LEGISLATION NO: _0001-20_____ SPONSOR: Vince James

TITLE: An Action Relating to Budget and Finance Committee, Resources and Development Committee and Naabik’íyáti’ Committee and Navajo Nation Council; Allocating $1,444,032 from the Síhasin Fund to the Capital Projects Management Department on behalf of the Ganado Chapter; and approving and adopting the Síhasin Fund Ganado Senior Citizens and Veterans Center Expenditure Plan pursuant 12 N.N.C. §§2501 – 2508

Date posted: January 2, 2020 at 5:13pm

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Office of Legislative Services
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DATE: December 30, 2019

TITLE OF RESOLUTION: RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK’ÍYÁTI’ COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $1,444,032 FROM THE SÍHASIN FUND TO THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT ON BEHALF OF THE GANADO CHAPTER; AND APPROVING AND ADOPTING THE SÍHASIN FUND GANADO SENIOR CITIZENS AND VETERANS CENTER EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

PURPOSE: This resolution, if approved, will provide Síhasin Funds to plan, design and/or construct the Ganado Charter Senior Citizens and Veterans Center.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

[Signature]
(Prime Sponsor)

TRACKING NO. 0001-20

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK’IYÁTI’ COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING $1,444,032 FROM THE SÍHASIN FUND TO THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT ON BEHALF OF THE GANADO CHAPTER; AND APPROVING AND ADOPTING THE SÍHASIN FUND GANADO SENIOR CITIZENS AND VETERANS CENTER 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 is empowered to provide oversight of the chapters of the Navajo Nation, as well as oversight over community development on the Navajo Nation. 2 N.N.C. §501 (C)(1).

E. 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.

F. 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 Ganado Chapter has been certified as a Local Governance Certified Chapter of the Navajo Nation under 26 N.N.C. §§ 101 et al.

B. As set forth in Ganado Chapter Resolution No. GAN-147-2019, attached as Exhibit A, the Navajo Occupational Safety and Health Administration (NOSHA) recommended the closure of the Ganado Senior Citizens Center, a residential double-wide trailer, due to multiple safety issues and building deficiencies; and on February 26, 2016, the Ganado Chapter closed down the Senior Citizens Center to protect the public.

C. The Ganado Chapter has been advocating for a Veterans Center since before 2012, see Exhibit B, and has worked to secure the necessary land withdrawal for the Senior Citizens and Veterans Center.

D. The Navajo Nation Council, through resolution CAP-35-18, approved and adopted the Sihasin Fund Powerline and Chapter Projects Expenditure Plan including $833,333.00 for the Ganado Senior Citizen Center project at CAP-35-18, Exhibit D, Item No. 135. This request for $1,444,032.00 is in addition to the amount approved by CAP-35-18 attached as Exhibit C.

E. The Ganado Senior Citizen and Veterans Center Scope of Work and Cost Breakdown are attached as Exhibit D.

F. The “Section 164 Review Form” for the $1,444,032.00, including Office of Management and Budget (OMB), Office of the Controller and the Department of Justice reviews, along with project budget and process schedules, are attached as Exhibit E.

Section Three. Allocation of $1,444,032.00 to the Capital Projects Management Department on Behalf of the Ganado Chapter and Approval and Adoption of the Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan
A. The Navajo Nation hereby allocates one million four hundred forty-four thousand thirty-two dollars ($1,444,032.00) from the Sihasin Fund to the Capital Projects Management Department within the Division of Community Development on behalf of the Ganado Chapter to plan, design and/or construct the Ganado Chapter Senior Citizen and Veterans Center as detailed in Exhibits D and E.

B. The Navajo Nation hereby approves and adopting the Sihasin Fund Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan as set forth in this resolution and in Exhibits D and E, attached and incorporated herein.

C. The Sihasin Funds allocated for the Sihasin Fund the Ganado Chapter Senior Citizen and Veterans 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 Sihasin Fund Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan as follows:

1. The Navajo Nation Controller shall determine whether the source of the $1,444,032.00 allocation from the Sihasin Fund will be from Fund Principal or Fund Income or a combination of both;

2. The funds allocated to the Capital Projects Management Department on behalf of the Ganado Chapter for the planning, design and/or construction of the Ganado Chapter Senior Citizen and Veterans Center shall be released to the Capital Projects Management Department within ninety (90) days following enactment of the Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan;

3. The funds allocated for the Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan shall be used solely to design, plan, and/or construct the Ganado Chapter Senior Citizen and Veterans Center described in Exhibits D and E. Any
and all cost-savings shall be returned to the Sihasin Fund once the Ganado
Chapter Senior Citizen and Veterans Center is completed;

4. If requested by the Ganado Chapter, the Capital Projects Management
Department may transfer the funds, responsibility and accountability for the
Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan to the
Ganado Chapter pursuant to a Memorandum of Agreement or other form of grant
agreement executed pursuant to 2 N.N.C. § 164 (B), as amended; and

5. The funds allocated for the Ganado Chapter Senior Citizen and Veterans 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 later or the
date funds are released to the Capital Projects Management Department or
transferred to the Ganado Chapter shall revert to the Sihasin Fund principal,
unless recommended otherwise by the Resources and Development Committee
and approved by the Naabik’íyáti’ Committee.

Section Five. Effective Date

The Sihasin Fund Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan,
as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Six. Directives

The Ganado Chapter and the Capital Projects Management Department shall report the
status of the Ganado Chapter Senior Citizen and Veterans Center to the Naabik’íyáti
Committee at least once per quarter after the initial release of funds.