LEGISLATION NO: 0101-19

SPONSOR: Mark A. Freeland

TITLE: An Action Relating To Budget And Finance Committee, Resources And Development Committee And NAABIK'IYATI' Committee And Navajo Nation Council; Allocating $2,500,000 From The Sihasin Fund To The Crownpoint Chapter And Approving And Adopting The Crownpoint Youth Center Fund Expenditure Plan Pursuant 12 N.N.C §§ 2501 – 2508

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DATE:  April 25, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $2,500,000 FROM THE SÍHASIN FUND TO THE CROWNPOINT CHAPTER AND APPROVING AND ADOPTING THE CROWNPOINT YOUTH CENTER FUND EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

PURPOSE:  If approved, this resolution will allocate $2,500,000 to the Crownpoint Chapter and approve and adopt the Crownpoint Youth Center Expenditure Plan.

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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0101-19

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK’IYÁTI’ COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $2,500,000 FROM THE SIHASIN FUND TO THE CROWNPONTE CHAPTER AND APPROVING AND ADOPTING THE CROWNPONTE YOUTH CENTER FUND EXPENDITURE PLAN PURSUANT 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 has oversight of the chapters of the Navajo Nation. 2 N.N.C. §501 (C)(1).

E. The Naabik'íyáti’ Committee established the Naabik'íyáti’ Sihasin Fund Subcommittee to recommend to the Naabik'íyáti’ Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in the Sihasin Fund. NABIAP-20-15. However, approval by the Naabik’íyáti’ Sihasin Fund Subcommittee is not a requirement for legislation.

F. The Navajo Nation Code provides the purpose of the Navajo Nation Sihasin Fund (“Sihasin 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.
G. The Sihasin Fund provides that “Fund Principal” shall consist of all deposits made to the Sihasin 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 Crownpoint Youth Center project is detailed in the project overview, scope of work, and an architectural design schematic attached as Exhibit A.

B. Project process schedules are attached as Exhibit B.

C. Navajo Housing Authority has awarded the Navajo Nation Office of Diné Youth a grant of $7,432,446.02 contingent upon the project securing an additional $2,500,000 in match funding. See Exhibit C.

D. Both Crownpoint Chapter and Littlewater Chapter have passed resolutions in support of this project. These resolutions are attached as Exhibit D.

Section Three. Allocation of $2,500,000 to the Crownpoint Chapter and approval and adoption of the Crownpoint Youth Center Expenditure Plan

A. The Navajo Nation hereby allocates to the Crownpoint Chapter the total amount of $2,500,000.00 to construct the Crownpoint Youth Center as detailed in Exhibits A and B.

B. The Navajo Nation hereby approves and adopts the Crownpoint Youth Center Expenditure Plan, attached and incorporated herein as Exhibits A and B.

C. The Sihasin Funds allocated for the Sihasin Fund Crownpoint Youth Center Expenditure Plan may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Sihasin Fund earnings for repayment and financing costs upon the recommendation of the Budget and Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.
Section Four. Approval and Adoption of Expenditure Plan Administration

The Navajo Nation hereby approves administration of the Síhasin Fund Crownpoint Youth Center Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $2,500,000.00 will be Síhasin Fund Principal or Income or a combination of both;

2. The funding to the Crownpoint Chapter shall be distributed by the end of the first quarter of the respective Navajo Nation Fiscal Year;

3. The funds allocated for the Crownpoint Youth Center shall be used solely to design, plan, and construct the Crownpoint Youth Center described in Exhibits A and B. Any and all cost-savings shall be returned to the to the Síhasin Fund once the Crownpoint Youth Center is completed; and

4. The funds allocated for the Crownpoint Youth Center shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N), however, any funds not spent or encumbered within twenty-four (24) months of the date funds are made available to the Crownpoint Chapter shall revert to the Síhasin Fund principal, unless recommended otherwise by the Resources and Development Committee and approved by the Naabik'íyáti' Committee.

Section Five. Effective Date

The Síhasin Fund Crownpoint Youth Center Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Six. Directives

The Crownpoint Chapter and the Office of Dine Youth shall report the status of the Crownpoint Community Youth Center to the Division of Community Development and the Naabik'íyáti Committee a least once per quarter after the initial disbursement of funds.