

LEGISLATIVE SUMMARY SHEET

Tracking No. 0369-16

DATE: October 14, 2016

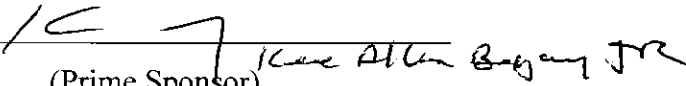
TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY; APPROPRIATING \$5,000,000 (\$1,000,000 FOR EACH AGENCY) FROM THE SIHASIN FUND TO THE COMMUNITY HOUSING AND INFRASTRUCTURE DEVELOPMENT DEPARTMENT TO ADDRESS THE HOUSE BURN-OUT SITUATIONS THROUGHOUT THE NAVAJO NATION; AND, WAIVING 12 N.N.C. §§ 820(I) AND 860(C) RELATING TO THE CAPITAL IMPROVEMENT PROCESS

PURPOSE: This resolution, if approved, will approve the expenditure of \$5 million from the Sihasin Fund to Division of Community Development, Community Housing and Infrastructure Development Department to address the housing burn-out situation throughout the Navajo Nation. This legislation would waive 12 N.N.C. §§ 820(I) and 860(C) with regard to the Capital Improvement process and the appropriation of \$5,000,000 (\$1,000,000 for each Agency) from the Sihasin Fund.

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Second Year, 2016

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0369-14

AN ACTION

RELATING TO AN EMERGENCY; APPROPRIATING \$5,000,000 (\$1,000,000
FOR EACH AGENCY) FROM THE SÍHASIN FUND TO THE COMMUNITY
HOUSING AND INFRASTRUCTURE DEVELOPMENT DEPARTMENT TO
ADDRESS THE HOUSE BURN-OUT SITUATIONS THROUGHOUT THE
NAVAJO NATION; AND, WAIVING 12 N.N.C. §§ 820(I) AND 860(C)
RELATING TO THE CAPITAL IMPROVEMENT PROCESS

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A)
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”

Section Two. Findings

- 1 A. Navajo Nation Council Resolution No. CD-68-14 which enacted the Navajo Nation
2 Trust Settlement Act of 2014 ("2014 Act") and established the Navajo Nation
3 Síhasin Fund at 12 N.N.C. §§2501-2508, mandates that Síhasin Fund principal and
4 income may only be expended to provide financial support and/or financing for (1)
5 the planning and development of regional infrastructure supporting economic and
6 community development, including housing, within the Navajo Nation; and/or (2)
7 education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501
8 and § 2502 (A).
- 9 B. Notwithstanding the responsibilities assigned to the Síhasin Fund Subcommittee to
10 recommend to the Naabik'iyati' Committee and Navajo Nation Council financial
11 support and/or financing plans for the purposes designated in the 2014 Act, the
12 Navajo Nation Council hereby determines:
- 13 1. Allocating \$5,000,000 to the Division of Community Development,
14 Community Housing and Infrastructure Development Department, at
15 \$1,000,000 per Agency, to address the housing needs of Navajos living on
16 the Navajo Nation whose homes have burned down is regional
17 infrastructure on the Navajo Nation and, therefore, meets the 2014 Act's
18 requirement for the "planning and development of regional infrastructure
19 supporting economic and community development, including housing,
20 within the Navajo Nation". See 12 N.N.C. §2502 (A) (1).
- 21 C. The Navajo Nation Council hereby determines that allocating \$5,000,000 to the
22 Division of Community Development, Community Housing and Infrastructure
23 Development Department to address the housing burn-out situation reservation-
24 wide is regional infrastructure on the Navajo Nation is within the best interest of the
25 Navajo Nation and Navajo communities.
- 26 D. The Navajo Nation Council finds that an emergency exists as to the need to address
27 the situations where families have had their homes burn down. This \$5,000,000
28 funding would provide disaster relief services. This emergency arises due to the
29 pressing public need and requires an immediate appropriation from the Síhasin
30

1 Fund to the Division of Community Development, Community Housing and
2 Infrastructure Development Department.

3
4 **Section Three. Waiving 12 N.N.C. §§ 820(I) And 860 (C) Regarding the Capital**
5 **Improvement Process for the appropriation of \$5,000,000 (\$1,000,000 for each**
6 **Agency) from the Síhasin Fund to the Division of Community Development,**
7 **Community Housing and Infrastructure Development Department to address the**
8 **situations where homes have burned down**

9 The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(I) and 860(C) with
10 regard to the Capital Improvement process and the appropriation of \$5,000,000
11 (\$1,000,000 for each Agency) from the Síhasin Fund to the Division of Community
12 Development, Community Housing and Infrastructure Development Department to
13 address the situations where homes have burned down.

14
15 **Section Four. Allocating \$5,000,000 from the Síhasin Fund**



16 The Navajo Nation hereby allocates \$5,000,000 from the Síhasin Fund to the
17 Division of Community Development, Community Housing and Infrastructure
18 Development Department to be used for situations where homes have burned
19 down. The \$5,000,000 will be allocated at \$1,000,000 for each Agency. Budget
20 documents are in Exhibit A.

