

LEGISLATIVE SUMMARY SHEET

Tracking No. 0099-19

DATE: April 16, 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 \$720,000.00 FOR THE NEW RED LAKE CHAPTER COMPLEX DESIGN, PLANNING AND CONSTRUCTION

PURPOSE: If approved, this resolution will deleted \$720,000.00 from for Year 1 of the Utility System Upgrade (CAP-35-18, Exhibit D, Project 54) and Years 1-3 of Street Improvement (CAP-35-18, Exhibit D, Project 55) and reallocated to Year 3 of the plan for the Chapter Complex Project (CAP-35-18, Exhibit D, Project 56), 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: 200388
Website Posting Time/Date: _____
Posting End Date: 5-1-19
Eligible for Action: 5-2-19

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0099-19

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 \$720,000.00 FOR THE NEW RED LAKE CHAPTER COMPLEX DESIGN,
PLANNING AND CONSTRUCTION

BE IT ENACTED:

Section One. Authority

1. The Resources and Development Committee exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 501(C)(1).
2. 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).
3. 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 Sihasin Funding for the District does not exceed \$4,166,666.67.”

1 **Section Two. Findings**

2 A. The Navajo Nation Council adopted Council Resolution CAP-35-18, "Adopting the
3 Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-
4 14, as Amended By CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended;
5 Waiving 12 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to the Capital
6 Budget and Capital Improvement Process" on April 17, 2018.

7 B. Red Lake Chapter submitted a CAP-35-18 Project Change Form and Instructions,
8 which is attached as **Exhibit A** and a supporting Chapter Resolution attached as
9 **Exhibit B**.

10 C. The Project Change Form indicates \$720,000.00 will be deleted from the funding for
11 Year 1 of the Utility System Upgrade (CAP-35-18, Exhibit D, Project 54) and Years
12 1-3 of Street Improvement (CAP-35-18, Exhibit D, Project 55) and reallocated to
13 Year 3 of the plan for the Chapter Complex Project (CAP-35-18, Exhibit D, Project
14 56), which will include designing, planning and construction.

15
16 **Section Three. Approval**

17 The Navajo Nation hereby approves a change allowing \$720,000.00 to be deleted
18 from the funding for Year 1 of the Utility System Upgrade (CAP-35-18, Exhibit D,
19 Project 54) and Years 1-3 of Street Improvement (CAP-35-18, Exhibit D, Project 55)
20 and reallocated to Year 3 of the plan for the Chapter Complex Project (CAP-35-18,
21 Exhibit D, Project 56), which will include designing, planning and construction.

COUNCIL DISTRICT: Wilson Stewart Jr.

DELEGATE SIGNATURE:

DATE: 4-10-2019



<u>Chapter</u>	<u>Project Description</u>	<u>CPMD Project Mgr</u>	<u>Funding</u>			<u>Total Funding</u>	<u>Check-Off List?</u>
			<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>		
Red Lake	New Chapter Complex (planning/design/construction)				X	\$720,000.00	
Total Added Funding:						\$720,000.00	

PROJECTS TO BE DELETED

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 CPM 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.

Name & Title

Signature

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, NTUA powerline, waterline projects, and non-NTUA powerline projects. The instructions are intended to ensure that all information is correctly included so that CPMD can provide an expeditious review and sign-off.

1. The "CPMD REF # _____" (*will be filled in by CPMD*).
2. 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.
3. 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.
4. 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.

INSTRUCTIONS
FOR
CAP-35-18 PROJECT CHANGE FORM

- c. The "CPMD Project Mgr" blocks should indicate the name or initials of the CPMD Project Manager assigned to each respective project. If a CPMD Project Manager has *not* been assigned, indicate that by "none" or "n/a".
- d. The "FUNDING" blocks should indicate which year(s) funding is requested, as well as the total amount of funding requested.

Note: CAP-35-18 only allows 24 months after distribution for the funds to be spent or encumbered. Also, please note that Year 1 funding will be available for distribution on July 1, 2018; Year 2 funding will be available on January 1, 2019; and Year 3 funding will be available on January 1, 2020.

- e. The "CHECK-OFF LIST?" block should indicate by either a "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.
 - f. 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.
5. 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.

INSTRUCTIONS
FOR
CAP-35-18 PROJECT CHANGE FORM

- a. The "EXHIBIT & PROJECT NO." block, please use 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 "CPMD Project Mgr" blocks should indicate the name or initials of the CPMD Project Manager assigned to each respective project. If a CPMD Project Manager has *not* been assigned, indicate that by "none" or "n/a".
 - d. 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.
 - e. 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.
 - f. 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.
6. The "TOTAL ADDED FUNDING" amount and the "TOTAL DELETED FUNDING" amount must match exactly.
 7. CPMD will sign the FORM after it has verified that the FORM is in strict compliance with CAP-35-18.

**INSTRUCTIONS
FOR
CAP-35-18 PROJECT CHANGE FORM**

8. 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.



Red Lake Chapter

Pauline J. Garnenez
VICE PRESIDENT

Loberta Redhouse
SECRETARY/TREASURER

Florina Howard

GRAZING OFFICIAL



RESOLUTION OF RED LAKE CHAPTER

Res. No. RLC-12-18-43

REQUESTING THE RESOURCE & DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL TO MOVE THE PROJECT FUNDING IN THE AMOUNT OF \$1,041,666.67 FROM THE SIHASIN FUNDS FOR NEW CHAPTER COMPLEX PROJECT TO YEAR THREE FUNDING.

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A) the Red Lake Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C. part 1, section 10, and
2. Pursuant to 26 N.N.C., Section 1 (B) Red Lake Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions, and
3. The Honorable Council Delegate, Mr. Benjamin Bennett, for Red Lake Chapter has advocated and lobby to receive funds from the Sihasin Fund for the listed ICIP projects for Red Lake Chapter; and
4. The Red Lake Chapter desires to construct a New Chapter Complex to carry out the governmental service functions to meet the growing needs of our community for the youth, adults and elderly ; and
5. The funding will be used to plan, design and construct a New Chapter Complex within the former NFPI withdrawn land on a vacant lot, located in the northeast corner of Mill Road and Shepherd Springs Boulevard in Navajo, New Mexico,

NOW, THEREFORE, BE IT RESOLVED THAT:

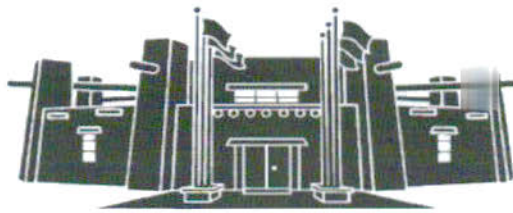
The Red Lake Chapter hereby requests the Resource & Development Committee of the Navajo Nation Council to move the project funding in the amount of \$1,041,666.67 from the Sihasin funds for the New Chapter Complex to Year Three Funding.

C-E-R-T-I-F-I-C-A-T-I-O-N

I hereby certify that the foregoing resolution was duly considered by Red Lake Chapter at a duly called meeting at Red Lake, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a Vote of 25 in Favor, 0 Opposed, and 4 Abstained on this 19th day of December, 2018.


MOTIONED: Jonas Mastach
SECONDED: Florina Howard

Arval T. McCabe
Arval T. McCabe, Chapter President



MEMORANDUM

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

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: April 16, 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 \$720,000.00 FOR THE NEW RED LAKE CHAPTER COMPLEX DESIGN, PLANNING AND CONSTRUCTION

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.