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Vice President, Ellen Young Thomas  
Secretary/Treasurer, Lucy Antone  
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# THE NAVAJO NATION

## TSAYATOH CHAPTER

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### TSAYATOH CHAPTER

#### APPROVING AND ADOPTING THE TSAYATOH CHAPTER REVISED HEAVY EQUIPMENT POLICY AND PROCEDURE.

Resolution No. TSA2024-11-006

#### WHEREAS:

1. Tsayatoh Chapter is a Local Governance Certified Chapter of the Navajo Nation, 26 NNC § 101 et seq. with delegated authority and responsibility to promote, to receive, to act upon and protect the interest and general welfare of its constituents and to interact with other entities of the Navajo Nation, Federal and Local Government Agencies that serve and affect the Tsayatoh Chapter; and
2. Tsayatoh Chapter has a Heavy Equipment Policy in place, however, has received a copy of a Department of Justice (DOJ) approved policy; and
3. The proposed change is to adopt the Revised Heavy Equipment Policy issued by DOJ and Division of Community Development; and
4. Tsayatoh Chapter community is supporting the action to approve the Revised Heavy Equipment Policy and Procedures to be put into action upon approval.


#### NOW THEREFORE BE IT RESOVED THAT:


1. Tsayatoh Chapter approves and adopts the DOJ-approved Revised Heavy Equipment Policy and Procedures.
2. Tsayatoh Chapter reviewed the policy on November 17, 2024, and determined it is in the best interest of the Chapter to adopt.

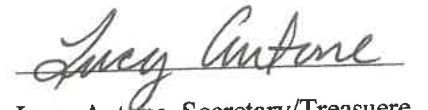
#### CERTIFICATION

**WE HEREBY CERTIFY** that the foregoing Resolution was duly considered by Tsayatoh at a duly called chapter meeting at Tsayatoh, Navajo Nation, at which a quorum is present and that the same passed by a vote of 5 in Favor, 3 Opposed and 8 Abstain this 17<sup>th</sup> day of November 2024.

MOTION: Elizabeth Mosley  
SECOND: Ernest John

  
Ramona Nelson, President

  
Ellen Young-Thomas, Vice President

  
Lucy Antone, Secretary/Treasurer



# Heavy Equipment Vehicle Policy

TSA2024-11-006

## **POLICIES AND PROCEDURES FOR CHAPTER HEAVY EQUIPMENT AND MOTOR VEHICLES**

### **I. AUTHORIZATION**

- A. Pursuant to 26 N.N.C. Section 101 (A), the Tsayatoh Chapter has formulated, implemented, and operates by the Five Management System to ensure accountability and has developed policies and procedures for the Chapter Heavy Equipment and Motor Vehicles.
- B. Pursuant to the Tsayatoh Chapter Resolution **TSA2024-11-006**, the Chapter Heavy Equipment and Motor Vehicles Policies and Procedures is hereby approved and adopted.

### **II. 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 is 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.

### **III. DESCRIPTION OF EQUIPMENT**

- A. The Chapter CSC and AMS shall create and physically maintain the inventory of 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
Backhoe	Caterpillar 420F	CAT0420FHSKR04242
Grader	Caterpillar 120M	CAT0120MAB9W00114

### **IV. 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.
  - a. Specialized equipment or vehicle include, but not limited to: backhoe, grader, semi-truck, dump truck, skid steer
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")
  - d. Preventive Maintenance refer to Manufacturing/Operators Manual.
5. Prior to each use, the Operator shall inspect the equipment/vehicle.
  - a. After each use, the equipment/vehicle shall be parked in a designated area within the chapter compound.
6. 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.
7. 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.

**V. 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

## VI. 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. (See addendum)
- 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. Residents
      - Backhoe:  $\$65.00 + \$3.90 \text{ (NNST)} = \$68.90$
      - Grader:  $\$75.00 + \$4.50 \text{ (NNST)} = \$79.50$
    - b. Non-Residents
      - Backhoe:  $\$75.00 + \$4.50 \text{ (NNST)} = \$79.50$
      - Grader:  $\$95.00 + \$5.70 \text{ (NNST)} = \$100.70$
  - 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 Tsayatoh Community Service Use area, and other properties owned by the Navajo Nation

**VII. 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.

**VIII. 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 Flagger's 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.

**IX. AMENDMENTS**

- A. 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.

