LEGISLATION NO: _0204-21_  SPONSOR: Rickie Nez

TITLE: 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

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

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

INTRODUCED BY

(Rickie Nez)

(Prime Sponsor)

TRACKING NO. 0204-21

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

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’iyáti’ 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’iyáti’ Committee certain authority over the extension of 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 and to the Department of Water Resources for
the Department of Water Resources Emergency Projects.

SECTION TWO. FINDINGS
This resolution approved the expenditure of Síhasin funds to obtain certain heavy
equipment for the 110 Navajo Nation Chapters and to fund the Department of Water
Resources procurement of equipment, water lines and other projects (Department of
Water Resources Emergency Projects) listed in CJA-01-21 Exhibit B. 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 did not affect the funds for heavy equipment
for Chapters and affected only a portion of the funds approved for the Department of
Water Resources Emergency Projects Expenditure Plan. The President’s veto
memorandum is attached as Exhibit 2.
C. Resolution No. CJA-01-21 at Section Four, paragraph 5, set the deadline for the
expenditure of funds for the Division of Community Development to procure the heavy
equipment for the Navajo Nation Chapters and Resolution No. CJA-01-21 at Section Six,
paragraph 4, for the Department of Water Resources to expend funds to complete the
Department of Water Resources Emergency Projects.
D. CJA-01-21 provides an opportunity to extend the deadline for the heavy equipment
purchasing 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 Síhasin
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’íyáti’ Committee.”
E. Similarly, for the Department of Water Resources CJA-01-21 provides for an extension
of the deadline for the purchase of equipment and completion of water lines and other
projects. Page 8, Section Six, paragraph 4 of CJA-01-21 states: “The funds allocated for
the Department of Water Resources Emergency Projects Expenditure Plan shall revert to
the Sihasin Fund principal if not spent or encumbered within one hundred twenty days (120) days of distribution to the Department of Water Resources, unless recommended otherwise by the Resources and Development Committee and approved by the Naabik’íyáti’ Committee.”

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

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

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

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

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

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

SECTION THREE. APPROVAL OF DEADLINE EXTENSION

A. The Naabik’íyáti’ Committee of the Navajo Nation Council hereby approves the extension of the 180-day Sihasin Fund Department of Water Resources Emergency Projects
Expenditure Plan deadline established in Resolution No. CJA-01-21 (Section Six paragraph 4) to December 30, 2021.

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

C. Any Sihasin funds not spent or encumbered by the Division of Community Development and the Department of Water Resources in accordance with the requirements of CJA-01-21 by the December 30, 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’iyáti’ 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.