

LEGISLATIVE SUMMARY SHEET

Tracking No. 0410-18

DATE: December 12, 2018

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES,
BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION
COUNCIL; APPROVING AND ADOPTING THE SÍHASIN SUSTAINABLE HIGHER
EDUCATION INITIATIVE FUND AND FUND EXPENDITURE PLAN PURSUANT 12
N.N.C §§ 2501 – 2508

PURPOSE: The purpose of this legislation is to establish and fund the Sihasin Sustainable Higher Education Initiative Fund in the amount of \$60,000,000.00 of Sihasin Funds in order to provide \$30,000,000.00 each to Diné College and Navajo Technical University.

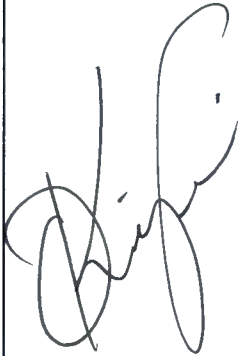
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 3:02pm 12/12/18
Posting End Date: 12/17/2018
Eligible for Action: 12/18/2018

Health, Education & Human Services Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY




(Prime Sponsor)



TRACKING NO. 0410-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL;
APPROVING AND ADOPTING THE SÍHASIN SUSTAINABLE HIGHER
EDUCATION INITIATIVE FUND AND FUND EXPENDITURE PLAN PURSUANT
12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

Section One. Authority

- A. The Health, Education and Human Services Committee of the Navajo Nation Council is empowered to exercise legislative oversight on matters involving education on the Navajo Nation. 2 N.N.C. §401 (B)(1).
- B. The Budget and Finance Committee of the Navajo Nation Council is empowered 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).
- C. The Naabik'íyáti' Committee established the Naabik'íyáti' Síhasin Fund Subcommittee to recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in the Síhasin Fund. NABIAP-20-15. However, approval by the Naabik'íyáti' Síhasin Fund Subcommittee is not a requirement for legislation.

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

3 E. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund
4 (“Síhasin Fund”) is as follows:

5 § 2502 Purpose

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

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

15 2. Education opportunities for members of the Navajo
16 Nation.

17 B. For the Purpose in § 2502(A)(1), Fund expenditures for
18 infrastructure shall not be limited by 12 NNC § 1310(F) or
19 TCDCJY-77-99.

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

24 12 N.N.C. § 2502, as amended by CJA-03-18.

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

1 **Section Two. Findings**

- 2 A. The Sustainable Higher Education Initiative Plan is detailed in Exhibit A.
- 3 B. As set forth in Exhibit A, Diné College and Navajo Technical University are
- 4 requesting thirty million dollars (\$30,000,000) each in seed money to start up their
- 5 respective institutional foundations for a total amount of sixty million dollars
- 6 (\$60,000,000.00) in Sihasin funding.
- 7 C. Each year ninety-five percent (95%) of the Fund income attributable to the Sihasin
- 8 funds as deposited in the Sihasin Sustainable Higher Education Initiative Fund shall
- 9 be used to supplement Navajo Nation Government and non-Navajo Government
- 10 funds to support the higher education efforts of Diné College and Navajo Technical
- 11 University.
- 12 D. The interest attributable to the Sihasin Funds deposited in the Sihasin Sustainable
- 13 Higher Education Initiative Fund shall be leveraged by way of match funding,
- 14 direct funding in part and/or weighted or supplemental uses and shall be used as
- 15 direct funding in whole or part for any project.
- 16

17 **Section Three. Approval and Adoption of Expenditure Plan**

- 18 A. The Navajo Nation hereby approves and adopts the Sihasin Sustainable Higher
- 19 Education Initiative Fund Expenditure Plan, attached and incorporated herein as
- 20 outlined in Exhibit A.
- 21 B. The Navajo Nation hereby approves and adopts funding to the Sihasin Sustainable
- 22 Higher Education Initiative Fund in the total amount of sixty million dollars
- 23 (\$60,000,000.00) to the Sihasin Sustainable Higher Education Initiative Fund with
- 24 thirty million dollars (\$30,000,000.00) to be assigned each to Diné College and
- 25 Navajo Technical University respectively.
- 26 C. The Sihasin Funds allocated for the Sihasin Sustainable Higher Education Initiative
- 27 Fund may be further leveraged by bond or loan financing pursuant to the Navajo
- 28 Nation Bond Financing Act, 12 N.N.C. § 1300 *et seq.*, as amended, using Sihasin
- 29 Fund earnings for repayment and financing costs upon the recommendation of the
- 30

1 Budget and Finance Committee and approval by a two-thirds (2/3) vote of all
2 members of the Navajo Nation Council.

3
4 **Section Four. Approval and Adoption of Expenditure Plan Administration**

5 The Navajo Nation hereby approves administration of the Sihasin Sustainable Higher
6 Education Initiative Fund Plan as follows:

- 7 1. The Navajo Nation Controller shall determine whether the source of the allocated
8 sixty million dollars (\$60,000,000.00) will be Sihasin Fund Principal or Income
9 or a combination of both;
- 10 2. The Sihasin Funds transferred to the Sihasin Sustainable Higher Education
11 Initiative Fund shall be invested and managed consistent with Sihasin Sustainable
12 Higher Education Initiative Fund Expenditure Plan but the interest earnings or
13 income from Sihasin Funds may be expended only on projects that meet all the
14 requirements of 12 N.N.C. §2502.
- 15 3. The interest earnings or income from Sihasin Funds in the Sihasin Sustainable
16 Higher Education Initiative Fund shall be expended only pursuant to an annual
17 plan developed and recommended by Diné College and Navajo Technical
18 University as approved and adopted by the Health, Education and Human
19 Services Committee of the Navajo Nation Council.
- 20 4. Diné College and Navajo Technical University shall account for and be held
21 responsible for the expenditure of interest and earnings attributable to the Sihasin
22 Sustainable Higher Education Initiative Fund with such expenditures audited on
23 an annual basis by either an independent auditor or the Office of Auditor General,
24 with such audit report to be submitted to the Health, Education and Human
25 Services Committee, the Naabik'iyati' Committee, Office of Controller and
26 Office of the President and Vice-President.
- 27 5. Diné College and Navajo Technical University shall report the status of all
28 projects funded by the interest earnings and income attributable to the Sihasin
29 Funds to the Naabik'iyati' Committee and the Office of President and Vice-
30 President on a quarterly basis.

1 6. The funds allocated for Sihasin Sustainable Higher Education Initiative Fund
2 shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N).
3

4 **Section Five. Effective Date**

5 The Sihasin Sustainable Higher Education Initiative Fund Expenditure Plan, as set forth
6 above, shall become effective pursuant to 12 N.N.C. § 2505.
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Sustainable Higher Education Initiative



Diné College and
Navajo Technical University
Sihasin Sub-Committee Proposal

10/1/2018

EXECUTIVE SUMMARY

The Navajo Nation currently has two tribally controlled higher education institutions, Diné College and Navajo Technical University. These institutions offer a combined thirty-three certificates, thirty-nine associate degrees, nineteen bachelor's degrees, and one graduate degree. With these combined resources, the Nation continues to meet the higher education needs of its people.

Additionally, the Navajo Nation contributes millions to the general operation of both institutions. In a collaborative effort, Diné College and Navajo Technical University are constantly working to provide an accessible, affordable and quality education. This effort includes setting up an institutional foundation and endowment for each school.



Since 2013, Jerry Kein is the fifth graduate with an M.A. degree.

Institutionally related foundations are separate 501(c) (3) nonprofit organizations dedicated to the support of a college, university, university system, school district or teaching hospital¹. Although foundations may perform a wide range of functions, their primary purpose is to raise and/or manage private support for the institution with which they are affiliated.

Diné College and Navajo Technical University are requesting \$60 million to create an endowment. Part of the interest from the endowment will be used to create a foundation for each institution, which will be dedicated to raising funds for programs, capital expenses, and increasing the size of the endowment in order to ensure long-term sustainability. Each institution will receive \$30 million to invest, and from the interest create new programs, leverage funding to update current facilities, and create more scholarships for Navajo students. The total funding requested is \$60 million or, \$30 million for each institution. The idea is that no principal will be touched. Any projects will come from a portion of the interest earned from prudent investments.

Within the enabling legislation of both institutions is the authority to establish a foundation and possible business ventures to the benefit of the institutions and Navajo Nation.

¹ Foundation FAQs."What are institutionally related foundations?" 2014.
<[https://www.case.org/Browse by Professional Interest/Institutionally Related Foundations/Foundation FAQs.html#What are IRFs](https://www.case.org/Browse_by_Professional_Interest/Institutionally_Related_Foundations/Foundation_FAQs.html#What_are_IRFs)> Accessed 4 Oct 2018.

INTRODUCTION

Native Americans have a lower overall high school graduation rate, where about 65 percent earn a high school diploma compared with 75.2 percent of the U.S. population². With tuition rates at mainstream college and universities in the thousands of dollars per semester, many Native American students struggle to afford a college education. Only 19.1 percent of Native Americans have a bachelor's degree or higher, compared to 30.6 percent of the overall population³. This puts native nations at a disadvantage in an economy that is largely driven by high skills and the ability to understand complex processes in the economic sectors where wealth is being created.

In addition, the college graduation rate for Native Americans is 9.3 percent compared with the national average of 20.3 percent⁴. Students that are able to attend a mainstream college or university only make up 1 percent of the student population. This often leaves them feeling out of place and homesick. As a result, native nations have relied heavily on tribally controlled colleges and universities to provide a quality higher learning experience.

Both Tribal College and University students and the colleges, contribute to the social health of reservation communities. TCUs offer a variety of social services for students and community members, such as family life and parenting courses and domestic and community-violence-prevention programs. Data from 2005 suggests that about half of graduates continued their education after graduating from TCUs, and of those, over 86 percent pursued a bachelor's degree.

-Fact Sheet, Benefits of Higher Education for Native People and Communities

Since 1968, Navajo Nation has led the way in the movement to create tribally controlled colleges and universities. Diné College is the first tribally controlled and accredited collegiate institution in the United States⁵. In addition to the establishment of Diné College, Navajo Technical University grew out of the Navajo Skill Center founded by the nation in 1979 to meet the immediate needs of an unemployed population⁶.

The Navajo Nation has sought to create institutions of higher education that encourage Navajo youth to become contributing members of the Navajo Nation and the world⁷. With an enrolled population of 356,890⁸ and 173,667⁹ living inside the nation's boundaries,

² The Education World. "Facts and Figures."

<https://www.educationworld.com/a_issues/schools/schools012.shtml> Accessed 28 Sept 2018.

³ Native News Online. "U.S. Census Bureau: Native American Statistics." Nov 16, 2016.

<<https://nativenewsonline.net/currents/u-s-census-bureau-native-american-statistics/>> Accessed 27 September 2018.

⁴ [Id]

⁵ Diné College website. < https://www.dinecollege.edu/about_dc/about-dc/ > Accessed 27 Sept 2018.

⁶ Navajo Technical University website. < <http://www.navajotech.edu/about/mission> > Accessed 28 Sept 2018.

⁷ [Id]

⁸ US Census 2016.

⁹ Navajo Nation Division of Health. "Navajo Population Profile: 2010 U.S. Census." 2013. Window Rock, NN.

14.5 percent of Navajo's 25 or older have a bachelor's degree or higher¹⁰. With about 81.5 percent of Navajo's 25 or older having a high school diploma or G.E.D¹¹, the nation has about 37,049 citizens who can potentially start their higher education career.