Exhibit A

# Tsayatoh Chapter

**EQUIPMENT DAILY REPORT**

Agency Code: \_\_\_\_\_

Date: \_\_\_\_\_

Worksite: \_\_\_\_\_

Weather: \_\_\_\_\_

Level of Service (LOS): (1=Excellent; 2=Good, 3=Fair, 4=Poor, 5=Failing)

Description of Work Performed	Hrs. Work	LOCATION		ACCOUNTING CODE		SURFACE TYPE				Accomplishment		
		Route	FHWA or FET	Program Code	Activity Codes	Paved	Gravel	Earth U / I	Other	Miles	Units	LOS
1												
2												
3												
4												
5												
6												
7												
8												
9												

PERSONNEL					
Employee	Title	Regular Hours	O.T Hours	Mileage	
Tribal or GSA Vehicle	Vehicle I.D / Tag No.	Starting	Ending	Total Mileage	
1					
2					

EQUIPMENT UTILIZATION				
Support Equipment / Equip. Tag #	Equipment Beginning Hours	Equipment Ending Hours	Total Hours	AM / PM Inspection Performed?
1				
2				
3				

PREVENTATIVE MAINTENANCE & FUEL/OIL CONSUMPTION							
[V] OK [X] Work Done	AM PM	AM/ PM Inspections	Service Performed	Quarts	Gallons	Oil Type / Fuel Used	Filters Changed? Yes/No
		RADIATOR	Fill radiator to proper level, remove debris from core.				
		GEN./FAN BELTS	Inspect belts for proper tension, alignments, and condition.				
		ENGINE OIL LEVEL	Fill to proper level, inspect for leaks.				
		DIESEL EXHAUST FLUID	Fill to proper level, inspect for leaks.				
		AIR CLEANER	Inspect and clean oil bath and dry type as required.				
		PRE-CLEANER	Clean filter jar as often as condition warrants.				
		BATTERIES	Visual Inspect for conditions, fill to proper level.				
		HYDRAULIC OIL LEVEL	Fill to proper levels, inspect for leaks.				
		LUBRICATION	Perform daily lubrication services as designated by the manufacturer.				
		TIRE CONDITION	Check tire pressure with gauges, inflate as necessary to recommended pressure, remove glass, stones, nails, etc. and mounting new tire.				
		SAFETY EQUIPMENT	Inspect for condition, safety, guards, booms stops, radius indicators, warning devices, ladders, fire extinguishers, etc.				
		GENERAL CONDITION	Inspect unit for proper general condition, correct or report any deficiencies requiring mechanics attentions.				
		FUEL LEVEL	Fill fuel tank as necessary				
		INSTRUMENTS	Check all gauges and meters for proper operations.				
		SHUT DOWN PRECAUTIONS	Perform prescribed shut down services such as securing machine, draining air tanks, cover exhaust stacks, close hood, etc.				
		WORK ORDER	LIST ANY DEFICIENCIES NOTED DURING OPERATION BELOW:				



Exhibit B

Tsayatoh Chapter

FIELD DAILY REPORT

Agency Code: \_\_\_\_\_

Date: \_\_\_\_\_

Worksite: \_\_\_\_\_

Weather: \_\_\_\_\_

Level of Service (LOS): (1=Excellent; 2=Good, 3=Fair, 4=Poor,

Description of Work Performed	Hrs. Work	LOCATION		ACCOUNTING CODE		SURFACE TYPE				Accomplishment		
		Route	FHWA or FET	Program Code	Activity Codes	Paved	Gravel	Earth U / I	Other	Miles	Units	LOS
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												

PERSONNEL

Employee	Title	Regular Hours	O.T Hours
1			

Tribal or GSA Vehicle	Vehicle I.D / Tag No.	Mileage		Total Mileage
		Starting	Ending	
1				
2				

EQUIPMENT UTILIZATION

Support Equipment / Equip. Tag #	Equipment Beginning Hours	Equipment Ending Hours	Total Hours	AM / PM Inspection Performed?
1				
2				
3				

MATERIAL & PARTS COST

Material I.D.	Description	Qty.

Tsayatoh CHAPTER  
BACKHOE RENTAL INSPECTION SHEET

EQUIPMENT	DESCRIPTION	PRE-INSPECTED	POST-INSPECTED
BACKHOE	Oil Levels		
	Lights		
	Hydraulic Levels		
	Evidence of fluid dripping by physical inspection		
	Fluid level check		
	Tire pressure		
	Gear Check		
	Front-loader in good working order		
	Rear Blade in good working order		
	Disc in good working order		
	Tire Wear		

Pre Inspection:

Sponsor: \_\_\_\_\_

Date: \_\_\_\_\_

Administration: \_\_\_\_\_

Date: \_\_\_\_\_

Post Inspection:

Sponsor: \_\_\_\_\_

Date: \_\_\_\_\_

Administration: \_\_\_\_\_

Date: \_\_\_\_\_

List any problems or concerns that have come out of the pre-inspection and/or post-inspection:

# VEHICLE MAINTENANCE INSPECTION FORM

Tsayatoh CHAPTER NAME

Date of Inspection: \_\_\_\_\_ Inspected By: \_\_\_\_\_ Title: \_\_\_\_\_

Vehicle No: \_\_\_\_\_ Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Engine: \_

