

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0060-23_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Budget and Finance, Health, Education and Human Services, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$863,570 from the Síhasin Fund to the Office of Diné Youth to Cover a Funding Shortfall for the Crownpoint Youth Complex; Approving the Related Expenditure Plan

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0060-23

Date: April 5, 2023

Subject: **AN ACTION RELATING TO THE BUDGET & FINANCE, HEALTH, EDUCATION, & HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$863,570 FROM THE SÍHASIN FUND TO THE OFFICE OF DINÉ YOUTH TO COVER A FUNDING SHORTFALL FOR THE CROWNPOINT YOUTH COMPLEX; APPROVING THE RELATED EXPENDITURE PLAN**

Purpose of this Legislation:

to approve \$863,570 from the Sihasin Fund for the Office of Diné Youth to finish its Crownpoint Youth Complex project; approving the related Expenditure Plan.

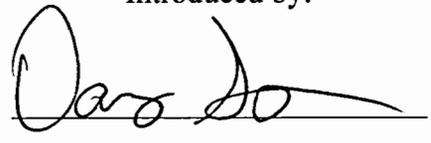
OLC No. 23-096-1

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
Health Education & Human Services 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. 0060-23

9
10 AN ACTION
11 RELATING TO THE BUDGET & FINANCE, HEALTH, EDUCATION,
12 & HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES, AND
13 THE NAVAJO NATION COUNCIL; APPROVING \$863,570 FROM THE
14 SÍHASIN FUND TO THE OFFICE OF DINÉ YOUTH TO COVER A
15 FUNDING SHORTFALL FOR THE CROWNPOINT YOUTH COMPLEX;
16 APPROVING THE RELATED EXPENDITURE PLAN

17
18 **BE IT ENACTED:**

19
20 **SECTION ONE. AUTHORITY**

- 21 A. The Budget & Finance Committee is a standing committee of the Navajo Nation Council
22 with the responsibility to “review and recommend to the Navajo Nation Council the
23 budgeting, appropriation, investment and management of all funds.” 2 N.N.C. §301(B)(2).
24 B. The Health, Education, & Human Services Committee is a standing committee of the Navajo
25 Nation Council with authority over education matters, and the Department of Diné
26 Education. 2 N.N.C. §400(C)(1); 2 N.N.C. §401(C)(1)
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 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. The Office of Diné Youth (“ODY”), under the Department of Diné Education, is requesting
29 \$863,570 from the Síhasin Fund to cover a funding shortfall for its Crownpoint Youth
30 Complex project. **EXHIBIT A.**

- 1 B. ODY has provided a detailed Scope of Work for the project shortfall. **EXHIBIT B.**
- 2 C. ODY has also provided a detailed Cost Estimate for each aspect of the project shortfall,
3 explaining the individual proposed expenditures that total the requested amount of \$863,570.
4 **EXHIBIT C.** Detailed proposals from each of the seven companies listed in EXHIBIT C are
5 available from ODY.
- 6 D. ODY has provided Budget Forms for the requested \$863,570. **EXHIBIT D.**
- 7 E. The Crownpoint Chapter has expressed its support for ODY's funding request to finish the
8 Crownpoint Youth Complex project. **EXHIBIT E.**
- 9 F. Receipt of the \$863,570 in Síhasin funds will enable ODY to complete its Crownpoint Youth
10 Complex project. Therefore, the Navajo Nation finds the approval of the requested Síhasin
11 funds to be in the best interests of the Navajo Nation and the Navajo People.

12

13 **SECTION THREE. APPROVING \$863,570 FROM THE SÍHASIN FUND TO THE**
14 **OFFICE OF DINÉ YOUTH TO COVER A FUNDING**
15 **SHORTFALL FOR THE CROWNPOINT YOUTH COMPLEX;**
16 **APPROVING THE RELATED EXPENDITURE PLAN**

- 17 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$863,570 from the
18 Síhasin Fund to the Department of Diné Education/Office of Diné Youth for the completion
19 of its Crownpoint Youth Complex project, as explained in **EXHIBITS A-D.** Further, the
20 Navajo Nation hereby approves the related Expenditure Plan as set forth in the listed
21 **EXHIBITS A-D.**
- 22 B. The Navajo Nation Controller shall determine whether the source of the approved \$863,570
23 amount from the Síhasin Fund will be from Fund Principal or Fund Income or a combination
24 of both.
- 25 C. The Síhasin funds allocated for the Expenditure Plan approved herein may be further
26 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at
27 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and
28 financing costs upon the recommendation of the Budget and Finance Committee and
29 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.
- 30 D. The Síhasin funds approved herein shall be disbursed to the DODE/ODY within twenty (20)

1 DODE/ODY shall promptly implement the Expenditure Plan approved herein.

2 E. The approved Síhasin funds shall not be comingled with any other funds, and shall be used
3 by strictly for the Expenditure Plan approved herein. DODE/ODY shall be responsible for
4 ensuring that all expenditures comply with the approved Expenditure Plan.

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

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

12
13 **SECTION FOUR. DIRECTIVE**

14 ODY shall submit written reports, and verbal reports if so requested, explaining the ongoing
15 status of the Expenditure Plan approved herein and its expenditures of the \$863,570 in Síhasin
16 funds. Said reports shall be provided to the Health, Education, and Human Services Committee,
17 the Budget and Finance Committee, and the Naabik'íyáti' Committee by the end of each Fiscal
18 Year Quarter until the Crownpoint Youth Complex project is completed, or until all approved
19 Síhasin funds are exhausted, or upon the September 30, 2024 reversion deadline in Section
20 Three (G) herein.

21
22 **SECTION FIVE. EFFECTIVE DATE**

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

25
26 **SECTION SIX. SAVING CLAUSE**

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