LEGISLATION NO: _0062-21__

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18, Exhibit D, Project No. D5; Deleting the Project Description "Multi-Purpose Site Improvement" and Adding "Road Improvement for N566 and N361; Plan/Design & Construct" and Changing the Funding Year to Year 3

Date posted: __March 29, 2021__ at 3:45PM

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DATE: March 26, 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, EXHIBIT D, PROJECT NO. D5; DELETING THE PROJECT DESCRIPTION "MULTI-PURPOSE SITE IMPROVEMENT" AND ADDING "ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN & CONSTRUCT" AND CHANGING THE FUNDING YEAR TO YEAR 3

PURPOSE: The purpose of this resolution is for the Navajo Nation to approve a change in CAP-35-18 to change Project No. D5 (San Juan Chapter) from "Multi-Purpose Site Improvement" to "Road Improvement for N566 and N361 – Plan/Design & Construct" and changing the funding year to Year 3.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year, 2021
INTRODUCED BY

[Signature]
(Prime Sponsor)

TRACKING NO. 0062-21

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18, EXHIBIT D, PROJECT NO. D5; DELETING THE PROJECT DESCRIPTION “MULTI-PURPOSE SITE IMPROVEMENT” AND ADDING “ROAD IMPROVEMENT FOR N566 AND N361; PLAN/DESIGN & CONSTRUCT” AND CHANGING THE FUNDING YEAR TO YEAR 3

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. The Resources and Development Committee of the Navajo Nation Council exercises authority over chapters of the Navajo Nation. 2 N.N.C. § 500 (C)(1).
B. The Budget and Finance Committee of the Navajo Nation Council exercises authority over budgeting, appropriations, investment, and management of all funds of the Navajo Nation. 2 N.N.C. §301 (B)(2).
C. Navajo Nation Council Resolution No. CAP-35-18 provides: “[a] chapter project, power line, 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 approval 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 Sihasin Funding for the District does not exceed $4,166,666.67.” See CAP-35-18, Section Four, Paragraph C.

SECTION TWO. FINDINGS

A. On April 17, 2018, the Navajo Nation approved Council Resolution 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.”

B. In Exhibit D attached to Resolution No. CAP-35-18, the Navajo Nation Council approved $683,333 in Sihasin funding for a “Multi-Purpose Site Improvement Project” for the San Juan Chapter, designated as Project No. D5. Exhibit A.

C. Regarding Project No. D5, the Capital Projects Management Department (“CPMD”) on behalf of the San Juan Chapter, has requested to delete the “Multi-Purpose Site Improvement Project” and change the project description to “Road Improvement for N566 and N361; Plan/Design & Construct” and the change the funding year to Year 3. The CPMD has submitted a “Sihasin Project Amendment Certification” form, attached as Exhibit B.

D. As required by CAP-35-18, Section Four (C), and as set forth in the attached Exhibit B, the San Juan Chapter N566/N361 Road Improvement Project has been certified by the CPMD as construction-ready; and, the total Sihasin Funding for the Project will not exceed $4,166,666.67. In fact, the funding amount originally approved for the Project will remain at $683,333.

SECTION THREE. APPROVAL

The Navajo Nation hereby approves the change to CAP-35-18 Exhibit D Project No. D5, the San Juan Chapter Project, by deleting the “Multi-Purpose Site Improvement Project” and changing the project description to “Road Improvement for N566 and N361; Plan/Design & Construct” and changing the funding year to Year 3, as shown in Exhibit B.
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.