Collectively, DC and NTU have 3,100 students or 0.87 percent of the total Navajo Nation population enrolled at their institution. Both schools continue to serve Navajo Nation's higher education needs, although, as can be seen from the above statistics both institutions need to increase their enrollment to help the nation achieve parity with other communities in the United States. With their own respective boards, both schools have worked to educate students through the Diné cultural principle, Sa'ah Naagháí Bik'eh Hózhóón.



There are many innovative activities happening at these two Navajo institutions of higher education. For example, Navajo Technical University and DC continue to develop research capacity to advance the Navajo Nation. NTU is the home of several centers/labs with equipment/infrastructure for research and education in Science, Technology, Engineering, Math, Animal Science, and health that show promise for creating the industries and economic activity of the 21st century.

The Center for Digital Technologies, Navajo Environmental Center, and Navajo Tech Innovation Center provide a foundation for science and research. Chemistry and Biology Labs at the Crownpoint, NM campus and a Metrology Lab are being built. The NTU

¹⁰ U.S. Census Bureau. 2016. Navajo Nation.

<<https://www.census.gov/quickfacts/fact/table/navajocountyarizona/EDU685216#viewtop>> Accessed 28 2018.

¹¹ [Id]

Innovation Center advances Navajo economic/entrepreneurial culture by building labs/programs providing linkages between private/tribal sectors in the Navajo economy.

Diné College is in the process of expanding its agriculture programs to position itself to create an integrated approach to ranching agribusiness. By partnering with area universities, New Mexico legislature as well as businesses, the opportunity to grow a current cattle business from \$28 million to more than \$240 million is within reach for the Navajo Nation.

OUR REQUEST

Diné College and Navajo Technical University are respectfully requesting \$60 million to establish an endowment at our respect institution's foundations. Each entity will receive \$30 million to invest so that a percentage of its interest can be utilized by the institution to build programs, leverage outside sources of funds for capital projects and create more scholarships to ensure our students graduate debt free with a degree.

Each institution has already established, or will establish, a foundation to administer the endowment. We are proposing to share an investment firm that can help to maximize the effectiveness of the endowments. The operating funds for each endowment will come from the interest earned. There is much work that needs to be completed, and the administration of the Navajo TCUs will assist in the operation of the foundations. For example, a Diné College and Navajo Technical University Development Director will assist in the creation of the endowments and foundations in order to ensure that all endowment funds are optimized for its specific purpose. These funds are restricted so there is a time limit of one year for use.

In searching for additional funds, one of the first questions usually asked is, how much "skin" in the game do you have. This request of the Navajo Nation will ensure that the answer is clear and strong. In addition, each institution is committed to utilizing its own funding to build a strong and profitable endowment.

One of the priority areas of the Sihasin Fund is education. To date, very little has been allocated to education. A study conducted by both institutions has shown that for every dollar invested in a tribal college nearly \$4.10 is returned. Taking our request into account, this means that the \$60 million investment will return more than \$240 million to the Navajo Nation.

COLLABORATIVE MILESTONES

DC and NTU have a long history of attempted collaborative endeavors. Both institutions have committed to a strategic partnership focused on teaching, research and service, using the complementary capabilities of the two institutions¹². Both college presidents,

¹² Martin Trethewey, Director of the Global Engagement Network through Global Programs at Penn State.

Dr. Monty Roessel and Dr. Elmer Guy continue to work together and create partnerships whether between the two institutions or other organizations.

One of the areas that both institutions have long collaborated on is in the area of Navajo culture and language. For example, currently Diné College faculty Avery Denny is providing training for NTU staff. The two institutions have also collaborated on developing immersion experiences and organizations that further the important work of strengthening the practice of Navajo language and culture. The understanding that each institution has its strengths, and together these can benefit the Navajo Nation and its people, is a belief shared by both boards. Here are a few more collaborations:

New Mexico GO Bond D

The General Obligation Bond D for Higher Education is about furthering New Mexico communities and the state by ensuring students have the tools and learning environments they need to be successful. The GO Bond D for 2019 will fund over 26 higher education institutions for a total of \$108,775,000. NM Voters have the final vote on whether this funding is granted to the institutions. The institutions receiving funding through this initiative are in an all or nothing campaign to reach voters for a favorable vote on November 6, 2018.

From the GO Bond D, Dine College is allocated to receive \$5 Million for a state-of-the-art Math and Science Building at its Shiprock Branch. Navajo Technical University is allocated to receive \$3.7 Million for a new Academic Building, replacing old modules that have become extremely expensive to operate. DC and NTU have joined forces to communicate and provide outreach information to New Mexico voters on and off Navajo.



Information Technology

Access to reliable Internet services has been a major problem on the Navajo Nation. NTU's and DC's Information Technology departments have been offering advice and solutions to improve Internet connectivity for the Navajo Nation, e.g., residential Internet and in direct support of educational programs such as on-line classes. As on-line classes

develop into programs that serve each of the nation's chapterhouses, the need for greater broadband is paramount if the Navajo Nation is to meet the needs of higher education for students who do not wish to live on or near a campus.

NTU and DC have engaged the Navajo Nation, Navajo Tribal Utility Authority, Frontier Communications, and Sacred Wind, Inc. in a collective effort to lower Internet-service-provider costs in order to support academic programs and student services. The long-term goals of the Information Technology effort are as follows:

1. Extend Navajo Nation right of way to NTU/DC to plan, build, and deliver fiber services to campuses.
2. Implement white space or other advanced wireless technologies to support student and faculty internet connectivity.
3. Plan and implement a NTU master's, bachelors and associate's degree in network management/engineering for Navajo.
4. Seek funding for fiber installation at \$20 per/ft. for tribal backhaul from NTU and Dine Campuses to Gallup, NM, Yatahey, NM or Winslow, AZ.

Institutional Research

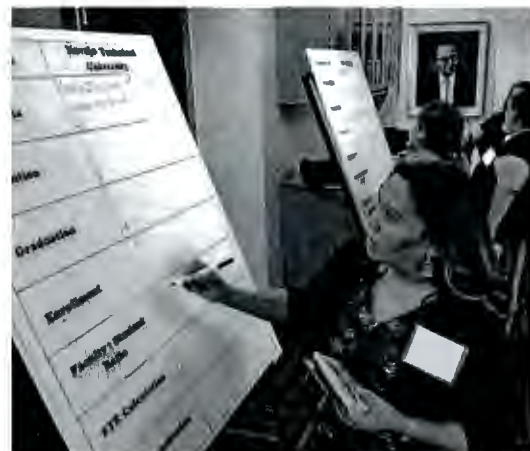
Both DC and NTU are each participating institutions in the U.S. Department of Education's Achieving the Dream (ATD) program. The aim of ATD is to improve student success by monitoring retention, persistence, and graduate rates. The initiative stresses the importance of data driven decision making, and providing meaningful strategies that help contribute to improving the student experience.

Since 2015, DC's Office of Institutional Planning and Research and NTU's Data and Assessment Offices have collaborated several times over the past year on best practices, including:

1. New Mexico Higher Education Consortium—Collaboration on best practices for data extraction and submission.
2. National Student Clearinghouse, "Achieving the Dream"—Initiative where all Tribal Colleges and Universities participate in the National Student Clearinghouse enrollment submission.
3. Current project – in progress, working on a comparison project of our retention and graduation data for an upcoming Navajo Nation report.

Get Connected

This initiative will create a comprehensive approach to connecting the entire Navajo Nation with potential education opportunities. DC and NTU have their own strengths and



Former NTU Data Assessment Director Shania Gamble works up a definition for retention at a workshop at Diné College

resources to fortify Navajo Nation efforts for public safety, workforce development, economic development, health care, and environmental improvement. This future initiative will kick-off with a "Get Connected Summit."

Tied into NTU's labs is the Internet to the Hogan Project. E-learning elements of this project allow faculty to work with students networked to NTU over the Internet and to have access to Internet2, Western Regional Network, and the Pacific Research Platform. NTU's technology projects are designed to support major research initiatives underway at the university. This project represents the next step in NTU's effort to establish itself as a research and teaching institution that helps the Navajo Nation address some of its critical challenges.

Diné College has partnered with MuralNet, a philanthropic technology company, to provide Internet access for students in hard to reach areas of the Navajo Nation. In addition, DC has created its first on-line Navajo language course focusing on medical terminology. The lessons learned from this endeavor is currently being used to develop more than just a class but an entire Navajo language program to be scaled across Navajo populations.

HIGHER EDUCATION FOUNDATION

Both Diné College and Navajo Technical University seek higher education advancement through its own independent foundations. In May of 2018, Diné College re-established its Diné College Foundation. The college is currently working through the process of redoing the IRS application under its new name. Navajo Technical University is in the planning process of creating its own foundation. Each Foundation will be a not-for-profit, 501(c)(3) entity responsible for raising, receiving and administering and investing gifts on behalf of their respective institution. The implementation set up, fundraising program and boards of each foundation will differ, but will encompass all gift solicitations on behalf of the institution.

Although the foundations will be separate, Diné College and Navajo Technical University seeks to:

1. Leverage the requested funds and not spend the principal
2. Increase the number of Navajo students attending college
3. Build joint and individual institutional capacity to accommodate its students and future students
4. Develop innovative ways to meet the common challenges its students are facing e.g. childcare, transportation, housing, limited access to Internet, need for counseling, etc¹³.

DC is seeking this foundation set to create and avenue for all gifts, whether for current use or endowment, solicited in the name of and treated as a gift to any part of the College

¹³ Diné College Survey on Student Challenges.

to be received and expended by the Foundation. Alternatively, in accordance, with specific exceptions delineated in written agreements, with the other Foundations associated with DC or other affiliated organizations of DC.

Another gain to setting its own foundation, Diné College plans to establish a permanent endowment to perpetuate a reliable income source for scholarships and future costs. The college endowment will continue to grow over time with donor and charitable efforts by the foundation board of directors and appropriate investment policies. Below are benefits of a higher education foundation.

- **Effective Philanthropy.** The foundation vehicle may facilitate organized, systematic, and targeted giving.
- **Expanded Giving Opportunities.** Individuals may not claim charitable deductions for grants made to other individuals, foreign nonprofit organizations, or non-charitable organizations. An individual, however, may achieve these expanded giving objectives by first making tax-deductible donations to a family foundation which may then in turn, once certain IRS procedures are followed, make such grants.
- **Deductibility Plus Control.** Donors may make tax-deductible donations to their own family foundation and still, as foundation trustees, remain in control of the investment and management of the funds as well the final charitable disposition of the gifts.
- **Sheltered Income Plus Control.** Foundation investment income, held by the foundation's trustees, is exempt from taxation (with the exception of the 1-2% excise tax described below).
- **Consistency in Giving.** Under normal circumstances, foundations may accumulate and hold a portion of their funds. Foundations may also choose if and when to distribute such accumulated funds (or the income earned on accumulations). Thus, even though yearly contributions to the foundation may vary, giving levels are able to remain constant. Such consistency may be particularly helpful to grantees that rely on level funding from year to year.
- **Payment of Reasonable Compensation.** Under normal circumstances, family members and others may receive reasonable compensation from the foundation in return for services rendered.
- **Reimbursement of Travel and Other Expenses.** Reasonable and direct costs of site visits and board meetings may be paid by the foundation to family members, employees, and trustees.
- **Double Capital Gains Tax Benefits.** First, no capital gain is realized when appreciated property is donated to a foundation. Second, donors may claim a charitable deduction for the full market value of appreciated stock held in publicly traded companies.
- **Estate Tax Reduction.** Assets transferred to family foundations are generally not subject to estate taxes. This may provide triple tax savings when combined with the benefits above.

