

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0249-22\_

SPONSOR: Jimmy Yellowhair

**TITLE: An Action Relating to the Resources and Development and Budget and Finance Committees; Amending CAP-35-18 by Reallocating Funds for Pinon Chapter Projects Nos. D-161, D-162, and D-163 from Funding Year 1 to Funding Year 3, and Changing Project No. D-162 from "Perimeter Fencing-Construction" to "Design, Equipment, and Construction"**

***Date posted:*** December 14, 2022 at 5:56PM

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## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0249-22

Date: December 13, 2022

**Re: AN ACTION RELATING TO THE RESOURCES & DEVELOPMENT AND BUDGET & FINANCE COMMITTEES; AMENDING CAP-35-18 BY REALLOCATING FUNDS FOR PINON CHAPTER PROJECTS NOS. D-161, D-162, AND D-163 FROM FUNDING YEAR 1 TO FUNDING YEAR 3, AND CHANGING PROJECT NO. D-162 FROM “PERIMETER FENCING-CONSTRUCTION” TO “DESIGN, EQUIPMENT, AND CONSTRUCTION”**

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

to approve an amendment to CAP-35-18 Exhibit D to move approved funding for Pinon Chapter Projects D-161, D-162, and D-163 from Funding Year 1 to Funding Year 3; and to change Project No. D-162 from “Perimeter Fencing-Construction” to Design, Equipment, and Construction”

OLC No. 22-223-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 12-19-22  
Eligible for Action: 12-20-22

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. 0249-22

AN ACTION

**RELATING TO THE RESOURCES & DEVELOPMENT AND BUDGET & FINANCE COMMITTEES; AMENDING CAP-35-18 BY REALLOCATING FUNDS FOR PINON CHAPTER PROJECTS NOS. D-161, D-162, AND D-163 FROM FUNDING YEAR 1 TO FUNDING YEAR 3, AND CHANGING PROJECT NO. D-162 FROM “PERIMETER FENCING-CONSTRUCTION” TO “DESIGN, EQUIPMENT, AND CONSTRUCTION”**

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 \$150,000 for the Pinon Chapter's "Communications Systems Upgrade"  
10 Project was approved in Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D showing the  
11 Pinon Chapter Project No. D-161 is attached hereto as **EXHIBIT 1**.

12 B. The amount of \$21,660 for the Pinon Chapter's "Perimeter Fencing-Construction" Project  
13 was approved in Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D showing the Pinon  
14 Chapter Project No. D-162 is included under the attached **EXHIBIT 1**.

15 C. The amount of \$10,000 for the Pinon Chapter's "Clearances for Withdrawal of Land" Project  
16 was approved in Exhibit D to CAP-35-18. The CAP-35-18 Exhibit D showing the Pinon  
17 Chapter Project No. D-163 is included under **EXHIBIT 1**.

18 D. On behalf of the Pinon Chapter, the Division of Community Development - Capital Projects  
19 Management Department ("CPMD") has submitted three Síhasin Project Amendment  
20 Certification Forms describing the Pinon Chapter's requested changes to the three Projects  
21 Nos. D-161, D-162, and D-163. **EXHIBIT 2**.

22 E. The Pinon Chapter wishes to move all funding approved in CAP-35-18 for these three  
23 Projects from Funding Year 1 to Funding Year 3. The Chapter also wishes to change the  
24 scope of work for the D-162 Project from "Perimeter Fencing-Construction" to "Plan,  
25 Design, Equipment, and Construction." **EXHIBIT 2**.

26 F. The three Síhasin Project Amendment Certification Forms attached hereto all show the  
27 signature of the Navajo Nation Council Delegate for the Pinon Chapter, in accordance with  
28 CAP-35-18 Section 4(C).

29 G. As required by CAP-35-18 Section 4(C), the new projects have been certified by CPMD as  
30 construction-ready and the total Síhasin funding for the Council District will not exceed

1 \$4,166,666.67. In fact, the original Sihasin funding amount of \$150,000 and \$21,660 and  
2 \$10,000 for the Pinon Chapter's three projects, all of which were approved in CAP-35-18,  
3 will remain unchanged.

4 H. The Pinon Chapter, in Resolution No., PIN-22-43, requests the changes to it Projects, as  
5 explained herein. **EXHIBIT 3.**

### 7 **SECTION THREE. APPROVAL OF AMENDMENT TO CAP-35-18 EXHIBIT D**

8 A. The Navajo Nation hereby approves a change to Resolution No. CAP-35-18, Exhibit D,  
9 Project No. D-161, by moving the \$150,000 in approved funds from Funding Year 1 to  
10 Funding Year 3.

11 B. The Navajo Nation hereby approves a change to Resolution No. CAP-35-18, Exhibit D,  
12 Project No. D-162, by moving the \$21,660 in approved funds from Funding Year 1 to  
13 Funding Year 3.

14 C. The Navajo Nation hereby approves a change to Resolution No. CAP-35-18, Exhibit D,  
15 Project No. D-163, by moving the \$10,000 in approved funds from Funding Year 1 to  
16 Funding Year 3.

17 D. The Navajo Nation hereby approves a change to Resolution No. CAP-35-18, Exhibit D,  
18 Project No. D-162, by approving a change to the scope of work for the D-162 Project from  
19 "Perimeter Fencing-Construction" to "Plan, Design, Equipment, and Construction" as  
20 shown in **EXHIBIT 2.**

21 E. The Sihasin Fund may be reimbursed the funds reallocated herein, from funds available to  
22 the Navajo Nation from any and all state, federal, or other sources.

### 24 **SECTION FOUR. EFFECTIVE DATE**

25 This Action shall be effective according to 12 N.N.C. §2505(A) and CAP-35-18, Section 4(C).  
26

### 27 **SECTION FIVE. SAVING CLAUSE**

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