

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0155-23

DATE: July 5, 2023

RE: AN ACTION RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$296,211 FROM THE SÍHASIN FUND FOR A NEW MOTOR GRADER FOR PINEDALE CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN

Purpose of this Legislation:

to approve \$296,211 from the Sihasin Fund to DCD for the purchase of a new motor grader for the Pinedale Chapter.

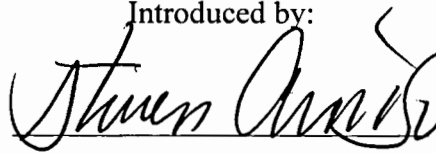
OLC No. 23-302-1

5-DAY BILL HOLD PERIOD Al Mike DA
Website Posting Time/Date 5:20 PM 7-17-23
Posting End Date: 07-22-23
Eligible for Action: 07-23-23

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:



(Prime Sponsor)

Tracking No. 0155-23

AN ACTION

**RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE
RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI'
COMMITTEE, AND TO THE NAVAJO NATION COUNCIL; APPROVING
\$296,211 FROM THE SÍHASIN FUND FOR A NEW MOTOR GRADER FOR
PINEDALE CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the responsibility 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).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority over all 110 Navajo Nation Chapters, as well as community development matters. 2 N.N.C. §500(C) and 26 N.N.C. §102.
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council that considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). As such, the Council may approve appropriations from the Navajo Nation's Síhasin Fund.
- E. 12 N.N.C. §2502, as amended by CJA-03-18, states the purpose of the Navajo Nation Síhasin

1 Fund ("Sihasin Fund") as follows:

2 §2502 Purpose

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

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

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

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

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

21 G. The Sihasin Fund also provides that "Fund Principal and Income shall not be expended
22 except pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502
23 of this Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation
24 Council." 12 N.N.C. §2505(A).

25
26 **SECTION TWO. FINDINGS**

27 A. Pinedale Chapter is requesting \$296,211 from the Sihasin Fund for the purchase of a new
28 motor grader for the Chapter. The grader they have been using is over 15 years old, frequently
29 needs repairs and maintenance, and needs to be replaced. **EXHIBIT A.**

30 B. The Chapter has provided a detailed price quote for the proposed purchase. **EXHIBIT B.**

1 C. Approving the \$296,211 for the Chapter's proposed purchase of a new motor grader satisfies
2 the purpose of the Síhasin Fund because such purchase pertains to "community
3 development" and "transportation systems" at the Pinedale Chapter, as listed in 12 N.N.C.
4 §2502(A)(1).

5 D. Approving the \$296,211 for the Chapter's proposed purchase of a new motor grader satisfies
6 the preference for leveraging of funds in 12 N.N.C. §2502(C), because the State of New
7 Mexico, Indian Affairs Department has approved \$100,000 for this purchase. **EXHIBIT C.**

8 E. The Pinedale Chapter has passed a resolution supporting and recommending the request for
9 the \$296,211 in Síhasin funds for the motor grader purchase. **EXHIBIT D.**

10 F. The new motor grader will enable the Pinedale Chapter to better serve Chapter residents and
11 nearby communities with road maintenance, homesite preparation, agricultural grading
12 services, and other needs.

13 G. The Navajo Nation therefore finds the approval of the requested Síhasin funds to be in the
14 best interests of the Navajo Nation and the Navajo People.

15
16 **SECTION THREE. APPROVING \$296,211 FROM THE SÍHASIN FUND FOR A NEW**
17 **MOTOR GRADER FOR PINEDALE CHAPTER; APPROVING**
18 **THE RELATED EXPENDITURE PLAN**

19 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$296,211 from the
20 Síhasin Fund for the purchase of a new motor grader for the Pinedale Chapter, as explained
21 in **EXHIBITS A-D**. The Navajo Nation hereby approves the related Expenditure Plan as set
22 forth in **EXHIBIT B** and **EXHIBIT C**.

23 B. The Navajo Nation Controller shall determine whether the source of the approved Síhasin
24 funds will be from Fund Principal or Fund Income or a combination of both.