- **Public and Community Relations.** If desired, foundation grant-making may bring recognition to family members.
- **Privacy Concerns.** On the other hand, individuals who are already subject to continuous fundraising appeals and interruptions at home and work may wish to increase their privacy by referring all such inquiries to the family foundation.

OPPORTUNITIES FORTIFIED BY THE FOUNDATION

Capital and Infrastructure Improvement

Capital Improvements differ for both institutions; however, they still consist of two parts, (1) capital budget and (2) a capital program. Diné College's capital budget funds includes funding from the Navajo nation, AZ State Compact funds, NM GO Bonds, BIA funds, and grants. As a non-profit, DC plans for its economic future while providing an affordable tuition rate. To strategically meet capital needs and operating costs in the future, DC has already invested in a "Master Facility Usage Plan" and "Master Academic Plan."

These master plans coincide with its continued service to the growing population of the Navajo Nation; as a result, its student population also continues to grow. With 128 dorm rooms for student use, Diné College is pursuing funds to increase its housing supply for over 1,500 students.

Additionally, Diné College is seeking to build a Student Activity Center. The proposed infrastructure will include a full court basketball, three court volleyball, and indoor soccer gym. The center will also house conference rooms and offices, as well as, a state of the art fitness center. The student activity center will also be available for use by the surrounding community.

Navajo Technical University's capital budget consists of the following funds: Navajo Nation, US DOE Title III, New Mexico Capital Outlay, AZ TPT, US EDA, NTU General Funds, etc. NTU has completed construction of the first academic building, a 6,000SF classroom building, on the new Chinle Site. It is expected to come on-line in Spring 2019. The \$2.2 million construction cost was fully funded by the annual tribal set-aside for NTU.

The second building in Chinle, a 20,000SF academic building, is under construction as well as 10 acres of site / infrastructure to support both buildings. Construction is scheduled to be completed in April 2020. Funding for this \$15 million project is from a combination of Arizona Transaction Privilege Tax (TPT), US Department of Education Title III, Navajo Nation set-aside and NTU General Funds.

On the Crownpoint campus a 5,000SF state of the art Chemistry / Biology Laboratory, addition to the Student Union Building has recently been completed. The \$2.1 million construction cost was funded with mostly New Mexico Capital Outlay funds.

Groundbreaking for the 90,000SF, 277 Student Residence Project should happen in Fall of 2018. Construction documents are getting a final review and the project should hit the street in November 2018. This will bring some much-needed student housing to the Crownpoint Campus. Funding for the \$27 million project is from a combination of Navajo Housing Authority funds, Navajo Nation Sihasin Funds and NTU General Funds.



Funding for a 7,000SF Metrology / Materials Testing Laboratory has been secured from US EDA and Navajo Nation Economic Development. A&E will start shortly with construction in starting in spring 2019. This will bring much needed job opportunities to the Navajo Nation.

NTU is also in the early stages of development of an Analytical Lab to support the uranium clean-up efforts. Navajo Nation EPA has pledged \$1 million and we hope to start A&E on the facility soon.

Increase Scholarship Opportunities

It is a goal of both institutions that its students will be debt free with a degree. The achievement of this goal will allow students to go directly into the job market, re-register for classes, go on to graduate school, or transfer to another institution to fulfill their dream. The overwhelming majority of American Indian students apply for financial aid (80 percent in 2003–04) including federal financial aid (60 percent). Of the three main types of aid (federal, state, and institutional), American Indian students were most likely to receive federal aid (around 50 percent), and were more likely to receive grants (59 percent) rather than loans (32 percent)¹⁴.

¹⁴ The Path of Many Journeys, "The Benefits of Higher for Native People and Communities," Feb 2007. <
<http://www.ihep.org/sites/default/files/uploads/docs/pubs/factsheets/pathmanyjourneysfactsheet.pdf>>
Accessed 29 Sept 2018.

In its fundraising efforts, DC has hosted the first annual Diné College Bi'olta'a Student Scholarship Gala to raise funds for student scholarships. The goal of DC is to set up an endowment under its foundation to provide additional funding to its students. Ultimately, DC's initiative is to have every DC graduate leave debt free.

NTU has developed several strategic partnerships that have opened scholarship opportunities for its students. An MOU has been signed with the Office of the Navajo Nation Scholarship & Financial Assistance that will allocate \$2,500 per semester for NTU students pursuing a bachelor's degree and \$5,000 per semester for students obtaining a graduate degree.

Nation Building through Economic Development

NTU operates the Navajo Tech Innovation Center (NTIC) in Churchrock, NM. NTIC is a 7000SF Business Incubator. It is one of seven New Mexico State certified Business Incubators and the only native certified incubator in New Mexico. Currently the facility is at capacity with seven Navajo businesses. NTU is planning to open an Innovation Center in Kirtland, NM at the Bond Wilson Technical Center and plans to open other centers in the future.

Recently, the university received a \$1,000,000 EDA workforce development grant to build materials testing/metrology building at its Crownpoint Campus. The Navajo Nation is also committing \$1.5 million towards the construction of the facility establishing a training of certified technicians for the materials testing industry. This particular industry is projected to experience dramatic growth during the next ten years.

Other NTU partnerships include an additive manufacturing partnership with Boeing, work force training at Bond Wilson, and continued industry partners with APS, NTEC, etc. With the increasing number of employment opportunities and educational developments, DC and NTU are persistent in contributing to the Navajo economy.

Preserving Our Culture and Language

One of the foundational principles of Diné College is the preservation of Navajo language and culture. DC recently received a BIE grant to train schools and teachers to implement language programs. Coupled with its history of developing Navajo teachers, a new Navajo language degree will help turn around the loss of Navajo language.

Researchers have long said that we are one generation away from losing our language, at Diné College, we are one generation away from retaining our language. This strategic approach to language development combines the community, school, teacher and student to make save the Navajo language. Research has long reflected the importance of environment in the learning of language and culture. At Diné College a Navajo language campus is being built to create the optimum environment for immersion classes and programs to be administered.

NTU has developed a baccalaureate degree, a master's degree, and is working on a PhD in Diné Language, Culture, and Leadership and does a language lab and other projects throughout the year.

Faculty Advancement

For DC faculty and staff who wish to pursue their doctoral degree, Diné College and Arizona State University are collaborating to create a doctoral degree program.

In addition to educational developments with ASU, DC has begun its faculty ranking system. NTU also has a similar system. The faculty ranking system serves as a "hierarchical structure to monitor a faculty's performance for their career advancement. Ranking can be determined based on research, published articles or books, academic awards, service to the Navajo Nation, etc.



ASU Vice Provost, Dr. Hesse presenting Dr. Roessel, Diné College President with a 50th Commemoration tribute.

NTU also works with the American Indian College Fund to help fund employees to obtain graduate degrees through their Mellon Fellowship program. Four faculty members and staff members have earned a master's degree through the program.

BUDGET

DC and NTU are requesting seed funding for \$60 Million to start up their respective institutional foundations, requesting \$30 million each.

Funding for NN Higher Education—Sihasin Sub-Committee

Diné College	\$ 30,000,000.00
Navajo Technical University	\$ 30,000,000.00
Total:	\$ 60,000,000.00

The idea for creating institutional foundations is simple, creating opportunities for generating funding. The institutions rely heavily on tribal and federal funding; with a foundation, both can create an endowment for an ongoing source of income. A permanent endowment is an invested pool of money that provides a reliable source of income in perpetuity; the organization can count on annual distributions for its charitable work.

With appropriate investment and spending policies, the endowment will preserve each institutions' purchasing power. A well-managed endowment sends a message of planned long-term stability, fiscal responsibility, and financial viability. It enhances the organization's prestige and credibility. The endowment has the potential to grow over time

with additional gifts from multiple donors. Creating its own on-going income source is especially important to Diné College and Navajo Technical University when providing an affordable education to their students.



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO NATION SINCE 1968

ENDOWMENT ESTABLISHMENT POWER

INTRODUCTION

Diné College and Navajo Technical University are requesting \$60 million to create an endowment. Part of the interest from the endowment will be used to create a foundation for each institution, which will be dedicated to raising funds for programs, capital expenses, and increasing the size of the endowment in order to ensure long-term sustainability. The total funding requested is \$60 million or, \$30 million for each institution. The idea is that no principal will be touched. Any projects will come from a portion of the interest earned from prudent investments.

AUTHORITY

Within the following enabling legislations, Diné College has the authority to establish a foundation and possible business ventures to the benefit of the institution and Navajo Nation.

Higher Education Act

In accordance with the Higher Education Act of 1965, Tribal Colleges or Universities qualify for funding under the Tribally Controlled College and Universities Act of 1978 and specifically the Navajo Community College Act (25 U.S.C. 640a). In accord, Sec. 316.C (20 U.S.C 1059c) establishes the Authorized Activities of Tribally Controlled Colleges and Universities. Additionally, under the Authorized Activities sub-section three Endowment Fund states that Diné College “may use not more than 20 percent of the grand funds provided under this section to establish or increase an endowment fund at the institution.”

Diné College Charter

Diné College is chartered and established as a nonprofit educational institution owned by the Navajo Nation, to act for and on behalf of the Navajo Nation Council within its area of responsibility defined in the TITLE 10, N.N.C, Chapter 19, Diné College that amended the charter previously granted by Resolution CN 95-98 of the Navajo Nation Council. Diné college shall have the authority as a distinct and semi-independent agency of the Navajo Nation Council, within the limits and guidelines set forth to conduct its activities within the Navajo Nation or elsewhere.

In accordance with the Diné College Charter § 2018. Bonds, bonds of the college shall be authorized by resolution adopted by the vote of an absolute majority of the Board of Regents. On October 12, 2018, the Dine College Board of Regents approved resolution DC-OCT-2334-18, to request the Navajo Nation Council to fund an endowment for educational, research and scholarship projects.

Dine College Foundation

On February 9, 2018, the Dine College Board of Regents approved Resolution DC-FEB-2296-18 to create the Dine College Foundation. The Dine College Foundation received its Certification of Incorporation filed on April 7, 2018 (File No. 102350).

For more information please contact Dr. Charles Roessel 928.724.6669 or email at cmroessel@dinecollege.edu.

Diné College
Invoice
October 11, 2018

TALLSALT ADVISORS

INVOICE DETAIL
October 1 to December 31, 2018

Diné College
Fee Calculation
October 1 - December 31, 2018

PORTFOLIO VALUE

Account Name	Northern Trust Account Number	Amount* Applicable to Fee Schedule 9/30/2018	Discounted Amount	Allocated Fee	Discounted Amount % of Total
GF Endowment **	26-38803	\$ 1,167,066.50	\$ -	\$ 500.00	n.a.
BIA Match	26-38804	\$ 2,301,008.93	\$ 2,301,008.93	\$ 4,852.27	33.16%
Investment Pool	26-38805	\$ 4,638,226.45	\$ 4,638,226.45	\$ 9,792.99	66.84%
GF Investment	26-38821	\$ 30,875.99	\$ -	\$ -	0.00%
Total		\$ 8,137,177.87	\$ 6,939,235.38	\$ 15,151.26	100.00%

FEE CALCULATION

Annual Progressive Fee Thresholds	Annual Fee Percentage	Quarterly Fee Percentage	Fee Bucket	Quarterly Fee Amount
< \$2.0MM	1.00%	0.2500%	\$ 2,000,000	\$ 5,000.00
> \$2.0MM and < \$4.5MM	0.85%	0.2125%	\$ 2,500,000	\$ 5,312.50
> \$4.5MM and < \$6.0MM	0.75%	0.1875%	\$ 1,500,000	\$ 2,812.50
> \$6.0MM	0.65%	0.1625%	\$ 939,235	\$ 1,526.26
			\$ 6,939,235	\$ 14,651.26
Discounted Fee for GF Endowment				\$ 500.00
Fee Total				\$ 15,151.26
Fee Amount without Discounting				\$ 16,597.91
Difference				\$ (1,446.65)

* Source: Northern Trust Asset Detail report.

