TITLE: An Action Relating to Resources and Development, Budget and Finance and Naabik’íyáti' Committees and Navajo Nation Council; Amending CAP-35-18 "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"; Allocating Síhasin Funds in the Amount of $350,000.00 for Shiprock Chapter Projects

Date posted: August 17, 2021 at 4:04PM

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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.

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DATE: August 16, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 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 IMPROVEMENT BUDGET AND THE CAPITAL IMPROVEMENT PROCESS”; ALLOCATING SIHASIN FUNDS IN THE AMOUNT OF $350,000.00 FOR SHIPROCK CHAPTER PROJECTS

PURPOSE: This resolution, if approved, will amend CAP-35-18 and allocate $350,000 of Sihasín Funds to replace Shiprock Chapter project(s) that were line-item vetoed by President Begaye.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0167-21

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK’IYÁTI’ COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING CAP-35-18 “ADOPTING THE SÍHASÍN 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”; ALLOCATING SIHASÍN FUNDS IN THE AMOUNT OF $350,000.00 FOR SHIPROCK CHAPTER PROJECTS

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority on matters involving roads and transportation, communication and utilities, information technology, chapter activities, economic and community development, rights-of-way, public utilities and housing for the purposes enumerated in 2 N.N.C. § 500 (C)(1)-(8).

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 (5).

C. The Naabik’iyáti’ Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A).

SECTION TWO. FINDINGS

A. The Navajo Nation approved Council Resolution CAP-35-18, attached as Exhibit 1, 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. Per memorandum dated May 7, 2018, Exhibit 1, the Navajo Nation President line-item vetoed certain CAP-35-18 projects approved by the Navajo Nation Council, including Shiprock Chapter’s “Former BIA Compound” Project, listed as No. 70 in Exhibit 1-D, for $350,000.00.

C. Per CAP-45-18, Section Four (C), each Council District was awarded Sihasin Funding of $4,166,666.67; the President’s line-item veto of the Former BIA Compound Project resulted in the Shiprock Council District receiving less than $4,166,666.67 and less funding than all other Council Districts.

D. As set forth in Shiprock Chapter Resolution No. 10-13-19-006-SHIP (amending 09-17-19-073-SHIP), attached as Exhibit 2, the Shiprock Chapter requests that the Navajo Nation Council approve the following projects totaling $350,000 to replace the line-item vetoed “Former BIA Compound” project: Veteran Cemetery for $110,000; Veterans Waterline for $15,000; Shiprock Baseball Field for $75,000.00; and a Portable Building for Elected Officials for $150,000.

SECTION THREE. AMENDING CAP-35-18 AND ALLOCATING SIHASÍN FUNDS
A. The Navajo Nation hereby deletes Former BIA Compound in the amount of $350,000 from CAP-35-18, Exhibit D (No. 40), attached as Exhibit 1.

B. The Navajo Nation hereby adds the following projects to CAP-35-18, Exhibit D, and allocates Sihasin Funds in the total amount of $350,000 to the Capital Projects Management Department to implement said projects on behalf of the Shiprock Chapter:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funding Yr.</th>
<th>Funding Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans Cemetery</td>
<td>4</td>
<td>$110,000.00</td>
</tr>
<tr>
<td>Veterans Waterline</td>
<td>4</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Shiprock Baseball Field</td>
<td>4</td>
<td>$75,000.00</td>
</tr>
<tr>
<td>Portable building for Elected Officials</td>
<td>4</td>
<td>$150,000.00</td>
</tr>
</tbody>
</table>

TOTAL FUNDING                   $350,000.00

C. As required by CAP-35-18, Section Four (C), and set forth in attached Exhibit 3, the projects listed in (B) above have been certified by the Capital Projects Management Department as construction-ready and the total Sihasin Funding for the Shiprock Council District will not exceed $4,166,666.67.

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 Court, then the remaining provisions of this action shall remain in full force and effect.
Supreme Court, those provision(s) that are not determined invalid shall remain the law of
the Nation.