TITLE: An Action Relating to Resources and Development and Budget and Finance Committees: Approving a Change in Exhibit D to Resolution No. CAP-35-18 for Tse Si Ani (Lupton) Chapter by Deleting the Chapter Road Improvement Project and Reallocating the $75,040 in Funds to the N-9402 Road Project

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DATE: November 18, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD PROJECT

PURPOSE OF THIS LEGISLATION: to approve a change to CAP-35-18 Exhibit D to delete the Tse Si Ani (Lupiton) Chapter Road Improvement Project No. D-146 and reallocate the $75,040 in approved funds to the N-9402 Road Improvement Project.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

Introduced by:

(Prime Sponsor)

Tracking No. 0246-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT D TO RESOLUTION NO. CAP-35-18 FOR TSE SI ANI (LUPTON) CHAPTER BY DELETING THE CHAPTER ROAD IMPROVEMENT PROJECT AND REALLOCATING THE $75,040 IN FUNDS TO THE N-9402 ROAD PROJECT

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).

SECTION TWO. FINDINGS

A. The Navajo Nation Council approved Resolution No. CAP-35-18, entitled, “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.” CAP-35-18 is incorporated herein by reference.

B. Section 4(C) of 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 Sihasin Funding for the District does not exceed $4,166,666.67.”

C. The amount of $75,040 for the Tse Si Ani (Lupton) Chapter Road Improvement Project was approved in Exhibit D of CAP-35-18. The CAP-35-18 Exhibit D showing the Chapter Project No. 146 is attached hereto as EXHIBIT 1.

D. In Resolution No. TSA-2021-07-044 the Chapter requests to delete No. D-146 and to reallocate the $75,040 in approved funds to the N-9402 Road Improvement Project that will significantly benefit the Chapter community. EXHIBIT 2.

E. Regarding this change request, the Division of Community Development, Capital Projects Management Department (“CPMD”) has submitted on behalf of the Chapter, a Sihasin Project Amendment Certification Form, attached hereto as EXHIBIT 3. The CPMD Amendment Certification Form shows the signature of the Navajo Nation Council Delegate for the Tse Si Ani (Lupton) Chapter, as required by CAP-35-18 Section 4(C).

F. As required by CAP-35-18 Section 4(C), the new N-9402 Project to receive the Sihasin funds has been certified by CPMD as construction-ready and the total Sihasin Funding for the Chapter’s Council District will not exceed $4,166,666.67. In fact, the Sihasin funding amount of $75,040 originally approved in CAP-35-18 will remain unchanged.

G. The Sihasin Fund shall be reimbursed, in the amount of the allocation authorized in this Legislation, from prospective funds available to the Navajo Nation from any and all appropriate state and federal sources.

SECTION THREE. APPROVAL

The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit D, Project No. 146, for the Tse Si Ani (Lupton) Chapter, as shown in EXHIBIT 3.
SECTION FOUR. EFFECTIVE DATE

This Legislation shall become effective pursuant to 12 N.N.C. §2505.

SECTION FIVE. SAVING CLAUSE

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