** Fee is discounted for the GF Endowment to reflect the low interest rate environment.



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

DC-OCT-2334-18

RESOLUTION OF THE BOARD OF REGENTS DINÉ COLLEGE

Respectfully asking the Navajo Nation Council to fund Diné College and Navajo Technical University in the amount of \$60 million (\$30 million a piece) from the Síhasin Fund to establish an endowment for educational, research scholarship projects.

WHEREAS:

1. The Diné College Board of Regents is empowered to exercise authority and control over Diné College and is responsible for the accomplishment of the Diné College purposes, 10 NNC § 2003 (2005 ed.); and
2. The Dine College is a non-profit post secondary educational institution chartered by the Navajo Nation Council in 1968 for the purposes of providing educational opportunities to the Navajo people and others in areas important to the economic and social development of the Navajo Nation and other purposes, 10 NNC § 2002; and
3. The Navajo Nation Council established the Síhasin Fund as a way to invest in the Navajo Nation and one of the priorities was Education; and
4. Diné College and Navajo Technical University have been collaborating on areas of mutual interest and to the benefit of the entire Navajo Nation; and
5. Diné College and Navajo Technical University understands the need to find alternative and innovate ways to fund program expansion, research and scholarships to make college more accessible, improve the lives of Navajo and meet the needs of a growing workforce within the Navajo Nation; and
6. Diné College and Navajo Technical University will leverage the interest from these strategically and in a way that allows for the institution to leave the principal untouched; and
7. Diné College Board of Regents has created the Diné College Foundation for the purpose outlined in this resolution

NOW THEREFORE BE IT RESOLVED THAT:

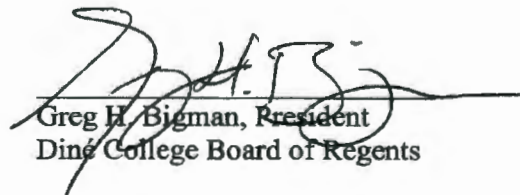
1. The Diné College Board of Regents approves a resolution that respectfully asks the Navajo Nation Council to fund Diné College and Navajo Technical University in the amount of \$60 million (\$30 million a piece) from the Sihasin Fund to establish an endowment for educational, research and scholarship projects.
2. The Diné College Board of Regents hereby authorizes, directs, and empowers the College President to perform all actions deemed necessary and proper to effectuate the purposes of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné College Board of Regents at a duly called meeting held in Tuba City, Arizona at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 12th day of October, 2018.

ATTACHMENT(S)

1. Joint Sihasin Fund proposal from Diné College and NTU



Greg H. Bigman, President
Diné College Board of Regents

MOTION: Regent Dr. Lewis Jr.
SECOND: Regent Dennison



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

DC-SEP-2330-18

RESOLUTION OF THE BOARD OF REGENTS DINÉ COLLEGE

Approving updates and revisions to the Diné College Charter [10 NNC § 2003 (2005)]
for consideration and approval by the Navajo Nation Council.

WHEREAS:

1. The Diné College Board of Regents is empowered to exercise authority and control over Diné College and is responsible for the accomplishment of the Diné College purposes, 10 NNC § 2003 (2005 ed.); and
2. The Diné College is a non-profit post secondary educational institution chartered by the Navajo Nation Council in 1968 for the purposes of providing educational opportunities to the Navajo people and others in areas important to the economic and social development of the Navajo Nation and other purposes, 10 NNC § 2002; and
3. The Diné College Board of Regents recognizes the importance of having a Charter that is relevant and in keeping with changes within Navajo Nation and Higher Education; and
4. The Diné College Board of Regents takes seriously its responsibility to ensure that the college has the authority necessary to carry out its mission; and
5. The Diné College Board of Regents recommends the following changes to its Charter in accordance to sound governance and in alignment with the Higher Learning Commission recommendations and expectations; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Diné College Board of Regents hereby approves the following updates and revisions to the Diné College Charter [10 NNC § 2003 (2005)] for consideration and approval by the Navajo Nation Council.

2. The Diné College Board of Regents hereby authorizes, empowers and directs the Diné College President to perform all actions deemed necessary and proper to effectuate the purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné College Board of Regents at a duly called meeting held in Scottsdale, Arizona at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 22nd day of September, 2018.

ATTACHMENT(S)

1. **Exhibit A**, Summary: Proposed Revisions to Diné Colleg Charter.
2. **Exhibit B**, Redline Version of Charter.


Greg H. Bigman, President
Diné College Board of Regents

MOTION: Regent Dennison
SECOND: Regent Hatathlie



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

DC-OCT-2335-18

RESOLUTION OF THE BOARD OF REGENTS DINÉ COLLEGE

Diné College will reestablish the Diné College Press to research, expand, elaborate and enlighten a Navajo perspective on Navajo history, language and culture through publishing.

WHEREAS:

1. The Diné College Board of Regents is empowered to exercise authority and control over Diné College and is responsible for the accomplishment of the Diné College purposes, 10 NNC § 2003 (2005 ed.); and
2. The Dine College is a non-profit post secondary educational institution chartered by the Navajo Nation Council in 1968 for the purposes of providing educational opportunities to the Navajo people and others in areas important to the economic and social development of the Navajo Nation and other purposes, 10 NNC § 2002; and
3. The Navajo Community College Press was created to fill a void in the academic publishing field that ignored the American Indian perspective in academic research; and
4. The Navajo Community College Press was the first and will once again be the only academic press operated by a tribal college or university; and
5. A primary function of an institution of higher education is to allow for the free flow of ideas and new perspectives through the publishing of books and journals; and
6. The latest advances in the field of publishing, on-demand publishing, e-book distribution, hard cover distribution and title editors make this venture financially feasible.

NOW THEREFORE BE IT RESOLVED THAT:

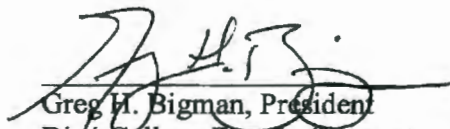
1. Diné College will reestablish the Diné College Press to research, expand, elaborate and enlighten a Navajo perspective on Navajo history, language and culture through publishing.
2. The Diné College Board of Regents hereby authorizes, directs, and empowers the College President to perform all actions deemed necessary and proper to effectuate the purposes of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné College Board of Regents at a duly called meeting held in Tuba City, Arizona at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 12th day of October, 2018.

ATTACHMENT(S)

1. Call for chapters for first title of Diné College Press


Greg M. Bigman, President
Diné College Board of Regents

MOTION: Regent Dennison

SECOND: Regent Toadecheenie

ment and academic programs, and include a plan of how the applicant intends to achieve those goals.

(b) **CONTINUATION REQUIREMENTS.**—Any continuation application shall demonstrate the progress made toward achievement of the goals described pursuant to subsection (a).

SEC. 316. [20 U.S.C. 1059c] AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) **PROGRAM AUTHORIZED.**—The Secretary shall provide grants and related assistance to Tribal Colleges and Universities to enable such institutions to improve and expand their capacity to serve Indian students.

(b) **DEFINITIONS.**—In this section:

(1) **INDIAN.**—The term “Indian” has the meaning given the term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978.

(2) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978.

(3) **TRIBAL COLLEGE OR UNIVERSITY.**—The term “Tribal College or University” means an institution that—

(A) qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a note); or

(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” means an institution of higher education as defined in section 101(a), except that paragraph (2) of such section shall not apply.

(c) **AUTHORIZED ACTIVITIES.**—

(1) **IN GENERAL.**—Grants awarded under this section shall be used by Tribal Colleges or Universities to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions’ capacity to serve Indian students.

(2) **EXAMPLES OF AUTHORIZED ACTIVITIES.**—The activities described in paragraph (1) may include—

(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;

(C) support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in the faculty’s field of instruction or in tribal governance or tribal public policy;

(D) academic instruction in disciplines in which Indians are underrepresented and instruction in tribal governance or tribal public policy;

(E) purchase of library books, periodicals, and other educational materials, including telecommunications program material;

(F) tutoring, counseling, and student service programs designed to improve academic success;

(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' families;

(H) funds management, administrative management, and acquisition of equipment for use in strengthening funds management;

(I) joint use of facilities, such as laboratories and libraries;

(J) establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;

(K) establishing or enhancing a program of teacher education designed to qualify students to teach in elementary schools or secondary schools, with a particular emphasis on teaching Indian children and youth, that shall include, as part of such program, preparation for teacher certification;

(L) establishing community outreach programs that encourage Indian elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education;

(M) developing or improving facilities for Internet use or other distance education technologies; and

(N) other activities proposed in the application submitted pursuant to subsection (d) that—

(i) contribute to carrying out the activities described in subparagraphs (A) through (M); and

(ii) are approved by the Secretary as part of the review and acceptance of such application.

(3) ENDOWMENT FUND.—

(A) **IN GENERAL.**—A Tribal College or University may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

(B) **MATCHING REQUIREMENT.**—In order to be eligible to use grant funds in accordance with subparagraph (A), the Tribal College or University shall provide matching funds, in an amount equal to the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

(C) **COMPARABILITY.**—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this paragraph, shall apply to funds used under subparagraph (A).

(d) APPLICATION, PLAN, AND ALLOCATION.—

(1) **INSTITUTIONAL ELIGIBILITY.**—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

(2) APPLICATION.—

(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.

(3) AWARDS AND ALLOCATIONS TO INSTITUTIONS.—

(A) CONSTRUCTION GRANTS.—

(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding one-year grants of not less than \$1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

(ii) PREFERENCE.—In providing grants under clause (i) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

(B) ALLOTMENT OF REMAINING FUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities.

(II) The remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than \$500,000.

(4) SPECIAL RULES.—

(A) CONCURRENT FUNDING.—No Tribal College or University that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of title V.

(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

SEC. 317. [20 U.S.C. 1059d] ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Alaska Native-serving institutions and

1. Establish coordination and joint planning for delivery of services to Navajo persons with disabilities from birth through adulthood as close to home as possible;
2. Establish a continuum of appropriate services for all degrees of disability and all stages of the life cycle;
3. Eliminate service gaps and avoid duplication of services; and
4. Maximize available resources.

§ 1403. Vocational training

- A. It is the policy of the Navajo Nation to cooperate and collaborate with any unions desiring to participate in similar training programs which they may maintain to the end that the classification of Navajo workers in a representative number of skills, crafts, and trades becomes a reality before they become members of a union rather than to have them join unions first as common laborers and thereafter attempt to improve their classifications within the framework of the unions.
- B. All programs providing vocational training in the Navajo Nation or for the benefit of Navajo students shall cooperate with the Navajo Nation in implementing 10 NNC § 122, "Vocational Education and Career Education".

§ 1404. Adult education planning; program; development; purpose

- A. The Navajo Nation, through the Education Committee of the Navajo Nation Council, shall develop plans for the improvement of adult education opportunities so that all Navajo People residing on or near the Navajo Nation, who desire and can profit from additional training, will be provided with opportunities therefore. The Education Committee shall work with all educational providers, private sources and governmental entities concerned with adult education in the planning process.
- B. The adult education plans shall have for their purpose the improvement of the minds, interests and living conditions of the greatest possible number of adult Navajos.

