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: _____
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	

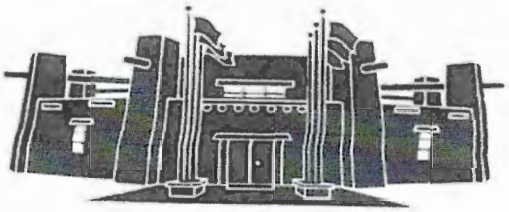
OR 15947	RDO Equipment; 3 ea. JD 672G motor grader	774,991.95	
OR 15903	RUSH Truck; 5 semp-trucks	708,095.00	
OR 15921	Century Equipment; 2 air compressor	100,400.00	
OR 16434	GEFCO; Drilling Rig (truck mounted)	497,444.22	
OR 16442	RDO EQUIPMENT CO; 10 water trucks	1,340,787.11	
OR 16244	GEFCO; 50k 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'.