

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0103-22_

SPONSOR: Pernell Halona

TITLE: An Act Relating to the Resources and Development, Budget and Finance Committees; Approving a Change to CAP-35-18 for the Mexican Springs Chapter by Deleting the “Road Maintenance, Culverts, and Bridges” Project and Adding the “Road Improvement-Badger Loop” Project, in Funding Year 1, with No Change in the Original Funding Amount

Date posted: June 21, 2022 at 8:35PM

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Office of Legislative Services
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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0103-22

Date: June 17, 2022

**Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT,
AND BUDGET AND FINANCE COMMITTEES; APPROVING A
CHANGE TO CAP-35-18 FOR THE MEXICAN SPRINGS CHAPTER BY
DELETING THE “ROAD MAINTENANCE, CULVERTS, AND
BRIDGES” PROJECT AND ADDING THE “ROAD IMPROVEMENT -
BADGER LOOP” PROJECT, IN FUNDING YEAR 1, WITH NO
CHANGE IN THE ORIGINAL FUNDING AMOUNT**

Purpose of this Legislation:

to approve a project change in CAP-35-18 Exhibit D-33 for the Mexican Springs Chapter, to delete the “Road Maintenance, Culverts, and Bridges” in the Year 1 funding period and to add the “Road Improvement - Badger Loop” Project, also in Year 1.

OLC No. 22-119-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 06/26/22
Eligible for Action: 06/27/22

Resources & Development Committee
Thence
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:


(Prime Sponsor)

Tracking No. **0103-22**

AN ACT

**RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET
AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18
FOR THE MEXICAN SPRINGS CHAPTER BY DELETING THE “ROAD
MAINTENANCE, CULVERTS, AND BRIDGES” PROJECT AND ADDING
THE “ROAD IMPROVEMENT - BADGER LOOP” PROJECT, IN FUNDING
YEAR 1, WITH NO CHANGE IN THE ORIGINAL FUNDING AMOUNT**

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, titled: “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 \$121,333.34 for the Mexican Springs Chapter “Road Maintenance, Culverts, and Bridges” Project was approved in Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D showing the Mexican Springs Chapter Project No. D-33 is attached hereto as **EXHIBIT 1**.

D. The Mexican Springs Chapter wishes to delete the “Road Maintenance, Culverts, and Bridges” Project No. D-33 in the Year 1 funding period and to add the “Road Improvement - Badger Loop” Project, also in Year 1.

E. The Division of Community Development - Capital Projects Management Department (“CPMD”) has submitted, on behalf of the Mexican Springs Chapter, a Síhasin Project Amendment Certification Form, attached hereto as **EXHIBIT 2**, explaining the Chapter’s requested change of project. The Síhasin Project Amendment Certification Form shows the signature of the Navajo Nation Council Delegate for the Mexican Springs Chapter, in accordance with 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 \$121,333.34 for the Mexican Springs Chapter, as approved in CAP-35-18, will remain unchanged.

SECTION THREE. APPROVAL

A. The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit D, Project No. D-33, by deleting the “Road Maintenance, Culverts, and Bridges” Project in the Year 1 funding period for the Mexican Springs Chapter, and adding the “Road

Improvement - Badger Loop” Project for the Mexican Springs Chapter, also in Year 1, as shown in the attached **EXHIBIT 2**.

B. The Síhasin Fund shall be reimbursed the \$121,333.34 reallocated herein, from funds available to the Navajo Nation from any and all state and federal sources, including Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-19-related relief, so long as the expenditures for the Mexican Springs Chapter project are deemed eligible under such COVID-19-related or other funding sources.

SECTION FOUR. EFFECTIVE DATE

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.