

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0125-21_

SPONSOR: Vince James

TITLE: An Action Relating to an Emergency and the Navajo Nation Council; Allocating \$2,644,380.00 from the Síhasin Fund to the Division of Community Development for the Purchase of Fire Trucks and Ambulances for the Ganado Fire District; Adopting the Síhasin Ganado Fire District Emergency Vehicle Expenditure Plan Pursuant to 12 N.N.C. §§ 2501-2508

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LEGISLATION SUMMARY SHEET

TRACKING NO. 0125-21

DATE: July 23, 2021

TITLE OF LEGISLATION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; ALLOCATING \$2,644,380.00 FROM THE SÍHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT FOR THE PURCHASE OF FIRE TRUCKS AND AMBULANCES FOR THE GANADO FIRE DISTRICT; ADOPTING THE SÍHASIN GANADO FIRE DISTRICT EMERGENCY VEHICLE EXPENDITURE PLAN PURSUANT TO 12 N.N.C §§ 2501 – 2508

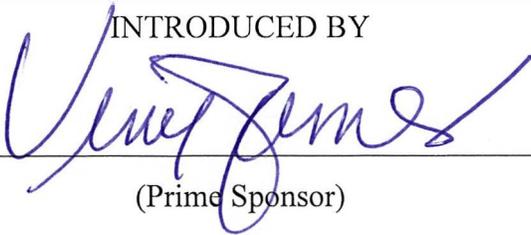
PURPOSE OF THIS LEGISLATION: to approve \$2,644,380 from the Síhasin Fund for the purchase of emergency fire vehicles and ambulances for the Ganado Fire District, and to approve the required Expenditure Plan for this equipment.

OLC No. 21-318-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0125-21

AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; ALLOCATING \$2,644,380.00 FROM THE SÍHASIN FUND TO THE DIVISION OF COMMUNITY DEVELOPMENT FOR THE PURCHASE OF FIRE TRUCKS AND AMBULANCES FOR THE GANADO FIRE DISTRICT; ADOPTING THE SÍHASIN GANADO FIRE DISTRICT EMERGENCY VEHICLE EXPENDITURE PLAN PURSUANT TO 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. Pursuant to 2 N.N.C. §164 (A)(16), “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. §164 (A)(16).
- C. The Navajo Nation Code provides that the purpose of the Navajo Nation Síhasin Fund (“Síhasin Fund”) is as follows:

1 § 2502 Purpose

- 2 A. The purposes of this Fund are to provide financial support and/or financing for:
- 3 1. The planning and development of economic development and regional
- 4 infrastructure supporting economic development, and community development,
- 5 including such infrastructure as, but not limited to, housing, commercial and
- 6 government buildings, waterline, solid waste management development,
- 7 powerline projects, and transportation and communication systems, within the
- 8 Navajo Nation; and . . .
- 9 B. For the Purpose in § 2502(A)(1), Fund expenditures for infrastructure shall not be
- 10 limited by 12 NNC § 1310(F) or TCDCJY-77-99.
- 11 C. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding
- 12 in part, and other weighted uses of the Fund, including loan financing from the
- 13 Fund, for the purposes in § 2502(A)(1), shall be favored over direct funding in
- 14 whole.
- 15 12 N.N.C. § 2502, as amended by CJA-03-18.
- 16 D. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to the
- 17 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest, dividends,
- 18 etc.) generated and realized by the Fund Principal, and that Fund Income shall be
- 19 deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is
- 20 duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

21

22 **SECTION TWO. FINDINGS**

- 23 A. Ganado Fire District is a political subdivision of the State of Arizona that provides
- 24 emergency services to the Navajo Nation communities of Ganado, Steamboat,
- 25 Kindahlichii, Klagetoh, Cornfields, Woodsprings, Cross Canyon, Bashbito, and Toyei,
- 26 and others.
- 27 B. The Ganado Fire District has need for \$2,644,380.00 worth of fire apparatus and
- 28 rescue/medical transport units, to meet the fire and other emergency needs of the Ganado
- 29 Chapter and surrounding Navajo Nation communities. **Exhibit A.**
- 30

1 C. Ganado Fire District has provided a listing of its month activity statistics, as compared
2 to those of the Navajo Nation Police Department, for the first seven months of 2020 and
3 all of 2019. **Exhibit B.** These statistics show an urgent need for the requested emergency
4 vehicles.

5 D. Ganado Fire District has provided its 2019-2020 and its 2020-2021 budgets. **Exhibit C.**
6 These budgets show a shortfall, such that the \$2,644,380.00 in funding is needed to
7 purchase the requested emergency vehicles.

8 E. Ganado Fire District has provided detailed descriptions of the fire apparatus and
9 rescue/medical transport units that it is requesting. **Exhibit D.**

10 F. The Navajo Nation Chapters of Ganado, Steamboat, Kindahlichii, Klagetoh, Cornfields,
11 Jeddito, Nazlini, Greasewood Springs, and the District 17 Council, have all adopted
12 resolutions supporting the request for funding for the purchase of the fire apparatus and
13 rescue/medical transport units for Ganado Fire District. **Exhibit E.**

14 G. Given the current drought situation on the Navajo Nation, the danger of wildfires is
15 extremely high. This legislation is offered as emergency action, because it meets the “fire
16 protection services” purpose in 2 N.N.C. §164 (A)(16), and it also addresses a “pressing
17 public need” as listed in 2 N.N.C. §164 (A)(16).

