

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0064-22_

SPONSOR: Nathaniel Brown

TITLE: An Act Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Allocating \$5,000,000 from the Síhasin Fund for the Chilchinbeto Convenience Store/Fuel Station Project; Approving the Related Expenditure Plan Pursuant to 12 N.N.C. § 2501 - § 2508

Date posted: March 30, 2022 at 6:33PM

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0064-22

Date: March 29, 2022

Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; ALLOCATING \$5,000,000 FROM THE SÍHASIN FUND FOR THE CHILCHINBETO CONVENIENCE STORE/FUEL STATION PROJECT; APPROVING THE RELATED EXPENDITURE PLAN PURSUANT TO 12 N.N.C. §2501 – §2508

Purpose of this Legislation:

to allocate \$5,000,000 from the Síhasin Fund to the Division of Economic Development for the planning, design, and construction of the Chilchinbeto Chapter Convenience Store/Fuel Station Project.

OLC No. 22-062-1

5-DAY BILL HOLD PERIOD: Johnson

Website Posting Time/Date: _____

Posting End Date: 04-04-22

Eligible for Action: 04-05-22

Resources & Development Committee

Thence

Budget & Finance Committee

Thence

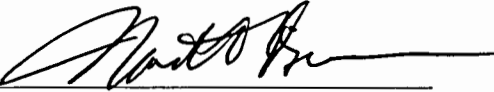
Naabik'iyáti' Committee

Thence

Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4 
5 _____

6 (Prime Sponsor)

7
8 Tracking No. 0064-22

9
10 AN ACT

11 RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET
12 AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO
13 THE NAVAJO NATION COUNCIL; ALLOCATING \$5,000,000 FROM
14 THE SÍHASIN FUND FOR THE CHILCHINBETO CONVENIENCE
15 STORE/FUEL STATION PROJECT; APPROVING THE RELATED
16 EXPENDITURE PLAN 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); 26
23 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,
8 housing, commercial and government buildings, waterline, solid waste
9 management development, powerline projects, and transportation and
10 communication systems, within the Navajo Nation; . . .

11 B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall not
12 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 Division of Economic Development (“DED”), on behalf of the Chítchinbeto Chapter, is
29 requesting \$5,000,000 from the Síhasin Fund for the planning, design, and construction of a
30 proposed Convenience Store/Fuel Station Project (“Project”) in the Chapter. DED explains

1 its request for funds in its previous ARPA-FRF funding request, attached hereto as
2 **EXHIBIT A.**

3 B. The Chilchinbeto Chapter fully supports the Project and its Council Delegate's efforts to
4 secure funding for the Project. Resolution No. CCH-20-14-2021A, dated October 14th, 2021,
5 attached as **EXHIBIT B.**

6 C. DED has prepared a "Program Budget Summary" and a line-item breakdown of all estimated
7 Project costs. **EXHIBIT C.**

8 D. Red Mesa Fuel and Convenience Retailers, out of Farmington, New Mexico, has provided a
9 Letter of Intent regarding its intention to assist with the Project by installing modern fuel
10 dispensers and a canopy over fueling areas, constructing a self-service laundromat, and
11 operating a U.S. Post Office inside the finished convenience store. **EXHIBIT D.**

12 E. Allocation of the \$5,000,000 as requested by DED meets the criteria for Síhasin expenditures
13 because the proposed expenditure involves a "commercial building" project and "economic
14 development" in Chilchinbeto, as described in 12 N.N.C. §2502(A)(1).

15 F. Given the lack of services in the Chilchinbeto area, the Navajo Nation finds that providing
16 DED with the requested \$5,000,000 in Síhasin Funds is in the best interest of the Navajo
17 Nation and the Navajo People.

18
19 **SECTION THREE. ALLOCATING \$5,000,000 FROM THE SÍHASIN FUND FOR**
20 **THE CHILCHINBETO CONVENIENCE STORE/FUEL**
21 **STATION PROJECT; APPROVING THE RELATED**
22 **EXPENDITURE PLAN FOR THE PROJECT**

23 A. In accordance with 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$5,000,000 out
24 of the Síhasin Fund for the Chilchinbeto Convenience Store/Fuel Station Project, as
25 explained in the attached EXHIBIT A and EXHIBIT C.

26 B. The \$5,000,000 in Síhasin funds approved herein may be further leveraged by bond or loan
27 financing pursuant to the Navajo Nation Bond Financing Act (12 N.N.C. §1300 *et seq.*, as
28 amended), using Síhasin Fund earnings for repayment and financing costs, upon approval of
29 the Budget and Finance Committee and upon further approval by a two-thirds (2/3) vote of
30 the full membership of the Navajo Nation Council.

1 C. The Controller shall determine whether the source of the \$5,000,000 approved herein will be
2 Síhasin Fund Principal or Síhasin Fund Income, or a combination of both.

3 D. The Navajo Nation hereby approves the Expenditure Plan for the Chilchinbeto Convenience
4 Store/Fuel Station Project, as set forth in the attached EXHIBIT A and EXHIBIT C.

5 E. The \$5,000,000 approved herein shall be disbursed to DED within twenty (20) business days
6 after the effective date of this Act. DED shall then arrange for use of the \$5,000,000 for the
7 planning, design, and construction of the Chilchinbeto Convenience Store/Fuel Station
8 Project.

9 F. The DED shall be responsible for ensuring compliance with the Project's Expenditure Plan,
10 as well as all Navajo Nation laws and regulations pertaining to the Project.

11 G. Any and all savings or unused amounts of the Síhasin funds approved herein shall be
12 immediately returned to the Síhasin Fund Principal once the Project is completed, or upon
13 the reversion deadline in Section Three (H) below.

14 H. The \$5,000,000 shall not lapse on an annual basis, which would otherwise occur pursuant to
15 12 N.N.C. §820(N). However, any Síhasin funds not spent or encumbered within twenty-
16 four (24) months of the date DED receives the \$5,000,000 shall then immediately revert to
17 the Síhasin Fund Principal, unless otherwise approved by both the Resources and
18 Development Committee and the Naabik'íyáti' Committee of the Navajo Nation Council.

19 I. The Síhasin Fund shall be reimbursed the \$5,000,000 amount approved herein, from funds
20 available to the Navajo Nation from any and all state and federal sources, including
21 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-
22 19-related relief, so long as the Project expenditures described herein are deemed eligible
23 under such COVID-19-related or other funding sources.

24
25 **SECTION FOUR. EFFECTIVE DATE**

26 This Act and the approved Expenditure Plan for the Chilchinbeto Convenience Store/Fuel
27 Station Project shall become effective pursuant to 12 N.N.C. §2505.

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29 **SECTION FIVE. SAVING CLAUSE**

30 If any portion of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any

1 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
2 remainder of this Act shall be the law of the Navajo Nation.

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