

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0205-22\_

SPONSOR: Pernell Halona

**TITLE: An Action Relating to the Resources and Development, and Budget and Finance Committees; Approving a Change in CAP-35-18 Exhibit D for the Bahastl'ah Chapter by Deleting Remaining Funds from Funding 1 and Adding Them to Funding Year 3 for the Chapter's Purchase of a Heavy-Duty Truck and for a New Road Improvement Project**

*Date posted:* October 24, 2022 at 5:14PM

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## SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0205-22

Date: October 19, 2022

**Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN CAP-35-18 EXHIBIT D FOR THE BAHASTL'AH CHAPTER BY DELETING REMAINING FUNDS FROM FUNDING YEAR 1 AND ADDING THEM TO FUNDING YEAR 3 FOR THE CHAPTER'S PURCHASE OF A HEAVY-DUTY TRUCK AND FOR A NEW ROAD IMPROVEMENT PROJECT**

### **Purpose of this Legislation:**


to approve an amendment to CAP-35-18 to change projects for the Bahastl'ah Chapter, to move \$115,761.13 in leftover project funds from Funding Year 1 to Funding Year 3, for the Chapter's purchase of a one-ton truck and use of leftover funds for the Chapter's road improvement project.

OLC No. 22-152-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 10-29-22  
Eligible for Action: 10-30-22

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

3 Introduced by:

4   
5  
6 (Prime Sponsor)

7  
8 Tracking No. 0205-22

9  
10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET  
12 AND FINANCE COMMITTEES; APPROVING A CHANGE IN CAP-35-18  
13 EXHIBIT D FOR THE BAHASTL'AH CHAPTER BY DELETING  
14 REMAINING FUNDS FROM FUNDING YEAR 1 AND ADDING THEM  
15 TO FUNDING YEAR 3 FOR THE CHAPTER'S PURCHASE OF A HEAVY-  
16 DUTY TRUCK AND FOR A NEW ROAD IMPROVEMENT PROJECT

17  
18 BE IT ENACTED:

19  
20 SECTION ONE. AUTHORITY

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

27  
28 SECTION TWO. FINDINGS

- 29 A. The Navajo Nation Council approved Resolution No. CAP-35-18, entitled, "Adopting the  
30 Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as

1 Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§  
2 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the  
3 Capital Improvement Process.” CAP-35-18 is incorporated herein by reference.

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

10 C. Certain amounts in Síhasin Funds were approved in CAP-35-18, Exhibit D, for the  
11 Bahastl’ah Chapter, as follows:

12 \$143,000 for a Caterpillar backhoe loader - Project No. D-22;

13 \$55,000 for a Massey Ferguson tractor; - Project No. D-23;

14 \$238,091.16 for a Caterpillar motor grader - Project No. D-24.

15 The CAP-35-18 Exhibit D showing the three Bahastl’ah Chapter Projects is attached hereto  
16 as **EXHIBIT 1**.

17 D. The Bahastl’ah Chapter reports that a significant amount of funds from all three projects  
18 remains. The total amount remaining is \$115,761.13. **EXHIBIT 2**.

19 E. The Chapter desires to use these leftover funds to purchase a new one-ton truck and to fund  
20 activities related to its Chapter road improvement project. **EXHIBIT 3**.

21 F. The Division of Community Development - Capital Projects Management Department  
22 (“CPMD”) has submitted, on behalf of the Bahastl’ah Chapter, a Síhasin Project Amendment  
23 Certification Form, explaining the Chapter’s desired change in funding allocation.  
24 **EXHIBIT 4**. The Síhasin Project Amendment Certification Form shows the signature of the  
25 Navajo Nation Council Delegate for the Bahastl’ah Chapter, in accordance with CAP-35-18  
26 Section 4(C).

27 G. Per CAP-35-18 Section 4(C), the Chapter’s proposed new truck purchase and road  
28 improvement activities have been certified by CPMD as construction-ready and the total  
29 Síhasin Funding for the Council District will not exceed \$4,166,666.67. In fact, the original  
30 Síhasin funding amount approved for the Chapter in CAP-35-18, will remain unchanged.

1 **SECTION THREE. APPROVAL**

2 A. The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit  
3 D, Project Nos. D-22, D-23, and D-24, for the Bahastl'ah Chapter, as shown in the attached  
4 **EXHIBIT 4**, by moving all remaining project funds in the amount of \$115,761.13 from  
5 Funding Year 1 to Funding Year 3 and adding the following two new projects to Funding  
6 Year 3:

- 7 \$100,000 for the Chapter's purchase of a new one-ton truck; and
- 8 \$15,761.13 for the Chapter's road improvement project.

9 B. The Síhasin Fund shall be reimbursed the \$115,761.13 reallocated herein, from funds  
10 available to the Navajo Nation from any and all state and federal sources, including  
11 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-  
12 19-related relief, so long as the expenditures for the Bahastl'ah Chapter's projects are deemed  
13 eligible under such COVID-19-related or other funding sources.

14  
15 **SECTION FOUR. EFFECTIVE DATE**

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

17  
18 **SECTION FIVE. SAVING CLAUSE**

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