

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0043-22\_

SPONSOR: Wilson C. Stewart, Jr.

**TITLE: An Act Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$437,947 Out of the Síhasin Fund to Purchase a New Motor Grader for Sawmill Chapter and to Purchase a New Backhoe for Red Lake Chapter; Approving the Related Expenditure Plan Pursuant to 12 N.N.C. § 2501 – 2508**

*Date posted:* March 03, 2022 at 6:23PM

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**LEGISLATION SUMMARY**

TrackingNo. 0043-22

Date: March 3, 2022

**Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$437,947 OUT OF THE SÍHASIN FUND TO PURCHASE A NEW MOTOR GRADER FOR SAWMILL CHAPTER AND TO PURCHASE A NEW BACKHOE FOR RED LAKE CHAPTER; APPROVING THE RELATED EXPENDITURE PLANS PURSUANT TO 12 N.N.C §2501 – §2508**

**Purpose: TO APPROVE \$437,947 OUT OF THE SÍHASIN FUND TO PURCHASE A GRADER FOR SAWMILL CHAPTER AND A BACKHOE FOR RED LAKE CHAPTER.**


OLC No. 21-413-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 03-08-22  
Eligible for Action: 03-09-22

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4  
5   
6 (Prime Sponsor)

7  
8 Tracking No. 0043-22

9  
10 AN ACT  
11 RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET  
12 AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO  
13 NATION COUNCIL; APPROVING \$437,947 OUT OF THE SÍHASIN FUND TO  
14 PURCHASE A NEW MOTOR GRADER FOR SAWMILL CHAPTER AND TO  
15 PURCHASE A NEW BACKHOE FOR RED LAKE CHAPTER; APPROVING THE  
16 RELATED EXPENDITURE PLANS PURSUANT TO 12 N.N.C §2501 – §2508

17  
18 BE IT ENACTED:

19  
20 SECTION ONE. AUTHORITY

- 21 A. The Resources and Development Committee is a standing committee of the Navajo Nation  
22 Council with oversight authority over all 110 Navajo Nation Chapters. 2 N.N.C. §500(C)  
23 and 26 N.N.C. §102.  
24 B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council  
25 with the responsibility to “review and recommend to the Navajo Nation Council the  
26 budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).  
27 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that  
28 considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).  
29 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).  
30 As such, the Council may approve appropriations from the Navajo Nation's Síhasin Fund.

1 E. 12 N.N.C. §2502, as amended by CJA-03-18, states the purpose of the Navajo Nation Síhasin  
2 Fund (“Síhasin Fund”) as follows:

3 §2502 Purpose

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

- 5 1. The planning and development of economic development and regional  
6 infrastructure supporting economic development and community  
7 development, including such infrastructure as, but not limited to, housing,  
8 commercial and government buildings, waterline, solid waste management  
9 development, powerline projects, and transportation and communication  
10 systems, within the Navajo Nation; . . .

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

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

17 F. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to the  
18 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest, dividends, etc.)  
19 generated and realized by the Fund Principal, and that Síhasin Fund Income shall be  
20 deposited in, and added to, the Fund Principal until such time as a Fund Expenditure Plan is  
21 duly approved. 12 N.N.C. §2504 and §2505(C).

22 G. The Síhasin Fund provides that “Fund Principal and Income shall not be expended except  
23 pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502 of this  
24 Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation  
25 Council.” 12 N.N.C. §2505(A).

26  
27 **SECTION TWO. FINDINGS**

28 A. The Sawmill Chapter is requesting \$317,947 out of the Síhasin Fund for the purchase of a  
29 new motor grader for the Chapter, which is needed for grading, leveling, and repairing road  
30 in the community. The Sawmill Chapter explains its need and request for funds in Resolution

1 No. SAW-09-13-2021--02, dated September 13, 2021, attached as **EXHIBIT A**.

2 B. The Sawmill Chapter has provided several price quotes for the motor grader, as well as a  
3 detailed description of the vehicle and appurtenant equipment. **EXHIBIT B**.

4 C. Allocation of the \$317,947 as requested by the Sawmill Chapter meets the criteria for Síhasin  
5 expenditures because the proposed expenditure involves the improvement of transportation  
6 infrastructure that supports economic and community development, as described in 12  
7 N.N.C. §2502(A)(1).

8 D. The Red Lake Chapter is requesting \$120,000 out of the Síhasin Fund for the purchase of a  
9 new backhoe for the Chapter, which is needed for burials, irrigation projects, and repairing  
10 roads in the community. The Red Lake Chapter explains its need and request for funds in  
11 Resolution No. RLC-08-21-34, dated August 18, 2021, attached as **EXHIBIT C**.

