

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0010-23\_

SPONSOR: Vince James

**TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$2,644,380 From the Síhasin Fund for the Division of Community Development to Purchase Emergency Vehicles and Equipment for the Ganado Fire District; Approving the Related Expenditure Plan**

***Date posted:*** January 31, 2023 at 5:14PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

## **SUMMARY OF PROPOSED LEGISLATION**

TrackingNo. 0010-23

Date: January 30, 2023

Re: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$2,644,380 FROM THE SÍHASIN FUND FOR THE DIVISION OF COMMUNITY DEVELOPMENT TO PURCHASE EMERGENCY VEHICLES AND EQUIPMENT FOR THE GANADO FIRE DISTRICT; APPROVING THE RELATED EXPENDITURE PLAN**

### **Purpose of this Legislation:**

to approve \$2,644,380 from the Sihasin Fund for DCD to purchase emergency vehicles and equipment for the Ganado Fire District (redo of CO-53-21 that was approved and signed into law on November 2, 2021 that originally approved this money; new legislation needed because funds reverted)

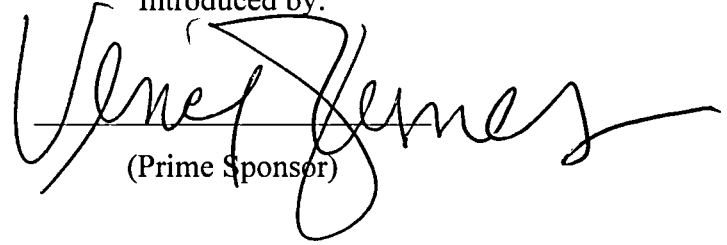
OLC No. 23-016-1

5-DAY BILL HOLD PERIOD: John  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 02-05-23  
Eligible for Action: 02-06-23

Resources & Development Committee  
Thence  
Budget & Finance Committee  
Thence  
Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:

  
(Prime Sponsor)

Tracking No. 0010-23

**AN ACTION**

**RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$2,644,380 FROM THE SÍHASIN FUND FOR THE DIVISION OF COMMUNITY DEVELOPMENT TO PURCHASE EMERGENCY VEHICLES AND EQUIPMENT FOR THE GANADO FIRE DISTRICT; APPROVING THE RELATED EXPENDITURE PLAN**

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority over Navajo Nation Chapters and Community Development. 26 N.N.C. §102; 2 N.N.C. §500(C).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with the responsibility to “review and recommend to the Navajo Nation Council the budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council that considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).  
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 also provides that “Fund Principal and Income shall not be expended  
23 except pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502  
24 of this 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. Ganado Fire District is a political subdivision of the State of Arizona that provides critical  
29 emergency services to Ganado, Steamboat, Kindahlichii, Klagetoh, Cornfields,  
30 Woodsprings, Cross Canyon, Bashbito, Toyei, and other Navajo Nation communities.

- 1 B. Ganado Fire District has need for \$2,644,380 worth of fire apparatus/equipment and  
2 rescue/medical transport units, to meet the fire, rescue, and other emergency needs of the  
3 Ganado Chapter and surrounding Navajo Nation communities. **EXHIBIT A.**
- 4 C. Ganado Fire District has provided a listing of its monthly activity statistics, as compared to  
5 those of the Navajo Nation Police Department, for the first seven months of 2020 and all of  
6 2019. **EXHIBIT B.** These statistics show a dire need for the requested emergency vehicles  
7 and equipment. Notably, the District's fire/rescue/emergency activities are expected to  
8 increase with the end of COVID-19-related closures and stay-at-home orders on the Navajo  
9 Nation.
- 10 D. Ganado Fire District has provided its 2019-2020 and its 2020-2021 budgets. **EXHIBIT C.**  
11 These budgets show a significant shortfall, such that \$2,644,380 is requested to purchase the  
12 needed emergency vehicles and equipment to serve the described Navajo communities.
- 13 E. Ganado Fire District has provided detailed descriptions of the fire apparatus/equipment and  
14 rescue/medical transport units for which it is requesting funds. **EXHIBIT D.**
- 15 F. The Navajo Nation Chapters of Ganado, Kindahlichii, Klagetoh, Cornfields, Jeddito,  
16 Nazlini, and Greasewood Springs, have all adopted resolutions supporting the request for  
17 funding for the purchase of the fire apparatus/equipment and rescue/medical transport units  
18 for the Ganado Fire District. **EXHIBIT E.**
- 19 G. In October of 2021 the Navajo Nation Council approved Resolution No. CO-53-21, which  
20 was signed into law on November 2, 2021. Resolution No. CO-53-21 approved \$2,644,380  
21 from the Sihasin Fund for the Division of Community Development to purchase the needed  
22 emergency equipment and vehicles for the Ganado Fire District, and approved the related  
23 Expenditure Plan for these funds pursuant to 12 N.N.C. §2501-§2508. See **EXHIBIT F**  
24 (Exhibits under CO-53-21 are omitted).
- 25 H. The equipment and vehicles listed in EXHIBIT D are necessary for the Ganado Fire District  
26 to meet the fire response and other emergency needs of the Ganado Chapter and several  
27 surrounding Navajo Nation communities.
- 28 I. Due to supply chain issues and other extreme delays resulting from the COVID-19 pandemic,  
29 DCD has been unable to complete the purchase of the emergency equipment and vehicles  
30 for the Ganado Fire District, as approved in CO-53-21, and the approved funds have reverted.

