

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0009-24_

SPONSOR: Vince R. James

TITLE: An Action Relating to the Resources and Development Committee, the Budget and Finance Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Approving \$17,628 from the Síhasin Fund to NTUA for the Construction of a Gas Service Line Extension for Gladv's Jones' Residence in Ganado, Arizona; Approving the Related Expenditure Plan

Date posted: January 11, 2024 at 12:16PM

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0009-24

DATE: January 9, 2024

RE: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; APPROVING \$17,628 FROM THE SÍHASIN FUND TO NTUA FOR THE CONSTRUCTION OF A GAS SERVICE LINE EXTENSION FOR GLADYS JONES' RESIDENCE IN GANADO, ARIZONA; APPROVING THE RELATED EXPENDITURE PLAN

Purpose of this Legislation:

to approve \$17,628 from the Sihasin Fund for a new gas service line extension project for Gladys Jones' residence in Ganado, Arizona; approving the related Expenditure Plan.

OLC No. 23-538-1

5-DAY BILL HOLD PERIOD
Website Posting Time/Date
Posting End Date: 01-16-24
Eligible for Action: 01-17-24


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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - Second Year, 2024

Introduced by:

(Prime Sponsor)

Tracking No. 0009-24



AN ACTION
RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE,
THE BUDGET AND FINANCE COMMITTEE, THE NAABIK'ÍYÁTI'
COMMITTEE, AND THE NAVAJO NATION COUNCIL; APPROVING
\$17,628 FROM THE SÍHASIN FUND TO NTUA FOR THE CONSTRUCTION
OF A GAS SERVICE LINE EXTENSION FOR GLADYS JONES' RESIDENCE IN
GANADO, ARIZONA; 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 utilities and land disturbances. 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.
- 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 infrastructure
5 supporting economic development and community development, including such
6 infrastructure as, but not limited to, housing, commercial and government buildings,
7 waterline, solid waste management development, powerline Projects, and
8 transportation and communication systems, within the Navajo Nation; and . . .

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

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

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

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

23
24 **SECTION TWO. FINDINGS**

25 A. The Navajo Tribal Utility Authority (“NTUA”) has provided a letter to Gladys Jones, a
26 Navajo resident in Ganado, Arizona. This letter, dated July 13, 2023, explains the new gas
27 service line extension project that will be constructed to serve her residence. The letter
28 explains that the Owner, namely Gladys Jones, will be responsible for the total cost of
29 construction for this project, which is estimated to be approximately \$17,628. See the
30 attached **EXHIBIT A**.

1 B. In addition, NTUA has provided engineering drawings and further details for this project.

2 See the attached **EXHIBIT B**.

3 C. Approving the requested \$17,628 for this project satisfies the purpose of the Síhasin Fund
4 because such purchase pertains to “infrastructure” and “community development” as
5 mentioned in 12 N.N.C. §2502(A)(1).

6 D. The Navajo Nation finds that approval of the requested Síhasin funds is in the best interests
7 of the Navajo Nation and the Navajo People.

8
9 **SECTION THREE. APPROVING \$17,628 FROM THE SÍHASIN FUND TO NTUA**
10 **FOR THE CONSTRUCTION OF A GAS SERVICE LINE**
11 **EXTENSION FOR GLADYS JONES’ RESIDENCE IN GANADO,**
12 **ARIZONA; APPROVING THE RELATED EXPENDITURE PLAN**

13 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$17,628 from the
14 Síhasin Fund for the Navajo Tribal Utility Authority to construct a new gas service line
15 extension project, as described in the attached **EXHIBITS A-B**.

16 B. The Navajo Nation hereby approves the Expenditure Plan for the approved Síhasin Funds,
17 as shown in the attached **EXHIBITS A-B**.

18 C. The Navajo Nation Controller shall determine whether the source of the approved Síhasin
19 funds will be from Fund Principal or Fund Income or a combination of both.

20 D. The Síhasin funds allocated for the Expenditure Plan approved herein may be further
21 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at
22 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and
23 financing costs upon the recommendation of the Budget and Finance Committee and
24 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

25 E. The Síhasin funds approved herein shall be provided to the Division of Community
26 Development (“DCD”) within thirty (30) calendar days following the effective date of this
27 Action. All Síhasin funds shall be used strictly for the Expenditure Plan approved herein.

28 F. Disbursement of the approved Síhasin funds by DCD to NTUA shall be in accordance with
29 an appropriate grant agreement, memorandum of agreement, or other legal document
30 executed by NTUA and the Navajo Nation. Said agreement shall be binding upon the parties,

1 shall be approved by the Controller and the Navajo Nation Department of Justice, and shall
2 establish a project schedule, payment or drawdown plan, fund management plan, or other
3 relevant procedures governing NTUA's implementation of the project.

4 G. DCD shall have administrative oversight authority over the expenditure of the Síhasin funds
5 approved herein, and DCD shall be responsible for ensuring compliance with the
6 Expenditure Plan, as well as all mandates set forth in this Action.

7 H. As a condition of receiving the approved Síhasin funds, NTUA shall allow the Navajo Nation
8 full access to its financial records related to the Síhasin funds it has received, for the purpose
9 of the Navajo Nation's review and audit of NTUA's expenditures of the Síhasin funds.

10 I. The approved Síhasin funds shall not be comingled with any other funds, and shall be used
11 by NTUA strictly for the Expenditure Plan approved herein. NTUA shall also ensure that all
12 expenditures comply with the approved Expenditure Plan, and with all provisions of the legal
13 agreement described in Section Three (E) above.

14 J. Unspent and unencumbered Síhasin funds shall not lapse at the end of any Navajo Nation
15 Fiscal Year, as might otherwise occur under 12 N.N.C. §820(N), so long as all Síhasin funds
16 are accounted for as of September 30th of every fiscal year, starting with September 30, 2024.

17
18 **SECTION FOUR. EFFECTIVE DATE**

19 This Action and the related Expenditure Plan shall become effective pursuant to 12 N.N.C.
20 §2505(A) and 2 N.N.C. §221(B).

21
22 **SECTION FIVE. SAVING CLAUSE**

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