peter Sage, Secretary/Treasurer

PHILLIP TOM, PROCEED

Jimmy Yellowhair, Council Delegate

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

I. PROJECT DETAILS

DATE SUBMITTED: 10/05/2022

PROJECT NAME: Whippoorwill Chapter

REFERENCE NUMBER: CPMD# 35

PROJECT TYPE: Design & Construction

ORIGINAL DATE APPROVED: November 28, 2019

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-173	Renovation Sr. Center, Warehouse, Admin. Building				
D-173	Change to Chapter House Renovation (Pan, Design, Construct & Equip.) and also change the duration to 36 months		\$450,000.00	\$450,000.00	Added
TOTAL: [] INCREASED / [] DECREASED FUNDING:					\$450,000.00

Acknowledgement of Project Amendment:

PRINTED NAME

SIGNATURE

DATE

Navajo Nation Council Delegate

Jimmy Yellowhair

Jimmy Yellowhair

10-18-22

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

CPMD Project Manager

ANDY THOMAS

Andy Thomas

10/05/22

CPMD Department Manager

JAMES ADAKAI

James Adakai

10-5-22

BUDGET AND FINANCE COMMITTEE

15 November 2022

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0202-22: An Act Relating to the Resources and Development, and Budget and Finance Committees; Approving a Change to CAP-35-18 for the Whippoorwill Chapter by Moving Funds for the Whippoorwill Chapter House Renovation, in the Amount of \$450,000.00, From Funding Year 2 to Year 3.

Sponsored by Jimmy Yellowhair, Council Delegate

Motion: Nathaniel Brown

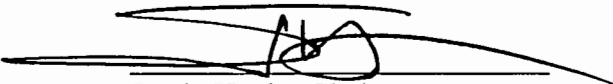
Second: Raymond Smith, Jr.

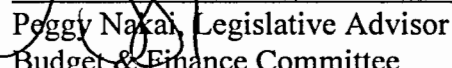
Vote: 3-0, Chairman not voting

Final Vote Tally:

Jamie Henio		
Raymond Smith Jr.	yea	
Elmer P. Begay		
Nathaniel Brown	yea	
Amber K. Crotty		
Jimmy Yellowhair	yea	

Absent: Elmer P. Begay, Amber K. Crotty



Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee