LEGISLATIVE SUMMARY SHEET

Tracking No. 0309-20

DATE: December 8, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $11,924,571 FROM THE SÍHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT; ADOPTING THE SÍHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508; ALLOCATING $33,876,114 FROM THE SÍHASIN FUND TO THE DEPARTMENT OF WATER RESOURCES; ADOPTING THE SÍHASIN FUND DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

PURPOSE: The purpose of this legislation is to fund Chapter Heavy Equipment purchases and Emergency Water Projects through the Síhasin Fund.

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.

OLC No. 20-489-1

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date: 5:58pm 12-08-20
Posting End Date: 12.13.2020
Eligible for Action: 12.14.2020

Budget & Finance Committee
Thence
Resources & Development Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020
INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0309-20

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $11,924,571 FROM THE SÍHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT; ADOPTING THE SÍHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508; ALLOCATING $33,876,114 FROM THE SÍHASIN FUND TO THE DEPARTMENT OF WATER RESOURCES; ADOPTING THE SÍHASIN FUND DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

C. 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. 2 N.N.C. § 301 (B)(2).

D. The Resources and Development Committee of the Navajo Nation Council is empowered to provide oversight over water and chapter activities, as well as oversight over community and economic development on the Navajo Nation. 2 N.N.C. §501 (C)(1).

E. The Navajo Nation Code provides that the purpose of the Navajo Nation Síhasin Fund ("Síhasin Fund") is as follows:

§ 2502 Purpose

A. The purposes of this Fund are to provide financial support and/or financing for:

1. The planning and development of economic development and regional infrastructure supporting economic development, and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and

2. Education opportunities for members of the Navajo Nation.

B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be limited by 12 NNC § 1310(F) or TCDCJY-77-99.

C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund, including loan financing from the Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in whole.

12 N.N.C. § 2502, as amended by CJA-03-18.

F. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal, and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

SECTION TWO. FINDINGS

A. The World Health Organization (WHO) declared a Public Health Emergency of International Concern related to the outbreak of coronavirus (COVID-19), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.

B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19. Resolution No. CEM 20-03-11. The Navajo Nation Department of Health subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2020-030 are incorporated by reference into this resolution.

C. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) (the "CARES Act"), which, at Title V, §5001, entitled "Coronavirus Relief Funds", set aside $8 billion in emergency aid for Tribal governments for the COVID-19 pandemic.

D. As of June 30, 2020, the Navajo Nation has received seven hundred fourteen million one hundred eighty-nine thousand six hundred thirty-one dollars and forty-seven cents ($714,189,631.47) as the Nation's share of the U.S. Treasury's initial distributions of the Coronavirus Relief Fund.

E. The CARES Act provides the Coronavirus Relief Fund shall be used to cover only those costs that:

a. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;

b. are not accounted for in the Tribal budget most recently approved as of March 27, 2020; and

c. are incurred from March 1, 2020 through December 30, 2020.

F. Pursuant to the U.S. Treasury "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments" updated on September 2, 2020, related to the permissible uses of the Coronavirus Relief Fund, for a CARES Act expense to have been "incurred" requires that services actually be performed and goods actually received by December 30, 2020.

G. The Navajo Nation has enacted Resolutions No. CJN-46-20, CJN-47-20, CJY-67-20, CS-73-20 and CS-74-20, incorporated herein by reference, allocating the Nation's share of the U.S. Treasury's initial distributions of the Coronavirus Relief Fund through numerous CARES Fund Expenditure Plans, including the CARES Fund Chapter Distribution Expenditure Plan enacted by CS-73-20 and the Water Projects Expenditure Plan enacted by CJY-67-20.

H. The purpose of the CARES Fund Chapter Distribution Expenditure Plan was to provide funding to all Navajo Nation Chapters (both LGA Certified and non-certified), through the Division of Community Development, to respond to the COVID-19 pandemic and ensure that Navajo communities have access to the funding necessary to ensure that community members are adequately protected from exposure to COVID-19 and able to comply with the Center for Disease Control (CDC) COVID-19 prevention guidance.

I. The purpose of the CARES Fund Water Projects Expenditure Plan was to provide emergency funding to Department of Water Resources to ensure that the Navajo Nation populace has adequate access to safe potable water necessary to mitigate the spread COVID-19 and comply with CDC COVID-19 prevention guidance.

J. Resolutions No. CJY-67-20 and CS-73-20 include that the progress of all approved Navajo Nation Cares Fund Expenditure Plan projects, including Chapter Distribution Expenditure Plan projects and Water Projects Expenditure Plan projects, shall be reviewed by the Budget and Finance and Naabik'íyáti' Committees during the month of October 2020 and that the funding for any project that has not made enough progress to demonstrate that it will be fully completed by December 30, 2020, will be re-allocated to the Hardship Assistance Expenditure Plan through Naabik'íyáti' Committee. *See* CJY-67-20, Section Three (Q) and CS-73-20, Section Three (F).

K. On October 30, 2020, the Naabik'íyáti' Committee enacted NABIO-49-20, incorporated herein by reference, which states that

> Any remaining CS-73-20, CJY-67-20 and/or CJN-46-20 CARES Fund Expenditure Plan funds not fully expended, not including encumbered and obligated funds, by November 20, 2020, regardless of recipient or intended recipient, shall be automatically reallocated to the Hardship Assistance Expenditure Plan. Funds still encumbered as of December 15, 2020, shall be unencumbered and unobligated and automatically reallocated to the Hardship Assistance Expenditure Plan. The Office of Management and Budget and Office of Controller shall implement these reallocations without the need for further authorization.
>
> NABIO-46-20, Section Three (D).

L. Numerous Chapters have requested that the Division of Community Development (DCD) use their respective Chapter Distribution funds to purchase heavy equipment; however, due to COVID-19 business restrictions and shut-downs, DCD was not able to execute the heavy equipment purchases, set forth in **Exhibit A**, by NABIO-46-20's November 20th expenditure mandate and the funding was automatically reallocated to the Hardship Assistance Expenditure Plan.

M. Similar to DCD, the Department of Water Resources (DWR) was unable, due to COVID-19 business restrictions and shut-downs, to execute the water project purchases, set forth in **Exhibit B**, by NABIO-46-20's November 20th expenditure

mandate and the funding was automatically reallocated to the Hardship Assistance Expenditure Plan.

N. Notwithstanding the automatic reallocation to the Hardship Assistance Expenditure Plan, the purchase of the heavy equipment, as set forth in **Exhibit A**, is important to both the Chapters' response to COVID-19 and its overall community development, both short-term and long-term.

O. Notwithstanding the automatic reallocation to the Hardship Assistance Expenditure Plan, funding of the water projects, as set forth in **Exhibit B**, is important to both the Navajo People' access to safe potable water and overall community development, both short-term and long-term.

P. The Navajo Nation finds that using the Síhasin Fund for the purchase of heavy equipment, as set forth in **Exhibit A**, is within the purposes of 12 N.N.C. § 2502 (A) (1) and is in the best interests of Navajo communities and the Navajo People.

Q. The Navajo Nation also finds that using the Síhasin Fund to fund the emergency water projects, as set forth in **Exhibit B**, is within the purposes of 12 N.N.C. § 2502 (A) (1) and is in the best interests of the Navajo People and Navajo communities.

SECTION THREE. ALLOCATION OF $11,924,571 TO THE DIVISION OF COMMUNITY DEVELOPMENT AND ADOPTION OF THE CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN

A. The Navajo Nation hereby allocates eleven million nine hundred twenty-four thousand five hundred seventy-one dollars ($11,924,571) from the Síhasin Fund to the Division of Community Development to implement the Síhasin Fund Chapter Heavy Equipment Expenditure Plan as detailed in **Exhibit A**.

B. The Navajo Nation hereby approves and adopts the Síhasin Fund Chapter Heavy Equipment Expenditure Plan as set forth in this resolution and in **Exhibit A**.

SECTION FOUR. APPROVAL AND ADOPTION OF CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN ADMINISTRATION

The Navajo Nation hereby approves administration of the Síhasin Fund Chapter Heavy Equipment Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the $11,924,571 allocation from the Síhasin Fund will be from Fund Principal or Fund Income or a combination of both;
2. The funds allocated for the Chapter Heavy Equipment Expenditure Plan shall be distributed to the Division of Community Development within ten (10) days following enactment of this legislation;
3. The funds allocated for the Chapter Heavy Equipment Expenditure Plan shall be used solely to purchase the equipment described in **Exhibit A** and any and all cost-savings shall be returned to the Síhasin Fund once the Chapter Heavy Equipment Expenditure Plan is completed; and
5. The 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.

SECTION FIVE. ALLOCATION OF $33,876,114 TO THE DEPARTMENT OF WATER RESOURCES AND ADOPTION OF THE DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN

A. The Navajo Nation hereby allocates thirty-three million eight hundred seventy-six thousand one hundred fourteen dollars ($33,876,114) from the Síhasin Fund to the Department of Water Resources to implement the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan as detailed in **Exhibit B**.

B. The Navajo Nation hereby approves and adopts the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan as set forth in this resolution and in **Exhibit B**.

SECTION SIX. APPROVAL AND ADOPTION OF DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN ADMINISTRATION

The Navajo Nation hereby approves administration of the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the $33,876,114 allocation from the Síhasin Fund will be from Fund Principal or Fund Income or a combination of both;
2. The funds allocated for the Department of Water Resources Emergency Projects Expenditure Plan shall be distributed to the Department of Water Resources within ten (10) days following enactment of this legislation;
3. The funds allocated for the Department of Water Resources Emergency Projects Expenditure Plan shall be used solely to fund the projects described in **Exhibit B** and any and all cost-savings shall be returned to the Síhasin Fund once the Department of Water Resources Emergency Projects Expenditure Plan is completed; and
5. The funds allocated for the Department of Water Resources Emergency Projects Expenditure Plan shall revert to the Síhasin 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.

SECTION SEVEN. EFFECTIVE DATE

This legislation and the Síhasin Fund Chapter Heavy Equipment and Department of Water Resources Emergency Projects Expenditure Plans Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

SECTION EIGHT. SAVINGS CLAUSE

Should any provision(s) of this Action 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 Action shall remain the law of the Navajo Nation.

SECTION NINE. DIRECTIVES

The Division of Community Development and Department of Water Resources shall report, in writing, the status of expenditures and project progress under their respective Expenditure Plans to the Naabik'iyati' Committee and Office of the President and Vice-President by the fifth day of each month following the enactment of this legislation.

EXHIBIT A

SIHASÍN FUND

CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN

THE NAVAJO NATION
DIVISION OF COMMUNITY DEVELOPMENT
EXPENDITURE PLAN FOR HEAVY EQUIPMENT

REQUEST(S) NOT SUBMITTED FOR ONLINE PURCHASE REQUISITION	Heavy Equipment Type	Estimated Cost
Baca/ Prewitt	Freightliner	$154,918.58
Blue Gap-Tachee	Backhoe, Motor Grader	$405,744.76
Bodaway-Gap	Trailer, Backhoe, Utility Trailer	$348,126.66
Coalmine Canyon	Backhoe, Flatbed Dump Truck, Water Truck, Skid Steer	$159,132.00
Cornfields	Water Truck, Snow Plow, Dump Truck	$108,085.95
Cove	2020 Mack GR64B Heavy Duty Truck	$170,200.00
Dennehotso	Backhoe	$93,943.00
Dilkon	2 Vehicle,Dump Trailer, 2 Flatbed Utility, Gooseneck Trailer	$147,095.58
Forest Lake	Backhoe, Gooseneck, Photovolatics, Vehicle	$325,854.77
Fort Defiance	Backhoe	$95,814.29
Ganado	Vehicle, Water Truck	$73,754.99
Jeddtio	Vehicle, Water Truck	$167,115.00
Kayenta	Water Truck	$64,051.00
Lechee	Vehicle,Backhoe, Water Truck	$242,950.00
Low Mountain	Backhoe	$90,850.00
Lupton/ TseSiAni	Vehicle	$57,863.27
Manuelito	Backhoe, Motor Grader	$379,485.55
Mariano Lake	UTV	$7,999.99
Mexican Springs	Skid Steer	50,969.16
Mexican Water	Gooseneck Trailer, Vehicle, ATV	$99,096.54
Nageezi	Backhoe, Motor Grader	$364,613.87
Navajo Mountain	Motor Grader	$252,000.00
Nazlini	Water Truck	$93,003.00
Nenahnezad	Motor Grader, Backhoe, Mini Excavator, Tractor, Farm Loader, 2 Vehicles, Dump Trailer, Gooseneck Dump Trailer, Flatbed, Utility Trailer, Stock Trailer	$846,383.00
Newcomb/TiisNideshgish	Water Tank	$9,000.00
Oak Springs	Motor Grader, Backhoe, Flatbed Truck,	$397,630.00
Ojo Encino	Backhoe, Vehicle, Sensor	$183,455.57
Pinedale	Backhoe,Vehicle,Flatbed	$166,334.11
Ramah	Motor Grader	$255,166.60
Red Mesa	Vehicle	$42,032.45
Red Valley	Vehicle, Backhoe, Water Truck	$157,060.50
San Juan	Backhoe	$109,498.00
Sanostee	Dump Trailer, ATV	$26,422.26
Sawmill	1 ton truck	$68,794.00
Shiprock	Truck, Fork lift	$88,750.95
Shonto	Backhoe, Vehicle	$162,400.00

Steamboat/Hoyee	Trailer, Dump Trailer, Water Truck	$96,606.00
Sweetwater	Vehicle	$61,015.00
Teec Nos Pos	Vehicle	$59,150.34
Tohatchi	Security Cameras	$3,107.27
Two Grey Hills/ Toadlena	Dump Trailer,	$17,990.00
	TOTAL:	**$6,703,464.01**

Request(s) – Submitted for Online Requisition	Heavy Equipment Type	Estimated Cost
Aneth	Backhoe	$116,918.00
Aneth	Vehicle	$63,005.34
Baahaali	Skid steer loader with attachments, jackhammer	$74,198.94
Baahaali	Skid steer loader	$79,523.89
Birdsprings	Motor Grader	$165,606.09
Black Mesa	Backhoe with attachments	$94,658.00
Burnham	Backhoe	$108,564.95
Cove	Backhoe	$108,014.00
Coyote Canyon	Backhoe	$102,742.11
Coyote Canyon	Skid Steer	$50,701.20
Crownpoint	Backhoe	$103,659.53
Crownpoint	Vehicle	$63,592.00
Crownpoint	Water Truck	$180,673.00
Crownpoint	Flatbed trailer	$19,000.00
Crystal	Backhoe	$99,534.00
Dilkon	Backhoe and Water Truck	$264,150.22
Forest Lake	Backhoe	$94,658.00
Gadii'Ahi	Gooseneck trailer	$13,900.00
Huerfano	Truck/skid steer	$76,945.28
Indian Wells	Backhoe	$74,200.00
Kin Dah Lichii	Backhoe	$118,683.96
Kin Dah Lichii	Lake Valley Trailer	$4,900.00
Klagetoh	Backhoe	$103,763.40
Klagetoh	Backhoe, Freight Liner, Motor grader	$585,928.00
Lake Valley	Skid Steer Loader	$58,300.00
Lake Valley	Vehicle	$47,482.52
Low Mountain	Vehicle	$49,340.00
Low Mountain	Gooseneck Trailer	$12,500.00
Mariano Lake	Heavy Duty Truck	$79,900.00
Mariano Lake	Backhoe	$105,048.13
Mexican Springs	Heavy Duty Truck w/flatbed	$99,850.00
Nagezzi	Heavy Duty Truck w/flatbed	$98,900.00
Newcomb	Vehicle	$52,927.92
Ojo Encino	Trailer	$19,000.00

Pinon	Backhoe	$104,955.03
Pinon	Commerical Delivery Truck	$112,000.00
Ramah Navajo	Backhoe	$113,358.58
Ramah Navajo	Backhoe	$100,059.90
Red Mesa	Trailer	$7,900.00
Red Mesa	Vehicle	$61,226.00
Sanostee	Backhoe	$106,063.49
Sanostee	Vehicle	$53,114.48
Shiprock	Backoe	$115,999.00
Standing Rock	Skid Steer Loader	$52,651.23
Standing Rock	Beclabito - 2021 Mack GU713	$95,347.00
Til Tsoh Sikaad	Motor Grader	$271,386.11
Tohatchi	Backhoe	$109,300.00
Tohatchi	Gooseneck Flatbed	$11,900.00
Tolani Lake	Trailer and Backhoe	$140,943.96
Tolikan/Sweetwater	Backhoe	$100,776.14
Torreon	Vehicle	$56,003.00
Tsaile	Backhoe	$103,763.40
Tsayatoh	buck replacements for backhoe	$4,092.99
White Rock	Backhoe	$109,498.00
	TOTAL:	**$5,221,108.79**

GRAND TOTAL: **$11,924,570.80**

EXHIBIT B

SIHASÍN FUND

DEPARTMENT OF WATER RESOURCES
EMERGENCY PROJECTS EXPENDITURE PLAN

Order #/164 #	Reversions to Hardship Assistance	Amount	Comments
OR 16536	KACHINA RENTALS LLC	$32,224.00	
OR 16459	MEDIFY AIR LLC	30,503.00	
OR 16529	T & T DISTRIBUTING CO. INC.	1,223.03	
OR 16547	PPE PRODUCTS INC	11,907.65	
OR 15953	Power Generator Service; 8 ea. Multiquip Whisperwatt generator	6,500.00	
15260	Thoreau/Baca - SMA	250,000.00	
15172	ENWP - SMA Amendment #16	680,000.00	
15172	Whitehorse Lake - SMA Amendment #16	60,000.00	
15172	Torreon Hydrants - SMA Amendment #16	91,000.00	
15172	Counselor Lybrook - SMA Amendment #16	50,000.00	
15538	Smith Lake - SMA (#10)	170,000.00	
15367	Tohajiilee - SMA #6	2,522,000.00	
15103	DigDeep	1,007,300.00	
OR 16425	Whitehorse Lake - D&R Tank	74,226.00	
15247	Tohajiilee - Lone Mountain	500,000.00	
15259	Thoreau/Baca - Stewart Bothers	105,607.80	
15543	Thoreau/Baca - NECA	350,617.66	
15543	Counselor Lybrook - NECA	246,126.70	
15543	Torreon Hydrants - NECA	45,574.70	
15248	ENWP - NECA CO#1	1,300,000.00	
15533	Ramah - Dooley Construction Solutions	448,452.08	
15248	Cutter Lateral - NECA CO#1	500,000.00	
15454	Source Global	5,582,890.23	
15297	FBFA - Stewart Brothers	616,888.20	
OR 16070	Aermotor Global Windmill and Supply; 14' and 16' complete windmill (FBFA)	28,467.59	
OR 16305	GEFCO; Mud Pump	206,518.74	
OR 15949	RDO Equipment; 2 ea. JD 724L wheel loader	447,088.73	
OR 15950	RDO Equipment; 7 ea. JD 850L crawler dozer	2,110,553.56	
OR 15951	RDO Equipment; 4 ea. JD 250G excavator	917,084.61	
OR 15953	Power Generator Service; 8 ea. Multiquip Whisperwatt generator	508,898.40	
OR 15931	MCT Inc.; 8 20-ton equipment trailer	179,510.40	
OR 15933	MCT Inc.; 4 ea. Dorsey utility trailer	98,000.00	
OR 15934	MCT Inc.; 4 ea. Holden lowboy trailer	251,625.60	

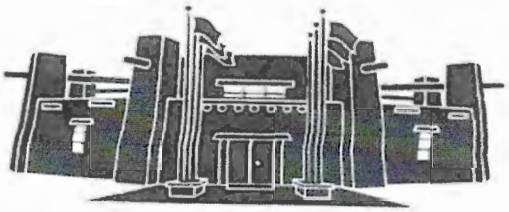
OR 15947	RDO Equipment; 3 ea. JD 672G motor grader	774,991.95	
OR 15903	RUSH Truck; 5 semp-trucks	708,095.00	
OR 15921	Century Equipment; 2 air compressor	100,400.00	
OR 16434	GEFCO; Drilling Rig (truck mounted)	497,444.22	
OR 16442	RDO EQUIPMENT CO; 10 water trucks	1,340,787.11	
OR 16244	GEFCO; 50k Drilling Rig	1,042,179.28	
OR 15922	RUSH Truck; 8 Peterbilt 567 rigs	1,115,928.00	
OR 15901	RUSH Truck; 2 dump trucks	260,500.00	
	Amount included in Reversion to Hardship Assistance	**$25,271,114.24**	

Emergency Projects Not Funded through CARES Act

	Cistern/Septic systems	$7,500,000.00	Construction of 70 to 100 cistern/septic systems was not included in the CARES Act funding. The IHS and other agencies have completed approximately 70 design drawings. Those homes are basically construction ready after NNEPA reviews the designs. We initially estimated almost 75k per home. At that rate, 100 home would cost $7.5 million. Some recent quotes came in less that that. If there are savings, we could potentially complete more.
	Tse'ii'ahi Waterline	90,000.00	The impact fees to transfer waterlines to NTUA was not included in the CARES Act funding.
	Chichiltah - Vanderwagen waterlines	150,000.00	Additional work for individual home lay-outs with waterline and septic locations was not included in the CARES Act funding.
	Gold King Mine Damage Assessment	115,000.00	
	SCADA	750,000.00	Construction/ design/ permitting of new tower for NTUA was not included in CARES Act funding.
	Amount for Emergency Projects not funded through CARES Act	**$8,605,000.00**	

EMERGENCY WATER PROJECTS TOTAL: **$33,876,114.24**

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Seth Damon, Speaker
Navajo Nation Council

From : Dana Bobroff

Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

Date : December 8, 2020

Re : **AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $11,924,571 FROM THE SÍHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT; ADOPTING THE SÍHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508; ALLOCATING $33,876,114 FROM THE SÍHASIN FUND TO THE DEPARTMENT OF WATER RESOURCES; ADOPTING THE SÍHASIN FUND DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0309-20__ SPONSOR: Seth Damon

TITLE: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee, and Navajo Nation Council; Allocating $11,924,571 from the Síhasin Fund to the Division of Community Development; Adopting the Síhasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C. §§ 2501 – 2508; Allocating $33,876,114 from the Síhasin Fund to the Department of Water Resources; Adopting the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508

Date posted: December 8, 2020 at 5:58PM

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0309-20

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee, and Navajo Nation Council; Allocating $11,924,571 from the Síhasin Fund to the Division of Community Development; Adopting the Síhasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C. §§ 2501 –2508; Allocating $33,876,114 from the Síhasin Fund to the Department of Water Resources; Adopting the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 8, 2020 at 5:58 PM

5 DAY Comment Period Ended: December 13, 2020

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

12/14/20 8:17 AM
Date/Time

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0309-20

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee, and Navajo Nation Council; Allocating $11,924,571 from the Síhasin Fund to the Division of Community Development; Adopting the Síhasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C. §§ 2501 –2508; Allocating $33,876,114 from the Síhasin Fund to the Department of Water Resources; Adopting the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 8, 2020 at 5:58 PM

5 DAY Comment Period Ended: December 13, 2020

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	**1) Many Farms Chapter**

Legislative Tracking Secretary
Office of Legislative Services

12/14/20 1:24 PM

Date/Time

MANY FARMS CHAPTER
P.O. BOX 185
MANY FARMS, ARIZONA 86538
PHONE: (928) 781-3605
FAX: (928) 781-3608
E-Mail: manyfarms@navajochapters.org

Kee Allen Begay, Jr., Council Delegate, 24th Navajo Nation Council

Katherine O. Arthur, President
Aljerino Tsedah, Vice President
Jacqueline J. Begaye, Secretary/Treasurer

Francine Harrison, CSC
Lewanda Ben, AMS
Roland Tso, Grazing Committee

December 12, 2020

To: Navajo Nation President Jonathan Nez
Navajo Nation Vice President Lizer
Navajo Nation Speaker Damon
Navajo Nation 24th Council

RE: HEAVY EQUIPMENT PURCHASE INCLUSION – LEGISLATION NO. 0309-20

Dear Navajo Nation Leadership

The Many Farms is a certified local government unit of the Navajo Nation and is authorized by the Navajo Nation Code to advocate and act on behalf of the local community.

The Many Farms Chapter during the CARES Fund Budget preparation, were informed that heavy equipment was not allowable for purchase per the United States Treasury.

The Many Farms Chapter instead budget in the amount of $500,000 for a Cell Tower for East side Many Farms community but was denied by the CARES Fund administrator even after an agreement was established between the Many Farms Chapter and the Cell Service Provider.

The Many Farms Chapter has lost the $500,000 due to late notice back from the CARES Fund administrator and the deadline has pass.

The Many Farms is requesting the following equipment to be added to Legislation No. 0309-20.

1. Brand New 2018 Reefer Peterbilt 348 Tri-Axle Dump Truck Allison Automatic; Allison 3000 RDS Transmission; Engine HP 350; Air Trac Suspension; **Priced at $ 175,000.00**
2. Alum-Line Bumper Pull Heavy Equipment Flatbed Trailer; 3' Rub Rail and heavy stake pockets on 24" centers; 7000 lb, axles, 8 ft wide, 24 ft long., and more. **PRICED at $ 12,000.00**

The Many Farms Chapter respectfully request this equipment for purchase to be utilized serving our local community members.

Respectfully submitted on December 12, 2020. Thank you.

Katherine Arthur
President

Aljerino Tsedah
Vice President

Jacqueline J. Begaye
Secretary/Treasure

24th NAVAJO NATION COUNCIL

Second Year 2020

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0309-20:

An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee, and Navajo Nation Council; Allocating $11,924,571 from the Síhasin Fund to the Division of Community Development; Adopting the Síhasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C. §§ 2501 – 2508; Allocating $33,876,114 from the Síhasin Fund to the Department of Water Resources; Adopting the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Seth A. Damon, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And, therefore referred to the **RESOURCES AND DEVELOPMENT** Committee

Respectfully submitted,

Jamie Henio, Chairman

Adopted: _____ Not Adopted: _____
Legislative Advisor Legislative Advisor

15 DECEMBER 2020

The vote was **5** in favor **0** opposed *yeas: Jimmy Yellowhair Raymond Smith, Jr. Amber K. Crotty Nathaniel Brown Elmer P. Begay*
Main Motion: Amber K. Crotty
Second: Jimmy Yellowhair

BUDGET AND FINANCE COMMITTEE
15 DECEMBER 2020
Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0309-20: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee, and Navajo Nation Council; Allocating $11,924,571 from the Síhasin Fund to the Division of Community Development; Adopting the Síhasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C. §§ 2501 – 2508; Allocating $33,876,114 from the Síhasin Fund to the Department of Water Resources; Adopting the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 – 2508 *Sponsored by Seth A. Damon, Council Delegate*
Motion: Amber K. Crotty
Second: Jimmy Yellowhair
Vote: 5-0, Chairman not voting

Final Vote Tally:

Jamie Henio		
Jimmy Yellowhair	**yea**	
Raymond Smith Jr.	**yea**	
Elmer P. Begay	**yea**	
Amber K. Crotty	**yea**	
Nathaniel Brown	**yea**	

Jamie Henio, Chairman
Budget & Finance Committee

Peggy Nakai, Legislative Advisor
Budget & Finance Committee

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0309-20

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating to Budget and Finance Committee, Resources and Development Committee, Naabik'íyáti' Committee, and Navajo Nation Council; Allocating $11,924,571 from the Síhasin Fund to the Division of Community Development; Adopting the Síhasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C. §§ 2501 –2508; Allocating $33,876,114 from the Síhasin Fund to the Department of Water Resources; Adopting the Síhasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§ 2501 –2508

Posted: December 8, 2020 at 5:58 PM

5 DAY Comment Period Ended: December 13, 2020

Digital Comments received:

Comments Supporting	**1) Kelly Klitso** **2) Jennifer Douglas** **3) Joe Salt** **4) Vandrew Jake**
Comments Opposing	***None***
Comments/Recommendations	**1) Chinle Chapter Government**

L Johnson
Legislative Tracking Secretary
Office of Legislative Services

12/16/20 3:00pm
Date/Time

Legislation 0309-20

Kelly Klitso <klitso61@icloud.com>

Mon 12/14/2020 7:49 PM

To: comments <comments@navajo-nsn.gov>;

Please pass
Kelly Klitso

Sent from my iPhone
WARNING: External email. Please verify sender before opening attachments or clicking on links.

Legislation 0309-20

Jennifer Douglas <jenny028@hotmail.com>

Mon 12/14/2020 7:49 PM

To: comments <comments@navajo-nsn.gov>;

Jennifer Douglas, I support Source water.
Legislation 0309-20
Sent via the Samsung Galaxy S20 5G, an AT&T 5G smartphone
Get Outlook for Android
WARNING: External email. Please verify sender before opening attachments or clicking on links.

Navajo Nation Water Proposed Project

Joe Salt <Joe_Salt@outlook.com>

Mon 12/14/2020 7:48 PM

To:comments <comments@navajo-nsn.gov>;

We highly support the Navajo Nation Council Legislation 0309-20. We reside in a very remote area of northern Section of Shonto Chapter. There is no existing electrical services line and domestic water lines available for all residences. The existing electrical services lines and the domestic health safe waterlines are fifteen (15) miles away. Because of the distances the northern Chapter Residents had been requesting Thur Chapters' legislators for number of years for these services with no results, because lack funding.

The northern Chapter residents consisted of schoolchildren daily's buses run to Kayenta School District and to local school, the Shonto Shool, Elders, Disables with health issues, Armed Forced Veterans, and area younger generations who are planning and wanted to establish their homes when the services become available.

Presently, without these domestic services, area residents has to travel an average of (15) fifteen miles to get water as domestic safety water for their families.

Since the COVID - 19 Crisis, the Health Departments mandating to wash hands every times when in contacts with other people and everything that touched without protection.

With the NN Councils approvals of the legislation 0309-20, the Navajo Nation Residents' living conditions, Health will greatly improve, the Elderly and Disabilities will be accommodated with inside bathrooms facilities and the school children will be accommodated with hygiene cleaning essential and above all, the Availability's Safety Domestic Drinking Water, along time awaited substance.

Sent from my iPad

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Untitled

Vandrew Jake <vannjake11470@gmail.com>

Mon 12/14/2020 7:47 PM

To: comments <comments@navajo-nsn.gov>;

Hello my name is Vandrew jake , I am from Birdsprings Arizona. I have health problems I just wanted to help by voice support for water source to get funds so Please pass the legislations 0309-20, for the water source to continue with installation . so we can get our drinking water. Right now we have to get drinking water for three house hold . We get our drinking water from winslow.. so please please pass legislations 0309-20
WARNING: External email. Please verify sender before opening attachments or clicking on links.

Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin
PRESIDENT

David Yazzie, Jr.
VICE PRESIDENT

Cynthia Hunter
SECRETARY/TREASURER

Eugene Tso
COUNCIL DELEGATE

Oscar Bia
GRAZING COMMITTEE MEMBER

RESOLUTION OF THE CHINLE CHAPTER GOVERNMENT
NAVAJO NATION
CHIN-DEC-20-038

CHINLE CHAPTER GOVERNMENT RESPECTFULLY REQUESTS TO BE ADDED TO THE SIHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN, WHICH IS INCLUDED IN THE NAVAJO NATION COUNCIL LEGISLATION 0309-20, AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'YATI COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $11,924,571 FROM THE SIHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT; ADOPTING THE SIHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508; ALLOCATING $33,876,114 FROM THE SIHASIN FUND TO THE DEPARTMENT OF WATER RESOURCES; ADOPTING THE SIHASIN FUND DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508, FOR THE PURCHASE OF A BACKHOE AND CHAPTER HEAVY DUTY TRUCK TO BE USED FOR THE CHINLE COMMUNITY AND LOCAL SURROUNDING COMMUNITIES, IF NEED BE.

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety and general welfare; and
2. Chinle Chapter Government is a local government established as a Chapter under the Navajo Nation on February 14, 1956 and it is the 32nd Navajo Nation Chapter to become LGA Certified out of 110 Chapters; and
3. The U.S. Congress on March 27, 2020, enacted the Coronavirus aid, Relief, Economic Security Act (CARES Act), Pub L. No. 116-136, 134 Stat. 281 (2020). The CARES Act, at Title V, §5001, entitled Coronavirus Relief Funds which set aside $8 Billion in emergency aid for Tribal Governments for the COVID-19 Pandemic; The Navajo Nation received from the CARES Act funding in the amount of $714,189,631.47 to be used to address the COVID-19 Pandemic; From Navajo Nation Council Resolution CS-73-20, an amount of $90 Million was appropriated for Navajo Nation Chapters and this was approved the Navajo Nation Office of the President & Vice-President; The Chinle Chapter Government was allocated an amount of $1,814,490.00 under Business Unit Number 10815; Chinle Chapter Government requested through the appropriated funds a Backhoe and Chapter Heavy Duty Truck to haul and transport the backhoe via the NN CARES Act Funds and initially the Navajo Division of Community Development approved such purchase but was denied by the Navajo Office of the Controller; and
4. The Chinle Chapter Government request to the Navajo Office of the Controller detailing the need and warrant as well as price estimate is attached; and
5. The Chinle Chapter Government pursuant to the NNC Legislation 0309-20, want to be added to the Sihasin Fund – Chapter Heavy Equipment Expenditure Plan in the amount of $175,524.91 and this amount covers a backhoe and Chapter Heavy Duty Truck. (Attached); and
6. The Chinle Chapter is still in need of securing a new backhoe for the chapter as well as the Heavy Duty Chapter Truck as the amount of burial requests due to the COVID-19 Pandemic has increased and the chapter has had to also provide gravesite services to nearby surrounding communities; and
7. The amount of wear and tear on our current backhoe and chapter truck is quite evident and replacement of these units need to be done; and

CHIN-DEC-20-038: CHINLE CHAPTER GOVERNMENT RESPECTFULLY REQUESTS TO BE ADDED TO THE SIHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN, WHICH IS INCLUDED IN THE NAVAJO NATION COUNCIL LEGISLATION 0309-20, AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'YATI COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $11,924,571 FROM THE SIHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT; ADOPTING THE SIHASIN FUND CHAPTER HEAVY EQUIPMENT EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508; ALLOCATING $33,876,114 FROM THE SIHASIN FUND TO THE DEPARTMENT OF WATER RESOURCES; ADOPTING THE SIHASIN FUND DEPARTMENT OF WATER RESOURCES EMERGENCY PROJECTS EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508, FOR THE PURCHASE OF A BACKHOE AND CHAPTER HEAVY DUTY TRUCK TO BE USED FOR THE CHINLE COMMUNITY AND LOCAL SURROUNDING COMMUNITIES, IF NEED BE.

8. Upon the issuance and receiving of the backhoe and Heavy Duty Chapter Truck the Chinle Chapter Government will assume all maintenance and operation expense of the equipment and include them within the chapter inventory as outlined by the chapter's Five Management System; and
9. The Chinle Chapter submits as an attachment to this resolution the paperwork that was submitted to the Navajo Office of the Controller which will show the price quotation of both the backhoe and Heavy Duty Truck and their respected dealerships; and
10. The Chinle Chapter will Oversee and Administer the funds and report back to the Navajo Nation as required and needed as well as follow all procurement laws and regulations in accordance with its Five Management System and any other Navajo Nation Laws and Regulations that pertain to this funding.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter Government respectfully requests to be added to the Sihasin Fund Chapter Heavy Equipment Expenditure Plan, which is included in the Navajo Nation Council Legislation 0309-20, an action relating to Budget and Finance Committee, Resources and Development Committee and Naabik'yati Committee and Navajo Nation Council; Allocating $11,924,571 from the Sihasin Fund to the Division of Community Development; Adopting the Sihasin Fund Chapter Heavy Equipment Expenditure Plan pursuant to 12 N.N.C §§ 2501 – 2508; Allocating $33,876,114 from the Sihasin Fund to the Department of Water Resources; Adopting the Sihasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C §§ 2501 – 2508, for the purchase of a backhoe and Chapter Heavy Duty Truck to be used for the Chinle Community and Local Surrounding Communities, if need be.
2. The Chinle Chapter will accept all matters pertaining to responsibility, accountability and control of the Navajo Nation Sihasin Fund that is provided to the chapter from this funding allocation for the sole purchase of a backhoe and Heavy Duty Truck.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered and moved for Adoption by Tyrone Begay, Second by Oscar Bia, thoroughly discussed and approved by a vote of 12 in favor, 0 opposed and 8 abstained at a duly called meeting at Chinle Chapter, the NAVAJO NATION, Chinle, Arizona on this 13th day of December 2020.

Myron McLaughlin, President

David Yazzie, Vice-President

Cynthia Hunter, Secretary/Treasurer

Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin
PRESIDENT

David Yazzie, Jr.
VICE PRESIDENT

Cynthia Hunter
SECRETARY/TREASURER

Eugene Tso
COUNCIL DELEGATE

Oscar Bia Sr.
GRAZING COMMITTEE MEMBER

November 6, 2020

Pearline Kirk, Controller
Office of the Controller – The Navajo Nation
PO Box 3150
Window Rock, AZ 86515

RE: Chinle Chapter Government Request of Equipment via NN CARES Act Funds

Ms. Kirk;

The Chinle Chapter Government formally submits this letter of request to you for acknowledgement and approval in our request for new equipment for the chapter. The chapter is dire need of a new Backhoe as well as chapter truck due to the COVID-19 Pandemic as the Chinle Chapter has been in constant operation of providing assistance to the general public since the Pandemic was announced, March 2020. As part of the continued operation, the chapter was tagged to be the District Distribution Center for Chinle Agency and given our LGA status, we also provided essential assistance through Burials, Trash Services and distribution of goods and services. All of which required the chapter to use our chapter truck and backhoe for these services and this meant a constant wear and tear and excessive mileage for our chapter equipment.

Also, within the allocation of the Navajo Nation CARES Act, Legislation CS-73-20 was approved and that enacted funding for chapters and through the Guidance of the Coronavirus Relief Fund for State, Territorial, Local and Tribal Governments, it states that that necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) can be considered.

Then within the Navajo Nation CARES Fund Chapter Distribution Expenditure Plan listed in the purpose cites infrastructure equipment like a backhoe for COVID related deceased matters as well as a vehicle which provided the transportation of Pandemic relief of goods and services throughout the Chinle Agency, providing services for up to ten chapters.

In closing, the Chinle Chapter is requesting approval of purchasing a backhoe and chapter truck as replacements for our existing worn, tired and need of replacement equipment. We have determined to have such equipment replaced it will cost, $175,524.91 and attached is the quotation of such items. We thank you for consideration and any questions can be brought to our attention.

Signed,

Walton Yazzie, Chapter Manager

CC: CCG File

PO Box 1809 Chinle, Arizona 86503 • P: (928) 674-2052 • F: (928) 674-2079 • chinle@navajochapters.org

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Chapter Support Program – Standard Equipment Justification Memo

The Navajo Nation understands that many Chapters have a need for the acquisition of heavy equipment or the repair of existing equipment due to overuse during the pandemic. Such items include backhoes, trailers, and other transportation equipment. Given these are Federal dollars, there are many Federal compliance requirements that accompany the use of funds. As with all uses of payments from the CARES Act, the use of payments to acquire or improve property and equipment is limited to that which is necessary due to the COVID-19 public health emergency. In the context of acquisitions of equipment, this means that the acquisition itself must be necessary. Per compliance requirements, you must:

- Determine the Chapter is not able to meet the need arising from the public health emergency in a cost-effective manner by leasing property or equipment
- Maintain documentation to support this determination.

Additionally, such acquisitions must be completed and the acquisition of equipment be put to use in service of the COVID-19-related use for which it was acquired or improved by December 30, 2020 to support compliance requirements, please provide answers to the following questions for each piece of equipment or vehicles that you would like procured or are requesting reimbursement. [1]

1. Please provide an explanation of how this equipment or heavy machinery will directly allow your Chapter to respond to or mitigate circumstances caused by COVID-19.

   The purchasing of the Backhoe will allow the continuance of assisting not only the Chinle Chapter but nearby surrounding chapters with the digging of burial plots for those individuals that passed on due to the COVID-19 Pandemic. Given that the Chinle Chapter is an LGA Chapter we have been in continued operation since the start of the Pandemic, March 2020, and this laid the burden of making sure loved ones were properly laid to rest. The wear and tear on our existing backhoe were significant and this included the chapter truck which pulled the backhoe within the Chinle Community and the surrounding communities. The need for backhoe assistance is ongoing and given the increase in positive cases of COVID-19 will not end. The need to have graves dug will last well into the end of 2020 and go directly into 2021. Replacement of the current backhoe is a must and need.