18 H. The Navajo Nation finds that using the Síhasin Fund for the purchase of emergency
19 vehicles, as set forth on Page 3 of **Exhibit A**, is within the purposes of 12 N.N.C. § 2502
20 (A) (1) and 2 N.N.C. §164 (A)(16), and is in the best interests of Navajo communities
21 and the Navajo People.

22
23 **SECTION THREE. ALLOCATION OF \$2,644,380.00 TO THE DIVISION OF**
24 **COMMUNITY DEVELOPMENT AND APPROVAL AND**
25 **ADOPTION OF THE SÍHASIN GANADO FIRE DISTRICT**
EMERGENCY VEHICLE EXPENDITURE PLAN

26 A. The Navajo Nation hereby allocates \$2,644,380.00 from the Síhasin Fund to the Division
27 of Community Development to implement the Síhasin Ganado Fire District Emergency
28 Vehicle Expenditure Plan as detailed in **Exhibit A.**

29 B. The Navajo Nation hereby approves and adopts the Síhasin Ganado Fire District
30 Emergency Vehicle Expenditure Plan as set forth in **Exhibit A.**

1 C. The Síhasin Funds allocated for the Síhasin Ganado Fire District Emergency Vehicle
2 Expenditure Plan may be further leveraged by bond or loan financing pursuant to the
3 Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Síhasin
4 Fund earnings for repayment and financing costs upon the recommendation of the Budget
5 and Finance Committee and approval by a two-thirds (2/3) vote of all members of the
6 Navajo Nation Council.

7
8 **SECTION FOUR. APPROVAL OF SÍHASIN GANADO FIRE DISTRICT**
9 **EMERGENCY VEHICLE EXPENDITURE PLAN**
10 **ADMINISTRATION**

11 The Navajo Nation hereby approves the administration of the Síhasin Ganado Fire District
12 Emergency Vehicle Expenditure Plan as follows:

- 13 A. The Navajo Nation Controller shall determine whether the source of the \$2,644,380
14 allocation from the Síhasin Fund will be from Fund Principal or Fund Income or a
15 combination of both.
- 16 B. The funds allocated for the Ganado Fire District Emergency Vehicle Expenditure Plan
17 shall be distributed to the Division of Community Development within twenty (20) days
18 following enactment of this legislation.
- 19 C. Upon receipt of the \$2,644,380 in Síhasin funds, the Division of Community
20 Development shall promptly purchase the emergency vehicles listed in **Exhibit C** and
21 arrange for delivery of the vehicles, and transfer of vehicle titles, to the Ganado Fire
22 District.
- 23 D. Ganado Fire District shall be responsible for operation, maintenance, and repairs of the
24 emergency vehicles, and shall obtain appropriate liability and other insurance covering
25 use of the emergency vehicles. The Navajo Nation shall not be liable for any condition
26 or event pertaining to the emergency vehicles.
- 27 E. The funds allocated for the Ganado Fire District Emergency Vehicle Expenditure Plan
28 shall be used solely to purchase the emergency vehicles described in **Exhibit C** and any
29 and all cost-savings shall be returned to the Síhasin Fund once the Ganado Fire District
30 Emergency Vehicle Expenditure Plan is completed.

1 F. The funds allocated for the Ganado Fire District Emergency Vehicle Expenditure Plan
2 shall revert to the Síhasin Fund principal if not spent or encumbered within ninety (90)
3 days of distribution to the Division of Community Development, unless recommended
4 otherwise by the Resources and Development Committee and approved by the
5 Naabik'íyáti' Committee.

6 G. The Síhasin Fund shall be reimbursed, in the full amount allocated in this legislation, from
7 prospective funds available to the Navajo Nation from any and all state and federal sources,
8 including Congressional appropriations under the American Rescue Plan Act of 2021 or
9 other COVID-19 related relief.

10
11 **SECTION FIVE. EFFECTIVE DATE**

12 This legislation and the Síhasin Ganado Fire District Emergency Vehicle Expenditure Plan
13 shall become effective pursuant to 12 N.N.C. § 2505.

14
15 **SECTION SIX. SAVING CLAUSE**

16 Should any provision(s) of this Action be determined invalid by the Navajo Nation Supreme
17 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
18 Supreme Court, the remainder of the Action shall remain the law of the Navajo Nation.

19
20 **SECTION SEVEN. DIRECTIVES**

21 The Division of Community Development shall provide a written report on the status of
22 expenditures and project progress under the Síhasin Ganado Fire District Emergency Vehicle
23 Expenditure Plan to the Naabik'iyati' Committee and to the Office of the President and Vice-
24 President by the fifth day of each month following the enactment of this legislation.