25 C. The Síhasin funds allocated for the Expenditure Plan approved herein may be further
26 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at
27 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and
28 financing costs upon the recommendation of the Budget and Finance Committee and
29 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

30 D. The Síhasin funds approved herein shall be provided to the Division of Community

1 Development ("DCD") within ten (10) business days following the effective date of this
2 Action. DCD shall then promptly implement the Expenditure Plan approved herein by
3 purchase and arranging for delivery of the new motor grader to the Pinedale Chapter.

4 E. To fully protect the Navajo Nation from any claims or liability, prior to delivery of the motor
5 grader to the Chapter, DCD shall verify: (1) proper insurance coverage for the motor grader
6 with appropriate damage, collision, and liability coverages, as set by New Mexico law; and
7 (2) proper training of any person(s) who will be operating the motor grader, as generally
8 practiced or regulated in New Mexico.

9 F. The Pinedale Chapter shall be responsible for all operation, maintenance, storage, and repair
10 costs associated with the motor grader.

11 G. The approved Síhasin funds shall be used strictly for the Expenditure Plan approved herein,
12 and DCD shall be responsible for ensuring compliance with the approved Expenditure Plan,
13 as well as all mandates set forth in this Action.

14 H. If the purchase of the motor grader is not completed by September 30, 2023, the approved
15 Síhasin funds shall revert to the Síhasin Fund, unless otherwise determined by the Resources
16 and Development Committee and the Naabik'íyáti' Committee.

17 I. With respect to any and all unspent Síhasin funds that remain after completion of the
18 purchase of the motor grader (savings), promptly upon completion of purchase DCD shall
19 transfer all savings to the Office of the Controller ("OOC") and OOC shall then immediately
20 deposit such savings back into the Síhasin Fund principal.

21 J. The Síhasin Fund may be reimbursed in the amount of the allocation approved herein, using
22 funds available to the Navajo Nation from any and all state and federal sources, including
23 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-
24 19-related relief, if the expenditure for the Pinedale Chapter described herein is deemed eligible
25 under the legal scheme governing such funding.

26 27 **SECTION FOUR. EFFECTIVE DATE**

28 This Action and the related Expenditure Plan shall become effective pursuant to 12 N.N.C.
29 §2505(A) and 2 N.N.C. §221(B).
30

1 **SECTION FIVE. SAVING CLAUSE**

2 If any part of this Action is invalidated by the Supreme Court of the Navajo Nation, or by any
3 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
4 remainder of this Action shall be the law of the Navajo Nation.

THE NAVAJO NATION PINEDALE CHAPTER

Tóbeehwiisgání

Titus J. Nez, Community Services Coordinator
Lavern Holtsoi, Accounts Maintenance Specialist



Steven Arviso, Council Delegate
Ruby Tsosie, President
Clara J. Daye, Vice-President
Sarah Jackson, Secretary/Treasurer
Wilbur Murphy, Land Board Member

MEMORANDUM

DATE: May 23, 2023

TO: Honorable 25th Navajo Nation Council
Honorable Dr. Buu Nygren, Navajo Nation President
Honorable Ms. Richelle Montoya, Navajo Nation Vice-President

RE: Requesting new motor grader for Pinedale Chapter

Ya'at'eeh Shi Nant'aai,

On behalf of the Pinedale Chapter and community, I am respectfully requesting your full support for a new motor grader for our community. Our current motor grader has been in operation for over 15 years now and is in constant need of repairs and maintenance. We wholeheartedly provide direct services to our community such as road maintenance, and land clearances daily. These direct services, most of the time these services are free, or the fees are waived for the public benefit. Please see our last 5 years of repair, and maintenance cost, diesel fuel purchase, and the number hours service to the public benefit.

We have lobbied our New Mexico State Legislature and are very appreciative of the amount of funding allocated to match for a new motor grader as documents attached to this letter. Our current budget reflects the funding we have available and currently, we are unable to provide matching funds from the chapter. I am therefore asking for my community and chapter to assist our chapter with a new motor grader to provide continued services to our community and surrounding communities as we have done all these years.

I want to thank you for reading my letter and addressing our request. If you have any questions, please feel free to reach out to me at (505) 786-2208 or by email at titusnez@pinedalegov.org. Thank you again, and may the Holy people continue to bless our great Navajo Nation. Ah'hee

Respectfully,

Titus J Nez,
Community Services Coordinator
Pinedale Chapter

\$296,211
requested





Quote 255192-01

Mar 27, 2023

PINEDALE CHAPTER
PO BOX 3
CHURCH ROCK, New Mexico 87311

Attention: TITUS NEZ

Dear Mr. Nez,

We would like to thank you for your interest in our company and our products, and are pleased to quote the following for your consideration.

