

## LEGISLATION SUMMARY SHEET

TRACKING NO. 0018-22

**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 CHILCHINBETO CHAPTER BY DELETING THE CHAPTER MULTIPURPOSE BUILDING PROJECT APPROVED FOR YEAR 1 AND REPLACING IT WITH A CHAPTER LAGOON PROJECT IN YEAR 3

**PURPOSE OF THIS LEGISLATION:** to approve a change to Exhibit D in Resolution No. CAP-35-18 to delete the Chilchimbeto Chapter Multipurpose Building Project in Year 1 and replace it with a Sewer Lagoon Project in Year 3 - no change in the originally-approved amount of \$300,000.

OLC No. 21-414-1

5-DAY BILL HOLD PERIOD: VSRRANWSC  
Website Posting Time/Date: January 25, 2022 2:30 PM  
Posting End Date: January 30, 2022  
Eligible for Action: January 31, 2022

Resources & Development Committee  
Thence  
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2021

Introduced by:



(Prime Sponsor)

Tracking No. 0018-22

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 CHILCHINBETO CHAPTER BY DELETING  
THE CHAPTER MULTIPURPOSE BUILDING PROJECT APPROVED FOR YEAR  
1 AND REPLACING IT WITH A CHAPTER LAGOON PROJECT IN 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.

1 §§ 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget  
2 and the Capital Improvement Process.” CAP-35-18 is incorporated herein by reference.

3 B. Section 4(C) of CAP-35-18 provides: “A chapter project, powerline, or waterline project  
4 may be changed, including the year funded, or added to Exhibits A through E with the  
5 concurrence of the Delegate representing the chapter’s Council District and the approvals  
6 of the Resources and Development Committee and Budget and Finance Committee, as  
7 long as such project has been certified as construction-ready by CPMD or NTUA and the  
8 total Síhasin Funding for the District does not exceed \$4,166,666.67.”

9 C. The amount of \$300,000 for the Chilchinbeto Chapter Multipurpose Building Project in  
10 Year 1 was approved in Exhibit D of CAP-35-18. The CAP-35-18 Exhibit D showing the  
11 Chilchinbeto Chapter Project No. 65 is attached hereto as **EXHIBIT 1**.

12 D. The Chilchinbeto Chapter desires to delete No. D-65 and replace it with a sewer lagoon  
13 project in Year 3, using the same \$300,000 allocation originally approved in CAP-35-18.

14 E. Regarding the Chapter’s change request, the Division of Community Development has  
15 submitted, on behalf of the Chapter, a Síhasin Project Amendment Certification Form,  
16 attached hereto as **EXHIBIT 2**. The CPMD Amendment Certification Form shows the  
17 signature of the Navajo Nation Council Delegate for the Chilchinbeto Chapter, as required  
18 by CAP-35-18 Section 4(C).

19 F. As required by CAP-35-18 Section 4(C), the Project to be added has been certified by the  
20 Capital Projects Management Department as construction-ready and the total Síhasin  
21 Funding for the Chilchinbeto Chapter Council District will not exceed \$4,166,666.67. In  
22 fact, the original Síhasin funding amount of \$300,000 for the Chilchinbeto Chapter, as  
23 approved in CAP-35-18, will remain unchanged.

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

### 27 28 **SECTION THREE. APPROVAL**

29 The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit  
30 D, Project No. 65, for the Chilchinbeto Chapter, as shown in the attached **EXHIBIT 2**.