§ 2001. Establishment; charter

Diné College is chartered and established as a nonprofit educational institution wholly owned by the Navajo Nation, to act for and on behalf of the Navajo Nation Council within its areas of responsibility as defined by this chapter. The charter previously granted by Resolution CN-95-68 of the Navajo Nation Council is hereby amended. Diné College shall have the authority as a distinct and semi-independent agency of the Navajo Nation Council, within the limits and guidelines set forth in this chapter, to conduct its activities anywhere within the Navajo Nation or elsewhere.

§ 2002. Purposes

Diné College is created by the Navajo Nation Council for the following purposes:

- A. To provide educational opportunities to the Navajo People and others in areas important to the economic and social development of the Navajo Nation through:

1. College Degree Program: which provides students with certificate programs, associate, baccalaureate, graduate. And post-graduate degrees when such degree programs are accredited.
 2. Technical Skills Program: which provides students with technical training and skills in fields that allow direct employment opportunities.
 3. Navajo and Native American Studies Program: which provides learning experiences enabling students to develop a clear sense of identity, learn the Navajo language and develop unique skills useful to Navajo and Native American communities.
 4. Creating and enforcing student respect for the rights of others and preservation of orderly, democratic and traditional values.
- B. To provide services to Navajo communities by:
1. Assessing and identifying community needs;
 2. Developing programs and working with other agencies to meet community educational needs; and
 3. Providing other services to the communities related to the educational process.
- C. To provide the following additional services related to the effective operation of the college facility and programs:
1. Continually study and inventory the educational needs of the Navajo Nation, and develop long-range plans to meet these needs, including implementation of a plan to obtain accreditation for the Diné College as a baccalaureate and postgraduate institution.
 2. Provide a research and technical assistance to the Navajo Nation Council and its committees, the Navajo Nation and its departments and agencies, and other organizations and enterprises.
 3. Extend and offer educational opportunities by establishing multiple remote campuses and distributive learning centers.
 4. Offer students career counseling and placement services.
 5. Evaluate and improve the effectiveness of Diné College programs by maintaining communication with former students.
 6. Provide effective administrative support and student services to assure full utilization of the educational programs and maximum efficient use of budgeted funds.
 7. Encourage educational excellence in Diné College students by developing high scholastic standards to measure accomplishment and award degrees to students meeting such standards.
- D. Diné College shall formulate and deliver land-grant institution programs in natural and rural development, classroom instruction, extension and research consistent with the Equity in Educational Land Grant Status Act of 1994, and thereby participate and collaborate fully with entities of the Navajo Nation and with other land grant colleges and universities to meet the human resource development needs of the Navajo people and others.

§ 2003. Board of Regents; selection

- A. The full authority and control over Diné College, and responsibility for accomplishment of its purposes, is delegated to a Board of Regents. Subject to other applicable laws, employees and officials of the Navajo Nation and candidates for Navajo Nation offices shall not interfere with or interrupt the day-to-day activities of the Board of Regents or Diné College employees carrying out college education programs.
- B. The Board of Regents shall consist of eight (8) members, including the Chairperson of the Education Committee or the committee's designee, the Navajo Nation Superintendent of Schools, and the President of the Diné College Study Body who shall be full official members. Five shall be enrolled members of the Navajo Nation and subject to confirmation and removal by the Government Services Committee of the Navajo Nation Council to each of the five agencies of the Navajo Nation. In the event that the Government Services Committee within thirty (30) days declines or fails for any reason to pass a resolution confirming an appointment made by the President, the appointee shall not sit as a Regent and the President shall submit an alternative appointee within two weeks of the Government Services Committee action declining to confirm the appointment, or the expiration of the thirty (30) day period for confirmation.
- C. Qualifications for Diné College Board of Regents Candidates:
 - 1. All appointed members of the Board of Regents must meet the following qualifications:
 - a. Must maintain continuous residence and voter registration within a Chapter within the Agency of the Navajo Nation which they are appointed to represent, during the period of their term; and
 - b. Must be at least eighteen (18) years of age at the time of the appointment; and
 - c. Must not be an employee of the Diné College; and
 - d. Must not have a conflict of interest arising from any Navajo Nation, state, or federal laws regarding his or her appointment; and
 - e. Must not have been convicted of a felony within the five (5) years preceding the date of appointment.

§ 2004. Tenure

- A. The Chairperson of the Education Committee, the Navajo Nation Superintendent of Schools, and the President of the Student Body shall serve while they hold their respective offices.
- B. Appointed members shall serve six (6) year terms. Each of the five appointed members shall serve staggered terms, to be determined by lot at the time of the first meeting of the Board of Regents following confirmation of the first set of appointed members seated under the provisions of § 2003. At the initial meeting of this Board, the members shall determine by lot which agency representative shall serve a six, five, four, three, and two year term. The terms for future appointed agency representatives shall continue to be staggered in accord with the results of this lot. Each of the appointed members shall serve

with full rights and privileges until his successor has been duly appointed, qualified and seated.

- C. Members may be reappointed for no more than two (2) successive terms.

§ 2005. Resignation and removal

Any Regent, except the Chairperson of the Education Committee, the Navajo Nation Superintendent of Schools, and the President of the Student Body, may resign at any time by giving written notice to the President of the Board of Regents. Such resignation shall take effect at the time specified in the notice without the necessity of acceptance. Any appointed member may be removed by the Government Services Committee when in their judgment, the best interests of Diné College will be served thereby.

§ 2006. Vacancies

Vacancies on the Board of Regents that occur for any reason shall be filled by appointment in accordance with § 2003 and confirmed by the Government Services Committee for the balance of that member's term.

§ 2007. Meetings, special meetings, notice; meeting items; executive session

- A. The Board of Regents shall have an annual meeting on the first Wednesday of October each year at 10:00 A.M. at the Diné College campus at Tsaile, Navajo Nation, (Arizona), and such other regular meetings at such time and place as established by the Board, but not less than one meeting each quarter.
- B. Special meetings may be called upon at least 24 hours actual notice to all Regents by the President or the Vice-President of the Board of Regents or by any three Regents acting in concert.
- C. Any matter pertaining to Diné College may be discussed and acted upon by the Board at any regular or special meeting at which a quorum is present and notice requirements were met.
- D. The Board may vote to declare all or any part of any meeting involving personnel matters, litigation or other confidential matters to be an executive session and closed to everyone except Regents, and such other persons as are expressly requested to attend. No resolutions shall be passed or formal action taken in executive session.

§ 2008. Quorum

A quorum for any meeting of the Board shall be five (5) members, and no formal action of the Board shall be valid unless a quorum is present. The quorum requirement shall be met only by actual physical presence of Regents and not by any other representation or proxy, except that the chairperson of the Education Committee of the Navajo Nation Council may send the Vice Chairperson or a member of the Education Committee.

§ 2009. Faculty representative

The faculty of Diné College shall select a representative to attend all regularly scheduled open meetings of the board, to serve as a liaison and promote direct and open communications about the concerns and opinions for the faculty. When present, the

representative shall be extended an opportunity to address the board and participate in board discussion.

§ 2010. Officers and support personnel

Any Regent may serve in any office, but each officer must be a current member of the Board of Regents. At the annual meeting, the Board of Regents shall select the following officers to perform the following duties:

- A. **President.** The President of the Board of Regents shall preside at all meetings during which he or she is present, except as he may voluntarily delegate such function to another. He or she shall have the authority to call special meetings of the Board and certify resolutions as provided in this chapter, and in general perform all duties incident to the office of Board President, including such duties as may be described in the Bylaws or policies and regulations or assigned to him or her by the Board of Regents.
- B. **Vice-President.** The Vice-President of the Board of Regents shall preside at all meetings of the Board in the absence of the President, and shall discharge any other duties assigned by the President or the Board.
- C. **Secretary.** The Secretary shall have overall responsibility to maintain complete and accurate minutes of all meetings, and all resolutions or other formal Board action to be properly recorded, indexed and retained for future reference, and shall see that all required notices are duly given. The Secretary shall have authority to attest to officials records of Diné College and the Board of Regents, to certify resolutions as provided in this chapter.
- D. **Treasurer.** The Treasurer shall have overall responsibility for proper control and accounting of Diné College funds in an advisory capacity. He or she shall maintain liaison between the Board of Regents and the Controller and Business Manager of Diné College and bring appropriate financial information and recommended action to the attention of the Board. The Treasurer shall have no direct authority over the expenditure or investment of Diné College funds excepts as may be expressly granted by formal Board resolution, and may be required by the Board to give a bond for his or her faithful performance.
- E. **Support Personnel.** The Board may request the College President, through administrative staff, to provide secretarial or other assistance to the Board.

§ 2011. Board action

All official action of the Board shall require formal motion, a second and an affirmative vote of a majority of those Regents present, and voting at duly called regular or special meetings of the Board with a quorum present or a duly formed committee, and shall be reduced to writing and certified by the presiding officer or secretary. The written form may be a separate and distinct resolution or may be contained in the official minutes of the meeting, in which event the minutes shall be properly certified. No individual power or authority to act for on behalf of Diné College shall attach to any Regent by virtue of that office, except as may be expressly given by this chapter, the Bylaws, or resolution of the Board.

§ 2012. Bylaws

The Board may adopt, and amend from time to time, Bylaws to govern the conduct of its meetings and establish procedures for the orderly transaction of business. Such Bylaws may further define the duties, authority and responsibility of officers of the Board, and cover such other matters as are normal and appropriate to similar corporate Bylaws. The Bylaws shall be effective to the extent they are not repugnant to this chapter or the applicable laws and regulations of the Navajo Nation and the United States. Whenever adopted or amended, a copy of the Bylaws will be transmitted to the President of the Navajo Nation and to the Education Committee.

§ 2013. Committees

The Board may select such committees as it deems appropriate from among its members to work in general or specialized areas of responsibility, and may empower such committee to act for and on behalf of the Board to the extent it desires.

§ 2014. Compensation

By formal resolution, the Board may establish rates of compensation and procedures for payment and reimbursement of expenses of Board members, consistent with applicable policies and regulation of the Navajo Nation. The Board shall have discretionary authority to provide different rates for officers and committee members as it sees fit, or for any Regent assigned a special responsibility. A copy of any resolution establishing or amending any financial benefit to the Board, or any member of the Board, shall be promptly transmitted to the President of the Navajo Nation and to the Education Committee.

§ 2015. Conflicts of Interest

- A. No contract or other transaction between Diné College and any one of the Regents, or between Diné College and any corporation, partnership, firm or legal entity in which one or more of the Regents has an interest, directly or indirectly, shall be valid for any purpose, unless the entire interest of the Regent or Regents has been fully disclosed as required by the Ethics in Government Law, and the proposed contract or transaction is approved by the affirmative vote of at least a majority of the Board members who are not so interested. The discussion and vote shall take place while the interested Regent or Regents remove themselves from the meeting.
- B. In its discretion, the Board of Regents may submit questions of conflicts of interest to the Ethics and Rules Committee of the Navajo Nation Council for review and an advisory opinion.

