

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; DISSOLVING THE SÍHASIN FUND SUBCOMMITTEE BY RESCINDING NABIAP-20-15; RESCINDING NABIAP-23-19; AND ESTABLISHING THE NAABIK'ÍYÁTI' COMMITTEE AS THE OVERSIGHT COMMITTEE OF THE SÍHASIN FUND

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700(A).
- B. The Navajo Nation enables each committee to establish subcommittees which shall exist until their assigned tasks are completed and reported, and a recommendation is made to the committee. 2 N.N.C § 186.
- C. As such, the Nation empowered the Naabik'íyáti' with the power to delegate its responsibilities and authorities to standing committees to make efficient and streamline the government process. 2 N.N.C. § 701(B).

SECTION TWO. FINDINGS

- A. Since the 1800's the United States collected and held in trust for the Navajo Nation revenues and proceeds derived from use of resources and lands under the authority of federal statutes and regulations. See CMY-28-14.
- B. On November 1, 2006, the 20th Navajo Nation Council unanimously passed Legislation No. CN-57-06 authorizing the Navajo Nation Attorney General to file a lawsuit against the United States for alleged breach of its fiduciary duties to the Nation arising under treaties, executive orders, public laws, statutes, regulations, and contracts due to its mismanagement of the Nation's tribal trust assets, including tribal trust funds and select tribal resource. See CD-68-14.

- C. On December 29, 2006, the Navajo Nation, under the 2 N.N.C. § 1964(F) authorities of the Navajo Nation Attorney General, filed suit against the United States in the Court of Federal Claims titled *Navajo Nation v. United States*, No. 06-945L, seeking monetary damages from the United States for its mismanagement of Navajo tribal assets. *Id.*
- D. On May 16, 2014, the United States made a settlement offer to the Nation that the Nation's Attorney General, outside legal counsel, the Task Force, and the Office of the President and Vice-President determined to be in the best interests of the Navajo Nation. *Id.*
- E. On May 30, 2014, the settlement was adopted by the Navajo Nation Council through Resolution No. CMY-28-14 and signed into law by the President of the Navajo Nation on June 4, 2014. *Id.*
- F. On December 23, 2014, the Navajo Nation Council established the Sihasin Fund and the Navajo Nation President signed the enactment into law on December 31, 2014 through CD-68-14 designating that all proceeds and earnings received through the settlement of *Navajo Nation v. United States*, shall be put into this fund.
- G. The Navajo Nation Council established the Sihasin Fund for the purpose of providing "financial support and/or financing for:
1. The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and
 2. Education opportunities for members of Navajo Nation; and
 3. Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses

of the Fund shall be favored over direct funding in whole."
12 N.N.C. § 2502.

- H. The 24th Navajo Nation Council established the Naabik'íyáti' Síhasin Fund Subcommittee in NABIAP-20-15 to recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in 12 N.N.C. § 2502.
- I. In creating the subcommittee, the Navajo Nation Council established that the Naabik'íyáti' Síhasin Fund Subcommittee should exist until their assigned tasks are completed and shall report on the recommendations to the Naabik'íyáti' Committee and the Navajo Nation Council. See NABIAP-20-15 attached as **Exhibit A**.
- J. The Naabik'íyáti' Committee appointed delegates to the Síhasin Fund Subcommittee on the basis of two members from each of the five standing committees of the Navajo Nation Council. See NABIAP-23-19 attached as **Exhibit B**.
- K. The Naabik'íyáti' Committee has determined that the Síhasin Fund Subcommittee has completed all tasks under NABIAP-20-15.
- L. It is in the best interest of the Navajo Nation to dissolve the Síhasin Fund Subcommittee by rescinding NABIAP-20-15. See **Exhibit A**.
- M. With the dissolution of the Síhasin Fund Subcommittee, it is in the best interest of Navajo Nation to rescind NABIAP-23-19. See **Exhibit B**.
- N. It is in the best interest of the Navajo Nation to establish the Naabik'íyáti' Committee to serve as the oversight committee to the Síhasin Fund.

SECTION THREE. ESTABLISHING THE NAABIK'ÍYÁTI' COMMITTEE OVERSIGHT OF THE SÍHASIN FUND

- A. The Naabik'íyáti' Committee is hereby established as the oversight committee of the Síhasin Fund.

- B. The Naabik'iyáti' Committee shall review and evaluate any further Public Hearing comments and recommendations from the Navajo People, if necessary.
- C. The Naabik'iyáti' Committee shall recommend to Navajo Nation Council financial support and/or financing plan(s) for the purposes set out in 12 N.N.C. § 2502.
- D. The Naabik'iyáti' Committee shall oversee the Síhasin Funds until the funds are depleted or until otherwise directed by the Naabik'iyáti' Committee.