Caterpillar Model: 140JOY-BR Motor Grader

STOCK NUMBER: TBD SERIAL NUMBER: TBD YEAR: 2023 HOURS:

We appreciate the opportunity to extend this quote. Pricing is subject to change based on manufacturer changes to cost and availability. If there are any questions, please do not hesitate to contact me.

Regards,

Don Roberts
505-320-1023
Sales Representative
Wagner Equipment Co.

Caterpillar Model: 140JOY-BR Motor Grader**STANDARD EQUIPMENT**

POWERTRAIN -Air cleaner, dual stage dry type radial -seal with service indicator and -automatic dust ejector -Air-to-air after cooler (ATAAC) -Belt, serpentine, automatic tensioner -Brakes, oil disc, four-wheel, hydraulic -Demand fan, hydraulic -Differential, lock/unlock, Automatic -Drain, engine oil, ecology -Electronic over-speed protection -Parking brake, multi-disc, sealed and -oil cooled. -Sediment drain, fuel tank. -Transmission, 8 speed forward and -6 speed reverse, power shift, direct -drive -VHP Plus (Variable Horse Power Plus) -

ELECTRICAL -Alarm, back-up -Alternator, 150 ampere, sealed -Batteries, maintenance free, heavy -duty, 1125 CCA -Breaker panel, ground accessible -Electrical hydraulic valves -Electrical system, 24V -Grade Control Ready (Cab harness, -software, electrical hydraulic valves, -bosses and brackets) -Lights, reversing -Lights, roading, roof-mounted, -stop and tail, LED -Starter, electric

OPERATOR ENVIRONMENT -Air Conditioning with heater -Articulation, automatic return to center -Centershift pin indicator -Display, digital speed and gear -Doors, left and right side with wiper -Gauge, machine level -Gauges (analog) inside the cab -(includes fuel, articulation, engine -coolant temp, engine RPM, -and hydraulic oil temp, DEF/AdBlue) -Joystick, adjustable armrests -Joystick gear selection, hydraulic -power steering hydraulic controls -(right/left, blade lift w/ float -position, blade sideshift and tip, -circle drive, centershift, front wheel -lean and articulation and steering) -Lights, night time cab -Messenger operator information system -Meter, hour, digital -Mirror, inside rearview, wide angle -Power port, 12V -Radio ready, entertainment -ROPS cab, sound suppressed -69dB(A) -ISO 6394 -Seat, cloth-covered, comfort suspension -Storage area for cooler/lunchbox -Throttle control, electronic -Windows laminated glass: -Fixed front with intermittent wiper -Door with intermittent wipers (3) -Windows tempered: --Left and right side wipers --Rear with intermittent wiper -Cab storage -

SAFETY AND SECURITY -Clutch, circle drive slip -Doors, 2 engine compartment, (two left -hand, two right hand) locking -Doors, 2 service, left and right locking -Ground level engine shutdown -Hammer (emergency exit) -Horn, electric -Lockout, hydraulic implement (for -roading and servicing) -Seat belt, retractable 76.2 (3") -Secondary steering -Tandem walkway/guards

TIRES, RIMS, AND WHEELS -A partial allowance for tires on -254mm x 609.6mm (10" x 24") multi-piece -rims is included in the base machine -price and weight.

FLUIDS -Antifreeze -Extended life coolant -35C/-30F

OTHER STANDARD EQUIPMENT -Accumulators -brake -dual certified -Drawbar, 6 shoe w/replaceable wear strips -Fluid check, ground level -Fuel tank, 398 liters (105 gallon) -Ground level fueling -DEF/AdBlue Tank, 21 liters (5.5 gallon) -Hydraulic lines for base functions -Pump, hydraulic, high capacity -(98cc / 15 cu in) -Radiator, cleanout access -(both sides with swing doors) -SOS ports -engine -hydraulic -transmission -coolant -fuel -Tool box -Debris guard -