12 E. The Red Lake Chapter has provided a price quote for the backhoe, as well as a detailed  
13 description of the vehicle and appurtenant equipment. **EXHIBIT D**.

14 F. Allocation of the \$120,000 as requested by the Red Lake Chapter meets the criteria for  
15 Síhasin expenditures because the proposed expenditure involves the improvement of  
16 transportation and water infrastructure that supports economic and community development,  
17 as described in 12 N.N.C. §2502(A)(1).

18  
19 **SECTION THREE. APPROVING \$437,947 OUT OF THE SÍHASIN FUND FOR THE**  
20 **PURCHASE OF VEHICLES AND RELATED EQUIPMENT FOR**  
21 **SAWMILL CHAPTER AND RED LAKE CHAPTER; APPROVING**  
22 **THE RELATED EXPENDITURE PLANS**

23 A. In accordance with 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$317,947 out  
24 of the Síhasin Fund for the purchase of a new motor grader and appurtenant equipment for  
25 the Sawmill Chapter, as explained in this Act.

26 B. The Navajo Nation hereby approves the Expenditure Plan for the purchase of a new motor  
27 grader and appurtenant equipment for the Sawmill Chapter, as described in the attached  
28 **EXHIBIT A** and **EXHIBIT B**.

29 C. In accordance with 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$120,000 out  
30 of the Síhasin Fund for the purchase of a new backhoe and appurtenant equipment for the

1 Red Lake Chapter, as explained in this Act.

2 D. The Navajo Nation hereby approves the Expenditure Plan for the purchase of a new backhoe  
3 and related equipment for the Red Lake Chapter, as described in the attached **EXHIBIT C**  
4 and **EXHIBIT D**.

5 E. The total amount of \$437,947 in Síhasin funds approved in this Act may be further leveraged  
6 by bond or loan financing pursuant to the Navajo Nation Bond Financing Act (12 N.N.C.  
7 §1300 *et seq.*, as amended), using Síhasin Fund earnings for repayment and financing costs,  
8 upon approval of the Budget and Finance Committee and upon further approval by a two-  
9 thirds (2/3) vote of the full membership of the Navajo Nation Council.

10 F. The Controller shall determine whether the source of the \$437,947 approved herein will be  
11 Síhasin Fund Principal or Síhasin Fund Income, or a combination of both.

12 G. The \$437,947 shall be disbursed to the Navajo Nation Division of Community Development  
13 (“DCD”) within twenty (20) business days after the effective date of this Act. DCD shall  
14 then arrange for use of the \$317,947 for the Sawmill Chapter and the \$120,000 for the Red  
15 Lake Chapter, for the vehicle/equipment purchases described in EXHIBITS A-D, according  
16 to DCD’s payment procedures for vehicle purchases for chapters not certified under the  
17 Local Governance Act (26 N.N.C. §1 - §2005).

18 H. Each Chapter shall be responsible for complying with the Expenditure Plans for the Síhasin  
19 funds approved herein, as shown in the attached EXHIBITS A-D.

20 I. Each Chapter shall be responsible for the proper operation, regular maintenance, and  
21 necessary repairs, of its purchased vehicle and all related equipment, which responsibility  
22 includes ensuring that all vehicle operators are properly trained and licensed. Also, each  
23 Chapter shall obtain appropriate liability and/or comprehensive insurance coverage for its  
24 purchased vehicle and/or equipment, as may be instructed by DCD, which insurance shall be  
25 maintained for the useful life of the vehicle or equipment.

26 J. Any and all savings or unused amounts of the Síhasin funds approved herein shall be  
27 immediately returned to the Síhasin Fund Principal once the purchases described herein are  
28 completed, or upon the reversion deadline in Section Three (K) below.

29 K. The \$437,947 shall not lapse on an annual basis, which would otherwise occur pursuant to  
30 12 N.N.C. §820(N). However, any Síhasin funds not spent or encumbered within six (6)

1 months of the date DCD receives the approved \$437,947 shall then immediately revert to the  
2 Síhasin Fund Principal, unless otherwise approved by both the Resources and Development  
3 Committee and the Naabik'iyáti' Committee of the Navajo Nation Council.

4 L. The Síhasin Fund shall be reimbursed the \$437,947 amount approved herein, from funds  
5 available to the Navajo Nation from any and all state and federal sources, including  
6 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-  
7 19-related relief, so long as the Chapter expenditures described herein are deemed eligible  
8 under such COVID-19-related or other funding sources.

9  
10 **SECTION FOUR. EFFECTIVE DATE**

11 This Act and the Expenditure Plans approved herein shall become effective pursuant to 12  
12 N.N.C. §2505.

13  
14 **SECTION FIVE. SAVING CLAUSE**

15 If any portion of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any  
16 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the  
17 remainder of this Act shall be the law of the Navajo Nation.