

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

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

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 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 \$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 Forms 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. SAVINGS 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 4 in favor and 0 opposed, this 19<sup>th</sup> day of January 2022.



Jamie Henio, Chairperson  
Budget and Finance Committee

Motion: Honorable Elmer P. Begay  
Second: Honorable Jimmy Yellowhair

**EXHIBIT:**  
**D**

**SIHASIN FUND POWERLINE AND CHAPTER CAPITAL PROJECTS  
EXPENDITURE PLAN**

NO.	CHAPTER	PROJECT DESCRIPTION	PROJECT TYPE (Pre-Design, Design, Construction)	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	Nahataadzil	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 Project	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





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

[Signature]  
Chapter President, Yvonne Murphy

Marlene S Apachee  
Secretary/Treasurer, Marlene S. Apachee

SECONDED BY: Marlene S Apachee

Margaret Yazzie  
Chapter Vice President, Margaret Yazzie

[Signature]  
Council Delegate, Honorable Raymond Smith Jr.

Yvonne S. Murphy | Margaret Yazzie | Marlene Apachee | Raymond Smith Jr. | Randall Comb  
President | Vice President | Secretary/Treasurer | Council Delegate | 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	
D-146	Lupton Road Improvement		\$75,040		\$0
	N-9402 Road Improvement: Plan, D., & C. *		\$75,040		\$75,040
	*Transfer funds into N-9402 Road Improvement				Add
TOTAL:     INCREASED /     DECREASED FUNDING:					\$75,040

Acknowledgement of Project Amendment:

PRINTED NAME

Navajo Nation Council Delegate Raymond Smith Jr.,

SIGNATURE

DATE

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.

IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE CONSTRUCTION-READY.

CPMD Project Manager

PRINTED NAME

Kent Grantsen

SIGNATURE

Kent Grantsen

CPMD Department Manager

James Adakai, Delegated

DATE

7/20/21

7-20-21

## BUDGET AND FINANCE COMMITTEE

19 January 2022

Special Meeting

### VOTE TALLY SHEET:

**Legislation 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 the Tse Se Ani (Lupton) Chapter by Deleting the Chapter Road Improvement Project and Reallocating the \$75,040 in funds to the N-9402 Road Project *Sponsored by Raymond Smith, Jr., Council Delegate*

*Motion: Elmer P. Begay*


*Second: Jimmy Yellowhair*

*Vote: 4-0, Chairman not voting*

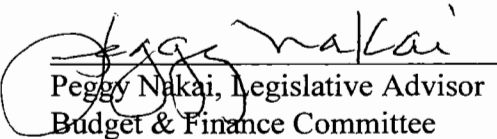
### Final Vote Tally:

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

*Absent: Amber K. Crotty*



Jamie Henio, Chairman  
Budget & Finance Committee



Peggy Nakai, Legislative Advisor  
Budget & Finance Committee