21
22 **Section Four. Effective Date**

23 This legislation shall become effective pursuant to 12 N.N.C. § 2505.
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30



THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2017

PART I. Business Unit No.: 108004		Program Title: Community Housing & Infrastructure Development Department		Division/Branch: Community Development	
Prepared By: Linda Youvella		Phone No.: 928.871.6383		Email Address: lindayouvella@navajo-nsn.gov	
PART II. FUNDING SOURCE(S)					
Sihasin Funding	Fiscal Year Term	Amount	% of Total		
	10/1/2016-9/30/2017	\$ 5,000,000.00	100%		
PART III. BUDGET SUMMARY					
		Fund Type Code	NNC Approved Original Budget	Proposed Budget	Sum (Column B - A)
	2001 Personnel Expenses	1	\$ 194,577.00		\$ 194,577.00
	3000 Travel Expenses	1	\$ 104,570.00		\$ 104,570.00
	3500 Meeting Expenses				\$ -
	4000 Supplies	1	\$ 41,671.00		\$ 41,671.00
	5000 Lease and Rental	1	\$ 28,135.00		\$ 28,135.00
	5500 Communications and Utilities	1	\$ 5,545.00		\$ 5,545.00
	6000 Repairs and Maintenance	1	\$ 8,500.00		\$ 8,500.00
	6500 Contractual Services	1	\$ 49,059.00		\$ 49,059.00
	7000 Special Transactions	1	\$ 12,520.00		\$ 12,520.00
	8000 Public Assistance				\$ -
	9000 Capital Outlay	1	\$ 5,000,000.00		\$ 5,000,000.00
	9500 Matching Funds				\$ -
	9500 Indirect Cost				\$ -
TOTAL			\$ 444,577.00	\$ 5,000,000.00	\$ 5,444,577.00
PART IV. POSITIONS AND VEHICLES					
			(D)	(E)	
Total # of Positions Budgeted:			3	0	
Total # of Permanently Assigned Vehicles:			0	0	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
		10/14/16		 10-14-16	
SUBMITTED BY: Program Manager's Printed Name and Signature / Date		APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date			

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

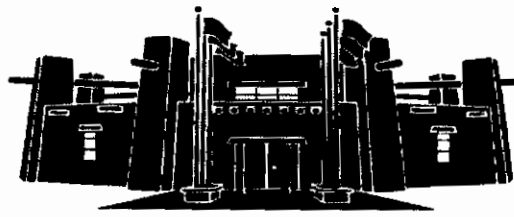
FY 2017

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The Department is established to promote and develop improved living conditions for Navajo families and strengthen communities through programs for community housing, utility service, public facility and economic devel																																																																																																																																																													
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THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2017

PART I. PROGRAM INFORMATION:			
Program Name/Title:		Business Unit No.: 108004	
Community Housing & Infrastructure Development Department			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
9050	9000 CAPITAL OUTLAY BUILDING Burn-out purposes only. Funds will be distributed among the 5 agencies at \$1,000,000.00 each. 9052: Buildings	\$ 5,000,000.00	\$ 5,000,000.00
TOTAL		5,000,000	5,000,000



MEMORANDUM

TO: Honorable Kee Allen Begay
Tachee, Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain
Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: October 14, 2016

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION
RELATING TO AN EMERGENCY; APPROPRIATING \$5,000,000 (\$1,000,000
FOR EACH AGENCY) FROM THE SÍHASIN FUND TO THE COMMUNITY
HOUSING AND INFRASTRUCTURE DEVELOPMENT DEPARTMENT TO
ADDRESS THE HOUSE BURN-OUT SITUATIONS THROUGHOUT THE
NAVAJO NATON; AND, WAIVING 12 N.N.C. §§ 820(I) AND 860(C)
RELATING TO THE CAPITAL IMPROVEMENT PROCESS

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 his 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. §§301, 401, 501, 601 and 701. 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: _0369-16_____

SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to EMERGENCY; Appropriating \$5,000,000 (\$1,000,000 For Each Agency) From The Sihasin Fund To The Community Housing and Infrastructure Development Department To Address the House Burn-Out Situations Throughout The Navajo Nation; and, Waiving 12 N.N.C. §§ 820(I) and 860(C) Relating to the Capital Improvement Process

Date posted: October 17, 2016 at 12:34pm

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 Nav, ajo 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.*

23rd NAVAJO NATION COUNCIL

Second Year 2016

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

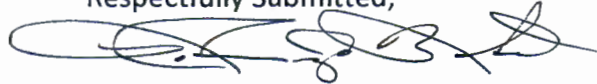
NAVAJO LEGISLATIVE BILL #0369-16

An Action Relating to an EMERGENCY; Appropriating \$5,000,000 (\$1,000,000 for each Agency) from the Síhasin Fund to the Community Housing and Infrastructure Development Department to Address the House Burn-Out Situations Throughout the Navajo Nation; and, Waiving 12 N.N.C. §§ 820(I) and 860(C) Relating to the Capital Improvement Process

Sponsored by: Honorable Kee Allen Begay, Jr.

Has had it under consideration and reports the same **FAILED – DID NOT MET 2/3 VOTE REQUIREMENT**

Respectfully Submitted,



Honorable LoRenzo Bates, SPEAKER
NAVAJO NATION COUNCIL

19 OCTOBER 2016

MAIN MOTION:

Motioned by: Honorable Nathaniel Brown

Seconded by: Honorable Raymond Smith, Jr.

VOTE: 08 in Favor, 10 Opposed (Speaker Bates not voting). Legislation failed; did not meet 16 in Favor votes for passage (2/3 vote).

NAVAJO NATION

RCS# 663

NNC Fall Session

10/19/2016

05:53:41 PM

Amd# to Amd#

Legislation No. 0369-16

FAILED

MOT Brown

Appropriating \$5,000,000

SEC Smith

(\$1,000,000 for each agency)from
Sihasin Fund to Comm Housing...

Yea : 8

Nay : 10

Not Voting : 4

Yea : 8

Begay, K
Begay, NM

Brown
Crotty

Hale
Perry

Smith
Yazzie

Nay : 10

BeGaye, N
Bennett
Chee

Damon
Daniels
Shepherd

Slim
Tsosie

Witherspoon
Yazzie, P

Not Voting : 4

Bates
Filfred

Jack
Pete

Phelps

Tso