

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0001-20_____ SPONSOR: Vince James

TITLE: 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

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

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0001-20

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 Sihasin Funds to plan, design and/or construct the Ganado Charter Senior Citizens and Veterans Center.

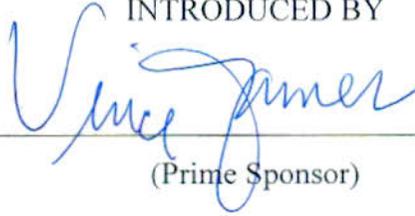
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2300
Website Posting Time/Date: _____
Posting End Date: 01/07/20
Eligible for Action: 01/08/20

Budget & Finance Committee
Thence
Resources & Development Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2020

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0001-20

9
10 AN ACTION

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

18
19 BE IT ENACTED:

20
21 **Section One. Authority**

- 22 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
23 102 (A).
- 24 B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review
25 all proposed legislation which requires final action by the Navajo Nation Council. 2
26 N.N.C. §164(A)(9).
- 27 C. The Budget and Finance Committee of the Navajo Nation Council is empowered to
28 review and recommend to the Navajo Nation Council the budgeting, appropriation,
29 investment, and management of all funds. 2 N.N.C. § 301 (B)(2).

1 D. The Resources and Development Committee of the Navajo Nation Council is
2 empowered to provide oversight of the chapters of the Navajo Nation, as well as
3 oversight over community development on the Navajo Nation. 2 N.N.C. §501 (C)(1).

4 E. The Navajo Nation Code provides the purpose of the Navajo Nation Sihasin Fund
5 (“Sihasin Fund”) is as follows:

6 § 2502 Purpose

7 A. The purposes of this Fund are to provide financial support and/or
8 financing for:

9 1. The planning and development of economic development
10 and regional infrastructure supporting economic
11 development, and community development, including such
12 infrastructure as, but not limited to, housing, commercial
13 and government buildings, waterline, solid waste
14 management development, powerline projects, and
15 transportation and communication systems, within the
16 Navajo Nation; and

17 2. Education opportunities for members of the Navajo
18 Nation.

19 B. For the Purpose in § 2502(A)(1), Fund expenditures for
20 infrastructure shall not be limited by 12 NNC § 1310(F) or
21 TCDCJY-77-99.

22 C. Leveraging the Fund by way of guaranteeing loans, match
23 funding, direct funding in part, and other weighted uses of the
24 Fund, including loan financing from the Fund, for the purposes
25 in § 2502(A)(1), shall be favored over direct funding in whole.

26 12 N.N.C. § 2502, as amended by CJA-03-18.

27 F. The Sihasin Fund provides that “Fund Principal” shall consist of all deposits made
28 to the Sihasin Fund and that “Fund Income” shall consist of all earnings (interest,
29 dividends, etc.) generated and realized by the Fund Principal, and that Fund Income
30

1 shall be deposited in and added to Fund Principal until such time as a Fund
2 Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

3
4 **Section Two. Findings**

- 5 A. The Ganado Chapter has been certified as a Local Governance Certified Chapter of
6 the Navajo Nation under 26 N.N.C. §§ 101 et al.
- 7 B. As set forth in Ganado Chapter Resolution No. GAN-147-2019, attached as
8 **Exhibit A**, the Navajo Occupational Safety and Health Administration (NOSHA)
9 recommended the closure of the Ganado Senior Citizens Center, a residential
10 double-wide trailer, due to multiple safety issues and building deficiencies; and on
11 February 26, 2016, the Ganado Chapter closed down the Senior Citizens Center to
12 protect the public.
- 13 C. The Ganado Chapter has been advocating for a Veterans Center since before 2012,
14 see **Exhibit B**, and has worked to secure the necessary land withdrawal for the
15 Senior Citizens and Veterans Center.
- 16 D. The Navajo Nation Council, through resolution CAP-35-18, approved and adopted
17 the Sihasin Fund Powerline and Chapter Projects Expenditure Plan including
18 \$833,333.00 for the Ganado Senior Citizen Center project at CAP-35-18, Exhibit
19 D, Item No. 135. This request for \$1,444,032.00 is in addition to the amount
20 approved by CAP-35-18 attached as **Exhibit C**.
- 21 E. The Ganado Senior Citizen and Veterans Center Scope of Work and Cost
22 Breakdown are attached as **Exhibit D**.
- 23 F. The "Section 164 Review Form" for the \$1,444,032.00, including Office of
24 Management and Budget (OMB), Office of the Controller and the Department of
25 Justice reviews, along with project budget and process schedules, are attached as
26 **Exhibit E**.

