

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0202-22_

SPONSOR: Jimmy Yellowhair

TITLE An Act Relating to the Resources and Development, and Budget and Finance Committees; Approving a Change to CAP-35-18 for the Whippoorwill Chapter by Moving Funds for the Whippoorwill Chapter House Renovation, in the Amount of \$450,000.00, From Funding Year 2 to Year 3.

Date posted: October 19, 2022 at 5:00 PM

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0202-22

DATE: 10/18/22

TITLE OF RESOLUTION: RELATING TO RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18 FOR THE WHIPPOORWILL CHAPTER BY MOVING FUNDS FOR THE WHIPPOORWILL CHAPTER HOUSE RENOVATION, IN THE AMOUNT OF \$450,000.00, FROM FUNDING YEAR 2 TO YEAR 3.

PURPOSE: This resolution, if approved, will move CAP-35-18 funding for the Whippoorwill Chapter House Renovation, from funding year 2 to year 3.

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.

5-DAY BILL HOLD PERIOD: John
Website Posting Time/Date: _____
Posting End Date: 10-24-22
Eligible for Action: 10-25-22

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

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6 (Prime Sponsor)

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8 Tracking No. 0202-22

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10 AN ACT
11 RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET
12 AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18 FOR THE
13 WHIPPOORWILL CHAPTER BY MOVING FUNDS FOR THE WHIPPOORWILL
14 CHAPTER HOUSE RENOVATION, IN THE AMOUNT OF \$450,000.00,
15 FROM FUNDING YEAR 2 TO YEAR 3.

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17 BE IT ENACTED:

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19 SECTION ONE. AUTHORITY

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

26
27 SECTION TWO. FINDINGS

- 28 A. The Navajo Nation Council approved Resolution No. CAP-35-18, entitled, "Adopting the
29 Síhasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as
30 Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§

1 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the
2 Capital Improvement Process.” CAP-35-18 is incorporated herein by this reference.

3 B. Section 4(C) of CAP-35-18 allows an approved Chapter project to be changed, by changing
4 the year funded, by adding to the project, or by changing the project entirely, with the
5 concurrence of the Council Delegate representing the Council District and the approvals of
6 the Resources and Development Committee and Budget and Finance Committee, as long as
7 such project has been certified as construction-ready and the total SÍhasin Funding for the
8 District does not exceed \$4,166,666.67.

9 C. The amount of \$450,000.00 for the Whippoorwill Chapter’s “Chapter House Renovation
10 (Plan, Design, Construct and Equipment)” Project was approved in CAP-35-18 as Project
11 number 173 in Exhibit D. The Whippoorwill Chapter’s “Chapter House Renovation (Plan,
12 Design, Construct and Equipment)” Project’s funding was later moved from Year 1 to Year
13 2 in Resolution BFMA-12-20, attached as **EXHIBIT 1**.

14 D. The Whippoorwill Chapter now wishes to carryover the approved SÍhasin Whippoorwill
15 Chapter House Renovation in the amount of \$450,000.00 from Funding Year 2 to Funding
16 Year 3. The Whippoorwill Chapter has passed Resolution No. WC-21-09, dated December
17 10, 2020, to request this project change. **EXHIBIT 2**.

18 E. The Division of Community Development - Capital Projects Management Department
19 (“CPMD”) has submitted, on behalf of the Chapter, a SÍhasin Project Amendment
20 Certification Form. **EXHIBIT 3**. The CPMD Amendment Certification Form shows the
21 signature of the Navajo Nation Council Delegate for the Whippoorwill Chapter, as required
22 by CAP-35-18 Section 4(C).

23 F. As required by CAP-35-18 Section 4(C), the new project has been certified by CPMD as
24 construction-ready and the total SÍhasin funding for the Council District will not exceed
25 \$4,166,666.67. In fact, the original SÍhasin funding amount of \$450,000.000 for the
26 Whippoorwill Chapter, as approved in CAP-35-18, will remain unchanged.

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28 **SECTION THREE. APPROVAL**

29 The Navajo Nation Council hereby approves a change to Resolution BFMA-12-20, moving
30 \$450,000.00 for the Whippoorwill Springs Chapter “Plan, Design, Construct, and Equip.” from

1 Funding Year 2 to Funding Year 3, as shown in the attached **EXHIBIT 3**.

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3 **SECTION FOUR. EFFECTIVE DATE**

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

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6 **SECTION FIVE. SAVING CLAUSE**

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

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