§ 2016. Responsibility of the Board of Regents

The Board of Regents shall have overall responsibility to the Navajo Nation Council for the accomplishment of the purposes of Diné College as stated in this chapter, and more specifically shall:

- A. Report and be responsible to the Navajo Nation Council and its Education Committee for progress towards the fulfillment of the purposes of Diné College. The Board of Regents shall prepare and submit a written Annual

Report to the Navajo Nation Council, or as otherwise requested by the Council or the Education Committee, to be delivered verbally by the President of the Board of such other representative designated by the Board, when requested.

- B. Maintain and safeguard the funds of Diné College according to reasonable and prudent financial accounting standards and practices, and utilize such funds for the long range accomplishment of the purposes of Diné College. The Board of Regents shall be accountable for all Navajo Nation, federal, and other funds entrusted to it, which accountability shall include retaining a reputable and accountable independent firm of certified public accountants to examine the books and accounts of Diné College, and to prepare and deliver an opinion and report of said accounts and financial procedures to the Board of Regents and to the Navajo Nation Council at least annually. However, no individual Regents shall be held personally liable, and shall be indemnified against liability by Diné College, for any action or decision made by that Regent in good faith belief that the action or decision was in the best interests of Dine' College and within the scope of his authority. The Controller of the Navajo Nation, the Budget and Finance Committee and the Education Committee shall be advised what accounting firm is selected to perform the annual examination and audit.
- C. Establish the policies and procedures to be followed by Diné College in its pursuit of the purposes stated in this chapter, and employ or retain qualified personnel, or outside assistance as necessary to define proper and effective policies and procedures.
- D. Administer the routine and special affairs of Diné College through employment of qualified and competent staff of educational and administrative personnel, extending an employment preference to qualified members of the Navajo Nation.
- E. Conduct the business of Diné College in an authorized and lawful manner, and subject to applicable laws retain qualified and competent attorneys for consultation with the Board and preserving and defending the legal rights and interests of Diné College.
- F. Communicate with appropriate committees and representatives of the Navajo Nation Council, United States Congress, and federal, state and private agencies in a position of responsibility and authority to support the mission and objectives of Diné College, and submit appropriate proposals and applications for financial, technical and other assistance as may be available and consistent with the purposes of Diné College.

§ 2017. Powers and authority of the Board of Regents

- A. Diné College is a creation of the Navajo Nation Council, shall be under the control of the Navajo Nation Council and shall be governed by laws, rules, regulations and policies duly enacted by the Navajo Nation Council or the Education Committee pursuant to its delegated authorities; it shall have perpetual succession.

- B. Diné College, through its Board of Regents, shall have the following powers which it may exercise consistent with the purposes for which it is established:
1. To adopt and use an official seal by causing it, or a facsimile thereof, to be impressed or affixed or in other manner reproduced.
 2. To make agreements and incur liabilities which may be appropriate to enable Diné College to accomplish any or all of its purposes, to borrow money for such purposes at such rates of interest as Diné College may determine, to issue notes, bonds and other obligations, subject to the provisions hereof concerning the issuance of its obligations, and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income with the approval of the Navajo Nation Council. Diné College shall not have power to mortgage, pledge, or encumber and real estate or tangible property of the Navajo Nation, nor any such property in which the Navajo Nation has an interest.
 3. To make agreements with and to borrow money to a maximum single transaction limit of \$2,000,000.00, from any governmental agency (federal, state or local), the Navajo Nation or any other legal entity or bank, or organization, and to agree to and perform any conditions attached thereto. Any loan in excess of \$2,000,000.00 must have prior approval by the Budget and Finance Committee of the Navajo Nation Council.
 4. To take and hold by purchase, lease, gift, devise or bequest, or otherwise; to own, hold, use, and otherwise deal in and with any real or personal property, or any interest therein; and to sell, convey, mortgage, pledge, create a security interest in, lease or otherwise dispose of all or any part of its property and assets. Diné College shall not have power to sell, convey, mortgage, pledge or encumber any real estate or tangible property of the Navajo Nation, nor any such property in which the Navajo Nation has an interest, and any leases or subleases of Diné College shall require approval by the Resources Committee of the Navajo Nation Council.
 5. To invest its funds from time to time in any certificates of deposit or similar investments, tangible or intangible personal property, or real property located within Navajo County, to lend money for its lawful purposes, and to take and hold real and personal property as security for the payment of funds so invested or loaned. Investment in real property outside Navajo Country may only be made with the prior approval of the Budget and Finance Committee of the Navajo Nation Council.
 6. To purchase insurance for any property or against any risks or hazards.
 7. To establish and maintain such bank accounts as may be necessary and proper.
 8. To hire employees, including all necessary administration and instructional personnel and other educational assistants and such officers, agents, and employees, permanent or temporary, as it may

require, and to delegate to such officers and employees such powers or duties as the Board of Regents shall deem proper and to fix their compensation, all in accordance with this chapter.

9. To adopt such rules, regulations and Bylaws as the Board of Regents deems necessary and proper.
10. To establish standards for graduation, admission and attendance and to prescribe the course of study to be followed, to charge tuition, board charges, rent, student union fees or such other fees and charges necessary to operate the College.
11. To issue, upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required programs of studies of the College and to confer appropriate degrees.
12. To acquire, by purchase or otherwise construct, enlarge, improve, equip, complete, operate, control, maintain, and operate any property suitable for use as an education facility, including but not limited to the following types of buildings: classrooms, dormitories, dining halls, and offices.
13. To promulgate rules and regulations for the protection of both private and Diné College property, and persons on the campus. Specifically, the Board of Regents may adopt reasonable rules regarding use of Diné College facilities, parking on campus, and conduct of visitors and residents on College property. The Board may adopt a schedule of fines to enforce its rules, and shall also have authority to expel persons from the campus for repeated violations.
14. To establish and operate, on a continued basis, a campus police and security force in order to enforce applicable Diné College, Navajo Nation, federal and state laws and regulations and to handle other duties relating to public safety on Diné College property. Employees of the campus police and security force who hold valid current commissions as police officers of the Navajo Nation shall be entitled to exercise all powers of a commissioned police officer of the Navajo Nation while on Diné College property.
15. To have and exercise all powers necessary or convenient to effect any and all of the purposes for which this charter and chapter is granted, and to discharge the responsibilities place upon the Board of Regents herein.

§ 2018. Bonds

- A. The College may, with the review of the Navajo Nation Controller and the approval of the Navajo Nation Council, issue bonds from time to time in its discretion for any of its lawful purposes. Bonds, including the terms, conditions and covenants contained in the resolution authorizing such bonds, shall evidence claims against and obligations of the College which are justifiable in the Navajo Nation Courts. And resolution authorizing bonds to which revenues are pledged may contain such covenants with the future holder or holders of the bonds as to the management and operation of the

affected facilities, the imposition and collection of fees and charges for commodities and services furnished thereby, the disposition of such fees and revenues, the issuance of future bonds, the creation of future liens and encumbrances against such facilities, the carrying of insurance, the keeping of books and records, the deposit and paying out of revenues and bond proceeds, the appointment and duties of a trustee, and other pertinent matters as may be deemed proper by the Board of Regents.

- B. The College may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:
 - 1. Exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the federal, state or local government in aid of such project;
 - 2. Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or
 - 3. From its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project, projects or other property of the Diné College.
- C. The bonds and other obligations of the Diné College shall not be considered to be obligations general, special or otherwise of the Navajo Nation, nor to be securities or a debt of the Navajo Nation, and shall not be enforceable against the Navajo Nation, and the bonds and obligations shall so state on their face. However, the Navajo Nation Council may by separate action guarantee such bonds on behalf of the Navajo Nation.
- D. Any coupons shall be signed by the Treasurer of the Diné College. Any authorized officer may execute or cause the bonds to be executed with a facsimile signature in lieu of his or her manual signature, provided at least one signature on such bonds shall be manual. The seal of the Diné College may be printed, stamped, engraved, or photographed on the bonds in lieu of impressing the seal thereon. Facsimile signatures may be used on any coupons.
- E. Bonds shall be issued and sold in the following manner:
 - 1. Bonds of the Diné College shall be authorized by resolution adopted by the vote of an absolute majority of the Board of Regents, and may be issued in one or more series.
 - 2. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be payable in such medium of payments at such places and be subject to such terms of redemption, with or without premium, as such resolution may provide.
 - 3. The bonds may be sold at public or private sale at not less than par.
 - 4. Bonds issued hereunder shall be executed in the name of the Diné College, shall be signed by the President or the Vice-President of the

Board of Regents under the official seal of the Diné College and shall be attested by the Secretary of the Board of Regents.

5. The bonds, any coupons pertaining thereto, and other securities, bearing the signatures of the officers in office at the time of the signing thereof, shall be valid and binding obligations of the Diné College, notwithstanding that before the delivery thereof and payment therefore, any and all of the persons whose signatures appear thereon have ceased to fill their respective offices.
6. Any officer authorized or permitted to sign any bonds, any coupons, or any other securities, at the time of their execution and of a signature certificate pertaining thereto, may adopt as and for his own facsimile signature, the facsimile signature of this predecessor in office in the event that such facsimile signature appears upon the bonds, coupons and other securities pertaining thereto, or any combination thereof.
7. The Board of Regents, in any resolution authorizing the issuance of bonds or other securities hereunder or in any instrument or other proceedings pertaining thereto, may create special funds and accounts for the payment of the cost of a project, of operation and maintenance expenses, of the securities, including the accumulation and maintenance of reserves therefore, of improvements, including the accumulation and maintenance of reserves therefore; and of other obligations pertaining to the securities, any project or otherwise in connection with the College.
8. The Diné College may employ legal, fiscal, engineering, and other expert services in connection with any project or otherwise appertaining to the Diné College and the authorization, sale and issuance of bonds and other securities hereunder. Employment of legal counsel shall be subject to applicable laws of the Navajo Nation.
9. The Diné College is authorized to enter into any contracts or arrangements, not inconsistent with the provisions hereof, with respect to the sale of bonds or other securities hereunder, the employment of bond counsel, and other matters as the Board of Regents may determine to be necessary or desirable in accomplishing the purposes hereof.

§ 2019. Planning, zoning, sanitary and building regulations

All property of the Diné College shall be subject to the planning, zoning, sanitary and building laws and regulation applicable to the locality in which the Diné College property is situated.

§ 2020. Tax exemption

The property and funds of the Diné College are declared to be public property used for essential public and government purposes and such property and the Diné College are exempt from all taxes and special assessments of the Navajo Nation and other authorities.

§ 2021. Sovereign Immunity

The Navajo Nation Sovereign Immunity Act shall be applicable to the Diné College and the Diné College Board of Regents.

§ 2022. Amendments

The Navajo Nation Council is authorized to consider and grant final approval on behalf of the Navajo Nation to any amendments or modifications to this chapter. This authority, however, is subject to and limited by the continuing integrity of the portions of this chapter entitled "Bonds" and any other portion justifiably relied upon by any purchaser of bonds or holder of bonds issued by Diné College or any evidences of indebtedness issued by Diné College, to the extent that any modifications or amendments hereafter approved by the Navajo Nation Council may not have the effect of prejudicing the rights of such purchasers or holders, or detract from the validity of such bonds or evidences of indebtedness and their enforcement.

§ 2023. Relation to Navajo Nation government

The Diné College is subject to the laws of the Navajo Nation.



NAVAJO NATION CORPORATION ACT

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

I, the Manager of the Business Regulatory Department, DO HEREBY CERTIFY
that ***THE DINE COLLEGE FOUNDATION***
(Non-Profit)
File Number: 102350

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on
the 17th day of April, 2018
authorized to transact business within the Navajo Nation as a DOMESTIC Corporation.

