

LEGISLATIVE SUMMARY SHEET

Tracking No. 0258-20

DATE: October 13, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A PROJECT CHANGE IN RESOLUTION CAP-35-18; APPROVING A CHANGE IN PROJECT DESCRIPTION FOR INDIAN WELLS CHAPTER

PURPOSE: The purpose of this resolution is to approve a change in project description in CAP-35-18 for Indian Wells Chapter.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 5:49pm 10-14-20
Posting End Date: 10-19-20
Eligible for Action: 10-20-20

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24TH NAVAJO NATION COUNCIL—Second Year, 2020

3 INTRODUCED BY

4 

5 _____
6 Primary Sponsor

7 TRACKING NO. 0258-20

8
9 AN ACTION

10 RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND
11 FINANCE COMMITTEES; APPROVING A PROJECT CHANGE IN
12 RESOLUTION CAP-35-18; APPROVING A CHANGE IN PROJECT
13 DESCRIPTION FOR INDIAN WELLS CHAPTER
14

15 BE IT ENACTED:

16
17 **Section One. Authority**

- 18 A. The Resources and Development Committee exercises authority over chapters of
19 the Navajo Nation. 2 N.N.C. § 501(C)(1).
20 B. The Budget and Finance Committee of the Navajo Nation Council exercises
21 authority over budgeting, appropriation, investment and management of all funds.
22 2 N.N.C. § 301 (B)(2).
23 C. Council Resolution CAP-35-18 provides, “[a] chapter project, powerline, or
24 waterline project may be changed, including the year funded, or added to Exhibits
25 A through E with the concurrence of the Delegate representing the chapter’s
26 Council District and the approvals of the Resources and Development Committee
27 and Budget and Finance Committee, as long as such project has been certified as
28 construction-ready by CPMD or NTUA and the total Sihasin Funding for the
29 District does not exceed \$4,166,666.67.” CAP-35-18, Section Four, Paragraph
30

1 **Section Two. Findings**

- 2 A. The Navajo Nation Council adopted Council Resolution CAP-35-18, “Adopting the
3 Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14,
4 as Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12
5 N.N.C. §§ 810 (F), 820 (I) and (M) and 860 (C) Relating to the Capital Budget and
6 Capital Improvement Process” on April 17, 2018.
- 7 B. Indian Wells Chapter requests to change the approved funding year in CAP-35-18 to
8 delete Indian Well 10 Commercial Site Development – Planning from year one funding
9 in project D-107 and to replace it with Indian Well 10 Commercial Site Development –
10 Planning (plan, design, and construction). The project funding of \$200,000 will remain
11 in year one.
- 12 C. The Sihasin Project Amendment Certification, attached as **Exhibit A**, has been signed by
13 the Delegate representing the chapter’s council district as required by CAP-35-18,
14 section 4, paragraph C.
- 15 D. The Capital Projects Management Department, through its signature in section IV of
16 **Exhibit A**, has indicated the project is construction ready. Also, while not a requirement
17 pursuant to CAP-35-18, Indian Wells Chapter has indicated its support of this request in
18 Indian Wells Chapter Resolution, IWC-20-135, attached as **Exhibit B**.

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20 **Section Three. Approval**

21 The Navajo Nation hereby approves the project change requested by Indian Wells
22 Chapter in accordance with **Exhibit A**.

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CAPITAL PROJECTS MANAGEMENT DEPARTMENT
SIHASIN PROJECT AMENDMENT CERTIFICATION
CAP-35-18

I. PROJECT DETAILS
 DATE SUBMITTED: 08/21/20
 PROJECT NAME: Indian Wells Chapter 10 Commercial Site Development REFERENCE NUMBER: CPMD #40
 PROJECT TYPE: Planning Project ORIGINAL DATE APPROVED: November 28, 2019

II. NATURE OF CHANGE AND COST DETAILS

EXHIBIT & PROJECT NO.	PROJECT DESCRIPTION	FUNDING			TOTAL FUNDING	FUNDING AMOUNT ADDED OR DELETED
		YEAR 1	YEAR 2	YEAR 3		
D-107	Indian Wells 10 Commercial Site Development - Planning	200,000.00				Deleted
D-107	Change Project Type to: Plan/Design and Construction	200,000.00			200,000.00	Added
	Indian Wells Chapter 10 Commercial Site Development				200,000.00	
TOTAL: [] INCREASED / [] DECREASED FUNDING:					200,000.00	

Acknowledgement of Project Amendment: Elmer P. Begay PRINTED NAME Elmer P. Begay SIGNATURE  DATE 10/14/2020

III. REASON FOR AMENDMENT

- CPMD has reviewed the CAP-35-18 Project Change Form and concurs that:
1. The total amount of funding for the added projects equals the total amount of funding for the deleted projects;
 2. Each added project has a completed Project Check-Off List signed off by CPMD and attached to this Form; and
 3. After the projects have been added and deleted, the total CAP-35-18 funding for the Council District does not exceed \$4,166,666.67.
 4. Add language to legislation "EXHIBIT D" Funding Use/Year.

