

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0242-22\_

SPONSOR: Raymond Smith, Jr.

**TITLE An Action Relating to the Resources and Development and Budget and Finance Committees; Approving a Change to CAP-35-18 by Reallocating Leftover Funds from the Nahata Dziil Shopping Center Project to New Projects in the Houck, Lupton, and Klagetoh Chapters**

***Date posted:*** December 7, 2022 at 5:48 PM

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.*

## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0242-22

Date: December 7, 2022

**Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT  
AND BUDGET AND FINANCE COMMITTEES; APPROVING A  
CHANGE TO CAP-35-18 BY REALLOCATING LEFTOVER FUNDS  
FROM THE NAHATA DZIIL SHOPPING CENTER PROJECT TO NEW  
PROJECTS IN THE HOUCK, LUPTON, AND KLAGETOH CHAPTERS**

### **Purpose of this Legislation:**

to reallocate \$617,991.22 in funds left over from the Nahata Dziil Shopping Center Project, to other Projects in the Houck, Lupton, and Klagetoh Chapters.

OLC No. 22-386-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 12-12-22  
Eligible for Action: 12-13-22

Resources & Development Committee  
Thence  
Budget & Finance Committee

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

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

Introduced by:

  
(Prime Sponsor)

Tracking No. 0242-22

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT AND  
BUDGET AND FINANCE COMMITTEES; APPROVING A  
CHANGE TO CAP-35-18 BY REALLOCATING LEFTOVER FUNDS  
FROM THE NAHATA DZIIL SHOPPING CENTER PROJECT TO NEW  
PROJECTS IN THE HOUCK, LUPTON, AND KLAGETOH CHAPTERS

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).

C. The Navajo Nation Council approved Resolution No. CAP-35-18, titled: "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. §§ 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.

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

## 7 8 **SECTION TWO. FINDINGS**

9 A. The amount of \$1,265,035.70 for the Nahata Dziil Shopping Center Project was approved in  
10 Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D showing the Nahata Dziil Project No.  
11 D-147 is attached hereto as **EXHIBIT 1**.

12 B. There are leftover funds of \$617,991.22 remaining after the completion of the Nahata Dziil  
13 Shopping Center Project. The Houck, Lupton, and Klagetoh Chapters desire to use these  
14 leftover funds for several Projects in their communities.

15 C. On behalf of the Chapter, the Division of Community Development - Capital Projects  
16 Management Department ("CPMD") has submitted two Síhasin Project Amendment  
17 Certification Forms describing the requested changes. **EXHIBIT 2**. The Síhasin Project  
18 Amendment Certification Forms show the signature of the Navajo Nation Council Delegate  
19 for the Chapters, in accordance with CAP-35-18 Section 4(C).

20 D. As required by CAP-35-18 Section 4(C), the new Project allocations have been certified by  
21 CPMD as construction-ready and the total Síhasin funding for the Council District will not  
22 exceed \$4,166,666.67. In fact, the original Síhasin funding amount of \$1,265,035.70 for the  
23 Nahata Dziil Shopping Center Project, as approved in CAP-35-18, will remain unchanged.  
24

## 25 **SECTION THREE. APPROVAL OF CHANGE TO CAP-35-18**

26 A. The Navajo Nation hereby approves a change to Resolution No. CAP-35-18, Exhibit D,  
27 Project No. D-147, by approving use of \$617,991.22 in leftover funds that remain after the  
28 completion of the Nahata Dziil Shopping Center Project, for six other Projects located in the  
29 Houck, Lupton, and Klagetoh Chapters.

30 B. The Síhasin Fund may be reimbursed the funds reallocated herein, from other funds available

1 to the Navajo Nation from any and all state, federal, or other sources.

2  
3 **SECTION FOUR. EFFECTIVE DATE**

4 This Action shall become effective pursuant to 12 N.N.C. §2505(A) and CAP-35-18, Section  
5 4(C).

6  
7 **SECTION FIVE. SAVING CLAUSE**

8 If any provision of this Action is determined invalid by the Supreme Court of the Navajo Nation,  
9 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the  
10 provision(s) not determined invalid shall remain the law of the Navajo Nation.