MACHINE SPECIFICATIONS

140 AWD B+2,JSTK
GLOBAL ARRANGEMENT,LOW AMBIENT
MOLDBOARD, 14' PLUS
RIPPER/SCARIFIER
COLD WEATHER PLUS PACKAGE AWD
ACCUMULATORS, BLADE LIFT
PRECLEANER, SY-KLONE
ENGINE, TIER IV
DRAIN, GRAVITY, ENGINE OIL
BASE + 2 (FL,RIP)
STARTER, ELECTRIC, HEAVY DUTY
LIGHTS, ARM, FOLD DOWN
LIGHTS, ROADING, HALOGEN
CAB, PLUS (STANDARD GLASS)
CAB, PLUS (INTERIOR)
SEAT BELT
PRODUCT LINK, CELLULAR PLE742
CONTROL,AUTO ARTICULATION-DEMO
JOYSTICK CONTROLS, BASIC
TANK, FUEL, STANDARD
TIRES,14.0R24 MX XGLA2 * G2 MP
ARTICULATION GUARD
LANGUAGE, ENGLISH
DECALS, ENGLISH (U.S.)
LIGHTS, WORKING, PLUS, HALOGEN
HEADLIGHTS,FRONT, HIGH,HALOGEN
CAMERA, REAR VISION
MIRRORS, OUTSIDE HEATED 24V
GUARD, TRANSMISSION
HEATER, ENGINE COOLANT, 120V
PUSH PLATE, COUNTERWEIGHT HD
LIFT GROUP, FRONT MOUNTING
COOLANT, 50/50, -35C (-31F)
ANTIFREEZE WINDSHIELD WASHER
FUEL ANTIFREEZE, -25C (-13F)
FAN, STANDARD, AWD

SELL PRICE
SUBTOTAL
NAVAJO SALES TAX (6%)
TOTAL

\$348,382.14
\$348,382.14
\$20,902.93
\$369,285.07

WARRANTY & COVERAGE

Standard Warranty:

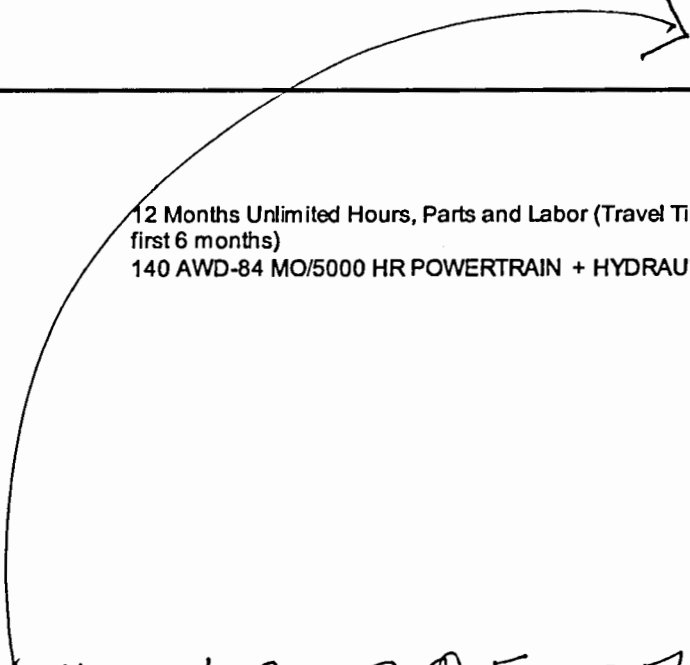
Extended Coverage:

12 Months Unlimited Hours, Parts and Labor (Travel Time included for the first 6 months)

140 AWD-84 MO/5000 HR POWERTRAIN + HYDRAULICS + TECH

F.O.B./TERMS:

Pinedale Chapter



\$ 369,285.07

Capital Appropriations

Appropriation ID: H2569

EXHIBIT

C

42569 - Indian Affairs Department - Dept Code:A23H2569 - Class Code:H2569	
Appropriation Year	2023
Appropriation Title	PINEDALE CHP MOTOR GRADER PRCHS
Fund Code	GENERAL FUND
EO 2013-006 Eligibility	
Bond Sale Date	---
Bond Series Number	
Amount of Bond Sale	\$0
Category	Local
Subcategory	Transportation
County	McKinley
State Amount	\$100,000
Chapter/Section/Paragraph	199 /
Reversion Date	6/30/2025
SHARE/BOF Data	
Expended Amount (SHARE)	\$0
Appropriation Balance (SHARE)	\$100,000
Expended Amount (BOF)	\$0
AIPP Amount (BOF)	\$0
Reversion Amount (BOF)	\$0
Appropriation Balance (BOF)	\$100,000
Last Update (SHARE/BOF)	---
State Agency Data	
ICIP Project #	
ICIP Priority #	
Local Fiscal Agent Code	13019 - Navajo Nation
Reauth from Prior Project Amount	\$0
Amount Obligated	\$0
Project End Date	---
Expended Amount	\$0
AIPP Amount	\$0
Reauth of Balance to New Project	\$0
Reauth to Project #	
Reversion Amount	\$0
Project Status	
Goal/Milestone achieved last quarter	
Goal/Milestone for next quarter	
Project Phase	
Calculated Balance	\$100,000
Last Agency Update	
Last Submission Date	
Local Data	
Expended Amount (Local Entity)	\$0
Current Balance (Local Entity)	\$0
Project Status (Local Entity)	
Project Phase (Local Entity)	
Goal/Milestone achieved last quarter (Local Entity)	
Goal/Milestone for next quarter (Local Entity)	
Valid Contracts in Place (True/False)	
No activity for month being reported (True/False)	
Last Submission Date (Local)	
Last Update (Local)	

PROJECT TIMELINE

	Date Completed, Expected,						
	Completion Date or N/A	Amount Funded to Date	Future Funding Amounts	Funding Sources	Contractor Name	Contract Amount	Comments
Grant Agreement Executed		\$0	\$0			\$0	
Water Rights		\$0	\$0			\$0	
Easement & Right-of-Way		\$0	\$0			\$0	
Acquisition		\$0	\$0			\$0	
Archaeological Studies		\$0	\$0			\$0	
Environmental Studies		\$0	\$0			\$0	
Planning		\$0	\$0			\$0	
Design		\$0	\$0			\$0	
Construction		\$0	\$0			\$0	
Furnish/Equipment		\$0	\$0			\$0	
Total		\$0	\$0			\$0	

Click [here](#) to see the phase descriptions.
Click [here](#) to see a list of the fiscal agent codes.

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AN ACT
RELATING TO CAPITAL EXPENDITURES; MAKING APPROPRIATIONS FROM
THE GENERAL FUND AND OTHER STATE FUNDS; AUTHORIZING
EXPENDITURES FROM CERTAIN FUNDS AND BALANCES; PROVIDING FOR
THE ISSUANCE OF SEVERANCE TAX BONDS AND APPROPRIATION OF
SEVERANCE TAX BOND PROCEEDS FOR CERTAIN PROJECTS PREVIOUSLY
AUTHORIZED BY LAW AND TO CERTAIN FUNDS AS PROVIDED BY
SECTIONS 7-27-10.1 AND 7-27-12.5 NMSA 1978 (BEING LAWS 2003,
CHAPTER 134, SECTION 1 AND LAWS 2010, CHAPTER 10, SECTION 9,
AS AMENDED); PROVIDING FOR THE ISSUANCE OF SUPPLEMENTAL
SEVERANCE TAX BONDS AND APPROPRIATION OF SUPPLEMENTAL
SEVERANCE TAX BOND PROCEEDS AS PROVIDED BY SECTION 7-27-12.2
NMSA 1978 (BEING LAWS 2001, CHAPTER 338, SECTION 2, AS
AMENDED); ESTABLISHING CONDITIONS FOR THE REVERSION OF
UNEXPENDED BALANCES; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
SECTION 1. GENERAL FUND APPROPRIATIONS--LIMITATIONS--
REVERSIONS.--

A. Except as otherwise specifically provided by
law, the unexpended balance of an appropriation made in this
act from the general fund shall revert:

- (1) no later than September 30 following:
 - (a) the end of fiscal year 2024 if the
project for which an appropriation was made has less than

1 45. one hundred thousand dollars (\$100,000) to
2 plan, design and construct fencing for the Nahodishgish
3 chapter compound in the Nahodishgish chapter of the Navajo
4 Nation in McKinley county;