IV. AFTER REVIEW, CPMD CONSIDERS AND CERTIFIES THE PROJECT TO BE DEEMED CONSTRUCTION-READY.

CPMD Project Manager Marlene Hoskie PRINTED NAME Marlene Hoskie SIGNATURE  DATE 8/21/2020

CPMA Department Manager James Adakai PRINTED NAME James Adakai SIGNATURE  DATE 8-21-20



JONATHAN NEZ
NAVAJO NATION PRESIDENT

TYRON LIZER
NAVAJO NATION VICE-PRESIDENT

SETH DAMON
NAVAJO NATION COUNCIL SPEAKER

ELMER P. BEGAY
CHAPTER COUNCIL DELEGATE

THE INDIAN WELLS CHAPTER OF THE NAVAJO NATION

RESOLUTION OF THE INDIAN WELLS CHAPTER

PRESIDENT
GEORGE JOHN
VICE-PRESIDENT
NORA A. JOHN
CHAPTER SECRETARY/TREASURER
JENNIFER RUSKIN
CHAPTER GRAZING OFFICIAL

Supporting and Approving the Granting of Utility Easement within the Indian Wells Chapter
Withdrawn 25.07± Acres Business/Commercial Development Site and Requesting the Division
of Community Development, Capital Projects Management Department, to Begin the Process for
Encumbering Sihasin Funds, Business Unit C01695, for Electric Power Line Extension and
Waterline Extension Construction

Resolution #IWC-20-135

WHEREAS:

1. The Indian Wells Chapter is a recognized Chapter of the Navajo Nation government, vested with certain authority and responsibilities to consider and act on matters of local concern that are in the best interest of the health, safety and welfare of the Chapter members and residents; and
2. Pursuant to Title 26 N.N.C., Navajo Nation Local Governance Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Nation laws, including custom and traditions, to make decisions over local matters, and to govern with responsibility and accountability to the local citizens; and
3. In order to continue the site development of the Chapter's withdrawn twenty-five (25±) acres business/commercial development zone along Navajo Route 6, the Indian Wells Chapter has engaged and is collaborating with Navajo Tribal Utility Authority (NTUA) to plan out and design the electric and water infrastructure for the economic development zone; and
4. A preliminary assessment of the proposed utility infrastructure development determined that a utility easement needs to be granted by the Indian Wells Chapter in order for NTUA to construct the electric and water line extensions from the existing electric power line and water line, attached hereto as Exhibit A; and
5. A preliminary construction cost estimate was provided by NTUA for the electric line extension \$128,597.18, which is contingent upon further discussion with the proposed tenant, Red Mesa Trading, attached hereto as Exhibit B; and
6. It is planned that the Sihasin funds allocated and established as Business Unit #C01695 for the 10 Acre Commercial Site Development be programmed to construct as Phase I the electric powerline extension; and

7. Pursuant to Indian Wells Chapter Resolution #IW-19-147, the Indian Wells Chapter approved changes to the Sihasin Expenditure Plan for the Indian Wells 10 Acre Commercial Site Development project by inserting language in the Project Type by including "Pre-Design, Design/Construction, and Equipment," in addition to Planning as well as extending the Project Duration to complete the project; and
8. To effect the necessary changes to the Sihasin Expenditure Plan, the assigned project staff with Capital Projects Management Department within the Navajo Division of Community Development, is to prepare and initiate the process for changes and forward the necessary documents to the respective Navajo Nation Council delegate to necessary and required action.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Indian Wells Chapter hereby supports, approves, and grants to Navajo Tribal Utility Authority (NTUA) the required and necessary utility easement for the construction of the electric powerline and waterline extensions within the previously approved and withdrawn 25.07± acres designated for business and commercial development, as shown in Exhibit A.
2. The Indian Wells Chapter hereby supports and approves the encumbrance and expenditure of Sihasin funds, under Business Unit #C01695, necessary to complete the construction, as Utility Development Phase I, of an electric powerline extension within the designated 25.07± business and commercial site, as outlined in the project scope of work in Exhibit B.
3. The Indian Wells Chapter further request the Navajo Division of Community Development, Capital Projects Management Department, to carry out the intent of Indian Wells Chapter Resolution #IW-19-147 by changing the Project Type and Project Duration within the Sihasin Expenditure Plan.

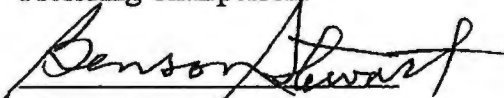
CERTIFICATION

I hereby certify that the foregoing Resolution was considered at a duly called Chapter meeting at Indian Wells, Navajo Nation (Arizona), where a quorum was present and that same passed by a vote of 15 in favor, 0 opposed and 1 abstained on this 8th day of March, 2020.

