

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0075-24_

SPONSOR: Vince R. James

TITLE: An Action Relating to the Budget and Finance Committee, the Resources and Development 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

Date posted: April 04, 2024 at 9:49PM

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0075-24

DATE: April 3, 2024

RE: AN ACTION RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE RESOURCES AND DEVELOPMENT 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 to DCD/NTUA from the Sihasin Fund for construction of a gas service line extension for Gladys Jones' residence in Ganado, Arizona.

FINAL AUTHORITY and VOTE REQUIREMENT:

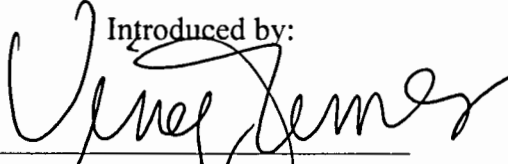
The Navajo Nation Council has final authority. A 2/3 vote of the Council is required to approve the resolution.

OLC No. 24-082-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-09-24
Eligible for Action: 04-10-24

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 - Second Year, 2024

3 Introduced by:
4 
5 _____
6 (Prime Sponsor)

7
8 Tracking No. 0075-24

9
10 AN ACTION
11 RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE
12 RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI'
13 COMMITTEE, AND THE NAVAJO NATION COUNCIL; APPROVING
14 \$17,628 FROM THE SÍHASIN FUND TO NTUA FOR THE CONSTRUCTION
15 OF A GAS SERVICE LINE EXTENSION FOR GLADYS JONES' RESIDENCE IN
16 GANADO, ARIZONA; APPROVING THE RELATED EXPENDITURE PLAN

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Budget and 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 Resources and Development Committee is a standing committee of the Navajo Nation
25 Council with oversight authority over utilities and land disturbances. 2 N.N.C. §500(C).
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 (“Síhasin 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 Síhasin Fund provides that “Fund Principal” shall consist of all deposits made to the
15 Síhasin Fund and that “Fund Income” shall consist of all earnings (interest, dividends, etc.)
16 generated and realized by the Fund Principal, and that Síhasin 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 Síhasin 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 proposed to be constructed to serve her residence in Ganado.
28 NTUA’s letter explains that the Owner, Gladys Jones, will be responsible for the total cost
29 of construction for this project, which is estimated to be approximately \$17,628. See the
30 attached **EXHIBIT 1**.

- 1 B. In addition, NTUA has provided engineering drawings and further details for this project.
2 See the attached **EXHIBIT 2**.
- 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 Ganado Chapter supports the request for Síhasin funds for Gladys Jones’ gas service
7 line extension, in the amount of \$23,716.03. A copy of the Ganado Chapter’s Resolution No.
8 GAN-414-2023, is attached hereto as **EXHIBIT 3**.
- 9 E. The Navajo Nation finds that approval of the requested Síhasin funds is in the best interests
10 of the Navajo Nation and the Navajo People.

11

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

- 16 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$17,628 from the
17 Síhasin Fund for the Navajo Tribal Utility Authority to construct a new gas service line
18 extension for Gladys Jones’ residence, as described in the attached **EXHIBITS 1-2**.
- 19 B. The Navajo Nation hereby approves the Expenditure Plan for the approved Síhasin Funds,
20 as shown in the attached **EXHIBITS 1-2**.
- 21 C. The Navajo Nation Controller shall determine whether the source of the approved Síhasin
22 funds will be from Fund Principal or Fund Income or a combination of both.
- 23 D. The Síhasin funds allocated for the Expenditure Plan approved herein may be further
24 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at
25 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and
26 financing costs upon the recommendation of the Budget and Finance Committee and
27 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.
- 28 E. The Síhasin funds approved herein shall be provided to the Division of Community
29 Development (“DCD”) within thirty (30) calendar days following the effective date of this
30 Action. All Síhasin funds shall be used strictly for the Expenditure Plan approved herein.

1 F. Disbursement of the approved Síhasin funds by DCD to NTUA shall be on a drawdown
2 basis, in accordance with an appropriate grant agreement, memorandum of agreement, or
3 other legal document executed by NTUA and the Navajo Nation. Said agreement shall be
4 binding upon the parties, shall be approved by the Controller and the Navajo Nation
5 Department of Justice, and shall establish a project schedule, payment or drawdown plan,
6 fund management plan, or other relevant procedures governing NTUA's implementation of
7 the project.

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

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

14 I. The approved Síhasin funds shall not be comingled with any other funds, and shall be used
15 by NTUA strictly for the Expenditure Plan approved herein. NTUA shall also ensure that all
16 expenditures comply with the approved Expenditure Plan, and with all provisions of the legal
17 agreement described in Section Three (F) herein.

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

21
22 **SECTION FOUR. 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 FIVE. 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.