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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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.
PROPOSED STANDING COMMITTEE RESOLUTION

24TH NAVAJO NATION COUNCIL - Third Year, 2021

INTRODUCED BY

[Signature]

Primary Sponsor

TRACKING NO. 0049-21

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 501(C)(1).

B. The Budget and Finance Committee of the Navajo Nation Council exercises authority over budgeting, appropriation, investment and management of all funds. 2 N.N.C. § 301 (B)(2).

C. Council Resolution 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 Sisasin Funding for the District does not exceed $4,166,666.67.” CAP-35-18, Section Four, Paragraph C.
SECTION TWO. FINDINGS

A. On April 17, 2018, the Navajo Nation Council adopted Council Resolution No. CAP-35-18, "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 Budget and Capital Improvement Process." Resolution No. CAP-35-18 is incorporated herein by reference.

B. A "Cemetery Pre-Design" Project is listed in Resolution No. CAP-35-18 at Exhibit D, Project No. 143. The relevant page of Exhibit D of CAP-35-18 is attached as Exhibit 1.

C. The Lupton Chapter has submitted a "Sihasin Project Amendment Certification" form attached as Exhibit 2, requesting a change to the description for Project No. 143 from "Cemetery Pre-Design" to "Plan, Design, Construct and Equipment" for the Cemetery Project. No change in Sihasin funding for the Project is requested, and the amount of allocated funding will remain at $100,000.

D. The Sihasin Project Amendment Certification form has been signed by the Navajo Nation Council Delegate representing the Lupton Chapter's council district, as required by CAP-35-18, Section 4, Paragraph C.

E. The Capital Projects Management Department, through its signature in Section IV of Exhibit 2, has indicated the Project is construction ready, and the total Sihasin Funding for the Lupton Council District will not exceed $4,166,666.67.

F. The Lupton Chapter has passed Resolution No. TSA-2019-04-020, dated April 16, 2019, explaining the need for the change in language in Exhibit D to CAP-35-18, to include construction and land planning/pre-design work for the Cemetery Project. Resolution No. TSA-2019-04-020 is attached as Exhibit 3.

SECTION THREE. APPROVAL

The Navajo Nation hereby approves the change in Project description, as requested by the Lupton Chapter in accordance with the attached Exhibit 2.
SECTION FOUR. EFFECTIVE DATE

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

SECTION FIVE. SAVINGS CLAUSE

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