I FURTHER CERTIFY that this corporation has filed all affidavits and required
documents and paid all filing fees required and, therefore, is incorporated as a Domestic
Corporation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Act at Window
Rock, Arizona, this 17th

day of April, 2018 A.D.

Beverly J. Coho
Beverly J. Coho
Manager, Business Regulatory Department



DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

DC-FEB-2296-18

RESOLUTION OF THE BOARD OF REGENTS DINÉ COLLEGE

Approval of Resolution creating the Diné College Foundation.

WHEREAS:

1. The Diné College Board of Regents is empowered to exercise authority and control over Diné College and is responsible for the accomplishment of the Diné College purposes, 10 NNC § 2003 (2005 ed.); and
2. The Diné College is a non-profit post secondary educational institution chartered by the Navajo Nation Council in 1968 for the purposes of providing educational opportunities to the Navajo people and others in areas important to the economic and social development of the Navajo Nation and other purposes, 10 NNC § 2002; and
3. The Diné College Board of Regents recognizes the need to seek new sources of funding if the college intends to meet the needs of the Navajo Nation and its emerging workforce; and
4. The Diné College Foundation purpose shall be to support Diné College by under taking tasks in support of the college which may be outside of the ordinary scope of college activities; and
5. The Diné College Foundation will be a non-profit corporation but may engage in business activities outside of the scope and mandate of Diné College such as entering into contracts for the benefit of the College, forming profit making busieness entities beneficial to the College, forming an alumnae association and planning activities for such association, and any and all other activities which might benefit the College; and
6. The initial Board of Directors will be the current members of the Board of Regents of Diné College; and
7. The Bylaws of the Diné College Foundation and the Articles of Incorporation of the Diné College Foundation articulate the organization and functions of the foundation

NOW THEREFORE BE IT RESOLVED THAT:

1. The Diné College Board of Regents hereby authorizes, by resolution, the creation of the Diné College Foundation.
2. The Diné College Board of Regents hereby authorizes, directs, and empowers the President to perform all actions deemed necessary and proper to effectuate the purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné College Board of Regents at a duly called meeting held in Tsaile, Arizona at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 9th day of February, 2018.

ATTACHMENT(S)

1. Exhibit A, Proposed Diné College Foundation By-Laws
2. Exhibit B, Proposed Diné College Foundation Articles of Incorporation


Greg H. Bigman, President
Diné College Board of Regents

MOTION: Regent Dennison
SECOND: Regent Hoskie

ARTICLES OF INCORPORATION OF THE DINÉ COLLEGE FOUNDATION

The undersigned natural person, acting as the incorporator of the corporation under the Navajo Nation Corporation Code, hereby adopts the following Articles of Incorporation for such a corporation.

ARTICLE I

The name of the corporation shall be "The Dine College Foundation".

ARTICLE II

The period of duration of the corporation shall be perpetual.

ARTICLE III

The purpose of the corporation shall be to support of Diné College by under taking task in support of the University which may be outside of the ordinary scope of University activities which shall any and all lawful affairs for which a non-profit corporation may be formed.

ARTICLE IV

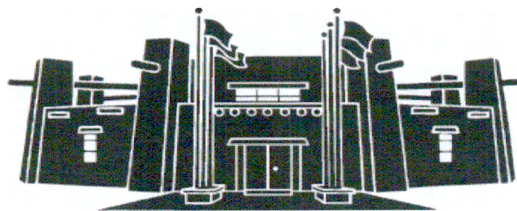
The corporation may engage in business activities outside of the scope and mandate of Diné College such as entering into contracts for the benefit of the College, forming profit making business entities beneficial to the College, forming an alumnae association and planning activities for such association, and any and all other activities which might benefit the College.

ARTICLE V

The Name of the Register Agent of the Corporation shall be Dr. Charles "Monty" Roessel whose address is 1 Circle Drive, Tsaile, Navajo Nation (AZ) 86556.

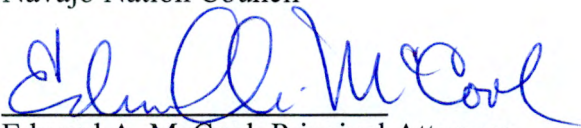
ARTICLE VI

The Diné College Foundation shall be a non-profit corporation without members. The number of directors constituting the initial Board of Directors shall be Greg Bigman, Theresa Hatathlie, Dr. Tommy Lewis Jr., Anderson Hoskie, Felisha Adams, Nelson S. BeGaye, Johnson Dennison, and all with the address of 1 Circle Drive, Tsaile, Navajo Nation (AZ) 86556, who shall serve until their successors are chosen according to the Bylaws.



MEMORANDUM

TO: Honorable Jonathan Hale
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: December 12, 2018

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SÍHASIN SUSTAINABLE HIGHER EDUCATION INITIATIVE FUND AND FUND EXPENDITURE PLAN PURSUANT 12 N.N.C §§ 2501 – 2508

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration.” 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0410-18

SPONSOR: Jonathan Hale

TITLE: An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'iyati' Committees, and Navajo Nation Council; Approving and adopting the Sihasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant to 12 N.N.C. §§2501 – 2508

Date posted: December 12, 2018 at 3:02pm

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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0410-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'iyati' Committees, and Navajo Nation Council; Approving and adopting the Sihasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant to 12 N.N.C. §§2501 – 2508

Posted: December 12, 2018 at 3:02pm

5 DAY Comment Period Ended: December 17, 2018

Digital Comments received:

Comments Supporting (3)	1. Lorencita Willie 2. Jamescita Mae Peshlakai 3. Ganado Chapter Resolution No. GAN-117-2019
Comments Opposing	<i>None</i>
Inconclusive Comment	<i>None</i>



Legislative Secretary II
Office of Legislative Services

12/18 / 2018 8:16am

Date/Time

Support of Legislation 0410-18

Lorencita Willie <lowillie@dinecollege.edu>

Thu 12/13/2018 3:30 PM

To: comments <comments@navajo-nsn.gov>;

Yá'át'ééh My name is Lorencita Willie, I am a Junior student in the B.A Program studying Psychology at Diné College. I am writing to express my support for Legislation No: 0410-18, supporting the Sihasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan. This endowment would allow students like myself who are seeking research and scholarship programs to aid in my higher education continuance. I support this bill wholeheartedly, Ahéhee'.

Lorencita Willie
lowillie@dinecollege.edu

JAMESCITA MAE PESHLAKAI
1700 WEST WASHINGTON STREET
CAPITOL COMPLEX, SENATE SUITE 314
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 928-5160
TOLL FREE: 1-800-352-8404
jpeshlakai@azleg.gov



COMMITTEES:
NATURAL RESOURCES,
ENERGY, AND WATER
TRANSPORTATION AND
TECHNOLOGY

DISTRICT 7

Arizona State Senate

December 14, 2018

Tom Platero
Executive Director, Office of Legislative Services
The Navajo Nation
P.O. Box 3390
Window Rock, Arizona 86515

Director Platero,

I send this letter to submit my written comment and convey my support for Navajo Nation Council Legislation 0410-18, a bill seeking to establish an endowment fund for the tribal colleges of the Navajo Nation — Diné College and Navajo Technical University.

Firstly, the legislation meets the two-pronged purpose of the Nation's Sihasin Fund — "*to provide financial support and/or financing for 1) economic development . . . regional infrastructure . . . and community development and 2) education opportunities for members of the Navajo Nation.*"

Secondly, the bill seeks to creatively and prudently leverage funding to provide for and ensure the betterment of the Navajo People in light of the overwhelming and unique socio-economic challenges the Nation currently faces. As a state leader working collaboratively with local and tribal leaders to protect the livelihood, quality of life, and future of all Arizonans, initiatives such as this legislation deserve our utmost support.

Lastly, I express my support of this legislation as a constituent and member of the Navajo Nation. I share the hope of our tribes for a bright future for our indigenous peoples, and trust that the Council will vote to approve this important legislation. Ahéhee'.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamescita Mae Peshlakai".

Jamescita Mae Peshlakai
Arizona State Senator

cc: Dr. Charles Roessel, President—Diné College
Dr. Elmer Guy, President—Navajo Technical University

GANADO CHAPTER

Willie Tracey, Jr., Chapter Manager
Philandra Nelson, Administrative Assistant
Larry Tsoie, Project Supervisor/Operator
Esther Kirk, Office Assistant



Vince R. James, President
Walter Jones, Vice-President
Richie Nez, Sr., Secretary/Treasurer
Alton J. Shepherd, Council Delegate
Dickerson Smith, Grazing Official

Post Office Box 188 Ganado, Arizona 86505

Telephone: (928) 755-5920

Facsimile: (928) 755-5927

Email: ganado@navajochapters.org

Resolution No. GAN-117-2019

RESOLUTION OF THE GANADO CHAPTER

Respectfully Requesting the Navajo Nation Council to Appropriate \$60,000,000 (Sixty Million Dollars) from Sihasin Funds to be Shared Equally Amongst the Dine College and Navajo Technical University to Meet their Respective Educational Strategic Goals

WHEREAS;

1. The Ganado Chapter is a duly certified local governing entity recognized by the Navajo Nation Council through 11 N.N.C. § 10 (A), to advocate and address the needs and development of the local people to interact with other departments of the Navajo Nation, federal and local agencies which serve and affect the Navajo Nation; and
2. The Ganado Chapter is a Governance Certified Chapter of the Navajo Nation vested authority under 26 N.N.C. § 101 et. seq; and
3. The Resource and Development Committee (RDC) of the Navajo Nation Council certified Ganado Chapter pursuant to 26 N.N.C. 102 (B) on December 2, 2014; and
4. Pursuant to each of their enabling legislation, Diné College and Navajo Technical University are organized as institutions of higher learning for the purpose of providing post-secondary education programs that serve both the academic and vocational/technical needs of the Navajo Nation and its citizens; and
5. Diné College and Navajo Technical University were created by the Navajo Nation Council with the mission to educate Navajo Nation members as a means to promote the education, economic development, as well as cultural and environmental preservation and enhancement within the Navajo Nation; and
6. Ganado Chapter recognizes that the Board of Regents of Dine College and the Board of Regents of Navajo Technical University have considered and determined the strategic goals and priorities that well best meet their educational mission from the Sihasin Fund; and
7. The Ganado Chapter recognizes that the Board of Regents of Dine College and the Board of Regents of Navajo Technical University determined that a joint request to the Navajo Nation Council for an appropriation of \$60,000,000 (Sixty Million Dollars) from the Sihasin Funds to the Dine College and Navajo Technical University that shall be shared equally by the two higher

education institutions of the Navajo Nation to provide the opportunity for the two institutions to meet their respective strategic goals and priorities.

NOW THEREFORE IT BE RESOLVED THAT;


The Ganado Chapter is hereby respectfully requesting the Navajo Nation Council to appropriate \$60,000,000 (Sixty Million Dollars) from Sihasin Funds to be shared equally amongst the Dine College and Navajo Technical University to meet their respective educational strategic goals.

CERTIFICATION

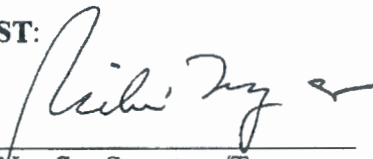
We, hereby certify that the foregoing resolution was duly considered by the Ganado Chapter at a duly called meeting at Ganado, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 24 in Favor; 1 opposed; and 1 abstained on this 13th day of November 2018.

