

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0204-21_

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Amending CJA-01-21 and NABIJN-14-21 to Extend the Deadline for the Procurement of Heavy Equipment for Chapters and to Extend the Deadline for the Department of Water Resources Emergency Projects

Date posted: September 24, 2021 at 2:03PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0204-21

DATE: September 23, 2021

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AMENDING CJA-01-21 AND NABIJN-14-21 TO EXTEND THE DEADLINE FOR THE PROCUREMENT OF HEAVY EQUIPMENT FOR CHAPTERS AND TO EXTEND THE DEADLINE FOR THE DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS

PURPOSE: The purpose of this legislation is to amend CJA-01-21 and NABIJN-14-21 to extend the deadline for the Síhasin Fund Division of Community Development heavy equipment purchases for the Navajo Nation Chapters and for the Department of Water Resources Emergency Projects.

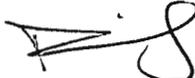
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 15/21/2021
Website Posting Time/Date:
Posting End Date: Sept. 29, 2021
Eligible for Action: Sept. 30, 2021

Resources & Development Committee
Thence
Naabik'iyáti' Committee

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

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor) *Rickie Nae*

7
8 TRACKING NO. 0204-21

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
12 COMMITTEES; AMENDING CJA-01-21 AND NABIJN-14-21 TO EXTEND
13 THE DEADLINE FOR THE PROCUREMENT OF HEAVY EQUIPMENT FOR
14 CHAPTERS AND TO EXTEND THE DEADLINE FOR THE DEPARTMENT OF
15 WATER RESOURCES EMERGENCY PROJECTS

16
17
18 BE IT ENACTED:

19
20 **SECTION ONE. AUTHORITY**

- 21 A. The Resources and Development Committee is empowered to exercise oversight of
22 matters involving water, land, environment, economic and community development,
23 chapters, and public utilities, among others. 2 N.N.C. §500(B), §500(C)(1).
24 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with
25 the authority to hear proposed resolution(s) that require final action by the Navajo Nation
26 Council. 2 N.N.C. § 164(A)(9).
27 C. The Navajo Nation Council delegated to the Naabik'iyáti' Committee certain authority
28 over the extension of the timeline for the expenditure of Síhasin funds that the Council, in
29 Resolution No. CJA-01-21, allocated to the Division of Community Development on
30

1 behalf of the 110 Navajo Nation Chapters and to the Department of Water Resources for
2 the Department of Water Resources Emergency Projects.

3
4 **SECTION TWO. FINDINGS**

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

6 This resolution approved the expenditure of Síhasin funds to obtain certain heavy
7 equipment for the 110 Navajo Nation Chapters and to fund the Department of Water
8 Resources procurement of equipment, water lines and other projects (Department of
9 Water Resources Emergency Projects) listed in CJA-01-21 Exhibit B. Resolution No.
10 CJA-01-21 is attached as **Exhibit 1**.

11 B. On January 30, 2021, CJA-01-21 was line-item vetoed by Navajo Nation President
12 Jonathan Nez. However, the President’s veto did not affect the funds for heavy equipment
13 for Chapters and affected only a portion of the funds approved for the Department of
14 Water Resources Emergency Projects Expenditure Plan. The President’s veto
15 memorandum is attached as **Exhibit 2**.

16 C. Resolution No. CJA-01-21 at Section Four, paragraph 5, set the deadline for the
17 expenditure of funds for the Division of Community Development to procure the heavy
18 equipment for the Navajo Nation Chapters and Resolution No. CJA-01-21 at Section Six,
19 paragraph 4, for the Department of Water Resources to expend funds to complete the
20 Department of Water Resources Emergency Projects.

21 D. CJA-01-21 provides an opportunity to extend the deadline for the heavy equipment
22 purchasing deadline. Page 7, Section Four, paragraph 5 of CJA-01-21 states: “[t]he funds
23 allocated for the Chapter Heavy Equipment Expenditure Plan shall revert to the Síhasin
24 Fund principal if not spent or encumbered within ninety (90) days of distribution to the
25 Division of Community Development, unless recommended otherwise by the Resources
26 and Development Committee and approved by the Naabik’iyáti’ Committee.”

27 E. Similarly, for the Department of Water Resources CJA-01-21 provides for an extension
28 of the deadline for the purchase of equipment and completion of water lines and other
29 projects. Page 8, Section Six, paragraph 4 of CJA-01-21 states: “The funds allocated for
30 the Department of Water Resources Emergency Projects Expenditure Plan shall revert to

1 the Síhasin Fund principal if not spent or encumbered within one hundred twenty days
2 (120) days of distribution to the Department of Water Resources, unless recommended
3 otherwise by the Resources and Development Committee and approved by the
4 Naabik'íyáti' Committee.”

5 F. On June 15, 2021, the Naabik'íyáti' Committee of the Navajo Nation Council through
6 Resolution Number NABIJN-14-21 approved an extension of the deadline of the Chapter
7 Heavy Equipment Expenditure Plan for an additional 90 days ending October 1, 2021.
8 NABIJN-14-21 is attached as **Exhibit 3**.

9 G. Both the Division of Community Development and the Department of Water Resources
10 need an extension of time to complete the purchase of heavy equipment for the Chapters
11 and for the expenditure of funds for the Department of Water Resources Emergency
12 Projects.

13 H. The Resources and Development Committee of the Navajo Nation Council recommends
14 the extension of the deadline set forth in NABIJN-14-21 for the Division of Community
15 Development to complete the procurement of the heavy equipment for the Chapters.

16 I. The Resources and Development Committee of the Navajo Nation Council recommends
17 the extension of the 180-day deadline set forth in CJA-01-21 for the Department of Water
18 Resources to complete the procurement of the equipment and project completion, as
19 identified in CJA-01-21 Exhibit B.

20 J. The Naabik'íyáti' Committee of the Navajo Nation Council finds it in the best interest of
21 the Navajo People to extend the deadline set forth in NABIJN-14-21 for the Division of
22 Community Development to complete the procurement/purchase of the heavy equipment
23 for Chapters.

24 K. The Naabik'íyáti' Committee of the Navajo Nation Council finds it in the best interest of
25 the Navajo People to extend the deadline set forth in CJA-01-21 for the Department of
26 Water Resources to complete the Department of Water Resources Emergency Projects.
27

28 **SECTION THREE. APPROVAL OF DEADLINE EXTENSION**

29 A. The Naabik'íyáti' Committee of the Navajo Nation Council hereby approves the extension
30 of the 180-day Síhasin Fund Department of Water Resources Emergency Projects

1 Expenditure Plan deadline established in Resolution No. CJA-01-21 (Section Six
2 paragraph 4) to December 30, 2021.

3 B. The Naabik'iyáti' Committee of the Navajo Nation Council hereby approves the
4 extension of the Síhasin funds heavy equipment expenditure deadline established in
5 Resolution No. NABIJN-14-21 to December 30, 2021.

6 C. Any Síhasin funds not spent or encumbered by the Division of Community Development
7 and the Department of Water Resources in accordance with the requirements of CJA-01-
8 21 by the December 30, 2021 deadline shall revert to the Síhasin Fund principal, unless
9 otherwise recommended by the Resources and Development Committee of the Navajo
10 Nation Council and approved by the Naabik'iyáti' Committee.

11
12 **SECTION FOUR. EFFECTIVE DATE**

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

14
15 **SECTION FIVE. SAVING CLAUSE**

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