

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0127-21_

SPONSOR: Pernell Halona

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

Date posted: July 27, 2021 at 5:21PM

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.*

LEGISLATION SUMMARY SHEET

TRACKING NO. 0127-21

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.

OLC No. 21-296-1

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

Resources & Development Committee
Thence
Budget & Finance 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. 0127-21

9
10 AN ACTION

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

16
17 BE IT ENACTED:

18
19 SECTION ONE. AUTHORITY

- 20 A. The Resources and Development Committee of the Navajo Nation Council is empowered
21 to exercise oversight authority regarding matters involving chapter activities. 2 N.N.C.
22 §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
25 and management of all funds, and to coordinate and review all fiscal, financial and
26 investment activities of the Navajo Nation. 2 N.N.C. §301 (B)(2) and (5).

27
28 SECTION TWO. FINDINGS

- 29 A. The Navajo Nation Council approved Resolution No. CAP-35-18, entitled, “Adopting the
30 Sihazin 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
3 and the Capital Improvement Process.” CAP-35-18 is incorporated herein by reference.

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

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

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

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

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

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

25	from purchase No. 22 savings of \$50,035.12 - change to new purchase of CV515 Truck,
26	4x4 with flatbed, cab guard - move to Year 3, with purchase amount of \$50,035.12;
27	from purchase No. 23 savings of \$17,371.16 - change to new purchase of CV515 Truck,
28	4x4 with flatbed, cab guard - move to Year 3, with purchase amount of \$17,371.16;
29	from purchase No. 24 savings of \$48,354.85 - change to new purchase of CV515 Truck,
30	4x4 with flatbed, cab guard - move to Year 3, with purchase amount of \$48,354.85.

1 F. Regarding this request, the Division of Community Development has submitted, on behalf
2 of the Chapter, a CAP-35-18 Capital Projects Management Department - Síhasin Project
3 Amendment Certification Form, attached as **Exhibit 3**. The CPMD Amendment
4 Certification Form shows the signature of the Delegate for Twin Lakes Chapter, as
5 required by CAP-35-18 Section Four (C).

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

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

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

19
20 **SECTION THREE. APPROVALS**

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

25 for No. 22 - \$50,035.12 for the purchase of a CV515 Truck, 4x4 with flatbed, cab guard;

26 for No. 23 - \$17,371.16 for the purchase of a CV515 Truck, 4x4 with flatbed, cab guard;

27 for No. 24 - \$48,354.85 for the purchase of a CV515 Truck, 4x4 with flatbed, cab guard.
28

29 **SECTION FOUR. EFFECTIVE DATE**

30 The action herein shall become effective pursuant to 12 N.N.C. §2505.

1 **SECTION FIVE. SAVINGS CLAUSE**

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30