

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0065-23\_

SPONSOR: Andy Nez

**TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CD-68-22 and the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Andy Nez, PH.D's Delegate Region (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill)**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0065-23

**DATE: April 6, 2023**

**TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CD-68-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE ANDY NEZ, PH.D.'S DELEGATE REGION (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE, SAWMILL)**

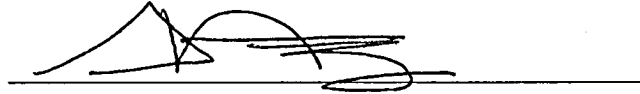
**PURPOSE:** This resolution, if approved, will amend Hon. Andy Nez, Ph.D.'s Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill)

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

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-12-23  
Eligible for Action: 04-13-23

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 25th NAVAJO NATION COUNCIL — First Year, 2023

3  
4 INTRODUCED BY

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7 Primary Sponsor

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9 TRACKING NO. 0065-23

10  
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
13 COUNCIL; AMENDING CD-68-22 AND THE NAVAJO NATION FISCAL  
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15 HONORABLE ANDY NEZ, PH.D.'S DELEGATE REGION  
16 (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE, SAWMILL)

17  
18 BE IT ENACTED:

19  
20 SECTION ONE. AUTHORITY

- 21 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.  
22 §102(A).
- 23 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council  
24 with the delegated responsibility to hear proposed resolution(s) that require final  
25 action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- 26 C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference,  
27 mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region  
28 Project Plans be approved by Navajo Nation Council resolution and signed into law  
29 by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C.  
30 §§ 1005 (C) (10), (11), and (12).

1 D. Navajo Nation Council Resolution No. CD-68-22, attached as **Exhibit 1** (without  
2 project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery  
3 Fund Delegate Region Project Plan for Honorable Andy Nez, Ph.D.'s Delegate Region  
4 (Chapter: Crystal, Fort Defiance, Red Lake, Sawmill) be approved by a Navajo Nation  
5 Council resolution and signed into law by the President of the Navajo Nation pursuant  
6 to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

7  
8 **SECTION TWO. FINDINGS**

9 A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO  
10 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
11 ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY  
12 FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND  
13 EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC  
14 SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL  
15 ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS;  
16 HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;  
17 BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND  
18 ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND  
19 MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION  
20 PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED  
21 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo  
22 Nation on July 15, 2022.

23 B. CJN-29-22, Section Three, states, in part and among other things, that

- 24 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter  
25 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal  
26 Recovery Fund in the total amount of two hundred eleven million two  
27 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)  
28 to be divided equally between the twenty-four (24) Delegate Regions in the  
29 amount of eight million eight hundred two thousand three hundred forty  
30 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate

1           Region Project Plans approved by Navajo Nation Council resolution and  
2           signed into law by the President of the Navajo Nation . . . See CJN-29-22,  
3           Section Three (B).

4           2. The Delegate Region Project Plan funding will be allocated to the Navajo  
5           Nation Central Government, specifically the Division of Community  
6           Development or other appropriate Navajo Nation Division or Department,  
7           to implement the projects rather than directly to the Chapters. See CJN-29-  
8           22, Section Three (D).

9           3. The Navajo Nation Central Government, specifically the Division of  
10           Community Development or other appropriate Navajo Nation Division or  
11           Department, shall manage and administer funds and Delegate Region  
12           Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation  
13           Central Government may award funding to LGA-Certified Chapters through  
14           sub-recipient agreements to implement and manage specific projects, but  
15           shall maintain Administrative Oversight over such funding and Delegate  
16           Region Project Plans. See CJN-29-22, Section Three (E).

17           4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund  
18           eligible projects within their Delegate Region to be funded by the NNFRF  
19           Chapter and Regional Projects Expenditure Plan through a Delegate Region  
20           Projects Plan. The total cost of projects selected by each Delegate shall not  
21           exceed their Delegate Region distribution of eight million eight hundred two  
22           thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section  
23           Three (F).

