

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0198-22_

SPONSOR: Charlaine Tso

TITLE An Act Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$3,468,000 from the Síhasin Fund for a Multipurpose Building at the Aneth Chapter and Approving the Related Expenditure Plan

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0198-22

Date: September 23, 2022

Re: AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$3,468,000 FROM THE SÍHASIN FUND FOR A MULTIPURPOSE BUILDING AT THE ANETH CHAPTER AND APPROVING THE RELATED EXPENDITURE PLAN

Purpose of this Legislation:

to allocate \$3,468,000 from the Síhasin Fund for a new multipurpose building at the Aneth Chapter and approve the related Expenditure Plan.

OLC No. 22-331-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 10-11-22
Eligible for Action: 10-12-22

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyati' 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. 0198-22

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; APPROVING \$3,468,000 FROM THE
14 SÍHASIN FUND FOR A MULTIPURPOSE BUILDING AT THE ANETH
15 CHAPTER AND APPROVING THE RELATED EXPENDITURE PLAN

16
17 BE IT ENACTED:

18
19 SECTION ONE. AUTHORITY

20 A. The Resources and Development Committee is a standing committee of the Navajo Nation
21 Council with oversight authority over all 110 Navajo Nation Chapters, as well as community
22 development matters. 2 N.N.C. §500(C) and 26 N.N.C. §102.

23 B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
24 with the responsibility to “review and recommend to the Navajo Nation Council the
25 budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).

26 C. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council that
27 considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

28 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
29 As such, the Council may approve appropriations from the Navajo Nation's Síhasin Fund.
30 Specifically, 12 N.N.C. §2505(A) permits expenditures from the Síhasin Fund upon a 2/3

1 approval vote of all members of the Navajo Nation Council.

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

4 §2502 Purpose

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

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

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

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

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

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

27
28 **SECTION TWO. FINDINGS**

29 A. In Resolution No. ACJUL-22-054, the Aneth Chapter requests Sihasin funds for a new
30 multipurpose building for the Aneth Chapter (“MPB Project”). **EXHIBIT A.** The Chapter

1 has also submitted a letter, dated September 15, 2022, requesting \$3,468,000 for the MPB
2 Project. **EXHIBIT B.**

3 B. The Aneth Chapter has prepared a “Scope of Work” that summarizes in detail the MPB
4 Project. **EXHIBIT C.**

5 C. The engineer for the MPB Project has prepared a detailed cost estimate. **EXHIBIT D.**

6 D. A photo of the MPB Project site, with notations of the proposed development, is attached as
7 **EXHIBIT E.**

8 E. Allocation of the Síhasin funds as requested by the Aneth Chapter meets the criteria for
9 Síhasin expenditures because the proposed expenditure involves community development
10 and government buildings, as described in 12 N.N.C. §2502(A)(1).
11

12 **SECTION THREE. APPROVING \$3,468,000 FROM THE SÍHASIN FUND FOR A**
13 **MULTIPURPOSE BUILDING AT THE ANETH CHAPTER AND**
14 **APPROVING THE RELATED EXPENDITURE PLAN**

15 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$3,468,000 from the
16 Síhasin Fund for the Aneth Chapter’s MPB Project and also approves the Expenditure Plan
17 for the MPB Project as set forth in the attached **EXHIBITS C, D, and E.**

18 B. The total amount of Síhasin funds approved in this Act may be further leveraged by bond or
19 loan financing pursuant to the Navajo Nation Bond Financing Act (12 N.N.C. §1300 *et seq.*,
20 as amended), using Síhasin Fund earnings for repayment and financing costs, upon approval
21 of the Budget and Finance Committee and upon a 2/3 approval vote of the full membership
22 of the Navajo Nation Council.

23 C. The Controller shall determine whether the source of the Síhasin funds approved in this Act
24 will be Síhasin Fund Principal or Síhasin Fund Income, or a combination of both.

25 D. The approved Síhasin funds shall be disbursed to the Navajo Nation Division of Community
26 Development (“DCD”) within thirty (30) calendar days after the effective date of this Act.

27 E. At the option of the Aneth Chapter, DCD shall either: (1) arrange for the Chapter’s use of
28 the funds for the MPB Project, in accordance with DCD’s usual procedures for releasing
29 Síhasin funds to Chapters that are governance-certified under the Local Governance Act, at
30 26 N.N.C. §102; or (2) implement and administer the MPB Project through DCD’s Capital

1 Projects Management Department.

2 F. In accordance with 12 N.N.C. §820(N), the approved Síhasin funds for the MPB Project shall
3 not lapse at the end of any fiscal year, so long as: (1) all Síhasin funds in the MPB Project
4 account are accounted for as of September 30 of any fiscal year; and (2) the remaining
5 Síhasin funds are budgeted in the next upcoming fiscal year for use on the same MPB Project.
6 Notwithstanding the above, any Síhasin funds not spent or encumbered within thirty-six (36)
7 months of the effective date of this Act shall revert to the Síhasin Fund Principal, unless
8 otherwise approved prior to such reversion by both the Resources and Development
9 Committee and the Naabik'íyáti' Committee.

10 G. The Síhasin funds approved herein shall not be comingled with funds from any other sources,
11 for the MPB Project or otherwise. Any and all savings or unused amounts of the approved
12 Síhasin funds shall be returned to the Síhasin Fund Principal once the MPB Project for the
13 Aneth Chapter is completed, or upon the reversion deadline in SECTION THREE (F) above.

14 H. The Síhasin Fund may be reimbursed the amount of funds approved herein, from funds
15 available to the Navajo Nation from any and all state, federal, or other sources.

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17 **SECTION FOUR. EFFECTIVE DATE**

18 This Act shall become effective pursuant to 12 N.N.C. §2505(A) and 2 N.N.C. §221(B).
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20 **SECTION FIVE. SAVING CLAUSE**

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