



Navajo Nation Council approves Covid-19 chapter heavy equipment purchases and funding for emergency water projects

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WINDOW ROCK, Ariz. — Addressing immediate heavy equipment needs and emergency water projects funding for Navajo communities, the Navajo Nation Council voted to allocate \$63 million from the Navajo Nation’s SÍHÁSIN Fund on Friday, Jan. 15, as part of the ongoing response to the coronavirus (Covid-19) pandemic. The purchases are expected to improve local government responses to essential services called-for by the Navajo public.

“This rescue package uses the Navajo Nation’s funds to further extend support to critical emergency water projects and local heavy equipment needs,” said Speaker Seth Damon (Bááhaalí, Chichiltah, Manuelito, Red Rock, Rock Springs, Tséyatoh), sponsor of Resolution No. CJA-01-21 (Legislation No. 0309-20). “Every Navajo community is unique and this funding is intended to build local capacity in responding to this pandemic. This is especially true for our most rural areas that are doing their best to fill in the gaps in direct services that may not be available from Window Rock.”

Included in CJA-01-21, additionally cosponsored by Council Delegates Daniel Tso (Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) and Mark Freeland (Becenti, Lake Valley, Náhodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint), are allocations of:

- \$24,058,019.80 for the SÍHÁSIN Fund Chapter Heavy Equipment Expenditure Plan
- \$33,876,114 for the SÍHÁSIN Fund Department of Water Resources Emergency Projects Expenditure Plan
- \$4,974,992 for the SÍHÁSIN Fund Wide Ruins SDS Expenditure Plan
- \$350,000 for the SÍHÁSIN Fund Shiprock Chapter Project Recapture Expenditure Plan
- Total: \$63,259,125.80 (Note: Final amount pending quality control adjustments and certification)

Speaker Damon explained at the Budget and Finance Committee (BFC) on Dec. 15, 2020, that communities face a dire need for backhoes, and the trucks and trailers necessary to haul them, to serve families of those lost to Covid-19 and others experiencing hardship during the pandemic.

“All our relatives who have gone on their journey into the next world, their families are needing assistance with backhoe services. There’s not that many out there,” said Speaker Damon. “Funds for infrastructure and heavy equipment are needed as quickly as possible. Everywhere, there’s a dire need for these services, especially in battling Covid.”

President Jonathan Nez and Vice President Myron Lizer indicated to the Council, during its discussion at the Resources and Development Committee (RDC), that heavy equipment and water projects funding should be put off until Congress appropriates more Covid-19 response funding. Their memorandum, dated Dec. 16, 2020, stated, “...we’re optimistic that Washington will do the right thing and pass the second round of funding to help with our needs.”

Though also optimistic, Council Delegate Thomas Walker, Jr. (Birdsprings, Leupp, Tolani Lake, Coalmine Canyon, Cameron) pointed out the Navajo Nation’s experience with the CARES Act, which required heavy federal lobbying and eventually a lawsuit in order for response funding to be released to the Navajo Nation.

“We have no idea what the recovery will be like, what it would entail, how long it’s going to take to recover from this terrible, dangerous pandemic,” said Walker. “It’s not hard to imagine those kinds of complications again. Earlier this year, we had to go into lawsuit to stake that claim.”

The RDC also heard from Council Delegate Kee Allen Begay, Jr. (Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) how Navajo communities have immediate needs addressed by the legislation. “Yesterday, I had to help individuals asking how they could find a backhoe to do a gravesite dig. Chapters are closed and counties can’t assist,” Begay said. The heavy equipment purchases will help address these community needs.

In September 2020, the Navajo Nation Council voted to approve Resolution No. CS-73-20, which allocated \$90 million of Navajo Nation CARES (Coronavirus Aid, Relief, and Economic Security Act) Funds for Navajo Nation chapter governments to use in addressing specific community needs. Only \$23 million was able to be used before the remainder was reverted to the CARES Fund.

“When the Council approved sending support to local chapters in the late summer, these heavy equipment needs were a big part of boosting local response efforts with CARES Funds. In the case of Crownpoint, the chapter truly struggled to keep up with moving donation supplies, providing hauling services and being there to serve those who needed a place to lay their loved ones to rest. The opportunity to immediately address the needs of the Navajo People was there with the CARES Fund and it’s here with this legislation, and, as Navajo leaders, we must support them in every way we can,” said Freeland.