   The chapter is also needing to replace its chapter truck that transports the Backhoe as well as they go hand in hand and being able to get the Backhoe to the community cemetery is a must and needed. The size of the Backhoe warrants having to be transported to the cemetery as well as community burial sites and the constant wear and tear on the chapter truck has been evident and a replacement is warranted and needed.

[1] Coronavirus Frequently Asked Questions, Question 58: https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf

2. Please confirm the vendor will guarantee that the item will be delivered and the Chapter will make use of the item before 12/30. Funds must be expended before 11/30, but all goods must be delivered and operational before 12/30 to be eligible. Note – please also include confirmation from the vendor stating the date of delivery (e.g., a purchase order, invoice).

   The chapter is well aware of the parameters and deadlines needing to be meet and we will have the backhoe delivered to the Chapter before December 30, 2020 and this also includes the chapter truck and once they have arrived, they will be in full operation as we get requests for burial assistance weekly. Also see the attached emails as well as the individual Quotations which indicate delivery prior to December 30, 2020.

3. Provide an explanation to support that the Chapter is not able to meet the need in a more cost-effective manner (i.e., why there was a need to purchase the backhoe as opposed to rent through December 30, 2020). This analysis should be focused on the covered period (through 12/30) and why there is not a more cost-effective option over the next two months as opposed to purchasing the piece of equipment. As a reminder, the intention of CARES Act funding is for the covered period through December 30, 2020 and future use of the item in 2021 is not an appropriate justification. If the item is not available to rent, that is an acceptable justification.

   The cost of renting is not deemed acceptable nor does having to abide by the rules of meeting the necessary expectations of servicing the equipment through that one vendor only. Whereas purchasing of a new backhoe allows more flexibility in service of unit. Also renting of unit is not readily available in our location.

   There is no funding to rent or commit to a long term renting agreement and purchasing of a new chapter truck is deemed feasible at this time.

4RIVERS EQUIPMENT

Albuquerque NM • Cheyenne WY • Colorado Springs CO • El Paso TX • Farmington NM • Fort Collins CO
Frederick CO • Greeley CO • Hobbs NM • Holly CO • Lamar CO • Pueblo CO • Rocky Ford CO • Strasburg CO
www.4RiversEquipment.com

QUOTATION

To: Chinle Chapter Government
PO BOX 1809
Chinle, AZ. 86503
Attention: Mr. Chapter Mgr Walton Yazzie & Mr. President Myron McLoughlin

Date: 11.05.2020
FOB: Chapter or Farmington
Delivery Date: 5-10 Days ARO
(Quotation Void after 30 Days)

1 Each New 2020 John Deere 310SL 4x4 Backhoe Equipped with:
John Deere Power Tech Plus Turbo Charged Engine 4045HT082 FT4 101Gross HP, Deluxe Pressurized Cab w/Heater and A/C, Air Suspension Cloth Seat, Tilt Steering Wheel, Front and Rear Window Washer/Wiper Package, Pilot Controls w/Extendable Dipper Stick with Heavy Duty 410L Backhoe Dig Cylinder (27% more bucket breakout forces, 750lb. Front Counter Weight Package, Front Loader Coupler with Ride Control, 4x4 MFWD Guard Package, Axle MFWD w/Limited Slip, 1.3 Cu Yard Loader Coupler Bucket w/Bolt on Cutting Edge, 60 x 60 Coupler Forks, Dual Battery with Disconnect and Jump Post, Lockable Tool box, 12.5/80-18Front & 19.5L-24 Rear Tire Package, JD Link Ultimate 5YR. Machine Monitoring System (JD Link), Hi Temp/Hi Altitude Cooling Package, Rear Manual Coupler, 12 & 24" HD Buckets, Interior Mirror, Exterior rear view mirrors, Heavy Duty Grill, Chrome Exhaust, Engine coolant heater 110v., Fluid Sample Ports, Radio Basic Package, Plus All Other Standard Equipment. Stock #117510

Chinle Chapter Price with Navajo Nation Governmental Discount: $103,300.00
If delivered to the Chapter then a 6%NN tax will be added. $6,198.00
Total with NN would be $109,498.00

Operator Training on Operations and Maintenance Free of Charge at Dealership or Chapter House.

Warranty:
12-Months Full machine Factory Warranty, plus an additional 48-Months/3000 Hours whichever occurs first of the Power Train plus Hydraulics Extended Warranty. FOB a 4Rivers Equipment Facility.

By: David Valdez

Accepted By: Walton Yazzie

Order Accepted By: 4 Rivers Equipment, LLC.

201wa

Gmail

Tyrone J. Begay <chinleplanner2014@gmail.com>

NN Chinle Chapter 310SL TAG#117510 11.05.2020

1 message

David Valdez <dvaldez@4riversequipment.com>
To: "chinleplanner2014@gmail.com" <chinleplanner2014@gmail.com>

Thu, Nov 5, 2020 at 10:18 PM

Mr. Tyrone

We are all out of stock on the HL. I am quoting you a 310SL pilot controls like the HL and it has a front coupler so I quoted you a front cplr bucket and a set of 60" cplr forks. the coupler is operated by a switch in the cab no need to get out to change bucket and forks. I also quoted you 12" and 24" bucket it has a manual quick coupler on the rear of the machine. Please let me know if this will not work for you so I can quote it out to other chapters that are waiting for a stock machine.

We can deliver and invoice this year. We ask for 5-10 days ARO to get this here and ready to deliver or for you to pick up. Please read note on the quote about NN tax if we deliver.

Thank you for the opportunity call me if you have any questions. If you decide to go with this machine please send this letter in with the quote so they can see the highlighted portion.

David Valdez/ Territory Manager

4Rivers Equipment

1100 Troy King Rd

Farmington, NM 87401

C: (505) 947-4796

W: (505) 326-1101

F: (505) 326-2516

E: dvaldez@4riversequipment.com

NN Chinle Chapter 310SL TAG#117510 11.05.2020.docx
21K

PRESTIGE CHRYSLER DODGE JEEP INC.
200 ALPINE STREET
LONGMONT, CO 805016033

Priced Order Confirmation (POC)

Date Printed:	2020-11-02 1:48 PM	VIN:	3C7WRNEL6LG151606	Quantity:	01
Estimated Ship Date:	2020-02-27 1:59 AM	VON:	45317586	Status:	KZ - Released by plant and invoiced
Date Ordered:	2020-01-11 1:24 PM	Ordered By:	S53211E		
Date Modified:	2020-01-11 2:50 PM	Modified By:	S53211E		

