

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0105-21_

SPONSOR: Jamie Henio

TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Appropriating \$529,850.00 in Síhasin Funds to the Commission on Navajo Government Development for the Nahata' Hogan and Leadership Building; Approving the Nahata' Hogan and Leadership Building Expenditure Plan Pursuant to 12 N.N.C. §2501 – §2508

Date posted: June 30, 2021 at 1:33PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0105-21

DATE: June 30, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROPRIATING \$529,850.00 IN SÍHASIN FUNDS TO THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT FOR THE NAHATA' HOGAN AND LEADERSHIP BUILDING; APPROVING THE NAHATA' HOGAN AND LEADERSHIP BUILDING EXPENDITURE PLAN PURSUANT TO 12 N.N.C §2501 – §2508

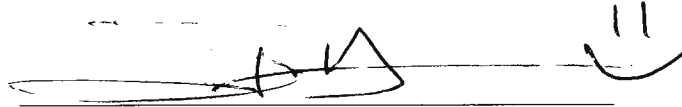
PURPOSE: The purpose of this legislation is to appropriate \$529,850.00 in Sihasin Funds to the Commission on Navajo Government Development for the construction of their planned Nahata' Hogan and Leadership Building.

5-DAY BILL HOLD PERIOD: YSREANORSE
Website Posting Time/Date:
Posting End Date: July 5th, 2021
Eligible for Action: July 6th, 2021

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3 INTRODUCED BY

4 
5

6 (Prime Sponsor)

7
8 TRACKING NO. 0105-21

9
10 AN ACTION

11 RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND
12 FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO
13 NATION COUNCIL; APPROPRIATING \$529,850.00 IN SÍHASIN FUNDS
14 TO THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT
15 FOR THE NAHATA' HOGAN AND LEADERSHIP BUILDING;
16 APPROVING THE NAHATA' HOGAN AND LEADERSHIP BUILDING
17 EXPENDITURE PLAN PURSUANT TO 12 N.N.C §2501 – §2508
18

19 BE IT ENACTED:

20
21 SECTION I. AUTHORITY

- 22 A. The Resources and Development Committee is a standing committee of the Navajo Nation
23 Council and is empowered to “review the operations of the Navajo Nation enterprises”
24 including the Navajo Engineering and Construction Authority. 2 N.N.C. §501(B)(4)(e).
25 B. The Budget and Finance Committee is empowered to “appropriate, allocate, cancel, re-
26 appropriate and review the use of Navajo Nation funds received including but not limited
27 to all grants, contracts, gifts and other funds from all sources.” 2 N.N.C. §301(B)(3).
28 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with
29 the responsibility to hear proposed resolutions that require final action by the Navajo
30 Nation Council. 2 N.N.C. §164(A)(9). In addition, the Naabik'iyáti' Committee serves as

1 the oversight Committee for the Commission on Navajo Government Development,
2 pursuant to 2 N.N.C. §970.

3 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

4 E. The Navajo Nation Code establishes the purpose of the Navajo Nation Síhasin Fund
5 (“Síhasin Fund”), as follows:

6 §2502 Purpose

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

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

- 14 2. Education opportunities for members of the Navajo Nation.

15 B. For the purpose described in §2502(A)(1), Síhasin Fund expenditures for
16 infrastructure shall not be limited by 12 N.N.C. §1310(F) or Resolution No.
17 TCDCJY-77-99.

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

21 12 N.N.C. §2502, as amended by Resolution No. CJA-03-18.

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

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

1 **SECTION II. FINDINGS**

2 A. The Commission on Navajo Government Development (hereinafter “Commission”) is a
3 special entity created by the Navajo Nation Council, with quasi-independent authority to
4 accomplish the Navajo People’s goals of implementing certain Navajo Nation government
5 reforms. Resolution Nos. CD-68-89 and CO-80-20.

6 B. With Resolution No. CNGD-1204-17 and No. CNGD-0501-21, the Commission has
7 formally planned its Nahata’ Hogan and Leadership Building (“Hogan Project”) and is
8 requesting five-hundred twenty-nine-thousand eight-hundred-fifty dollars (\$529,850) in
9 Síhasin funding for construction of the Project. See **Exhibits 1 and 2**.

10 C. The Commission has prepared and submitted a detailed funding request and description of
11 the Hogan Project, attached hereto as **Sub-Exhibits A, B, and C**.

12 D. The Commission has submitted a history of its planning activities regarding the Hogan
13 Project, and also a Project timeline, attached as **Sub-Exhibit B**.

