

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0049-21__

SPONSOR: Raymond Smith, Jr.

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18 for Lupton Chapter by Deleting the Cemetery Pre-design Project No. D-143, and Adding a Cemetery “Plan, Design, Construct and Equipment” Project for Lupton Chapter

Date posted: March 18, 2021 at 5:13PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0049-21

DATE: March 18, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18 FOR LUPTON CHAPTER BY DELETING THE CEMETERY PRE-DESIGN PROJECT NO. D-143, AND ADDING A CEMETERY “PLAN, DESIGN, CONSTRUCT AND EQUIPMENT” PROJECT FOR LUPTON CHAPTER

PURPOSE: The purpose of this resolution is for the Navajo Nation to approve a change in Resolution No. CAP-35-18 for Lupton Chapter by deleting the cemetery pre-design project and adding a cemetery “plan, design, construct and equipment” project.

5-DAY BILL HOLD PERIOD: Breeden
Website Posting Time/Date:
Posting End Date: 03-23-2021
Eligible for Action: 03-24-2021

Resources & Development Committee
Thence
Budget & Finance Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24TH NAVAJO NATION COUNCIL - Third Year, 2021

3 INTRODUCED BY

4 

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6 Primary Sponsor

7 TRACKING NO. 0049-21

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9 AN ACTION

10 RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND
11 FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO.
12 CAP-35-18 FOR LUPTON CHAPTER BY DELETING THE CEMETERY PRE-
13 DESIGN PROJECT NO. D-143, AND ADDING A CEMETERY "PLAN, DESIGN,
14 CONSTRUCT AND EQUIPMENT" PROJECT FOR LUPTON CHAPTER

15 BE IT ENACTED:

16
17 SECTION ONE. AUTHORITY

- 18 A. The Resources and Development Committee exercises authority over chapters of the
19 Navajo Nation. 2 N.N.C. § 501(C)(1).
20 B. The Budget and Finance Committee of the Navajo Nation Council exercises authority
21 over budgeting, appropriation, investment and management of all funds. 2 N.N.C. §
22 301 (B)(2).
23 C. Council Resolution CAP-35-18 provides, "[a] chapter project, powerline, or waterline
24 project may be changed, including the year funded, or added to Exhibits A through E
25 with the concurrence of the Delegate representing the chapter's Council District and
26 the approvals of the Resources and Development Committee and Budget and Finance
27 Committee, as long as such project has been certified as construction-ready by CPMD
28 or NTUA and the total Sîhasin Funding for the District does not exceed
29 \$4,166,666.67." CAP-35-18, Section Four, Paragraph C.
30

1 **SECTION TWO. FINDINGS**

- 2 A. On April 17, 2018, the Navajo Nation Council adopted Council Resolution No. CAP-
3 35-18, “Adopting the Síhasin Fund Powerline and Chapter Projects Expenditure Plan
4 Pursuant to CD-68-14, as Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as
5 Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to
6 the Capital Budget and Capital Improvement Process.” Resolution No. CAP-35-18
7 is incorporated herein by reference.
- 8 B. A “Cemetery Pre-Design” Project is listed in Resolution No. CAP-35-18 at Exhibit
9 D, Project No. 143. The relevant page of Exhibit D of CAP-35-18 is attached as
10 **Exhibit 1.**
- 11 C. The Lupton Chapter has submitted a “Síhasin Project Amendment Certification”
12 form attached as **Exhibit 2**, requesting a change to the description for Project No.
13 143 from “Cemetery Pre-Design” to “Plan, Design, Construct and Equipment” for
14 the Cemetery Project. No change in Síhasin funding for the Project is requested, and
15 the amount of allocated funding will remain at \$100,000.
- 16 D. The Síhasin Project Amendment Certification form has been signed by the Navajo
17 Nation Council Delegate representing the Lupton Chapter’s council district, as
18 required by CAP-35-18, Section 4, Paragraph C.
- 19 E. The Capital Projects Management Department, through its signature in Section IV of
20 **Exhibit 2**, has indicated the Project is construction ready, and the total Síhasin
21 Funding for the Lupton Council District will not exceed \$4,166,666.67.
- 22 F. The Lupton Chapter has passed Resolution No. TSA-2019-04-020, dated April 16,
23 2019, explaining the need for the change in language in Exhibit D to CAP-35-18, to
24 include construction and land planning/pre-design work for the Cemetery Project.
25 Resolution No. TSA-2019-04-020 is attached as **Exhibit 3.**

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27 **SECTION THREE. APPROVAL**

28 The Navajo Nation hereby approves the change in Project description, as requested by
29 the Lupton Chapter in accordance with the attached **Exhibit 2.**

1 **SECTION FOUR. EFFECTIVE DATE**

2 The actions enacted herein shall be effective pursuant to 2 N.N.C. § 221 (B) and, 2 N.N.C. §
3 164 (A)(17).

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5 **SECTION FIVE. SAVINGS CLAUSE**

6 Should any provision(s) of this action be determined invalid by the Navajo Nation
7 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
8 Nation Supreme Court, those provision(s) that are not determined invalid shall remain the
9 law of the Nation.

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