

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0058-23_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Budget and Finance, Resources and Development, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$3,879,180 from the Síhasin Fund for a New Navajo Nation Modular Office Building in Crownpoint; Approving the Related Expenditure Plan

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0058-23

Date: April 5, 2023

Re: AN ACTION RELATING TO THE BUDGET & FINANCE, RESOURCES & DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$3,879,180 FROM THE SÍHASIN FUND FOR A NEW NAVAJO NATION MODULAR OFFICE BUILDING IN CROWNPOINT; APPROVING THE RELATED EXPENDITURE PLAN

Purpose of this Legislation:

to approve \$3,879,180 from the Sihasin Fund for a new two-story modular office building for the Crownpoint Land Office and other Navajo Nation programs in Eastern Agency; approving the related Expenditure Plan.

OLC No. 23-093-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-10-23
Eligible for Action: 04-11-23

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4 
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0058-23
9

10 AN ACTION
11 RELATING TO THE BUDGET & FINANCE, RESOURCES
12 & DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE
13 NAVAJO NATION COUNCIL; APPROVING \$3,879,180 FROM THE SÍHASIN
14 FUND FOR A NEW NAVAJO NATION MODULAR OFFICE BUILDING IN
15 CROWNPOINT; APPROVING THE RELATED EXPENDITURE PLAN
16

17 BE IT ENACTED:

18
19 SECTION ONE. AUTHORITY

- 20 A. The Budget & Finance Committee is a standing committee of the Navajo Nation Council
21 with the responsibility to “review and recommend to the Navajo Nation Council the
22 budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).
23 B. The Resources & Development Committee is a standing committee of the Navajo Nation
24 Council with responsibility over the Division of Community Development. 2 N.N.C.
25 §501(B)(2)(g).
26 C. The Naabik'iyáti' 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 E. 12 N.N.C. §2502, as amended by CJA-03-18, states the purpose of the Navajo Nation Síhasin

1 Fund (“Sihasin Fund”) as follows:

2 §2502 Purpose

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

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

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

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

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

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

25
26 **SECTION TWO. FINDINGS**

27 A. The Division of Community Development, Capital Projects Management Department
28 (“CPMD”) has received a request from the Navajo Nation’s Crownpoint Land Office for
29 funding for a new modular building that will serve as an office facility for the Crownpoint
30 Land Office and other Navajo Nation programs. **EXHIBIT A.**

1 B. The CPMD, on behalf of the Crownpoint Land Office and other Navajo Nation programs, is
2 requesting \$3,879,180 from the Síhasin Fund for the purchase and installation of the new
3 modular building, along with equipment and furnishings. **EXHIBIT A.**

4 C. The new modular building, a two-story 4680 sq. ft. facility, will provide needed office space
5 for the Navajo Land Department, the Navajo Election Administration Office, the Navajo
6 Office of Vital Records, and the Navajo Department of Health/Health Education Program.
7 **EXHIBIT B.**

8 D. Drawings of the modular building site, with existing NTUA utilities, photographs, and maps,
9 are attached hereto as **EXHIBIT C.** Biological, historic, and cultural resources clearances
10 for the modular building project are attached as **EXHIBIT D.** Navajo Nation Budget Forms
11 for the project are attached as **EXHIBIT E.**

12 E. A detailed Cost Estimate and summary for the project are attached as **EXHIBIT F.**

13 F. Several Navajo Nation Chapters have expressed their support for the project. **EXHIBIT G.**

14 G. The Navajo Nation finds the approval of the requested Síhasin funds to be in the best interests
15 of the Navajo Nation and the Navajo People.

16
17 **SECTION THREE. APPROVING \$3,879,180 FROM THE SÍHASIN FUND FOR A**
18 **NEW NAVAJO NATION MODULAR OFFICE BUILDING IN**
19 **CROWNPOINT; APPROVING THE RELATED EXPENDITURE**
20 **PLAN**

21 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$3,879,180 from the
22 Síhasin Fund to the Division of Community Development/CPMD for the purchase and
23 installation of a new modular office building, along with equipment and furnishings, as
24 explained in **EXHIBITS A, C, E, and F.** Further, the Navajo Nation hereby approves the
25 related Expenditure Plan as set forth in the listed **EXHIBITS A, C, E, and F.**

26 B. The Navajo Nation Controller shall determine whether the source of the approved \$3,879,180
27 amount from the Síhasin Fund will be from Fund Principal or Fund Income or a combination
28 of both.

29 C. The Síhasin funds allocated for the Expenditure Plan approved herein may be further
30 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at

1 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and
2 financing costs upon the recommendation of the Budget and Finance Committee and
3 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

4 D. The Síhasin funds approved herein shall be disbursed to the DCD/CPMD within twenty (20)
5 business days following the effective date of this Action. Upon receipt of the approved funds,
6 DCD/CPMD shall promptly implement the Expenditure Plan for the modular office building
7 project approved herein.

8 E. The approved Síhasin funds shall not be comingled with any other funds, and shall be used
9 by strictly for the Expenditure Plan approved herein. DCD/CPMD shall be responsible for
10 ensuring that all expenditures comply with the approved Expenditure Plan.

11 F. The approved Síhasin funds shall not lapse at the end of any fiscal year, as might otherwise
12 occur under 12 N.N.C. §820(N), so long as: (1) all Síhasin funds are accounted for as of
13 September 30 of each fiscal year; and (2) any/all remaining Síhasin funds are budgeted in
14 the next upcoming fiscal year for use on the same Expenditure Plan.

15 G. Notwithstanding Section Three (F) above, any remaining amount of Síhasin funds not
16 expended or encumbered by September 30, 2024 shall revert to the Síhasin Fund, unless
17 determined otherwise prior to such reversion by the Naabik'íyáti' Committee.

18
19 **SECTION FOUR. DIRECTIVE**

20 CPMD shall submit written reports, and verbal reports if so requested, explaining the ongoing
21 status of the Expenditure Plan approved herein and its expenditures of the \$3,879,180 in Síhasin
22 funds. Said reports shall be provided to the Resources and Development, Budget and Finance
23 Committee, and the Naabik'íyáti' Committee by the end of each Fiscal Year Quarter until the
24 modular office building project is completed, or until all approved Síhasin funds are exhausted,
25 or upon the September 30, 2024 reversion deadline in Section Three (G) herein.

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27 **SECTION FIVE. EFFECTIVE DATE**

28 This Action and the related Expenditure Plan shall become effective pursuant to 12 N.N.C.
29 §2505(A) and 2 N.N.C. §221(B).

1 **SECTION SIX: SAVING CLAUSE**

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

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