14 E. The Project’s floor plan, photographs, and drawings, prepared by the Navajo Engineering
15 and Construction Authority (“NECA”), are attached as **Sub-Exhibit C**.

16 F. A detailed cost breakdown for the Hogan Project, prepared by NECA, can be found on
17 page 11 of **Sub-Exhibit C**.

18 G. The Navajo Nation’s Heritage and Historic Preservation Department has determined that
19 there are “no significant cultural resources in the proposed 1.0 acre” proposed site for the
20 Hogan Project. **Exhibit 3**.

21 H. The allocation of the \$529,850 for the Commission’s Hogan Project meets the criteria for
22 Síhasin expenditures because this Project involves “infrastructure” and “community
23 development” such as “commercial and government buildings” as mentioned in 12 N.N.C.
24 §2502(A)(1).

25
26 **SECTION III. APPROPRIATION OF SÍHASIN FUNDS AND APPROVAL OF**
27 **PROJECT EXPENDITURE PLAN**

28 A. The Navajo Nation hereby appropriates funding for the Nahata’ Hogan and Leadership
29 Building Project, as proposed and planned by the Commission on Navajo Government
30 Development, in the amount of \$529,850 from the Navajo Nation Síhasin Fund, in

1 accordance with 12 N.N.C. §2505(A).

2 B. The Navajo Nation hereby approves the Nahata' Hogan and Leadership Building Project
3 Expenditure Plan, attached as **Sub-Exhibit C**, particularly the line-item cost breakdown
4 for the Project, as shown on page 11 of Sub-Exhibit C.

5 C. The Síhasin Funds allocated for the Nahata' Hogan and Leadership Building Project may
6 be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond
7 Financing Act, at 12 N.N.C. §1300 *et seq.*, as amended, using Síhasin Fund earnings for
8 repayment and financing costs, upon the recommendation of the Budget and Finance
9 Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation
10 Council.

11
12 **SECTION IV. APPROVAL OF EXPENDITURE PLAN ADMINISTRATION**

13 The Navajo Nation Council hereby approves the administration of the Expenditure Plan for
14 the Nahata' Hogan and Leadership Building Project, as follows:

15 A. The Navajo Nation Controller shall determine whether the source of the annual allocations
16 from the total allocation of \$529,850 will be Síhasin Fund Principal or Income or a
17 combination of both.

18 B. The \$529,850 in Síhasin funds shall be distributed to the Commission on Navajo
19 Government Development within ten (10) days after the effective date of this legislation.
20 The Commission shall be responsible for implementing and administering the Hogan
21 Project, in accordance with the Expenditure Plan attached as **Sub-Exhibit C**. The
22 Commission shall make all reasonable efforts to adhere to the line-item cost breakdown
23 for the Project, as shown on page 11 of Sub-Exhibit C.

24 C. The \$529,850 in Síhasin funds shall be used solely for design, planning, construction,
25 furniture and equipment purchases, and infrastructure facilities, for the Hogan Project, as
26 described in **Sub-Exhibits A, B, and C**. Any and all cost-savings shall be returned to the
27 Síhasin Fund once the Hogan Project is completed.

28 D. The \$529,850 in Síhasin funds shall not lapse on an annual basis pursuant to 12 N.N.C.
29 §820(N); however, any funds not spent or encumbered within twenty-four (24) months of
30 the date funds are made available to the Commission shall revert to the Síhasin Fund

1 principal, unless otherwise recommended by the Budget and Finance Committee and
2 approved by the Naabik'iyáti' Committee.

3 E. The Síhasin Fund shall be reimbursed, in the amount of the expenditure authorized in this
4 legislation, from prospective funds available to the Navajo Nation from any and all
5 appropriate state and federal sources, including Congressional appropriations under the
6 American Rescue Plan Act of 2021 or other COVID-19 related relief.

7 F. The Nahata' Hogan and Leadership Building Project shall be operated and managed by the
8 Commission, and maintenance and repairs for the Project shall be the responsibility of the
9 Commission.

10
11 **SECTION V. DIRECTIVES**

12 The Commission shall report the status of the Hogan Project to the Budget and Finance
13 Committee, and to the Naabik'iyáti' Committee, on a quarterly basis.

14
15 **SECTION VI. EFFECTIVE DATE**

16 This legislation and the Expenditure Plan approved herein shall become effective pursuant to
17 12 N.N.C. §2505.

18
19 **SECTION VII. SAVINGS CLAUSE**

20 If any provision of this Act is determined invalid by the Supreme Court of the Navajo Nation,
21 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,
22 all provisions not determined invalid shall remain as Navajo Nation law.