In CJA-01-21, funding was approved for requested water trucks that will help increase the frequency of water deliveries to homesites without requiring community members to make costly trips to community water spouts. Such water hauling services have normally been offered by local chapters.

Other chapters requested refrigerated food-transport trailers, skid-steer loaders and assistive vehicles to deliver food, essential supplies and other shipments that benefit community members.

Funding was also allocated for motor graders to clear roadways in Navajo communities. Dirt roads are found in every community on the Navajo Nation and, while they are essential access routes for emergency vehicles, skilled chapter staff cannot provide maintenance without the necessary heavy equipment.

In collecting and processing chapter requests, Navajo Nation Division of Community Development (DCD) Executive Director Dr. Pearl Yellowman said the DCD established a team to move chapter heavy equipment requests along in the CARES Fund procurement process, led by DCD Project Manager Elmer Johnson.

“We had an infrastructure heavy equipment team, we felt very early on that was a big concern by the chapters,” said Yellowman. The DCD reconciled requests for chapter purchases and identified any lacking necessary documentation. “We have been putting together, by every chapter, what was submitted,” reported Yellowman.

Those requests were submitted by chapters through an online portal set up by the Office of the Controller. Requests in the portal for heavy equipment, which were denied under the CARES Fund, were then used to create the heavy equipment list in CJA-01-21. With assistance from the Office of the Speaker, chapters were able to complete the process of obtaining quotations and other needed documentation.

DCD will administer the chapter heavy equipment program if it is enacted by President Nez.

The legislation approved Friday also contained critical support for emergency water projects through the Navajo Nation Department of Water Resources. CJA-01-21 authorizes projects deemed ineligible for CARES Funding due to time constraints, such as cistern projects requiring design and engineering. The resolution also provides funding for contracted projects for which the Navajo Nation faces possible legal repercussions if no funding is authorized.

“Time ran out for chapters to receive their requested heavy equipment under the CARES Fund and for some water projects to be fully completed. This funding, the SÍhásin Fund, was specifically established to support infrastructure and community development, and now this funding is being used so our community leaders and members are better equipped to deal with immediate life-saving needs,” said Council Delegate Amber Kanazbah Crotty (Cove, Toadlena/Two Grey Hills, Red Valley, Tsé’áłnáoozt’íí, Sheepsprings, Beclabito, Gad’ii’áhi/Tó Ko’i), member of the BFC.

The Council also approved an amendment mandating eligible expenditures be reimbursed to the SÍhásin Fund from any federal funding made available through the Federal Emergency Management Agency (FEMA) or through Congressional appropriations for Covid-19 related relief.

The SÍhásin Fund was established by the Navajo Nation Council through Resolution No. CD-68-14 in December 2014. Expenditures that draw from the SÍhásin Fund are subject to the purposes contained in 12 N.N.C. §2502.

The Office of the Controller reported Friday the current unaudited un-appropriated balance of the SÍhásin Fund is \$426,729,713 as of Nov. 30, 2020. Before Friday, a total of 12 previous resolutions authorized SÍhásin Fund expenditures.

Legislation No. 0309-20 was introduced Dec. 8, 2020, and became eligible for action after the mandatory five-day public comment hold on Dec. 14. BFC considered the measure at its Dec. 15 regular meeting, after which the RDC considered the measure on Dec. 16. The legislation was then forwarded to the Naabik’iyáti’ Committee and the full Navajo Nation Council on Dec. 23.

After two amendments were issued by the Council, delegates voted to refer the legislation back to the Naabik’iyáti’ Committee for further discussion. The Jan. 7 Naabik’iyáti’ Committee meeting resulted in two amendments to the legislation when it was then referred to the Navajo Nation Council and reconsidered on Jan. 15.

CJA-01-20 (Legislation No. 0309-20) was approved by the Navajo Nation Council on Jan. 15 with a vote of 20 in favor and 1 opposed with Speaker Not Voting. President Nez will have 10 days to act on the resolution through regular veto, line item veto or full enactment once the legislation is certified and delivered to the Office of the President and Vice President.

Legislation of the Navajo Nation Council is available for public viewing and comment at the Navajo Nation Council’s website (www.navajonationcouncil.org) and through the Diné Bibeeshaz’áanii Binaaltsoos (DiBB) legislative tracking system (<http://dibb.nnols.org/publicreporting.aspx>).

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MEDIA CONTACTS: communications@navajo-nsn.gov, (928) 287-2085
Byron C. Shorty, INT Communications Director
Timothy E. Benally, Public Information Officer