SECTION FOUR. APPROVAL

- A. The Navajo Nation hereby dissolves the Síhasin Fund Subcommittee as established by NABIAP-20-15 attached as **Exhibit A.**
- B. The Navajo Nation hereby rescinds NABIAP-23-19 attached as **Exhibit B.**
- C. The Navajo Nation hereby establishes the Naabik'iyáti' Committee as the oversight committee of the Síhasin Fund with the authorities established in Section Three of this resolution.

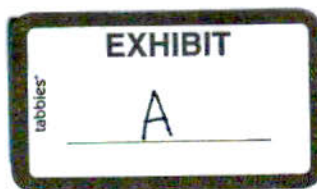
CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 07 in Favor, and 06 Opposed, on this 11th day of July 2019.


Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

Motion: Honorable Pernell Halona
Second: Honorable Thomas Walker, Jr.

Chairman Seth Damon not voting



NABIAP-20-15

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL—FIRST YEAR, 2015

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; ESTABLISHING THE
NAABIK'ÍYÁTI' SÍHASIN FUND SUBCOMMITTEE

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation Council gave the Naabik'íyáti' Committee the authority to delegate its authority as appropriate for efficiency and streamlining of government process to appropriate entities. 2 N.N.C. § 701(B) (2012) see also CO-45-12.
- B. Naabik'íyáti' Committee may establish a subcommittee that consists of committee members which the committee selects. 2 N.N.C. § 186 (2012) see also CO-45-12.
- C. On December 23, 2014 the Navajo Nation Council established the Síhasin Fund and the Navajo Nation President signed the enactment into law on December 31, 2014. See CD-68-14 attached as Exhibit A.
- D. The Síhasin Fund is established for the purpose of providing "financial support and/or financing for 1) the planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation, and; 2) education opportunities for members of the Navajo Nation, 3) leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund shall be favored over direct funding in whole." CD-68-14 enacting 12 N.N.C. § 2502.
- E. The Office of the Speaker sponsored public hearings across the Navajo Nation to receive input from Navajo citizens on how the Síhasin Fund should be used for the benefit of the Navajo Nation. Summary of Public Hearings attached as Exhibit B.

- E. It is incumbent on the Navajo Nation Council to continue the discussion relative to the Síhasin Fund and its purpose as established in CD-68-14, enacting 12 N.N.C. § 2502.

Section Two. Naabik'iyáti' Síhasin Fund Subcommittee Establishment

- A. The Navajo Nation establishes the Naabik'iyáti' Síhasin Fund Subcommittee to review and evaluate the Public Hearing comments and recommendations from the Navajo People.
- B. The Navajo Nation establishes the Naabik'iyáti' Síhasin Fund Subcommittee to recommend to the Naabik'iyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14, enacting Title 12, Section 2502.
- C. The Naabik'iyáti' Síhasin Fund Subcommittee shall consist of the following members the Navajo Nation Council:
- Hon. Mel R. Begay, Fort Defiance
 - Hon. Nelson BeGaye, Chinle
 - Hon. Tom Chee, Northern
 - Hon. Seth Damon, Eastern
 - Hon. Davis Filfred, Northern
 - Hon. Lee Jack, Sr., Fort Defiance
 - Hon. Jonathan Perry, Eastern
 - Hon. Walter Phelps, Western
 - Hon. Nathaniel Brown, Western
 - Hon. Otto Tso, Western
 - Hon. Leonard Tsosie, Eastern
 - Hon. Kee Allen Begay, Chinle
- D. The Naabik'iyáti' Síhasin Fund Subcommittee, by majority vote, shall select a chairperson and vice-chairperson at their first meeting. The chairperson and vice-chairperson shall serve at the Subcommittee's pleasure; replacement shall be by majority vote.
- E. The Naabik'iyáti' Síhasin Fund Subcommittee shall establish a regular meeting day(s) of the month.
- F. The Naabik'iyáti' Síhasin Fund Subcommittee shall present a report to the Navajo Nation Council by its Summer Session and shall present a final version for consideration by the Fall Session of the Navajo Nation Council.

Section Three. Subcommittee Term

The Naabik'iyáti' Síhasin Fund Subcommittee shall exist until their assigned tasks are completed and shall report on the recommendations to the Naabik'iyáti' Committee and the Navajo Nation Council.

