

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0306-19_____

SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to Resources and Development, Budget and Finance and Naabik'iyati Committees, and Navajo Nation Council; Approving and adopting the Tselani (Cottonwood) Powerline Extension Project Síhasin Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C§§ 2501-2508

Date posted: October 7, 2019 at 5:33pm

Digital comments may be e-mailed to 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) 871-7590**

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.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0306-19

DATE: September 27, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE TSELANI (COTTONWOOD) POWERLINE EXTENSION PROJECT SÍHASIN EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

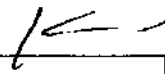
PURPOSE: The purpose of this legislation is to approve an allocation from the Síhasin Fund for Tselani (Cottonwood) Chapter.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 3000
Website Posting Time/Date: _____
Posting End Date: 10/12/19
Eligible for Action: 10/13/19

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyati Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – First Year, 2019
3 INTRODUCED BY

4
5 
6 (Prime Sponsor) *Kase Allen Begay Jr*

7
8 TRACKING NO. 0306-19

9
10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE
12 AND NAABIK'YATI' COMMITTEES, AND NAVAJO NATION COUNCIL;
13 APPROVING AND ADOPTING THE TSELANI (COTTONWOOD) POWERLINE
14 EXTENSION PROJECT SÍHASIN EXPENDITURE PLAN PURSUANT TO CD-68-14
15 AND 12 N.N.C §§ 2501 – 2508

16
17 **BE IT ENACTED:**

18 **Section One. Authority**

- 19 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
20 § 102 (A).
21 B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review
22 all proposed legislation which requires final action by the Navajo Nation Council. 2
23 N.N.C. §164(A)(9).
24 C. The Resources and Development Committee of the Navajo Nation Council is
25 empowered to exercise oversight authority over Navajo Nation chapters. 2 N.N.C. §
26 501 (C)(1).
27 D. The Budget and Finance Committee of the Navajo Nation Council is empowered to
28 review and recommend to the Navajo Nation Council the budgeting, appropriation,
29 investment, and management of all funds. 2 N.N.C. § 301 (B) (2).
30

1 **Section Two. The Navajo Nation Sihasin Fund**

2 A. The Navajo Nation Code provides the purpose of the Navajo Nation Sihasin Fund
3 ("Sihasin Fund") is as follows:

4 §2502 Purpose

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

- 7 1. The planning and development of economic development
8 and regional infrastructure supporting economic development
9 and community development, including such infrastructure
10 as, but not limited to, housing, commercial and government
11 buildings, waterline, solid waste management development,
12 powerline projects, and transportation and communication
13 systems, within the Navajo Nation; and
14 2. Education opportunities for members of the Navajo
15 Nation.

16 B. For the Purpose in § 2502(A)(1), Fund expenditures for
17 infrastructure shall not be limited by 12 N.N.C. § 1301(F) or
18 TCDCJY-77-99.

19 C. Leveraging the Fund by way of guaranteeing loans, match funding,
20 direct funding in part, and other weighted uses of the Fund,
21 including loan financing from the Fund, for the purposes in
22 § 2502(A)(1), shall be favored over direct funding in whole.

23 12 N.N.C. § 2502, as amended by CJA-03-18.

24 B. The Sihasin Fund provides that Fund Principal shall consist of all deposits made to
25 the Sihasin Fund and that Fund Income shall consist of all earnings (interest,
26 dividends, etc.) generated and realized by the Fund Principal, and that Fund Income
27 shall be deposited in and added to Fund Principal until such time as a Fund
28 Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