1     **SECTION FOUR.  EFFECTIVE DATE**

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

3  
4     **SECTION FIVE.  SAVING CLAUSE**

5     If any provision of this Legislation is determined invalid by the Supreme Court of the Navajo  
6     Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme  
7     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, Design/Construction)	PROJECT DURATION	YEAR 1 FUNDING	YEAR 2 FUNDING	YEAR 3 FUNDING	MATCHING FUNDS (LEVERAGE)	SIHASIN FUNDS REQUESTED
48	Lukachukai	Chapter Senior Center	Construction	12 months	\$86,427.00	\$0.00	\$0.00	\$0.00	\$86,427.00
49	Lukachukai	Chapter Welding Machinery	Major Equipment	6-8 months	\$7,000.00	\$0.00	\$0.00	\$0.00	\$7,000.00
50	Lukachukai	Chapter Roping Box	Major Equipment	6-8 months	\$3,593.00	\$0.00	\$0.00	\$0.00	\$3,593.00
51	Crystal	Fire Suppression System	Construction	6-12 months	\$876,000.00	\$0.00	\$0.00	\$285,000.00	\$876,000.00
52	Fort Defiance	Solar Street Lights	Construction	12 months	\$0.00	\$972,025.00	\$0.00	\$283,503.00	\$972,025.00
53	Fort Defiance	Street Rehabilitation	Design/Construction	24 months	\$69,641.67	\$0.00	\$0.00	\$0.00	\$69,641.67
54	Red Lake	Utility System Upgrade	Design/Construction	1-6 months	\$70,000.00	\$0.00	\$0.00	\$0.00	\$70,000.00
55	Red Lake	Street Improvement	Design/Construction		\$100,000.00	\$250,000.00	\$300,000.00	\$0.00	\$650,000.00
56	Red Lake	Chapter Complex	Plan/Design/Construction		\$0.00	\$0.00	\$321,666.67	\$0.00	\$321,666.67
57	Sawmill	Bathroom Additions	Construction	12 months	\$150,000.00	\$0.00	\$0.00	\$0.00	\$150,000.00
58	Sawmill	Renovate Chapter House	Construction	6 months	\$250,000.00	\$250,000.00	\$0.00	\$0.00	\$500,000.00
59	Sawmill	N7 Road Rehab	Design		\$271,666.67	\$0.00	\$0.00	\$0.00	\$271,666.67
60	Dennehotso	Transfer Station	Design/Construction	24 months	\$40,000.00	\$100,000.00	\$0.00	\$0.00	\$140,000.00
61	Dennehotso	Veterans Park	Construction	36 months	\$0.00	\$225,000.00	\$0.00	\$7,000.00	\$232,000.00
62	Dennehotso	Warehouse	Construction	12 months	\$0.00	\$162,025.82	\$0.00	\$20,000.00	\$182,025.82
63	Kayenta	Diversion Dam Rehabilitation Project	Design/Construction	24-36 months	\$0.00	\$1,344,623.31	\$0.00	\$455,000.00	\$1,344,623.31
64	Kayenta	Multi-Purpose Building	Plan/Design/Construction	24 months	\$350,000.00	\$0.00	\$0.00	\$0.00	\$350,000.00
65	Chilchinbeto	Multi-Purpose Building	Plan/Design/Construction		\$300,000.00	\$0.00	\$0.00	\$0.00	\$300,000.00
66	Shiprock	Chapter Renovation	Design/Construction	12 months	\$50,000.00	\$400,000.00	\$0.00	\$0.00	\$450,000.00
67	Shiprock	Senior Center	Construction	12 months	\$80,000.00	\$0.00	\$0.00	\$0.00	\$80,000.00
68	Shiprock	Elderly Care Site	Planning	8 months	\$17,000.00	\$0.00	\$0.00	\$0.00	\$17,000.00
69	Shiprock	Wellness Center	Design/Construction	12 months	\$0.00	\$200,000.00	\$0.00	\$0.00	\$200,000.00
70	Shiprock	Former BIA Compound Utility Hook-Up/Restroom Renovations	Testing/Planning Construction	24 months 8 months	\$350,000.00 \$60,000.00	\$0.00 \$0.00	\$0.00 \$0.00	\$0.00 \$0.00	\$350,000.00 \$60,000.00
71	Shiprock	River Trail & Community Park	Construction	9 months	\$56,000.00	\$0.00	\$0.00	\$0.00	\$56,000.00
72	Shiprock	15 Secure Land Designation	Planning	24 months	\$200,000.00	\$0.00	\$0.00	\$0.00	\$200,000.00
73	Shiprock	Rural Addressing	Construction	12 months	\$100,000.00	\$0.00	\$0.00	\$0.00	\$100,000.00
74	Shiprock	Roads-Indian Village	Major Equipment	12 months	\$318,000.00	\$0.00	\$0.00	\$0.00	\$318,000.00
75	Shiprock	South Side Incident Command Center	Construction	24 months	\$1,000,000.00	\$0.00	\$0.00	\$0.00	\$1,000,000.00