Section Four. Directives

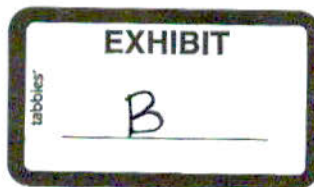
- A. The Speaker's Chief of Staff shall assign one staff assistant or policy analyst to assist the Naabik'iyáti' Síhasin Fund Subcommittee.
- B. The Legislative Services' Executive Director shall assign two Office of Legislative Services' staffers to assist the Naabik'iyáti' Síhasin Fund Subcommittee.
- C. The Speaker shall determine a Subcommittee budget and identify the funds.
- D. The Naabik'iyáti' Síhasin Fund Subcommittee shall hold a work session two weeks prior to the Navajo Nation Council's Summer Session to update the Delegates.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 13 in favor and 1 opposed, this 9th day of April, 2015.


Mel R. Begay, Chairperson Pro Tem
Naabik'iyáti' Committee

Motion: Honorable Davis Filfred
Second: Honorable Benjamin Bennett



RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION
RELATING TO NAABIK'ÍYÁTI' COMMITTEE; MAKING APPOINTMENTS TO THE
NAABIK'ÍYÁTI' COMMITTEE'S SÍHASIN FUND SUBCOMMITTEE

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Naabik'iyáti' Committee of the Navajo Nation Council is a standing committee of the Navajo Nation Council empowered to coordinate all state programs with other standing committees and branches of the Navajo Nation government. 2 N.N.C. § 700 (A) and 701 (A) (4).

SECTION TWO. FINDINGS

- A. The Naabik'iyáti' Committee of the Navajo Nation Council established the Naabik'iyáti' Committee's Síhasin Fund Subcommittee through the approval of Resolution NABIAP-20-15. See **Exhibit A**.
- B. The Síhasin Fund was established for the purpose of providing "...financial support and/or financing for:
- 1) The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to , housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and
 - 2) Education opportunities for members of the Navajo Nation; and

3) Leveraging the Fund by way of guaranteeing loans, match funding, direct funding in part, and other weighted uses of the Fund shall be favored over direct funding in whole." See **Exhibit B**, CD-68-14 enacting 12 N.N.C. §2502 and **Exhibit C**, CJA-03-18 amending 12 N.N.C. §2502.

C. The Naabik'iyáti' Committee's Síhasin Fund Subcommittee is charged to recommend to the Naabik'iyáti' Committee and the Navajo Nation Council "...financial support and/or financing plan(s) for the purposes designated in CD-68-14, enacting Title 12, § 2502". See Exhibits A, B, C.

D. The Naabik'iyáti' Committee's Síhasin Fund Subcommittee is also charged with presenting a report to the Navajo Nation Council by its Summer Session and shall present a final version for consideration by the Fall Session of the Council. See Exhibit A.

SECTION THREE. APPOINTMENT

The Naabik'iyáti' Committee of the Navajo Nation Council hereby appoints the following Delegates to the Naabik'iyáti' Committee Síhasin Fund Subcommittee on the basis of two members from each of the five (5) standing committees of the Navajo Nation Council:

A. Resources and Development: Honorable Mark Freeland, Honorable Wilson C. Stewart, Jr.;

B. Budget and Finance: Honorable Nathaniel Brown, Honorable Elmer P. Begay;

C. Law and Order: Honorable Vince James, Honorable Eugene Tso;

D. Health, Education and Human Services: Honorable Paul Begay, Honorable Nelson S. BeGaye;

E. Naabik'iyáti': Honorable Daniel E. Tso, Honorable Rickie Nez.

SECTION FOUR. SUBCOMMITTEE TERM

The Naabik'iyáti' Committee Sihasin Fund Subcommittee shall exist until its assigned tasks are completed and shall report its recommendations to the Naabik'iyáti' Committee. 2 N.N.C. § 186.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 14 in Favor, and 00 Opposed, on this 11th day of April 2019.



Honorable Daniel E. Tso, Chairman Pro Tem
Naabik'iyáti' Committee
24th Navajo Nation Council

Motion: Honorable Elmer P. Begay
Second: Honorable Pernell Halona

Chairman Pro Tem Daniel E. Tso not voting

NAVAJO NATION

237

Naa'bik'iyati Committee

7/11/2019

09:02:38 PM

Amd# to Amd#	Legislation 0154-19: Dissolving	PASSED
MOT Halona, P	the Sihasin Fund Subcommittee by	
SEC Walker, T	Rescinding NAPIAP-20-15;	
	Rescinding NABIAP-23-19; and...	

Yea : 7

Nay : 6

Excused : 6

Not Voting : 4

Yea : 7

Charles-Newton
Daniels

Halona, P
Smith

Tso, O
Walker, T

Yellowhair

Nay : 6

Begay, E
Begay, K

Henio, J
James, V

Tso, D

Tso, E

Excused : 6

Begay, P
BeGaye, N

Brown
Freeland, M

Tso, C

Wauneka, E

Not Voting : 4

Crotty

Nez, R

Stewart, W

Yazzie

Presiding Chair: Damon