

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0061-22_

SPONSOR: Eugene Tso

TITLE: An Act Relating to the Resources and Development, and Budget and Finance Committees; Approving a Change in Exhibit E to CAP-35-18 for the Chinle Chapter by Deleting the “Waterline – Spiderrock Phase 2.5” Project and Adding the “Waterline and Sewer – Spiderrock Phase 2.5” Project, by Changing the Funding Year Periods, and by Designating the Water Management Branch as the Agency that will Administer the Added Project

Date posted: March 30, 2022 at 6:16PM

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Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0061-22

Date: March 25, 2022

Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT E TO CAP-35-18 FOR THE CHINLE CHAPTER BY DELETING THE “WATERLINE - SPIDERROCK PHASE 2.5” PROJECT AND ADDING THE “WATERLINE AND SEWER - SPIDERROCK PHASE 2.5” PROJECT, BY CHANGING THE FUNDING YEAR PERIODS, AND BY DESIGNATING THE WATER MANAGEMENT BRANCH AS THE AGENCY THAT WILL ADMINISTER THE ADDED PROJECT

Purpose of this Legislation:

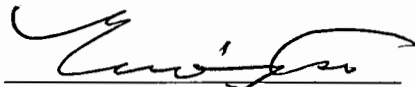
to approve a change in project description for the Chinle “Waterline-Spiderrock Phase 2.5” project that was approved in CAP-35-18 to add a sewer line and to designate the Water Management Branch as the agency that will administer the added project; there is no change to the \$1,429,636 amount originally approved for the Chinle Chapter in CAP-35-18.

OLC No. 21-511-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-04-22
Eligible for Action: 04-05-22

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -Fourth Year, 2022

3 Introduced by:

4 
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0061-22

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10 AN ACT

11 RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET
12 AND FINANCE COMMITTEES; APPROVING A CHANGE IN EXHIBIT E TO
13 CAP-35-18 FOR THE CHINLE CHAPTER BY DELETING THE "WATERLINE -
14 SPIDERROCK PHASE 2.5" PROJECT AND ADDING THE "WATERLINE AND
15 SEWER - SPIDERROCK PHASE 2.5" PROJECT, BY CHANGING THE FUNDING
16 YEAR PERIODS, AND BY DESIGNATING THE WATER MANAGEMENT
17 BRANCH AS THE AGENCY THAT WILL ADMINISTER THE ADDED PROJECT

18
19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

- 22 A. The Resources and Development Committee of the Navajo Nation Council is empowered to
23 exercise oversight authority over Chapter activities. 2 N.N.C. §500(C).
24 B. The Budget and Finance Committee of the Navajo Nation Council is empowered to review
25 and recommend to the Navajo Nation Council the budgeting, appropriation, investment and
26 management of all funds, and to coordinate and review all fiscal, financial and investment
27 activities of the Navajo Nation. 2 N.N.C. §301(B)(2) and §301(B)(5).
28

29 SECTION TWO. FINDINGS

- 30 A. The Navajo Nation Council approved Resolution No. CAP-35-18, entitled, "Adopting the

1 Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as
2 Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§
3 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the
4 Capital Improvement Process.” CAP-35-18 is incorporated herein by reference.

5 B. Section 4(C) of CAP-35-18 provides: “A chapter project, powerline, or waterline project may
6 be changed, including the year funded, or added to Exhibits A through E with the concurrence
7 of the Delegate representing the chapter’s Council District and the approvals of the
8 Resources and Development Committee and Budget and Finance Committee, as long as such
9 project has been certified as construction-ready by CPMD or NTUA and the total Sihasin
10 Funding for the District does not exceed \$4,166,666.67.”

11 C. The amount of \$1,429,636 for the Chinle Chapter “Waterline-SpiderRock Phase 2.5” project
12 was approved in Exhibit E to CAP-35-18. The CAP-35-18 Exhibit E showing the Chinle
13 Chapter Project No. E-7 is attached hereto as **EXHIBIT 1**.

14 D. The Chinle Chapter desires to delete Project No. E-7 in the Year 1 and Year 3 funding
15 periods and to add the “Waterline and Sewer-SpiderRock Phase 2.5” project in the Year 2
16 and Year 3 funding periods. The Chapter also desires to have the Navajo Nation Water
17 Management Branch administer the project and the \$1,429,636 in approved Sihasin funds.

18 E. The Division of Community Development - Capital Projects Management Department
19 (“CPMD”) has submitted, on behalf of the Chinle Chapter, a Sihasin Project Amendment
20 Certification Form, attached as **EXHIBIT 2**, explaining that the original project parameters
21 did not include a sewer line and did not provide for the administration of the project by the
22 Water Management Branch. The Sihasin Project Amendment Certification Form shows the
23 signature of the Navajo Nation Council Delegate for the Chinle Chapter, in accordance with
24 CAP-35-18 Section 4(C).

25 F. As required by CAP-35-18 Section 4(C), the new project activities (sewer line project) to be
26 added have been certified by CPMD as construction-ready and the total Sihasin Funding for
27 the Council District will not exceed \$4,166,666.67. In fact, the original Sihasin funding
28 amount of \$1,429,636 for the Chinle Chapter, as approved in CAP-35-18, will remain
29 unchanged.

30

1 **SECTION THREE. APPROVAL**

- 2 A. The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit
3 E, Project No. E-7, by deleting the “Waterline-SpiderRock Phase 2.5” project in the Year 1
4 and Year 3 funding periods and adding the “Waterline and Sewer-SpiderRock Phase 2.5”
5 project in the Year 2 and Year 3 funding periods, as shown in EXHIBIT 2.
- 6 B. The Navajo Nation hereby designates the Navajo Nation Water Management Branch as the
7 agency that will implement and manage the “Waterline and Sewer-SpiderRock Phase 2.5”
8 project and administer the allocated Síhasin funds.
- 9 C. Pursuant to Section Four (B) of CAP-35-18, CPMD shall enter into a partnership agreement
10 with the Water Management Branch providing for the Water Management Branch to
11 implement and manage the added project and administer the \$1,429,636 in Síhasin funds.
- 12 D. The Síhasin Fund shall be reimbursed the \$1,429,636 reallocated herein, from funds
13 available to the Navajo Nation from any and all state and federal sources, including
14 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-
15 19-related relief, so long as the expenditures for the Chinle Chapter’s project are deemed
16 eligible under such COVID-19-related or other funding sources.

17
18 **SECTION FOUR. EFFECTIVE DATE**

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

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21 **SECTION FIVE. SAVING CLAUSE**

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