

**TO’HAJIILEE NAVAJO CHAPTER/CANONCITO BAND OF NAVAJOS
HEAVY EQUIPMENT AND MOTOR VEHICLES POLICIES AND PROCEDURES**

I. Purpose

- A. In January 2021, the Navajo Nation, through Navajo Nation Council Resolution CJA-01- 21, approved an expenditure plan utilizing Sihasin Funds to purchase heavy equipment and vehicles for Chapters. The funds were allocated to the Division of Community Development (DCD) in order to assist Chapters with the purchase of the equipment and vehicles. The primary purpose for these policies are to provide standard procedures for the heavy equipment and vehicles.
- B. Section Four, part four, of CJA-01-21 requires that the recipient Chapters shall be responsible for the repairs, maintenance costs, and insurance costs of the purchased items. As a result, the title and ownership of the vehicles and equipment will be in the Chapter's name. All Chapters shall inventory the equipment and/or vehicles in accordance with the Chapter's Property Management System.
- C. A secondary purpose for these policies is to provide a template policy and procedure for any Chapter, regardless of heavy equipment being purchased by Sihasin funds or any other source. As a result, any existing Chapter policies and procedures on heavy equipment shall be amended to comply herewith.
- D. Governance-certified Chapters may develop their own policy and procedure so long as it is not inconsistent with these policies.
- E. The overall purpose for this Policy and Procedure is to provide minimum guidelines on proper maintenance, safety measures, and prevention of misuse of the heavy equipment and motor vehicles.
- F. Nothing herein shall be interpreted to give any authority to Chapters to use the vehicles and equipment in an unauthorized manner. Chapters may need to coordinate with other Navajo Nation entities before using heavy equipment for projects that the Chapter is without authority to work on.

II. Description of equipment

- A. The Chapter shall inventory the equipment or vehicle providing a general description which shall include the make, model, and serial number.
- B. Listed below are the heavy equipment and vehicles the chapter owns:

Description	Make/Model	Serial Number
Motor Grader	2009 Case Motor Grader w/140	N9AF03712
Backhoe	Caterpillar 420ST	H8T00587
Backhoe	Caterpillar 420E	HLS04180
Truck	2007 GMC Sierra	3GTEK14V67G231616
Truck	2015 GMC Sierra 2500	1GT22YEG3FZ541412
Flatbed Trailer	J&B MFG	1J9SU162761287484

III. Responsibilities

A. Chapter Administration:

- 1. The Chapter Manager or Community Service Coordinator is primarily responsible for ensuring that the equipment and vehicles are being properly used in accordance with these policies and procedures. Notwithstanding, all Chapter Personnel are responsible for ensuring that the equipment and vehicles are

being used properly.

2. The Chapter CSC, CM and Vice President with the Chapter Maintenance/Operator shall perform a thorough monthly inspection of all Chapter heavy equipment and motor vehicles and submit a report to the ASC SPPS.

B. Operator:

1. All Operators shall be properly licensed to operate a vehicle and/or equipment. This may include, but is not limited to, a valid Driver's License or a Navajo Nation Vehicle Operator's Permit.
2. For any specialized equipment or vehicle, the Operator shall be certified to operate such equipment/vehicle. Additional training(s) may also be required by the Chapter and/or DCD.
3. All Operators have the duty to communicate with the Chapter Manager/CSC, in writing, regarding the use, maintenance, repair, and general overall status of the equipment. In the event of an accident, all Operators shall provide a detailed report of the incident.
4. The maintenance/operator shall forward the following to the Chapter Manager/CSC and/or the Chapter Administration:
 - a. Equipment Daily Report (Exhibit "A");
 - b. Field Daily Report (Exhibit "B"); and
 - c. Vehicle Inspection Report (Exhibit "C").
5. Prior to each use, the Operator shall inspect the equipment/vehicle.
6. After each use, the equipment/vehicle shall be parked in a designated area within the chapter compound.
 - a. Certain heavy equipment identified by the Chapter Administration shall be stored at secured locations with an approved memorandum of understanding.
7. Unless authorized differently by the CSC, all equipment shall be returned to the Chapter by 4:30 p.m. to allow time for post inspection.
8. All Operators shall maintain a high standard of conduct and comply with all applicable laws and regulations.

