

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0095-23\_

SPONSOR: Herman M. Daniels, Jr

**TITLE: An Action Relating to the Resources and Development, and Budget and Finance Committees; Approving a Change to CAP-35-18 Exhibit D for the Ts'ah Bii Kin Chapter by Deleting Remaining Funds from the Chapter's Solid Waste Transfer Station Project in Funding Year 3 and Adding the Funds to House Wiring Projects in Year 3**

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## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0095-23

Date: May 3, 2023

**Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE TO CAP-35-18 EXHIBIT D FOR THE TS'AH BII KIN CHAPTER BY DELETING REMAINING FUNDS FROM THE CHAPTER'S SOLID WASTE TRANSFER STATION PROJECT IN FUNDING YEAR 3 AND ADDING THE FUNDS TO HOUSE WIRING PROJECTS IN YEAR 3**

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

to approve the transfer of \$65,000 in remaining funds from the Inscription House Chapter solid waste transfer station project, as approved in CAP-35-18, to the Chapter's house wiring projects.

OLC No. 23-152-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 05-08-23  
Eligible for Action: 05-09-23

1 PROPOSED NAVAJO NATION STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4   
5 \_\_\_\_\_

6 (Prime Sponsor)

7  
8 Tracking No. 0095-23  
9

10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT, AND  
12 BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE  
13 TO CAP-35-18 EXHIBIT D FOR THE TS'AH BII KIN CHAPTER BY  
14 DELETING REMAINING FUNDS FROM THE CHAPTER'S SOLID  
15 WASTE TRANSFER STATION PROJECT IN FUNDING YEAR 3 AND  
16 ADDING THE FUNDS TO HOUSE WIRING PROJECTS IN YEAR 3  
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. \$330,000 in Síhasin Funds were approved in CAP-35-18, Exhibit D, for the Ts’ah Bii Kin  
11 Chapter for a Solid Waste Transfer Station project. The CAP-35-18 Exhibit D showing  
12 Project No. D-97 is attached hereto as **EXHIBIT 1**.

13 D. \$50,000 in Síhasin Funds were approved in CAP-35-18, Exhibit D, for the Ts’ah Bii Kin  
14 Chapter for house wiring projects. The CAP-35-18 Exhibit D showing Project No. D-98 is  
15 attached hereto as **EXHIBIT 1**.

16 E. The Ts’ah Bii Kin Chapter reports that \$65,000 of the original amount of funds remains from  
17 the Solid Waste Transfer Station project; and the Chapter desires to use these funds for house  
18 wiring projects. **EXHIBIT 2**.

19 F. The Division of Community Development - Capital Projects Management Department  
20 (“CPMD”) has submitted, on behalf of the Ts’ah Bii Kin Chapter, a Síhasin Project  
21 Amendment Certification Form, explaining the Chapter’s desired change in funding  
22 allocation. **EXHIBIT 2**. The Síhasin Project Amendment Certification Form shows the  
23 signature of the Navajo Nation Council Delegate for the Ts’ah Bii Kin Chapter, in  
24 accordance with CAP-35-18 Section 4(C).

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

29 H. The Ts’ah Bii Kin Chapter has provided budget forms for its proposed expenditure of the  
30 \$65,000. **EXHIBIT 3**.

1 **SECTION THREE. APPROVAL**

2 The Navajo Nation Council hereby approves a change to Resolution No. CAP-35-18, Exhibit  
3 D, Project Nos. D-97, and D-98, for the Ts'ah Bii Kin Chapter, as shown in the attached  
4 **EXHIBIT 2**, by moving all remaining Solid Waste Transfer Station project funds in the amount  
5 of \$65,000 in Funding Year 3, to House Wiring Projects in Funding Year 3.

6  
7 **SECTION FOUR. DIRECTIVE**

8 A. Within thirty (30) days of the effective date of this Action, the Office of Management and  
9 Budget shall transfer the \$65,000 in Síhasin funds remaining from the Ts'ah Bii Kin  
10 Chapter's Solid Waste Transfer Station project to a new business unit number for the  
11 Chapter's house wiring projects, as explained in the attached **EXHIBIT 2** and **EXHIBIT 3**.  
12 The new business unit number shall be under the Division of Community  
13 Development/Capital Projects Management Department, and this account shall be treated in  
14 the same manner as all other CAP-35-18 projects.

15 B. The Ts'ah Bii Kin Chapter shall then enter into an appropriate MOA or Grant Agreement  
16 with DCD/CPMD for expenditure of the \$65,000 in Síhasin funds on its house wiring  
17 projects.

18  
19 **SECTION FIVE. EFFECTIVE DATE**

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

21  
22 **SECTION SIX. SAVING CLAUSE**

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