1 J. DCD has therefore requested new legislation for the same \$2,644,380 in Síhasin funds  
2 originally approved in CO-53-21, and that a new funds reversion deadline be set for March  
3 31, 2024. This new deadline will allow DCD enough time to complete the purchase of the  
4 emergency equipment and vehicles, and will give the seller sufficient time to properly tailor  
5 the equipment and vehicles to meet the Ganado Fire District's particular needs and  
6 specifications. **EXHIBIT G.**

7 K. Given the recurring droughts each summer on the Navajo Nation, the danger of wildfires is  
8 extremely high every year, hampering economic development and new infrastructure. The  
9 Navajo Nation therefore finds that using the Síhasin Fund for the purchase of emergency  
10 vehicles and equipment for the Ganado Fire District, is within the purposes of 12 N.N.C.  
11 §2502(A)(1) and 2 N.N.C. §164(A)(16), and is in the best interests of Navajo communities  
12 and the Navajo People.

13  
14 **SECTION THREE. APPROVING \$2,644,380 FROM THE SÍHASIN FUND FOR THE**  
15 **DIVISION OF COMMUNITY DEVELOPMENT TO PURCHASE**  
16 **EMERGENCY VEHICLES AND EQUIPMENT FOR THE**  
17 **GANADO FIRE DISTRICT; APPROVING THE RELATED**  
18 **EXPENDITURE PLAN**

19 A. The Navajo Nation hereby approves \$2,644,380 from the Síhasin Fund to the Division of  
20 Community Development for DCD's purchase of the fire apparatus/equipment and  
21 rescue/medical transport units for the Ganado Fire District, as described herein.

22 B. The Navajo Nation hereby approves the Ganado Fire District Síhasin Expenditure Plan as  
23 set forth in the attached **EXHIBIT A**, **EXHIBIT D**, and **EXHIBIT G**.

24 C. The Síhasin funds allocated for the Expenditure Plan approved herein may be further  
25 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at  
26 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and  
27 financing costs upon the recommendation of the Budget and Finance Committee and  
28 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

29 D. The Navajo Nation Controller shall determine whether the source of the \$2,644,380  
30 allocation from the Síhasin Fund will be from Fund Principal or Fund Income or a

1 combination of both.

2 E. The Síhasin funds approved herein shall be disbursed to the DCD within twenty (20) business  
3 days following the effective date of this Action.

4 F. Upon receipt of the approved funds, DCD shall promptly purchase the emergency vehicles  
5 and equipment listed in **EXHIBIT A**, **EXHIBIT D**, and **EXHIBIT G**, and shall arrange for  
6 delivery of the items and transfer of titles to the Ganado Fire District.

7 G. Ganado Fire District (“GFD”) shall be solely responsible for the operation, maintenance, and  
8 repairs of the emergency vehicles and equipment purchased for the District by DCD; and, as  
9 a condition of receiving title to the vehicles and equipment, GFD shall obtain appropriate  
10 liability and other appropriate insurance for all items received. Upon delivery and transfer of  
11 title to GFD, the Navajo Nation shall not be liable for any condition or event pertaining to  
12 any of the emergency vehicles and equipment provided to GFD.

13 H. Any and all cost-savings shall be returned to the Síhasin Fund once all items are purchased  
14 by DCD, and the funds approved herein shall revert to the Síhasin Fund principal if not spent  
15 or encumbered by March 31, 2024.

16  
17 **SECTION FOUR. DIRECTIVE**

18 The Division of Community Development shall provide regular written reports on the status of  
19 its expenditures of the Síhasin funds approved herein. These reports shall be submitted to the  
20 Naabik'iyati' Committee and to the Office of the President and Vice-President by the fifth day  
21 of each month following the effective date of this Action.

22  
23 **SECTION FIVE. EFFECTIVE DATE**

24 This Action and the related Expenditure Plan shall become effective pursuant to 12 N.N.C.  
25 §2505(A) and 2 N.N.C. §221(B).

26  
27 **SECTION SIX. SAVING CLAUSE**

28 If any part of this Action is invalidated by the Supreme Court of the Navajo Nation, or by any  
29 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the  
30 remainder of this Action shall be the law of the Navajo Nation.