**CAP-35-18**

## DATE SUBMITTED September 15, 2021

REFERENCE NUMBER: CPMD REF #54

ORIGINAL DATE APPROVED: November 01, 2018

EXHIBIT & PROJECT	PROJECT DESCRIPTION	FUNDING			FUNDING AMOUNT ADDED OR DELETED
		YEAR 1	YEAR 2	YEAR 3	
D-65	Chilchinbeto Chapter Multi-Purpose Building	300,000.00			DELETED
	NEW Project: Change Project Description to				
	Chilchinbeto Lagoon (Plan, Design and Construct)			300,000.00	ADDED
	and move to 3 <sup>rd</sup> year.				
TOTAL: [ ] INCREASED / [ ] DECREASED FUNDING:					\$ 300,000.00

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

12/20/21

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-3-5-18 funding for the Council District does not exceed \$4,166,666.67.
4. Add language to legislation **"EXHIBIT D" Funding Use/Year.**

## PRINT NAME \_\_\_\_\_

Leonard Hardy

James Adakai

SIGNATURE

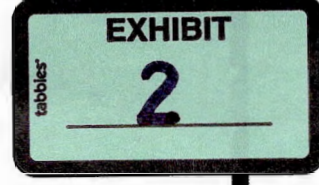
SIGNATURE  
*Donald Hardy*

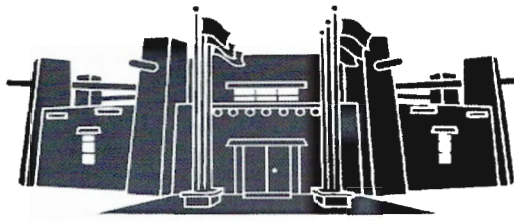
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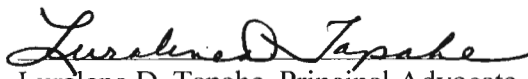
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## MEMORANDUM

TO: Hon. Delegate Nathaniel Brown  
Budget and Finance Committee  
24<sup>th</sup> Navajo Nation Council

FROM:   
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 CHILCHINBETO CHAPTER BY DELETING THE CHAPTER MULTIPURPOSE BUILDING PROJECT APPROVED FOR YEAR 1 AND REPLACING IT WITH A CHAPTER LAGOON PROJECT IN YEAR 3**

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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 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: \_0018-22\_

SPONSOR: Nathaniel Brown

**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 Chilchinbeto Chapter by Deleting the Chapter Multipurpose Building Project Approved for Year 1 and Replacing it with a Chapter Lagoon Project in Year 3**

*Date posted:* January 25, 2022 at 2:30PM

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.

**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.: 0018-22**

**SPONSOR: Honorable Nathaniel Brown**

**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 Chilchinbeto Chapter by Deleting the Chapter Multipurpose Building Project Approved for Year 1 and Replacing It with a Chapter Lagoon Project in Year 3**

**Posted: January 25, 2022 at 2:30 PM**

**5 DAY Comment Period Ended: January 30, 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>

*VSRedhorse*

**Legislative Tracking Secretary  
Office of Legislative Services**

**January 31, 2022; 9:00 AM**

**Date/Time**

**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**FOURTH YEAR 2022**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**LEGISLATION #0018-22: 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 CHILCHINBETO CHAPTER BY DELETING THE CHAPTER MULTIPURPOSE BUILDING PROJECT APPROVED FOR YEAR 1 AND REPLACING IT WITH A CHAPTER LAGOON PROJECT IN YEAR 3.**

*Sponsor: Honorable Nathaniel Brown*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Budget and Finance Committee.

Respectfully submitted,



Rickie Nez, *Chairperson*  
Resources and Development Committee of  
the 24th Navajo Nation Council

Date: February 16, 2022 – 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:** Thomas Walker, Jr.                      **S:** Kee Allen Begay, Jr.                      **V:** 5-0-1 (CNV)  
**In Favor:** Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; 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**

**FOURTH YEAR 2022**

**ROLL CALL  
VOTE TALLY SHEET**

**LEGISLATION #0018-22:** 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 CHILCHINBETO CHAPTER BY DELETING THE CHAPTER MULTIPURPOSE BUILDING PROJECT APPROVED FOR YEAR 1 AND REPLACING IT WITH A CHAPTER LAGOON PROJECT IN YEAR 3.

*Sponsor: Honorable Nathaniel Brown*

Date: February 16, 2022 – Regular Meeting (Teleconference)  
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

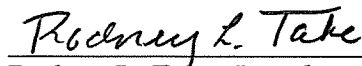
**Main Motion:**

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



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Honorable Rickie Nez, *Chairperson*  
Resources and Development Committee



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