24           5. Each Delegate Region Project shall identify its Administrative Oversight  
25           entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ  
26           initial eligibility determination. See CJN-29-22, Section Three (L)(5) and  
27           (L)(6).

28           C. The Navajo Nation Council Resolution No. CD-68-22, AN ACTION RELATING TO  
29           THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
30           APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE

1 REGION PROJECT PLAN FOR HONORABLE WILSON C. STEWART, JR.'S  
2 DELEGATE REGION (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE,  
3 SAWMILL), was signed into law by the President of the Navajo Nation on January 6,  
4 2023. **Exhibit 1.**

5 D. CD-68-22, Section Four, states that:

6 1. Amendments to this legislation or to the Delegate Region Project Plan approved  
7 herein shall only be adopted by resolution of the Navajo Nation Council and  
8 approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17)  
9 and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

10 E. The Hon. Andy Nez, Ph.D. has requested to amend CD-68-22 to delete the *Sawmill*  
11 *Chapter Renovation Phase II* project, (NNDOJ Review No. HK0257) from the  
12 Delegate Region Projects Plan covering the Crystal, Fort Defiance, Red Lake, Sawmill  
13 Chapters. The removal of this project will revert \$500,000.00 back to Hon. Andy  
14 Nez's Delegate Region's Project Plan's Un-Allocated Amount.

15 F. In addition to the removal of the *Sawmill Chapter Renovation Phase II* project, Hon.  
16 Andy Nez has requested that additional projects be added to the Delegate Region  
17 Projects Plan covering the Crystal, Fort Defiance, Red Lake, Sawmill Chapters  
18 originally approved by CD-68-22. The additional projects, which have all been  
19 deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the deleted project, are  
20 set forth in **Exhibit 2**. After the addition and deletion of the project(s), the Hon. Andy  
21 Nez, Ph.D.'s Delegate Region Projects Plan does *not* exceed the amount of  
22 \$8,802,340, as set forth in CJN-29-22, Section Three (F).

23 G. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
24 Nation and the Hon. Andy Nez, Ph.D.'s Delegate Region Chapters and communities  
25 to approve and adopt the removal of one project and add additional projects as part of  
26 the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Andy  
27 Nez, Ph.D.'s Delegate Region (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill)  
28 as set forth in **Exhibit 2**.

1 **SECTION FOUR. AMENDING CD-61-22, THE NAVAJO NATION FISCAL**  
2 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**  
3 **ANDY NEZ, PH.D.'S DELEGATE REGION (CHAPTERS: CRYSTAL, FORT**  
4 **DEFIANCE, RED LAKE, SAWMILL)**

- 5 A. The Navajo Nation hereby approves the removal of one project (the *Sawmill Chapter*  
6 *Renovation Phase II*, under NNDOJ Review No. HK0257) listed in CD-68-22 for  
7 Hon. Andy Nez, Ph.D.'s Delegate Region Projects Plan as stricken in **Exhibit 2**. The  
8 removal of this project from Hon. Andy Nez, Ph.D.'s Delegate Projects Plan will  
9 revert \$500,000.00 back to his Delegate Region's Project Plan's Un-Allocated  
10 Amount.
- 11 B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation  
12 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Andy Nez, Ph.D.'s  
13 Delegate Region (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill) set forth in  
14 **Exhibit 2**.
- 15 C. The Delegate Region Project Plan approved herein shall comply with all applicable  
16 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- 17 D. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the  
18 individual project appendix, shall be resolved in favor of the project appendix reviewed  
19 by Department of Justice during their eligibility determination(s).
- 20

21 **SECTION FIVE. AMENDMENTS**

22 Amendments to this legislation or to the Delegate Region Project Plan approved herein  
23 shall only be adopted by resolution of the Navajo Nation Council and approval of the  
24 President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005  
25 (C) (10), (11), and (12).

26

27 **SECTION SIX. EFFECTIVE DATE**

28 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.  
29 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

30

1     **SECTION SEVEN. SAVING CLAUSE**

2     If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,  
3     or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,  
4     those provisions of this legislation not determined invalid shall remain the law of the Navajo  
5     Nation.

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