

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0246-21\_

SPONSOR: Raymond Smith, Jr.

**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 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**

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## LEGISLATION SUMMARY SHEET

TRACKING NO. 0246-21

**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 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**

**PURPOSE OF THIS LEGISLATION:** to approve a change to CAP-35-18 Exhibit D to delete the Tse Si Ani (Lupton) Chapter Road Improvement Project No. D-146 and reallocate the \$75,040 in approved funds to the N-9402 Road Improvement Project.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

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

Introduced by:

  
\_\_\_\_\_  
(Prime Sponsor)

Tracking 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 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.

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 \$75,040 for the Tse Si Ani (Lupton) Chapter Road Improvement Project  
10 was approved in Exhibit D of CAP-35-18. The CAP-35-18 Exhibit D showing the Chapter  
11 Project No. 146 is attached hereto as **EXHIBIT 1**.

12 D. In Resolution No. TSA-2021-07-044 the Chapter requests to delete No. D-146 and to  
13 reallocate the \$75,040 in approved funds to the N-9402 Road Improvement Project that  
14 will significantly benefit the Chapter community. **EXHIBIT 2**.

15 E. Regarding this change request, the Division of Community Development, Capital Projects  
16 Management Department (“CPMD”) has submitted on behalf of the Chapter, a Síhasin  
17 Project Amendment Certification Form, attached hereto as **EXHIBIT 3**. The CPMD  
18 Amendment Certification Form shows the signature of the Navajo Nation Council  
19 Delegate for the Tse Si Ani (Lupton) Chapter, as required by CAP-35-18 Section 4(C).

20 F. As required by CAP-35-18 Section 4(C), the new N-9402 Project to receive the Síhasin  
21 funds has been certified by CPMD as construction-ready and the total Síhasin Funding for  
22 the Chapter’s Council District will not exceed \$4,166,666.67. In fact, the Síhasin funding  
23 amount of \$75,040 originally 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. 146, for the Tse Si Ani (Lupton) Chapter, as shown in **EXHIBIT 3**.

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.