MOTION by: Stevan Kee

SECOND by: Pauline Bagay


Vince R. James, Chapter President
GANADO CHAPTER

ATTEST:


Richie Nez Sr., Secretary/Treasurer
GANADO CHAPTER

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0410-18

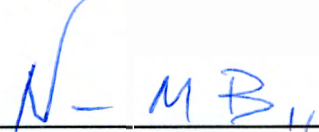
AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SIHASIN SUSTAINABLE HIGHER EDUCATION INITIATIVE FUND AND FUND EXPENDITURE PLAN PURSUANT 12 N.N.C. §§ 2501 - 2508

(Note: Eligible for Committee Action December 18, 2018)

Sponsors: Honorable Jonathan L. Hale

Has had under consideration and report the same with the recommendation that Legislation 0410-18 PASS with no Amendment and no Directive; and therefore referred the same to the BUDGET AND FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee

December 18, 2018 - Main Motion

Motion by: Honorable Nelson BeGaye

Seconded by: Honorable Jonathan L. Hale

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting

Yeas: Nelson BeGaye; Jonathan L. Hale; Amber Kanazbah Crotty

Nays: None

Absent (excused): Nathaniel Brown

Not Voting: Nathaniel Brown; Olin Kieyoomia

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
December 18, 2018

Roll Call
Vote Tally Sheet

LEGISLATION NO. 0410-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE COMMITTEE, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE SIHASIN SUSTAINABLE HIGHER EDUCATION INITIATIVE FUND AND FUND EXPENDITURE PLAN PURSUANT 12 N.N.C. §§ 2501 - 2508

(Note: Eligible for Committee Action December 18, 2018)

Sponsors: Honorable Jonathan L. Hale

December 18, 2018 - Main Motion

Motion by: Honorable Nelson BeGaye

Seconded by: Honorable Jonathan L. Hale

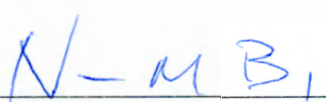
Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting

Yeas: Nelson BeGaye; Jonathan L. Hale; Amber Kanazbah Crotty

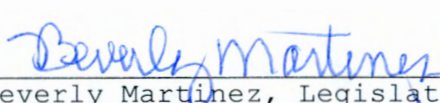
Nays: None

Absent (excused): Nathaniel Brown

Not Voting: Nathaniel Brown; Olin Kieyoomia



Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee



Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee

23rd NAVAJO NATION COUNCIL

Fourth Year 2018

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0410-18:

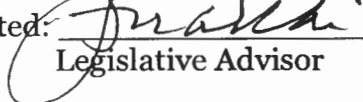
An Action Relating to Health, Education and Human Services, Budget and Finance, Naabikiyati Committees, and Navajo Nation Council; Approving and Adopting the Sihasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant 12 N.N.C. §§ 2501-2508
Sponsored by Jonathan L. Hale, Council Delegate

has had it under consideration and reports the same with the recommendation that It
Do Pass without amendment.

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,


Seth Damon, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

18 December 2018

The vote was **4** in favor **0** opposed yeas: *Lee Jack, Sr., Tuchoney Slim, Jr., Tom T. Chee, Jimmy Yellowhair*

Motion: Lee Jack, Sr.

Second: Tom T. Chee

BUDGET AND FINANCE COMMITTEE

18 December 2018

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0410-18:

An Action Relating to Health, Education and Human Services, Budget and Finance, Naabikiyati Committees, and Navajo Nation Council; Approving and Adopting the Sihasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant 12 N.N.C. §§ 2501-2508
Sponsored by Jonathan L. Hale, Council Delegate

Motion: Lee Jack, Sr.

Second: Tom T. Chee

Vote: 4-0, Chairman not voting

Vote Tally:

Seth A. Damon		
Jimmy Yellowhair	yay	
Tom T. Chee	yay	
Lee Jack, Sr.	yay	
Leonard Tsosie		
Tuchoney Slim, Jr.	yay	

Absent: Leonard Tsosie



Seth A. Damon, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0410-18

An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'íyáti' Committees, and Navajo Nation Council; Approving and adopting the Síhasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant to 12 N.N.C. §§2501 - 2508

Sponsored by: Honorable Jonathan L. Hale

Co-Sponsored by: Honorable Nathaniel Brown

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable Seth Damon, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE*

18 DECEMBER 2018

MAIN MOTION

Motioned by: Honorable Nathaniel Brown

Seconded by: Honorable Jonathan Perry

Vote: 13 in Favor, 02 Opposed (Chairman Pro Tem Damon Not Voting)

NAVAJO NATION

RCS# 1157

12/18/2018

Naa'bik'iyati Committee

11:55:15 PM

Amd# to Amd#

Legislation No.0410-18

PASSED

MOT Brown

Approving and Adopting The

SEC Perry

Sihasin Sustainable Higher

Education Initiative Fund

Yea : 13

Nay : 2

Excused : 0

Not Voting : 9

Yea : 13

Begay, K
BeGaye, N
Bennett
Brown

Filfred
Hale
Jack

Kieyoomia
Perry
Shepherd

Slim
Smith
Yellowhair

Nay : 2

Bates

Phelps

Excused : 0

Not Voting : 9

Begay, NM
Chee
Crotty

Damon
Daniels

Pete
Tso

Tsosie
Yazzie

23rd NAVAJO NATION COUNCIL ACTION REPORT Fourth Year 2018

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0410-18

An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'iyáti' Committees, and Navajo Nation Council; Approving and adopting the Síhasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant to 12 N.N.C. §§2501 - 2508

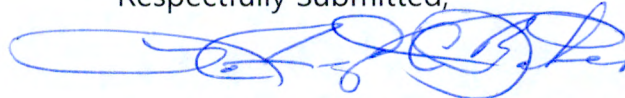
Sponsored by: Honorable Jonathan L. Hale

Co-Sponsored by: Honorable Nathaniel Brown

Co-Sponsored by: Honorable Olin Kieyoomia

Has had it under consideration and reports the same was **TABLED AND REMAINS WITH THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Speaker
23rd NAVAJO NATION COUNCIL

20 DECEMBER 2018

TABLING MOTION:

Motion to Table Legislation 0410-18 to the next Navajo Nation Council Session.

Motioned by: Honorable Olin Kieyoomia

Seconded by: Honorable Herman M. Daniels

Vote: 15 in favor, 00 opposed (Speaker Bates Not Voting)

MAIN MOTION:

Motioned by: Honorable Nelson S. BeGaye

Seconded by: Honorable Raymond Smith, Jr.

Vote: PENDING VOTE

NAVAJO NATION

RCS# 1361

Special Session

12/20/2018

05:24:52 PM

Amd# to Amd#

Table Legislation 0410-18

PASSED

MOT Kieyoomia

to next NNC session

SEC Daniels

Yea : 15

Nay : 0

Excused : 0

Not Voting : 9

Yea : 15

Begay, K
BeGaye, N
Bennett
Brown

Chee
Crotty
Damon
Daniels

Jack
Kieyoomia
Phelps
Shepherd

Slim
Smith
Yellowhair

Nay : 0

Excused : 0

Not Voting : 9

Bates
Begay, NM
Filfred

Hale
Perry

Pete
Tso

Tsosie
Yazzie

23rd NAVAJO NATION COUNCIL ACTION REPORT Fourth Year 2018

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0410-18

An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'iyáti' Committees, and Navajo Nation Council; Approving and adopting the Síhasin Sustainable Higher Education Initiative Fund and Fund Expenditure Plan Pursuant to 12 N.N.C. §§2501 - 2508

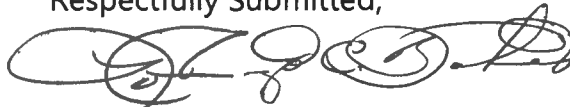
Sponsored by: Honorable Jonathan L. Hale

Co-Sponsored by: Honorable Nathaniel Brown

Co-Sponsored by: Honorable Olin Kieyoomia

Has had it under consideration and reports the same was **FAILED (NEEDED 16 IN FAVOR VOTES) WITH ONE (1) AMENDMENT.**

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Speaker
23rd NAVAJO NATION COUNCIL*

28 DECEMBER 2018

MAIN MOTION:

Motioned by: Honorable Nelson S. BeGaye

Seconded by: Honorable Raymond Smith, Jr.

Vote: 14 in Favor, 02 Opposed (Speaker Bates Not Voting)

AMENDMENT #1:

1. On page 3, delete lines 21 through 25; and insert the following new paragraph:
"B. To enact the Sihasin Sustainable Higher Education Initiative Fund, the Navajo Nation hereby approves, earmarks, and reserves sixty million dollars (\$60,000,000) of Sihasin Funds as the Sihasin Sustainable Higher Education Initiative Fund."
2. On page 4, line 7, delete "allocated" and insert "earmarked and reserved".

3. On page 4, delete lines 10 through 19 and insert the following new paragraphs:
 2. The Sihasin Funds earmarked and reserved for the Sihasin Sustainable Higher Education Initiative Fund shall be invested and managed consistent with the Navajo Nation Master Investment Policy and the ***Sihasin-Fund Sub-Policy, to be developed and recommended by the Investment Committee and approved by the Budget and Finance Committee*** but the annual realized interest earnings and/or income earned from the earmarked and reserved dollars shall be distributed equally to Dine College and Navajo Technical University.
 3. The interest earnings and/or income distributed to Dine College and Navajo Technical University shall only be expended for projects that meet the requirements of 12 N.N.C. § 2502 and are approved by the Health, Education and Human Services Committee through the adoption of an annual project plan developed and recommended by Dine College and Navajo Technical University.
4. On page 5, line 1, delete "~~allocated for Sihasin Sustainable Higher Education Initiative Fund~~" and insert "distributed to Dine College and Navajo Technical University".
5. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

Motioned by: Honorable Nelson S. BeGaye

Seconded by: Honorable Olin Kieyoomia

Vote: 16 in favor, 00 opposed (Speaker Bates Not Voting)

MOTION TO RECONSIDER:

Motion to further consider legislation 0410-18.

Motioned by: Honorable Nelson S. BeGaye

Seconded by: Honorable Olin Kieyoomia

Vote: 15 in favor, 01 opposed (Speaker Bates Not Voting)

NAVAJO NATION

RCS# 1385

12/28/2018

Special Session

02:33:42 PM

Amd#1 to Amd#
MOT BeGaye, N
SEC Kieyoomia

Page 3, delete lines 21 through
25; and insert new language...

PASSED

Yea : 16

Nay : 0

Excused : 2

Not Voting : 6

Yea : 16

Begay, K
BeGaye, N
Bennett
Brown

Chee
Damon
Daniels
Filfred

Jack
Kieyoomia
Pete
Phelps

Slim
Smith
Tsosie
Yellowhair

Nay : 0

Excused : 2

Shepherd

Yazzie

Not Voting : 6

Bates
Begay, NM

Crotty
Hale

Perry

Tso

NAVAJO NATION

RCS# 1386

12/28/2018

Special Session

03:24:34 PM

Amd# to Amd#	Legislation 0410-18: Approving	FAILED
MOT BeGaye, N	and Adopting the Sihasin	
SEC Smith	Sustainable Higher Education	
	Initiative Fund and Fund Exp...	

Yea : 14

Nay : 2

Excused : 2

Not Voting : 6

Yea : 14

Begay, K
BeGaye, N
Bennett
Brown

Chee
Daniels
Filfred
Jack

Kieyoomia
Pete
Phelps

Slim
Smith
Yellowhair

Nay : 2

Tsosie

Damon

Excused : 2

Shepherd

Yazzie

Not Voting : 6

Bates
Begay, NM

Crotty
Hale

Perry

Tso