C. Chapter Officials:

1. Generally, Chapter Officials are policy makers and are prohibited from the direct involvement and management of the Chapter Administration. As such, Officials are not involved in the decision-making process regarding equipment/vehicle use.
2. However, in the event of being informed of misuse, the Chapter Official shall report the matter to the CSC.
3. If information reveals that the CSC and/or Staff is engaging in the alleged misuse, the Chapter Officials shall report the matter to the Navajo Department of Justice and the Division of Community Development-Administrative Services Center for further guidance.

IV. Priority of use

- A. The equipment/vehicle is available for all authorized use.
- B. Authorized use shall be prioritized as follows:
 - 1. Chapter Emergency Projects
 - 2. Community Burial
 - 3. Non-emergency Chapter Projects
 - 4. Community/Special Projects
 - 5. Individual/Private Projects

V. Rental of heavy equipment

- A. All requests shall be made with three (3) days advance notice by filing a Chapter Equipment Rental Form (Exhibit "D").
- B. The CSC is the primary person responsible to approve or deny the request. In the event that the CSC position is vacant, the Chapter President will approve or deny the request. All decisions shall not be unreasonably withheld. All denials shall be justified in writing. Any approval does not guarantee use and therefore if a higher priority exists, the CSC will need to inform the renter of the need to reschedule their use.
- C. Chapter Motor Vehicles cannot be rented.
- D. Operator(s):
 - 1. The Chapter Operator shall be the primary operator of all heavy equipment.
 - 2. If the Chapter Operator is unavailable or whenever another person/entity is authorized to operate, the following shall apply:
 - a. The Operator shall be responsible to comply with section III(B) herein.
 - b. The Renter shall be responsible for all costs related to any damage caused by their Operator.
 - c. The Renter shall indemnify the Chapter and the Navajo Nation from any and all liabilities arising from the Operator's use of the equipment.
 - d. The Renter shall be responsible for all fuel costs. If the Renter returns the equipment without proper refueling, the Chapter shall invoice the Renter which may include additional fees. The Renter shall be prohibited from future use until the invoice is paid.
- E. Fees and Accounting:
 - 1. Chapters are authorized to charge a reasonable use fee.
 - a. Backhoe w/Chapter Operator: \$375.00 per day+ NN Sales Tax.
 - b. Cement Mixer: \$50.00 per day or \$200.00 per week + NN Sales Tax

2. Fees shall be paid prior to use.
3. The Chapter Account Maintenance Specialist shall be responsible for recording and depositing fees in the proper account.

F. Geographical Location of Use

1. Heavy equipment shall remain within the To'Hajiilee Community Service Use area, and other properties owned by the Navajo Nation

VI. Insurance

Notwithstanding the Renter's obligation to obtain insurance, the Chapter shall carry the Liability, Collision and Comprehensive Insurance through Navajo Nation Insurance Policy and therefore the Chapter will need to make arrangements with the Navajo Nation Risk Management Department.

VII. BIA road maintenance

- A. For all road maintenance on roads maintained by the Bureau of Indian Affairs (BIA), the Chapter shall utilize signs and flaggers.
- B. The Flaggers' responsibility is to protect the public by directing traffic in a safe manner. All Flaggers shall attend the American Traffic Safety Services Association (ATSSA), Federal Highway Administration (FHWA), and the American Association of State Highways and Transportation Officials (AASHTO) Certification Trainings.
- C. The Flaggers are required to use proper apparel such as traffic vests and any necessary personal protective equipment.
- D. The Flaggers shall use STOP/SLOW Signs and be able to use proper hand signaling.
- E. When blading or making road repairs, Operators shall place advance warning signs indicating road work which may include a sign indicating that there is one lane road and where the road work ends.

VIII. Amendments

Any amendment may be made by a non-governance certified Chapter through a duly approved Chapter Resolution requesting the Navajo Nation Resources and Development Committee to amend these policies and procedures

DRAFT