

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0155-23\_

SPONSOR: Steven Arviso

**TITLE: An Action Relating to The Budget and Finance Committee, The Resources and Development Committee, the Naabik'iyáti' Committee, and to The Navajo Nation Council; Approving \$296,211 from the Síhasin Fund for a New Motor Grader for Pinedale Chapter: Approving the Related Expenditure Plan**

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## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0155-23

DATE: July 5, 2023

**RE: AN ACTION RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$296,211 FROM THE SÍHASIN FUND FOR A NEW MOTOR GRADER FOR PINEDALE CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN**

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

to approve \$296,211 from the Sihasin Fund to DCD for the purchase of a new motor grader for the Pinedale Chapter.

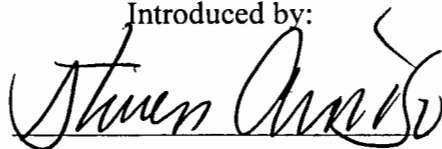
OLC No. 23-302-1

5-DAY BILL HOLD PERIOD Al Mike PR  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 07-22-23  
Eligible for Action: 07-23-23

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4 

5 (Prime Sponsor)

6 Tracking No. 0155-23

7 AN ACTION

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9  
10 RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE  
11 RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI'  
12 COMMITTEE, AND TO THE NAVAJO NATION COUNCIL; APPROVING  
13 \$296,211 FROM THE SÍHASIN FUND FOR A NEW MOTOR GRADER FOR  
14 PINEDALE CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN

15  
16  
17 BE IT ENACTED:

18  
19 SECTION ONE. AUTHORITY

- 20 A. The Budget and 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 and Development Committee is a standing committee of the Navajo Nation  
24 Council with oversight authority over all 110 Navajo Nation Chapters, as well as community  
25 development matters. 2 N.N.C. §500(C) and 26 N.N.C. §102.  
26 C. The Naabik'íyáti' 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, housing,  
7 commercial and government buildings, waterline, solid waste management  
8 development, powerline Projects, and transportation and communication  
9 systems, within the Navajo Nation; and . . .

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. Pinedale Chapter is requesting \$296,211 from the Sihasin Fund for the purchase of a new  
28 motor grader for the Chapter. The grader they have been using is over 15 years old, frequently  
29 needs repairs and maintenance, and needs to be replaced. **EXHIBIT A.**

30 B. The Chapter has provided a detailed price quote for the proposed purchase. **EXHIBIT B.**

1 C. Approving the \$296,211 for the Chapter's proposed purchase of a new motor grader satisfies  
2 the purpose of the Síhasin Fund because such purchase pertains to "community  
3 development" and "transportation systems" at the Pinedale Chapter, as listed in 12 N.N.C.  
4 §2502(A)(1).

5 D. Approving the \$296,211 for the Chapter's proposed purchase of a new motor grader satisfies  
6 the preference for leveraging of funds in 12 N.N.C. §2502(C), because the State of New  
7 Mexico, Indian Affairs Department has approved \$100,000 for this purchase. **EXHIBIT C.**

8 E. The Pinedale Chapter has passed a resolution supporting and recommending the request for  
9 the \$296,211 in Síhasin funds for the motor grader purchase. **EXHIBIT D.**

10 F. The new motor grader will enable the Pinedale Chapter to better serve Chapter residents and  
11 nearby communities with road maintenance, homesite preparation, agricultural grading  
12 services, and other needs.

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

15  
16 **SECTION THREE. APPROVING \$296,211 FROM THE SÍHASIN FUND FOR A NEW**  
17 **MOTOR GRADER FOR PINEDALE CHAPTER; APPROVING**  
18 **THE RELATED EXPENDITURE PLAN**

19 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$296,211 from the  
20 Síhasin Fund for the purchase of a new motor grader for the Pinedale Chapter, as explained  
21 in **EXHIBITS A-D**. The Navajo Nation hereby approves the related Expenditure Plan as set  
22 forth in **EXHIBIT B** and **EXHIBIT C**.

23 B. The Navajo Nation Controller shall determine whether the source of the approved Síhasin  
24 funds will be from Fund Principal or Fund Income or a combination 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 provided to the Division of Community

1 Development (“DCD”) within ten (10) business days following the effective date of this  
2 Action. DCD shall then promptly implement the Expenditure Plan approved herein by  
3 purchase and arranging for delivery of the new motor grader to the Pinedale Chapter.

4 E. To fully protect the Navajo Nation from any claims or liability, prior to delivery of the motor  
5 grader to the Chapter, DCD shall verify: (1) proper insurance coverage for the motor grader  
6 with appropriate damage, collision, and liability coverages, as set by New Mexico law; and  
7 (2) proper training of any person(s) who will be operating the motor grader, as generally  
8 practiced or regulated in New Mexico.

9 F. The Pinedale Chapter shall be responsible for all operation, maintenance, storage, and repair  
10 costs associated with the motor grader.

11 G. The approved Síhasin funds shall be used strictly for the Expenditure Plan approved herein,  
12 and DCD shall be responsible for ensuring compliance with the approved Expenditure Plan,  
13 as well as all mandates set forth in this Action.

14 H. If the purchase of the motor grader is not completed by September 30, 2023, the approved  
15 Síhasin funds shall revert to the Síhasin Fund, unless otherwise determined by the Resources  
16 and Development Committee and the Naabik’íyáti’ Committee.

17 I. With respect to any and all unspent Síhasin funds that remain after completion of the  
18 purchase of the motor grader (savings), promptly upon completion of purchase DCD shall  
19 transfer all savings to the Office of the Controller (“OOC”) and OOC shall then immediately  
20 deposit such savings back into the Síhasin Fund principal.

21 J. The Síhasin Fund may be reimbursed in the amount of the allocation approved herein, using  
22 funds available to the Navajo Nation from any and all state and federal sources, including  
23 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-  
24 19-related relief, if the expenditure for the Pinedale Chapter described herein is deemed eligible  
25 under the legal scheme governing such funding.

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27 **SECTION FOUR. 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 FIVE. 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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