29
30 **Section Three. Findings**

- 1 A. The Tselani (Cottonwood) Chapter is requesting funding assistance of
2 \$1,203,253.15 from the Sihasin Fund for Phase I of a powerline extension project to
3 provide power to eight homes.
- 4 B. Detailed project information is provided in the project proposal attached as **Exhibit**
5 **1**.
- 6 C. The total cost estimate of the project is \$1,367,685.65 in order to construct 9.49
7 miles of main trunk lines and 2.31 miles of line extensions to 8 homes in the
8 Tsebanizini area for Phase I of the project.
- 9 D. The recipients for phase I of the project are as follows:
- 10 1. Danielle Totsoni
 - 11 2. Angelita Totsoni
 - 12 3. Ruth Yazzie
 - 13 4. Edgar James
 - 14 5. Harold James
 - 15 6. Dorthea Chee
 - 16 7. Lucy Begay
 - 17 8. Larry Gorman
- 18 E. The availability of electricity will allow for household lighting and proper
19 refrigeration of food and medicine.
- 20 F. Tselani/Cottonwood Chapter will contribute \$164,432.50 of the funding awarded
21 through CAP-35-18. NTUA has provided a cost estimate for phase I of the project,
22 which is in **Exhibit 1, Tab 4**.
- 23

24 **Section Four. Approval and Adoption of Expenditure Plan from Sihasin Funds**

- 25 A. The Navajo Nation hereby approves and adopts the Tselani (Cottonwood)
26 Powerline Extension Project Sihasin Expenditure Plan, attached and incorporated
27 herein as **Exhibit 1**.
- 28 B. The Navajo Nation hereby approves a funding request to Navajo Tribal Utility
29 Authority ("NTUA") for the Tselani (Cottonwood) Powerline Extension Project
30 Sihasin Expenditure Plan in the amount of \$1,203,253 (one million two hundred

1 three thousand two hundred fifty-three dollars) during Navajo Nation Fiscal Year
2 2020.

- 3 C. The Sihasin Funds allocated for the Tselani (Cottonwood) Powerline Extension
4 Project Expenditure Plan may be further leveraged by bond or loan financing
5 pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as
6 amended, using Sihasin Fund Earnings for repayment and financing costs upon the
7 recommendation of the Budget and Finance Committee and approval by a two-
8 thirds (2/3) vote of all members of the Navajo Nation Council.

9
10 **Section Five. Approval and Adoption of Expenditure Plan Administration**

- 11 A. The Navajo Nation hereby approves administration of the Tselani (Cottonwood)
12 Powerline Extension Project Sihasin Expenditure Plan as follows:

- 13 1. The Navajo Nation Controller shall determine whether the source of the of
14 \$1,203,253 (one million two hundred three thousand two hundred fifty-three
15 dollars) will be Sihasin Fund Principal or Income or a combination of both;
- 16 2. The funds allocated to NTUA for Tselani (Cottonwood) Chapter shall be used
17 to design, plan, and construct the Tselani (Cottonwood) Powerline Extension
18 Project, as set forth in **Exhibit 1**, and NTUA shall return any and all cost-
19 savings to the Sihasin Fund once the Tselani (Cottonwood) Powerline Extension
20 Project is fully completed.
- 21 3. The Navajo Nation Controller shall release the funds to NTUA during Navajo
22 Nation Fiscal Year 2020 pursuant to a project budget plan or other such
23 schedule agreed to by the Office of the Controller and NTUA within thirty (30)
24 days of the formal adoption of this legislation;
- 25 4. The funds allocated for the Tselani (Cottonwood) Powerline Extension Project
26 shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise
27 be returned to or deposited in the Sihasin Fund Principal or Navajo Nation
28 General Fund until the earlier of five (5) years from the date of adoption of this
29 legislation or such time as the Tselani (Cottonwood) Powerline Extension
30 Project, as set forth in **Exhibit 1**, is fully completed.

1 B. NTUA and Tselani (Cottonwood) Chapter shall report the status of the project, to
2 the Naabik'iyati' Committee on a quarterly basis.

3
4 **Section Six. Effective Date**

5 The Tselani (Cottonwood) Powerline Extension Project Expenditure Plan, as set forth
6 above, shall become effective pursuant to 12 N.N.C. § 2505.