

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0081-23\_

SPONSOR: Steven R. Arviso

**TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving \$3,879,180 from the Sihasin Fund for a New Navajo Nation Modular Office Building in Crownpoint; Approving the Related Expenditure Plan**

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## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0081-23

Date: April 20, 2023

Re: **AN ACTION RELATING TO AN EMERGENCY FOR 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 building in Crownpoint for the Navajo Land Department, the Election Office and other Navajo Nation programs; approving the related Expenditure Plan.

OLC No. 23-171-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

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

Introduced by:



(Prime Sponsor)

Tracking No. 0081-23

**AN ACTION**

**RELATING TO AN EMERGENCY FOR 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**

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

A. 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.

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

§2502 Purpose

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

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

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

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

7 C. The Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to the  
8 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest, dividends, etc.)  
9 generated and realized by the Fund Principal, and that Síhasin Fund Income shall be  
10 deposited in, and added to, the Fund Principal until such time as a Fund Expenditure Plan is  
11 duly approved. 12 N.N.C. §2504 and §2505(C).

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

16 E. As the governing body of the Navajo Nation, the Navajo Nation Council may consider and  
17 approve emergency legislation. Pursuant to 2 N.N.C. §164(A)(16), “[m]atters constituting  
18 an emergency shall be limited to the cessation of law enforcement services, disaster relief  
19 services, fire protection services or other direct services required as an entitlement under  
20 Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo  
21 Nation. Such an emergency matter must arise due to the pressing public need for such  
22 resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C.  
23 §164(A)(16).

24 F. This Action is offered as emergency legislation because it satisfies the “other direct services”  
25 purpose in 2 N.N.C. §164(A)(16), and there is a “pressing public need” for this Action.  
26 Existing Navajo Nation government facilities in Crownpoint currently occupied by several  
27 Navajo Nation programs present a health and safety hazard to the employees and members  
28 of the public using the facilities. Such Navajo Nation programs are therefore unable to  
29 adequately provide public services for the Navajo People, and a new building is needed as  
30 soon as possible.

1 **SECTION TWO. FINDINGS**

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

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

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

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

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

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

19 G. The amount of \$100,000 has been secured from New Mexico Capital Outlay funds, for this  
20 project. This funding request therefore satisfies the preference for leveraging of funds under  
21 §2502(C).

22 H. The Navajo Nation finds the approval of the requested Síhasin funds to be in the best interests  
23 of the Navajo Nation and the Navajo People.

24  
25 **SECTION THREE. APPROVING \$3,879,180 FROM THE SÍHASIN FUND FOR A**  
26 **NEW NAVAJO NATION MODULAR OFFICE BUILDING IN**  
27 **CROWNPOINT; APPROVING THE RELATED EXPENDITURE**  
28 **PLAN**

29 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$3,879,180 from the  
30 Síhasin Fund to the Division of Community Development/CPMD for the purchase and

1 installation of a new modular office building, along with equipment and furnishings, as  
2 explained in **EXHIBITS A, C, E, and F**. Further, the Navajo Nation hereby approves the  
3 related Expenditure Plan as set forth in the listed EXHIBITS A, C, E, and F.

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

7 C. The Síhasin funds allocated for the Expenditure Plan approved herein may be further  
8 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at  
9 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and  
10 financing costs upon the recommendation of the Budget and Finance Committee and  
11 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

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

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

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

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

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27 **SECTION FOUR. DIRECTIVE**

28 CPMD shall submit written reports, and verbal reports if so requested, explaining the ongoing  
29 status of the Expenditure Plan approved herein and its expenditures of the \$3,879,180 in Síhasin  
30 funds. Said reports shall be provided to the Resources and Development, Budget and Finance

1 Committee, and the Naabik'íyáti' Committee by the end of each Fiscal Year Quarter until the  
2 modular office building project is completed, or until all approved Síhasin funds are exhausted,  
3 or upon the September 30, 2024 reversion deadline in Section Three (G) herein.  
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5 **SECTION FIVE. EFFECTIVE DATE**

6 This Action and the related Expenditure Plan shall become effective pursuant to 12 N.N.C.  
7 §2505(A) and 2 N.N.C. §221(B).  
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9 **SECTION SIX. SAVING CLAUSE**

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