

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0122-23_

SPONSOR: Herman M. Daniels, Jr.

TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CAP-21-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato), to Include Additional Projects for this Delegate Region

Date posted: May 26, 2023 at 2:26PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0122-23

DATE: May 25, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-21-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO) TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

PURPOSE: This resolution, if approved, will include additional FRF-Eligible projects to Hon. Herman M. Daniels, Jr.'s Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) enacted under CAP-21-23.

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: J. Johnson

Website Posting Time/Date: _____

Posting End Date: 05-31-23

Eligible for Action: 06-01-23

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

3
4 INTRODUCED BY

5
6 _____
7 Primary Sponsor

8
9 TRACKING NO. 0122-23



10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; AMENDING CAP-21-23, THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION
16 (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO),
17 TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

18
19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

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

1 by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C.
2 §§ 1005 (C) (10), (11), and (12).

3 D. Navajo Nation Council Resolution No. CAP-21-23, herein by reference, mandates that
4 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan
5 for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapter: Tsah Bii Kin,
6 Navajo Mountain, Shonto, Oljato) be approved by a Navajo Nation Council resolution
7 and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164
8 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

9
10 **SECTION TWO. FINDINGS**

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

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

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

1 amount of eight million eight hundred two thousand three hundred forty
2 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
3 Region Project Plans approved by Navajo Nation Council resolution and
4 signed into law by the President of the Navajo Nation . . . See CJN-29-22,
5 Section Three (B).

- 6 2. The Delegate Region Project Plan funding will be allocated to the Navajo
7 Nation Central Government, specifically the Division of Community
8 Development or other appropriate Navajo Nation Division or Department,
9 to implement the projects rather than directly to the Chapters. See CJN-29-
10 22, Section Three (D).
- 11 3. The Navajo Nation Central Government, specifically the Division of
12 Community Development or other appropriate Navajo Nation Division or
13 Department, shall manage and administer funds and Delegate Region
14 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
15 Central Government may award funding to LGA-Certified Chapters through
16 sub-recipient agreements to implement and manage specific projects, but
17 shall maintain Administrative Oversight over such funding and Delegate
18 Region Project Plans. See CJN-29-22, Section Three (E).
- 19 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
20 eligible projects within their Delegate Region to be funded by the NNFRF
21 Chapter and Regional Projects Expenditure Plan through a Delegate Region
22 Projects Plan. The total cost of projects selected by each Delegate shall not
23 exceed their Delegate Region distribution of eight million eight hundred two
24 thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section
25 Three (F).
- 26 5. Each Delegate Region Project shall identify its Administrative Oversight
27 entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ
28 initial eligibility determination. See CJN-29-22, Section Three (L)(5) and
29 (L)(6).

1 C. The Navajo Nation Council Resolution No. CAP-21-23, AN ACTION RELATING
2 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
3 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
4 REGION PROJECT PLAN FOR HONORABLE HERMAN M. DANIELS, JR.'S
5 DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN,
6 SHONTO, OLJATO), was signed into law by the President of the Navajo Nation on
7 May 5, 2023.

8 D. CAP-21-23, Section Four, states that:

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

13 E. All additional projects listed in the Hon. Herman M. Daniels, Jr.'s Delegate Region
14 Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible
15 by NNDOJ. In addition, Hon. Herman M. Daniels, Jr.'s Delegate Region Projects
16 Plan does *not* exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section
17 Three (F).

18 F. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
19 Nation and the Hon. Herman M. Daniels, Jr.'s Delegate Region Chapters and
20 communities to approve and adopt the additional projects as part of the Navajo Nation
21 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Herman M. Daniels,
22 Jr.'s Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) as
23 set forth in **Exhibit A**.

24
25 **SECTION THREE. AMENDING CAP-21-23, THE NAVAJO NATION FISCAL**
26 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**
27 **HERMAN M. DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII**
28 **KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO), TO INCLUDE ADDITIONAL**
29 **PROJECTS FOR THIS DELEGATE REGION**

1 A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
2 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Herman M. Daniels, Jr.'s
3 Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) set forth in
4 **Exhibit A.**

5 B. The Delegate Region Project Plan approved herein shall comply with all applicable
6 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.

7 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
8 individual project appendix, shall be resolved in favor of the project appendix reviewed
9 by Department of Justice during their eligibility determination(s).

10
11 **SECTION FOUR. AMENDMENTS**

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

16
17 **SECTION FIVE. EFFECTIVE DATE**

18 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
19 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

20
21 **SECTION SIX. SAVING CLAUSE**

22 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,
23 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,
24 those provisions of this legislation not determined invalid shall remain the law of the Navajo
25 Nation.