5 46. four hundred fifty thousand dollars
6 (\$450,000) to plan, design and construct a heavy equipment
7 and storage warehouse for the Ojo Encino chapter of the
8 Navajo Nation in McKinley county;

9 47. one million dollars (\$1,000,000) to plan,
10 design, construct, renovate and furnish bathroom additions
11 for the Pinedale chapter in the Navajo Nation in McKinley
12 county;

\$100,000

13 48. one hundred thousand dollars (\$100,000) to
14 purchase and equip a motor grader for the Pinedale chapter in
15 the Navajo Nation in McKinley county;

16 49. one million four hundred seventy-five
17 thousand dollars (\$1,475,000) to plan, design and construct
18 power line extensions in the Pueblo Pintado chapter of the
19 Navajo Nation in McKinley county;

20 50. five hundred thousand dollars (\$500,000) to
21 plan, design, construct, furnish and equip a chapter house
22 and administrative office complex in the Red Lake chapter in
23 the Navajo Nation in McKinley county;

24 51. one hundred fifty thousand dollars (\$150,000)
25 to plan, design, construct, furnish and equip an

Capital Outlay Projects Chart by Sponsor

Legislative Council Service
56th Legislature - 1st Session, 2023

Project Title

Amount

WebID

County

Agency

Fund

Sponsor: Johnson

BAHASTLAH CHP WAREHOUSE CONSTRUCT
BECENTI CHP VETERANS CTR CONSTRUCT
CHURCH ROCK CHP SEWER LINE IMPROVE
COYOTE CANYON CHP WATER LINES CONSTRUCT
CROWNPOINT CHP HEADSTART BLDG PRCHS
CROWNPOINT CHP LAND OFFICE BLDG CONSTRUCT
GALLUP PARK & SPORTS CMPLX ARTIFICIAL TURF RPLC
MCKINLEY CO RMC HOSPITAL IMPROVE
NAHODISHGISH CHP FENCE CONSTRUCT
PINEDALE CHP MOTOR GRADER PRCHS
TOHATCHI CHP WAREHOUSE CONSTRUCT
TSEI'IAHI CHP WATER LINE CONSTRUCT

CRYSTAL CHP HEAVY EQUIP WREHSE CONSTRUCT
DINE COLLEGE STUDENT SERVICES CTR DESIGN
FARMINGTON FIRE ENGINES PRCHS
NASCHITTI CHP SCATTERED POWER LINES CONSTRUCT
NAVAJO PREP SCHL DORM CONSTRUCT
NEWCOMB CHP SUPERMARKET ACQ
TOOH HALTSOOI CHP MULTIPURPOSE BUILDING CONSTRUCT
TSE ALNAOZITI' CHP HELIPAD CONSTRUCT
TWO GREY HILLS CHP CHP BLDG REN

2595
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3100
893
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3106
2476
2384
1168
896
1024
871

3017
2642
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1062
840
2408
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Summary for Johnson (21 projects)

\$2,510,000

THE NAVAJO NATION PINEDALE CHAPTER

Tóbeehwiisgání

Titus J. Nez, Community Services Coordinator
Lavern Holtsoi, Accounts Maintenance Specialist



Steven Arviso, Council Delegate
Ruby Tsosie, President
Clara J. Daye, Vice-President
Sarah Jackson, Secretary/Treasurer
Wilbur Murphy, Land Board Member



RESOLUTION OF THE PINEDALE CHAPTER RESOLUTION NO. PDC-2023-06-081

A RESOLUTION REQUESTING, SUPPORTING, AND RECOMMENDING TO THE 25TH NAVAJO NATION COUNCIL, AND THE OFFICE OF PRESIDENT AND VICE-PRESIDENT TO UTILIZE SIHASIN FUND IN THE AMOUNT OF \$296,210.88 TO PURCHASE A NEW 140JOY-BR MOTOR GRADER FOR THE PINEDALE CHAPTER

WHEREAS. Pursuant to 26 N.N.C., Section 3 (A) the Pinedale Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10. Pursuant to 26 N.N.C., Section 1 (B) Pinedale Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and

