TITLE: An Action Relating to Resources and Development and Budget and Finance Committees; Approving a Change in Resolution No. CAP-35-18 for Twin Lakes Chapter by Deleting Three Projects in the Year 1 Funding Period and Adding New Heavy Equipment Purchases in the Year 3 Funding Period

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DATE: July 26, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18 FOR TWIN LAKES CHAPTER BY DELETING THREE PROJECTS IN THE YEAR 1 FUNDING PERIOD AND ADDING NEW HEAVY EQUIPMENT PURCHASES IN THE YEAR 3 FUNDING PERIOD

PURPOSE OF THIS LEGISLATION: to approve a change in Project descriptions in CAP-35-18, regarding approved funding for Twin Lakes Chapter’s purchases of heavy equipment, Twin Lakes Chapter desires to use cost savings for the purchase of new heavy equipment.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0127-21

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING A CHANGE IN RESOLUTION NO. CAP-35-18 FOR TWIN LAKES CHAPTER BY DELETING THREE PROJECTS IN THE YEAR 1 FUNDING PERIOD AND ADDING NEW HEAVY EQUIPMENT PURCHASES IN THE YEAR 3 FUNDING PERIOD

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority regarding matters involving chapter activities. 2 N.N.C. §500(C).

B. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds, and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §301 (B)(2) and (5).

SECTION TWO. FINDINGS

A. The Navajo Nation Council approved Resolution No. CAP-35-18, entitled, “Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan Pursuant to CD-68-14, as
Amended by CJA-03-18, and 12 N.N.C. §§ 2501-2508, as Amended; Waiving 12 N.N.C. §§ 810 (F), 820 (I) And (M) And 860 (C) Relating to the Capital Improvement Budget and the Capital Improvement Process.” CAP-35-18 is incorporated herein by reference.

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

C. Certain purchases of heavy equipment for the Twin Lakes Chapter was approved in Exhibit D of CAP-35-18. The CAP-35-18 Exhibit D showing Twin Lakes Chapter Project Nos. 22, 23, and 24 is attached hereto as Exhibit 1. The expenditure for these purchases was approved for “Year 1 Funding” in the following amounts:

- No. 22 Caterpillar 420 F2 4WD Backhoe Loader $143,000.00
- No. 23 Massey Ferguson 2706E $55,000.00
- No. 24 Caterpillar 140M3 AWD Motor Grader $238,091.16

D. For all three of these approved purchases, the Twin Lakes Chapter experienced a cost savings, in the following amounts (see Exhibit 2):

- from purchase No. 22 Caterpillar 420 F2 4WD Backhoe Loader $50,035.12 saved;
- from purchase No. 23 Massey Ferguson 2706E $17,371.16 saved;
- from purchase No. 24 Caterpillar 140M3 AWD Motor Grader $48,354.85 saved.

E. Because of these cost savings, the Twin Lakes Chapter now desires to spend the savings on other heavy equipment needed by the Chapter, in the “Year 3 Funding” period, described in Exhibit 3, and as follows:

- from purchase No. 22 savings of $50,035.12 - change to new purchase of CV515 Truck, 4x4 with flatbed, cab guard - move to Year 3, with purchase amount of $50,035.12;
- from purchase No. 23 savings of $17,371.16 - change to new purchase of CV515 Truck, 4x4 with flatbed, cab guard - move to Year 3, with purchase amount of $17,371.16;
- from purchase No. 24 savings of $48,354.85 - change to new purchase of CV515 Truck, 4x4 with flatbed, cab guard - move to Year 3, with purchase amount of $48,354.85.
F. Regarding this request, the Division of Community Development has submitted, on behalf of the Chapter, a CAP-35-18 Capital Projects Management Department - Sihasin Project Amendment Certification Form, attached as Exhibit 3. The CPMD Amendment Certification Form shows the signature of the Delegate for Twin Lakes Chapter, as required by CAP-35-18 Section Four (C).

G. The CAP-35-18 Sihasin Project Amendment Certification Form, Exhibit 3, shows the requested changes to be made to Exhibit D, Project Nos. 22, 23, and 24, deleting the original heavy equipment purchases in the “Year 1 Funding” period and adding the three new purchases in the “Year 3 Funding” period, as explained in Paragraph E above.

H. As required by CAP-35-18 Section Four (C), the new projects to be added have been certified by the Capital Projects Management Department as construction-ready and the total Sihasin Funding for the Twin Lakes Council District will not exceed $4,166,666.67. In fact, the original Sihasin funding amounts for Project Nos. 22, 23, and 24, as approved in CAP-35-18, will remain unchanged.

I. The Sihasin Fund shall be reimbursed, in the amount of the allocation authorized in this legislation, from prospective funds available to the Navajo Nation from any and all appropriate state and federal sources, including Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-19 related relief.

SECTION THREE. APPROVALS

The Navajo Nation Council hereby approves changes to Resolution No. CAP-35-18, Exhibit D, Project Nos. 22, 23, and 24, for the Twin Lakes Chapter, by deleting the heavy equipment purchases listed in the “Year 1 Funding” period, and adding the following purchases for the “Year 3 Funding” period:

- for No. 22 - $50,035.12 for the purchase of a CV515 Truck, 4x4 with flatbed, cab guard;
- for No. 23 - $17,371.16 for the purchase of a CV515 Truck, 4x4 with flatbed, cab guard;
- for No. 24 - $48,354.85 for the purchase of a CV515 Truck, 4x4 with flatbed, cab guard.

SECTION FOUR. EFFECTIVE DATE

The action herein shall become effective pursuant to 12 N.N.C. §2505.
SECTION FIVE. SAVINGS CLAUSE

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