Motion: Alberto Peshlakai

Second: Jennifer Ruskin

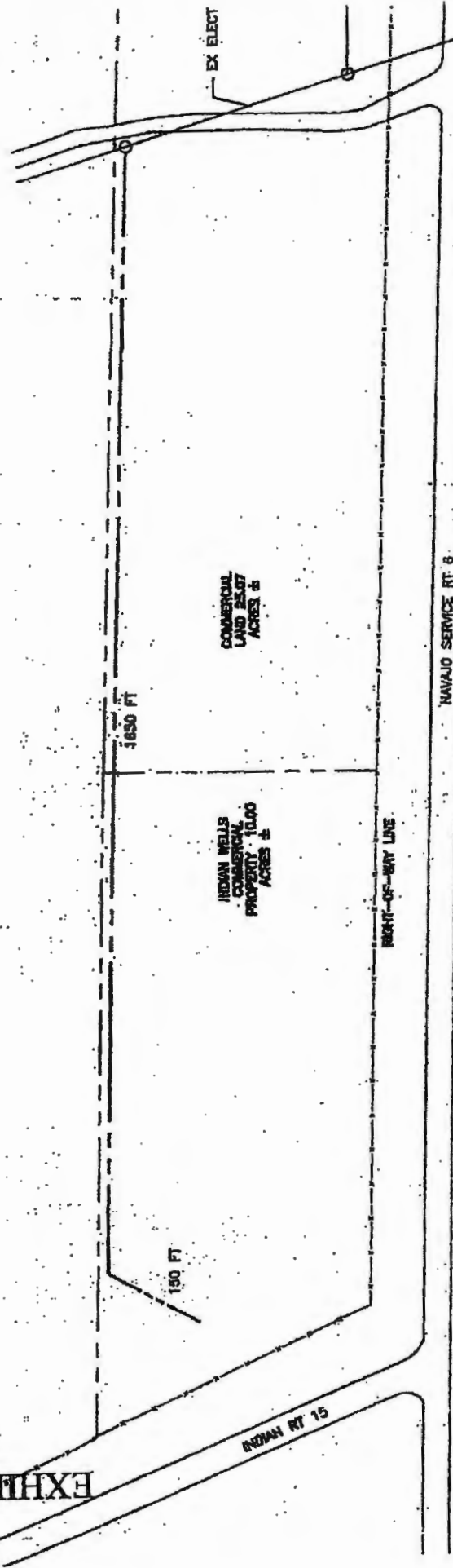
Presiding Chairperson:



Benson Stewart, President

Latitude 35.409847 Longitude -111.011111

EXHIBIT A



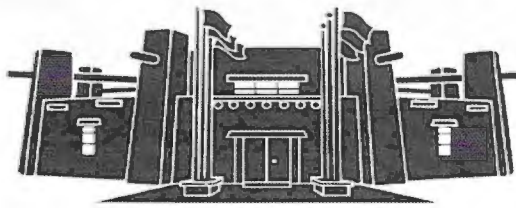
PRELIMINARY
DRAWN BY: [Signature] DATE: 2/14/20
REVIEWER: [Signature]

LEGEND/SYMBOLS

- EX POWER POLE
- FENCE LINE
- - - - - PROPERTY LINE
- EX ELECTRIC DIST LINE
- - - - - PROPOSED ELECTRIC DIST LINE

INDIAN WELLS, AZ

Title No.	Legal No.	Page No.
NAVAJO TRIBAL UTILITY AUTHORITY		
EQ ENGINEERING		
Scale 1" = 150'	WBS #:	
Date: 1/13/2020	2020 P&ID:	
Drawn: HG	Checked: DS	2020 P&ID CONSTRUCTION
App'd:		2020 P&ID
INDIAN WELLS - RED MESA 1		



MEMORANDUM

TO: Honorable Elmer P. Begay
24th Navajo Nation Council

FROM: Kristen Lowell
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: October 13, 2020

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A PROJECT CHANGE IN RESOLUTION CAP-35-18; APPROVING A CHANGE IN PROJECT DESCRIPTION FOR INDIAN WELLS CHAPTER

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0258-20

SPONSOR: Elmer P. Begay

TITLE: An Action Relating To Resources And Development And Budget And Finance Committee; Approving A Project Change In Resolution CAP-35-18; Approving A Change In Project Description For Indian Wells Chapter

Date posted: October 14, 2020 at 5:49PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

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

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0258-20

SPONSOR: Honorable Elmer P. Begay

TITLE: An Action Relating To Resources And Development And Budget And Finance Committee; Approving A Project Change In Resolution CAP-35-18; Approving A Change In Project Description For Indian Wells Chapter

Posted: October 14, 2020 at 5:49 PM

5 DAY Comment Period Ended: October 19, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

10/20/20 11:44 AM

Date/Time