

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0086-21_

SPONSOR: Mark Freeland

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Amending CJA-01-21 to Extend the Deadline for the Procurement of Heavy Equipment for 25 Chapters

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0086-21

DATE: May 25, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AMENDING CJA-01-21 TO EXTEND THE DEADLINE FOR THE PROCUREMENT OF HEAVY EQUIPMENT FOR 25 CHAPTERS

PURPOSE: The purpose of this resolution is for the Navajo Nation to approve a change in Resolution No. CJA-01-21 by amending the original 90-day deadline for the Division of Community Development to expend Sihasin funds for the purchase of heavy equipment for 25 remaining Chapters – the deadline will be extended to October 1, 2021.

5-DAY BILL HOLD PERIOD YSPrednase
Website Posting Time/Date _____
Posting End Date: June 1, 2021
Eligible for Action: June 2, 2021

Resources & Development Committee
Thence
Naabik'iyáti' Committee

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0086-21

9
10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
12 COMMITTEES; AMENDING CJA-01-21 TO EXTEND THE DEADLINE FOR
13 THE PROCUREMENT OF HEAVY EQUIPMENT FOR 25 CHAPTERS

14
15
16 BE IT ENACTED:

17
18 **SECTION ONE. AUTHORITY**

- 19 A. The Resources and Development Committee is empowered to exercise oversight of
20 matters involving water, land, environment, economic and community development,
21 chapters, and public utilities, among others. 2 N.N.C. §500(B), §500(C)(1).
22 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with
23 the authority to hear proposed resolution(s) that require final action by the Navajo Nation
24 Council. 2 N.N.C. § 164(A)(9).
25 C. The Navajo Nation Council delegated to the Naabik'iyáti' Committee certain authority
26 over the timeline for the expenditure of Síhasin funds that the Council, in Resolution No.
27 CJA-01-21, allocated to the Division of Community Development on behalf of the 110
28 Navajo Nation Chapters.

1 **SECTION TWO. FINDINGS**

2 A. On January 20, 2021, the Navajo Nation Council adopted Resolution No. CJA-01-21.

3 This resolution approved the expenditure of \$23,954,719.77 in Síhasin funds to obtain
4 certain heavy equipment for the 110 Navajo Nation Chapters. Resolution No. CJA-01-
5 21 is attached as **Exhibit 1**.

6 B. On January 30, 2021, CJA-01-21 was line-item vetoed by Navajo Nation President
7 Jonathan Nez. However, the President’s veto only affected certain projects and
8 expenditures involving the Navajo Nation Department of Water Resources and the
9 Shiprock Chapter. The President’s veto memorandum is attached as **Exhibit 2**.

10 C. Resolution No. CJA-01-21 entrusted the Division of Community Development (“DCD”)
11 with the responsibility of procuring the heavy equipment for the Navajo Nation Chapters.
12 The DCD was given 90 days in which to expend the \$23,954,719.77 in Síhasin funds.

13 D. To date, the DCD has worked diligently, in accordance with the Síhasin Fund Heavy
14 Equipment Expenditure Plan approved in CJA-01-21, to obtain the heavy equipment for
15 the Chapters. However, in order to fully meet the Navajo Nation’s procurement laws and
16 regulations, and to properly coordinate DCD’s purchasing efforts with the necessary
17 Divisions and Departments, the DCD needs additional time beyond the 90 days to
18 complete the heavy equipment purchases identified in CJA-01-21.

19 E. The DCD has explained its need for additional time in a memorandum to the Speaker of
20 the Navajo Nation Council, entitled: “Timeline Extension Request CJA-01-21” dated May
21 3, 2021, attached as **Exhibit 3**. This DCD memorandum identifies heavy equipment
22 expenditures for 25 Chapters that still need to be completed. **Exhibit 4**. None of DCD’s
23 planned expenditures for the remaining 25 Chapters involves the vetoed Water
24 Management Branch projects or the vetoed Shiprock Chapter expenditures.

25 F. CJA-01-21 does allow an extension to the heavy equipment purchasing 90-day deadline.
26 Page 7, Section Four, paragraph 5 of CJA-01-21 states: “[t]he funds allocated for the
27 Chapter Heavy Equipment Expenditure Plan shall revert to the Síhasin Fund principal if
28 not spent or encumbered within ninety (90) days of distribution to the Division of
29 Community Development, unless recommended otherwise by the Resources and
30 Development Committee and approved by the Naabik’íyáti’ Committee.”

1 G. The Resources and Development Committee of the Navajo Nation Council finds it in the
2 best interest of the Navajo People to extend the 90-day deadline set forth in CJA-01-21
3 for the DCD to complete the procurement/purchase of the heavy equipment for 25
4 remaining Chapters, as identified in **Exhibit 4**.

5 H. The Naabik'íyáti' Committee of the Navajo Nation Council finds it in the best interest of
6 the Navajo People to extend the 90-day deadline set forth in CJA-01-21 for the DCD to
7 complete the procurement/purchase of the heavy equipment for 25 remaining Chapters,
8 as identified in **Exhibit 4**.

9
10 **SECTION THREE. APPROVAL OF DEADLINE EXTENSION**

11 A. The Resources Committee of the Navajo Nation Council hereby approves the extension
12 of the 90-day Síhasin funds heavy equipment expenditure deadline established in
13 Resolution No. CJA-01-21 (Section Four, paragraph 5) to October 1, 2021.

14 B. The Naabik'íyáti' Committee of the Navajo Nation Council hereby approves the extension
15 of the 90-day Síhasin funds heavy equipment expenditure deadline established in
16 Resolution No. CJA-01-21 (Section Four, paragraph 5) to October 1, 2021.

17 C. Any Síhasin funds not spent or encumbered by the Division of Community Development
18 in accordance with the requirements of CJA-01-21 by the October 1, 2021 deadline shall
19 revert to the Síhasin Fund principal, unless otherwise recommended by the Resources and
20 Development Committee of the Navajo Nation Council and approved by the Naabik'íyáti'
21 Committee.

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23 **SECTION FOUR. EFFECTIVE DATE**

24 This legislation shall become effective pursuant to 12 N.N.C. § 2505.

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26 **SECTION FIVE. SAVING CLAUSE**

27 Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme
28 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
29 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.