Department: \_\_\_\_\_ Mileage: \_\_\_\_\_ VIN No. \_

COMPONENTS	OPER	NON	GOOD	FAIR	BAD	REMARKS
1. ENGINE						
2. BATTERY						
3. IGNITION SYSTEM						
4. FUEL SYSTEM						
5. COOLING SYSTEM						
6. AIR CONDITIONING						
7. EXHAUST SYSTEM						
8. INTERIOR CONDITION						
9. SEATS / CUSHIONS						
10. FLOOR CARPET / MAT						
11. INSTRUMENT PANEL						
12. BRAKES						
13. STEERING SYSTEM						
14. SHOCKS / STRUTS						
15. COIL / LEAF SPRINGS						
16. TRANSMISSION						
17. TRANSFER CASE – 4WD						
18. FRONT AXLE – 4WD						
19. REAR AXLE						
20. BODY CONDITION						
21. VEHICLE FRAME						
22. LIGHTING SYSTEM						
23. WINDSHIELD						
24. GLASS CONDITION						
25. LEFT FRONT TIRE						
26. RIGHT FRONT TIRE						
27. LEFT REAR TIRE						
28. RIGHT REAR TIRE						
29. SPARE TIRE						
30. JACK / WRENCH						
<b>THIS VEHICLE IS:</b>						

REMARKS: \_

Exhibit D

Insert Chapter's rental form

## Heavy Equipment Policy Addendum

### **I. Scope of Use and Operation:**

The heavy equipment shall be used to address matters that impact the Chapter and community. Accepted use shall be determined by the Chapter based on recommendations from the Chapter Community, Chapter officials, Chapter Staff, Community Health Representative, Senior Citizen Staff, Head Start Staff, Schools Transportation Department, Police, and County Officials, and shall include, but not be limited to the following.

- A. Providing resources for the benefit of the community and to promote community's interest in Health and Safety.
- B. Addressing adverse road conditions and other transportation issues, including erosion, replacing dirt, laying gravel, other related tasks;
- C. Addressing projects and activities related to an official state of emergency as declared by the chapter or the Navajo Nation;
- D. Addressing Chapter approved Projects and waste disposal issues;
- E. Being prepared for and/or addressing inclement weather conditions; and
- F. The Heavy Equipment shall be utilized with the Tsayatoh Chapter Community only; and
- G. Burial Assistance  
For Burial assistance, decedent's family must notify the Chapter in advance whether burial will be in a or public cemetery, and the chapter shall ensure that there is no dispute as to the burial site before any use of the Truck of Equipment for that purpose.
  - 1. Family plots: must be recognized as a legally designated family cemetery by the Navajo Land Department or BIA-Natural Resources.
  - 2. Documentation or consent from permit holders must be submitted with the work order to avoid the chapter from being charged with trespass and/or to avoid other penalties or dispute.

### **II. General Policy**

- A. CSC and AMS shall work with the Chapter hired Heavy Equipment Operator to enforce this Policy and ensure proper maintenance and use of the Heavy Equipment.
- B. Only the Driver shall operate the Heavy Equipment and comply with the following:
  - 1. Carry a valid Operator's Driver's License;
  - 2. Be alert and physically capable of operating vehicles; and
  - 3. Shall not be under the influence of any drugs or intoxicants.
- C. Absolutely no unauthorized passenger(s) (no hitchhikers) are allowed in or on the

Heavy Equipment. Drivers shall be individually liable for any violation for this policy and shall be individually accountable.

D. In the event of an accident or emergency, the Driver Shall:

1. Notify the Navajo Nation Policy or other proper authorities.
2. Provide a written report with the following information: Names, Location of accident, nature of accident, information about injury to any person, whether an ambulance is necessary.

E. Conduct at Scene of accident

1. Notify the CSC or AMS
2. Driver shall not move Truck or Equipment until authorized to do so by the investigating officer OR as necessary to prevent severe injury or death.
3. Driver shall secure names and addresses of all available witnesses.
4. Driver shall not engage in any argument or discussion as to who was responsible for the accident, nor express an opinion as to fault.
5. Call 811 or Call Navajo Tribal Utility Authority in case of gas, water, or electrical incident.

### **III. Work Order Field Estimates**

- A. Operator will be responsible for providing a field estimate on work orders, prior to payment being made in case renter's estimate is incorrect.
- B. Renter must be detailed on the work order in order for correct by-the-hour rate is charged, if renter wants to pay by the hour.

### **IV. Right of Way and Disputed Areas**

- A. Before work can commence on residential roads or non-public roads, the renter must provide a consent form (Exhibit G) signed by the Grazing Permit holder that allows for work to be done on their grazing unit. If the land is on Allotment, the consent must be shown by an heir.
- B. All parties must agree with the requested work order.

### **V. Priorities**

- A. Priority #1: For addressing officially declare emergencies or other severe conditions including mitigation, preparedness for adverse weather conditions and unforeseen situations, as duly approved by the Chapter by resolution, by consensus of the Chapter officials, or the CSC.
- B. Priority #2: Chapter operations and projects upon approval of the CSC or AMS.
- C. Priority #3: Chapter residents (physical residence required & registered voters)



upon formal request and approval by the CSC.

**VI. Authorized Travel**

- A. When the Chapter vehicle is being used to escort the heavy equipment to a job site, the driver of the vehicle must have a signed and approved travel authorization by their supervisor in place.
  - 1. Mileage report, trip report and any fuel receipts must be completed within ten (10) business days of complete of travel, reviewed, signed and approved by Supervisor.
- B. All travel reports must be filed in accordance with the Chapter's Records Management Policy and Procedures Manual.