Sold to:
PRESTIGE CHRYSLER DODGE JEEP INC. (67899)
200 ALPINE STREET
LONGMONT, CO 805016033

Ship to:
KORF CONTINENTAL (43696)
500 WEST 8TH AVENUE
YUMA, CO 807592651

Vehicle: 2020 5500 CREW CAB CHASSIS 4X4 (173.4 in WB - CA of 60 in) (DP0L93)

	Sales Code	Description	MSRP(USD)
Model:	DP0L93	5500 CREW CAB CHASSIS 4X4 (173.4 in WB - CA of 60 in)	46,720
Package:	2YA	Customer Preferred Package 2YA	0
	ETN	6.7L I6 Cummins Turbo Diesel Engine	7,745
	DF2	6-Spd Auto Aisin AS69RC HD Trans	1,600
Paint/Seat/Trim:	PW7	Bright White Clear Coat	0
	APA	Monotone Paint	0
	*V9	Cloth 40/20/40 Bench Seat	295
	-X9	Black	0
Options:	NAS	50 State Emissions	0
	LPE	Cargo and CHMSL Lamp	95
	YEP	Manuf Statement of Origin	0
	LBN	Power Take Off Prep	295
	XNR	Manual DPF Regeneration	245
	LAW	Tire Fill Alert	45
	XBT	Tire Pressure Information System	150
	AMP	Chrome Appearance Group	595
	XAA	ParkSense Rear Park Assist System	295
	AHQ	Max Tow Package	495
	UAA	Uconnect 3 with 5" Display	695
	AHD	Heavy Duty Snow Plow Prep Group	245
	TY5	225/70R19.5G All Traction Tires	250
	ADH	Electrical Accessory Group	545
	TBB	Full Size Spare Tire	395
	ADE	Cold Weather Group	175
	NLL	52 & 22 Gallon Dual Fuel Tanks	695
	5N6	Easy Order	0
	4EX	Sales Tracking	0
Destination Fees:			1,695

Total Price: 63,270

Vehicle Sales Price	Incentive	Up-fit	6% Navajo Tax	Purchase Price
59,205.00	(-500.00)	6,134.54 Flat Bed	3,890.37	68,729.91

Option: 5yr/100K Mile Warranty 3495.00

Purchase Price: 72,224.91

Gmail

Tyrone J. Begay <chinleplanner2014@gmail.com>

Fwd: Advantage Dodge Ram Chrysler Jeep

2 messages

Michael Dohl <msdohl@navajochapters.org>
To: Tyrone J Begay <chinleplanner2014@gmail.com>

Mon, Nov 2, 2020 at 1:28 PM

---------- Forwarded message ---------
From: **Ron Bullhorse** <ronbullhorse@advantagedodge.com>
Date: Mon, Nov 2, 2020 at 12:48 PM
Subject: Advantage Dodge Ram Chrysler Jeep
To: msdohl@navajochapters.org <msdohl@navajochapters.org>

Michael,

Enclosed you will find the quote for this 2020 Ram 5500 60" Cab & Chassis this quote includes installation of the flat bed. This truck is coming from another dealership and should be here in the next few days.

If you have any questions, please feel free to call me anytime

Thanks

Ron Bullhorse

Fleet and Commercial Sales

505-566-1443 Direct line

505-870-0106 Cell

ronbullhorse@advantagedodge.com

ADVANTAGE
DODGE · RAM · CHRYSLER · JEEP · FIAT

--
Michael Dohl
Project Coordinator
Chinle Chapter Government
msdohl@navajochapters.org
Office: (928)674-2053

Chinle Chapter House.pdf
148K

Tyrone J. Begay <chinleplanner2014@gmail.com>
To: Michael Dohl <msdohl@navajochapters.org>

Mon, Nov 2, 2020 at 1:31 PM

Got it, thanks buddy

[Quoted text hidden]

--
Tyrone J. Begay, Chapter Planner
Chinle Chapter Government
chinleplanner2014@gmail.com
928-674-2072 (work)
928-674-2079 (fax)

Advantage Dodge Ram Chrysler Jeep

2 messages

Ron Bullhorse <ronbullhorse@advantagedodge.com> Wed, Nov 4, 2020 at 10:01 AM
To: "chinleplanner2014@gmail.com" <chinleplanner2014@gmail.com>

Tyron

I just got word back from my up-fitter and you will have this Ram 5500 at your Chapter House well before 12/31

Ron Bullhorse

Fleet and Commercial Sales

505-566-1443 Direct line

505-870-0106 Cell

ronbullhorse@advantagedodge.com

ADVANTAGE
DODGE · RAM · CHRYSLER · JEEP · FIAT

Tyrone J. Begay <chinleplanner2014@gmail.com> Wed, Nov 4, 2020 at 10:07 AM
To: Ron Bullhorse <ronbullhorse@advantagedodge.com>

That's great news sounds good
[Quoted text hidden]

--
Tyrone J. Begay, Chapter Planner
Chinle Chapter Government
chinleplanner2014@gmail.com
928-674-2072 (work)
928-674-2079 (fax)

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0309-20: An Action Relating to Budget and Finance, Resources and Development, and Naabik'Iyati Committees and Navajo Nation Council; Allocating $11,924,571 From The Sihasin Fund to the Division of Community Development; Adopting the Sihasin Fund Chapter Heavy Equipment Expenditure Plan Pursuant to 12 N.N.C. §§2501-2508; Allocating $33,876,114 from the Sihasin Fund to the Department of Water Resources; Adopting the Sihasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§2501-2508. *Sponsor: Honorable Seth Damon*

Has had it under consideration and reports a DO PASS with no amendment

and thereafter the legislation was referred to Naabik'Iyati Committee.

Respectfully submitted,

Rickie Nez, Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: December 16, 2020 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:
Motion: Herman M. Daniels S: Kee Allen Begay, Jr. Vote: 5-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Thomas Walker, Jr. and Herman M. Daniels
Oppose: NONE
Excuse: NONE
Not Voting: Presiding Chairperson Rickie Nez

(NOTE: Vote Tally attached.)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

SECOND YEAR 2020

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0309-20: An Action Relating to Budget and Finance, Resources and Development, and Naabik'Iyati Committees and Navajo Nation Council; Allocating $11,924,571 From The Sihasin Fund to the Division of Community Development; Adopting the Sihasin Fund Chapter Heavy Equipment Expenditure Plan Pursuant to 12 N.N.C. §§2501-2508; Allocating $33,876,114 from the Sihasin Fund to the Department of Water Resources; Adopting the Sihasin Fund Department of Water Resources Emergency Projects Expenditure Plan Pursuant to 12 N.N.C. §§2501-2508.
Sponsor: Honorable Seth Damon

Date: December 16, 2020 – Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:
Motion: Herman M. Daniels S: Kee Allen Begay, Jr. Vote: 5-0-1 (CNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Thomas Walker, Jr. and Herman M. Daniels
Oppose: NONE
Excuse: NONE
Not Voting: Presiding Chairperson Rickie Nez

Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee

Shammie Begay, Legislative Adviser
Office of Legislative Services