

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0076-24\_

SPONSOR: Vince R. James

**TITLE: An Action Relating to the Budget and Finance Committee, the Resources and Development Committee, the Naabik'iyáti' Committee, and the Navajo Nation Council; Approving \$1,386,000 from the Síhasin Fund to NTUA for the Construction of Approximately Two Miles of Waterline Extensions for 16 Families in the Kin Dah Lichii Chapter; Approving the Related Expenditure Plan**

*Date posted:* April 04, 2024 at 9:53PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0076-24

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 \$1,386,000 FROM THE SÍHASIN FUND TO NTUA FOR THE CONSTRUCTION OF APPROXIMATELY TWO MILES OF WATERLINE EXTENSIONS FOR 16 FAMILIES IN THE KIN DAH LICHII CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN**

### **PURPOSE OF THIS LEGISLATION:**

to approve \$1,386,000 to DCD/NTUA for construction of two miles of waterline extensions for 16 families in the Kin Dah Lichii Chapter.

### **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. 24-083-1

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'íyáti' Committee

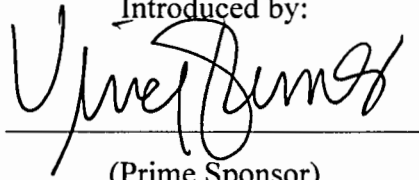
Thence

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25<sup>th</sup> NAVAJO NATION COUNCIL - Second Year, 2024

Introduced by:



(Prime Sponsor)

Tracking No. 0076-24

**AN ACTION**

**RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; APPROVING \$1,386,000 FROM THE SÍHASIN FUND TO NTUA FOR THE CONSTRUCTION OF APPROXIMATELY TWO MILES OF WATERLINE EXTENSIONS FOR 16 FAMILIES IN THE KIN DAH LICHII CHAPTER; APPROVING THE RELATED EXPENDITURE PLAN**

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

- A. 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).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority over all 110 Navajo Nation Chapters, as well as community development matters and utilities. 2 N.N.C. §500(C) and 26 N.N.C. §102.
- 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.

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, housing,  
8 commercial and government buildings, waterline, solid waste management  
9 development, powerline Projects, and transportation and communication  
10 systems, within the Navajo Nation; and . . .

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 Kin Dah Lichii Chapter is requesting \$1,386,000 from the Síhasin Fund for the  
29 construction of approximately two miles of new residential waterline extensions that will  
30 serve 16 families who reside in the Kin Dah Lichii Chapter. Resolution No. KDLC 08-066-

1 2023 and KDLC 2024-01 are attached hereto as **EXHIBIT 1.**

2 B. The Chapter has provided a description and detailed price estimate for this project.  
3 **EXHIBIT 2.**

4 C. Approving the \$1,386,000 for the Chapter’s request satisfies the purpose of the Síhasin Fund  
5 because such purchase pertains to “community development” and “infrastructure” at the Kin  
6 Dah Lichii Chapter, as mentioned in 12 N.N.C. §2502(A)(1).

7 D. Approving the \$1,386,000 for this project satisfies the preference for leveraging of funds in  
8 12 N.N.C. §2502(C), because the Chapter states that it has received federal funding through  
9 the Navajo Nation Division of Community Development for waterline extensions at the  
10 Summit area.

11 E. These new residential waterline extensions will bring running water to 16 families in the Kin  
12 Dah Lichii Chapter who have waited decades for potable water in their homes.

13 F. 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 \$1,386,000 FROM THE SÍHASIN FUND FOR THE**  
17 **CONSTRUCTION OF APPROXIMATELY TWO MILES OF**  
18 **WATERLINE EXTENSIONS FOR 16 FAMILIES IN THE KIN**  
19 **DAH LICHII CHAPTER; APPROVING THE RELATED**  
20 **EXPENDITURE PLAN**

21 A. Pursuant to 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$1,386,000 from the  
22 Síhasin Fund to be provided to the Navajo Tribal Utility Authority (“NTUA”) for its  
23 construction of approximately two miles of new residential waterline extensions to serve 16  
24 families in the Kin Dah Lichii Chapter.

25 B. The Navajo Nation hereby approves the Expenditure Plan for the above-described project,  
26 as shown in the attached **EXHIBIT 2.**

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

29 D. The Síhasin funds allocated for the Expenditure Plan approved herein may be further  
30 leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, at

1 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for repayment and  
2 financing costs upon the recommendation of the Budget and Finance Committee and  
3 approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

4 E. The Síhasin funds approved herein shall be provided to the Division of Community  
5 Development (“DCD”) within fifteen (15) business days following the effective date of this  
6 Action. The funds will thereafter be made available for use by NTUA for the waterline  
7 extensions project on a drawdown basis. Upon first receipt of any amount of funds, NTUA  
8 shall promptly implement the Expenditure Plan approved herein.

9 F. Drawdown of the approved Síhasin funds shall be governed by an appropriate grant  
10 agreement, memorandum of agreement, or other legal document executed by NTUA and the  
11 Navajo Nation. Said agreement shall be binding upon the parties, shall be approved by the  
12 Controller and the Department of Justice, and shall establish a project schedule, payment or  
13 drawdown plan, fund management plan, or other relevant procedures governing the project.

14 G. DCD shall have administrative oversight authority over the expenditure of the Síhasin funds  
15 approved herein, and shall monitor NTUA’s implementation of the approved Expenditure  
16 Plan and completion of the waterline extensions.

17 H. The approved Síhasin funds shall not be comingled with any other funds, and shall be used  
18 by NTUA strictly for the Expenditure Plan approved herein. NTUA shall be responsible for  
19 ensuring that all expenditures comply with the approved Expenditure Plan, and with all  
20 provisions of the legal agreement described in Section Three (F) above.

21 I. As a condition of receiving the approved Síhasin funds, NTUA shall allow the Navajo Nation  
22 full access to its financial records related to the Síhasin funds it has received, for the purpose  
23 of the Navajo Nation’s review and audit of NTUA’s expenditures of the Síhasin funds.

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

27  
28 **SECTION FOUR. DIRECTIVE**

29 As a condition of receiving the Síhasin funds approved herein, NTUA shall submit written  
30 reports, and verbal reports if so requested, explaining the ongoing status of the Expenditure Plan

1 approved herein and its expenditures of the approved \$1,386,000. Said reports shall be provided  
2 to the DCD, the Budget and Finance Committee, the Resources and Development Committee,  
3 and the Naabik'iyáti' Committee by the end of each Fiscal Year Quarter until all approved  
4 Síhasin funds are exhausted.

5  
6 **SECTION FIVE. EFFECTIVE DATE**

7 This Action and the related Expenditure Plan shall become effective pursuant to 12 N.N.C.  
8 §2505(A) and 2 N.N.C. §221(B).

9  
10 **SECTION SIX. SAVING CLAUSE**

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