WHEREAS. The Pinedale Chapter currently has three heavy equipment, a 2008 Caterpillar 140M Motor Grader, a 2008 Caterpillar 420E Backhoe, and a 2020 Caterpillar 420 backhoe. Two of the three heavy equipment currently are over 15 years old and need replacement. Since 2008, the Pinedale Chapter has been providing public and private services to community members, and the Navajo people with heavy equipment need; and

WHEREAS. The Pinedale Chapter provides free services for burial, funeral, outhouse digging, and monthly road clearances. The Chapter provides paid services to private requests such as land clearance, and smaller projects within 10 miles of the Pinedale Chapter. Since 2018 the chapter has provided these paid services at costs to the public at \$35 per hour for backhoe and \$40 per hour for motor grader; with a \$5 increase in 2021; and

WHEREAS. There is a substantial increase in cost for repair and maintenance of the two older equipment as supported by the attachment to this resolution indicating the total amount paid from 2017 to today. In 2022 the Pinedale Chapter approved a resolution to include purchasing a new motor grader in its State of New Mexico ICIP (Infrastructure Capital Improvement Plan). During this past 60-day State of New Mexico Legislative session, the Pinedale Chapter successfully lobbied the State Legislature and Governor to support funding for a new motor grader. The State of New Mexico through the Capital Outlay Fund allocated \$100,000 towards the purchase of a new motor grader, under House Bill 505. Further the chapter has also researched possibly trading in the heavy equipment, but it was recommended to not trade-in due to less value of the old backhoe and motor grader.; and

WHEREAS. The Pinedale Chapter reached out to the sole area vendor for Caterpillar and requested a quote for a new 2023 140JOY-BR Motor Grader totaling \$369,285.07. *See attached.* With the approved funding of \$100,000 from the State of New Mexico, the Pinedale Chapter is still needing \$269,285.07. Below is the total amount requested from the Navajo Nation Sihasin Fund with the additional 10% contingency to request for the purposes of price increase in purchasing the equipment:

#296,211

Total 2023 140JOY-BR Motor Grader Cost	\$369,285.07
State of New Mexico Capital Outlay Fund	-\$100,000.00
Remaining balance needed	\$269,285.07
10% contingency addition	+\$26,925.81
Total NN Sihasin request	\$296,210.88

WHEREAS. It is therefore requested by the Pinedale Chapter to request the 25th Navajo Nation Council to approve a matching fund in the amount of \$296,210.88 which includes a 10% contingency cost that will be applied to the increase in cost to purchase the equipment. That the need is vitally important to continue to provide direct services to the Pinedale Chapter. And to further stipulate that there is a need for new motor graders to maintain public access roads to residents within Pinedale and throughout the region to the Mariano Lake and Churchrock communities. To further state for the record that the Pinedale Chapter does provide services to regional communities when requested.

NOW THEREFORE IT BE RESOLVED THAT the Pinedale Chapter approves resolution requesting, supporting, and recommending to the 25th Navajo Nation Council, and the Office of President and Vice-President to utilize Sihasin Fund in the amount of \$296,210.88 to purchase a new 140JOY-BR Motor Grader for the Pinedale Chapter.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Pinedale Chapter at a duly called meeting in Pinedale, Navajo Nation, New Mexico at which a quorum of Chapter members was present and that the same was passed by a vote of 16 in favor, 0 opposed, and 8 abstained this 21st day of June 2023.

Motion by: Paul Brodie

Second by: Larry Miller

Ruby Tsosie
Ruby Tsosie, President


Clara J. Daye
Clara J. Daye, Vice-President

Sarah Jackson
Sarah Jackson, Secretary/Treasurer



MEMORANDUM

To: Hon. Steven Arviso, Member
Law and Order Committee
25th Navajo Nation Council

From: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

Date: July 5, 2023

Subject: **AN ACTION RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$296,211 FROM THE SÍHASIN FUND FOR A NEW MOTOR GRADER FOR PINEDALE CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN**

The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your cooperation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0155-23__

SPONSOR: Steven Arviso

TITLE: An Action Relating to The Budget and Finance Committee, The Resources and Development Committee, the Naabik'iyáti' Committee, and to The Navajo Nation Council; Approving \$296,211 from the Síhasin Fund for a New Motor Grader for Pinedale Chapter: Approving the Related Expenditure Plan

Date posted: July 17, 2023 5:20 PM

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

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.*