LEGISLATION NO: _0130-19_____  SPONSOR: Elmer Begay

TITLE: An Action Relating To The Law And Order, Budget And Finance, Naabik’íyáti’ Committees, And Navajo Nation Council; Approving And Adopting The Síhasin Dilkon Justice Center Fund Expenditure Plan Pursuant 12 N.N.C. §§2501-2508

Date posted: May 24, 2019 at 5:46pm

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DATE: May 24, 2019

AN ACTION RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, NAABIK’ÍYÁTI’ COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SIHASIN DILKON JUSTICE CENTER FUND EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

PURPOSE: Approving and adopting the Sihasin Dilkon Justice Center Fund 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 review the proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0130-19

AN ACTION

RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE,
NAABIK’IYÁTI’ COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING
AND ADOPTING THE SÍHASIN DILKON JUSTICE 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 Law and Order Committee of the Navajo Nation Council is empowered to serve
as the oversight authority for the Division of Public Safety and the Judicial Branch
Navajo Nation. 2 N.N.C. §§ 600 (C)(6).

D. 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).
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 Dilkon Justice Center Plan is detailed in Exhibits A and B.

B. As set forth in Exhibit A, 10 acres of land was set aside for a medium district public safety center. Phase one of the Dilkon Justice Center was completed in 2009. Phase 2 of the Dilkon Justice Center will include a police station and corrections facility.

C. A budget summary and detailed budget and justification are provided in Exhibit B.

D. The Dilkon Chapter of the Navajo Nation through Resolution No. DIL-2019-02-130, at Exhibit C, has approved the Expenditure Plan for the Dilkon Justice Center Project.

Section Three. Approval and Adoption of Expenditure Plan

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

B. The Navajo Nation hereby approves and adopts funding to Dilkon Chapter for thirty-two million, nine hundred eighty-two thousand, thirty dollars ($32,982,030.00).

C. The Síhasin Funds allocated for the Dilkon Justice 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 Síhasin 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 Dilkon Justice Center Expenditure Plan as follows:
1. The Navajo Nation Controller shall determine whether the source of the annual allocations from the total allocation of $32,982,030.00 will be Síhasin Fund Principal or Income or a combination of both;

2. The funding for the Dilkon Justice Center shall be distributed by the end of the first quarter of the Navajo Nation Fiscal Year;

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

4. The funds allocated for the Dilkon Justice Center Expenditure Plan 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 Dilkon 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 Dilkon Justice Center Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Six. Directives

Dilkon Chapter and Department of Public Safety shall report the status of the Dilkon Justice Center to the Naabik’íyáti’ Committee on a quarterly basis.