TITLE: 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

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

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0086-21

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

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. The Resources and Development Committee is empowered to exercise oversight of matters involving water, land, environment, economic and community development, chapters, and public utilities, among others. 2 N.N.C. §500(B), §500(C)(1).

B. The Naabik’íyáti’ Committee is a standing committee of the Navajo Nation Council with the authority to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

C. The Navajo Nation Council delegated to the Naabik’íyáti’ Committee certain authority over the timeline for the expenditure of Sihasin funds that the Council, in Resolution No. CJA-01-21, allocated to the Division of Community Development on behalf of the 110 Navajo Nation Chapters.
SECTION TWO. FINDINGS

A. On January 20, 2021, the Navajo Nation Council adopted Resolution No. CJA-01-21. This resolution approved the expenditure of $23,954,719.77 in Sihasin funds to obtain certain heavy equipment for the 110 Navajo Nation Chapters. Resolution No. CJA-01-21 is attached as Exhibit 1.

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

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

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

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

F. CJA-01-21 does allow an extension to the heavy equipment purchasing 90-day deadline. Page 7, Section Four, paragraph 5 of CJA-01-21 states: “[t]he funds allocated for the Chapter Heavy Equipment Expenditure Plan shall revert to the Sihasin Fund principal if not spent or encumbered within ninety (90) days of distribution to the Division of Community Development, unless recommended otherwise by the Resources and Development Committee and approved by the Naabik’iyati’ Committee.”
G. The Resources and Development Committee of the Navajo Nation Council finds it in the best interest of the Navajo People to extend the 90-day deadline set forth in CJA-01-21 for the DCD to complete the procurement/purchase of the heavy equipment for 25 remaining Chapters, as identified in Exhibit 4.

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

SECTION THREE. APPROVAL OF DEADLINE EXTENSION

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

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

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

SECTION FOUR. EFFECTIVE DATE

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

SECTION FIVE. SAVING CLAUSE

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