27
28 **Section Three. Allocation of \$1,444,032.00 to the Capital Projects Management**
29 **Department on Behalf of the Ganado Chapter and Approval and Adoption of the**
30 **Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan**

- 1 A. The Navajo Nation hereby allocates one million four hundred forty-four thousand
2 thirty-two dollars (\$1,444,032.00) from the Sihasin Fund to the Capital Projects
3 Management Department within the Division of Community Development on behalf
4 of the Ganado Chapter to plan, design and/or construct the Ganado Chapter Senior
5 Citizen and Veterans Center as detailed in **Exhibits D and E**.
- 6 B. The Navajo Nation hereby approves and adopts the Sihasin Fund Ganado Chapter
7 Senior Citizen and Veterans Center Expenditure Plan as set forth in this resolution
8 and in **Exhibits D and E**, attached and incorporated herein.
- 9 C. The Sihasin Funds allocated for the Sihasin Fund the Ganado Chapter Senior Citizen
10 and Veterans Center Expenditure Plan may be further leveraged by bond or loan
11 financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 *et*
12 *seq.*, as amended, using Sihasin Fund earnings for repayment and financing costs
13 upon the recommendation of the Budget and Finance Committee and approval by a
14 two-thirds (2/3) vote of all members of the Navajo Nation Council.
- 15

16 **Section Four. Approval and Adoption of Expenditure Plan Administration**

17 The Navajo Nation hereby approves administration of the Sihasin Fund Ganado
18 Chapter Senior Citizen and Veterans Center Expenditure Plan as follows:

- 19 1. The Navajo Nation Controller shall determine whether the source of the
20 \$1,444,032.00 allocation from the Sihasin Fund will be from Fund Principal or
21 Fund Income or a combination of both;
- 22 2. The funds allocated to the Capital Projects Management Department on behalf of
23 the Ganado Chapter for the planning, design and/or construction of the Ganado
24 Chapter Senior Citizen and Veterans Center shall be released to the Capital
25 Projects Management Department within ninety (90) days following enactment
26 of the Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan;
- 27 3. The funds allocated for the Ganado Chapter Senior Citizen and Veterans Center
28 Expenditure Plan shall be used solely to design, plan, and/or construct the Ganado
29 Chapter Senior Citizen and Veterans Center described in **Exhibits D and E**. Any
30

1 and all cost-savings shall be returned to the Síhasin Fund once the Ganado
2 Chapter Senior Citizen and Veterans Center is completed;

- 3 4. If requested by the Ganado Chapter, the Capital Projects Management
4 Department may transfer the funds, responsibility and accountability for the
5 Ganado Chapter Senior Citizen and Veterans Center Expenditure Plan to the
6 Ganado Chapter pursuant to a Memorandum of Agreement or other form of grant
7 agreement executed pursuant to 2 N.N.C. § 164 (B), as amended; and
8 5. The funds allocated for the Ganado Chapter Senior Citizen and Veterans Center
9 shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N), however, any
10 funds not spent or encumbered within twenty-four (24) months of the later or the
11 date funds are released to the Capital Projects Management Department or
12 transferred to the Ganado Chapter shall revert to the Síhasin Fund principal,
13 unless recommended otherwise by the Resources and Development Committee
14 and approved by the Naabik'iyáti' Committee.

15
16 **Section Five. Effective Date**

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

19
20 **Section Six. Directives**

21 The Ganado Chapter and the Capital Projects Management Department shall report the
22 status of the Ganado Chapter Senior Citizen and Veterans Center to the Naabik'iyáti
23 Committee a least once per quarter after the initial release of funds.