

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0125-23_

SPONSOR: Crystalyne Curley

TITLE: An Action Relating to the Naabik'íyáti' Committee and Navajo Nation Council; Amending CD-62-22 and the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0125-23

DATE: June 2, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CD-62-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CRYSTALYNE CURLEY'S DELEGATE REGION (CHAPTERS: TACHEE/BLEU GAP, MANY FARMS, NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN)

PURPOSE: This resolution, if approved, will amend Hon. Crystalyne Curley's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)

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: 06-07-23
Eligible for Action: 06-08-23

Naabik'iyáti' Committee
Thence
Navajo Nation Council

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

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4 INTRODUCED BY

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6 

7 Primary Sponsor

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9 TRACKING NO. 0125-23

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11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; AMENDING CD-62-22 AND THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE CRYSTALYNE CURLEY'S DELEGATE REGION
16 (CHAPTERS: TACHEE/BBLUE GAP, MANY FARMS, NAZLINI,
17 TSELANI/COTTONWOOD, LOW MOUNTAIN)

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19 **BE IT ENACTED:**

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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. CD-62-22, attached as **Exhibit 1** (without
4 project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery
5 Fund Delegate Region Project Plan for Honorable Crystalyne Curley's Delegate
6 Region (Chapter: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low
7 Mountain) be approved by a Navajo Nation Council resolution and signed into law by
8 the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C.
9 §§ 1005 (C) (10), (11), and (12).

10
11 **SECTION TWO. FINDINGS**

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

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

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

1 to be divided equally between the twenty-four (24) Delegate Regions in the
2 amount of eight million eight hundred two thousand three hundred forty
3 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
4 Region Project Plans approved by Navajo Nation Council resolution and
5 signed into law by the President of the Navajo Nation *See* CJN-29-22,
6 Section Three (B).

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

- 1 C. The Navajo Nation Council Resolution No. CD-62-22, AN ACTION RELATING TO
2 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
3 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
4 REGION PROJECT PLAN FOR HONORABLE KEE ALLEN BEGAY, JR.'S
5 DELEGATE REGION (CHAPTERS: TACHEE/BBLUE GAP, MANY FARMS,
6 NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN), was signed into law
7 by the President of the Navajo Nation on January 9, 2023. **Exhibit 1.**
- 8 D. CD-62-22, 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. The Hon. Crystalyne Curley has requested to amend CD-62-22 to delete the *Nazlini*
14 *Chapter Bathroom Additions* project (NNDOJ Review No. HK0232) and to delete the
15 *Nazlini Chapter House Wiring* project (NNDOJ Review No. HK0233) from the
16 Delegate Region Projects Plan covering the Tachee/Blue Gap, Many Farms, Nazlini,
17 Tselani/Cottonwood, Low Mountain Chapters. The removal of these projects will
18 revert \$265,000.00 back to Hon. Crystalyne Curley's Delegate Region's Project Plan's
19 Un-Allocated Amount.
- 20 F. In addition to the removal of the *Nazlini Chapter Bathroom Additions* project and the
21 removal of the *Nazlini Chapter House Wiring* project, Hon. Crystalyne Curley has
22 requested that additional projects be added to the Delegate Region Projects Plan
23 covering the Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low
24 Mountain Chapters originally approved by CD-62-22. The additional projects, which
25 have all been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the deleted
26 projects, are set forth in **Exhibit 2**. After the deletion and addition of the project(s), the
27 Hon. Crystalyne Curley's Delegate Region Projects Plan does *not* exceed the amount
28 of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- 29 G. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
30 Nation and the Hon. Crystalyne Curley's Delegate Region Chapters and communities

1 to approve and adopt the removal of two-projects and add additional projects as part
2 of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon.
3 Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms,
4 Nazlini, Tselani/Cottonwood, Low Mountain) as set forth in **Exhibit 2**.

5
6 **SECTION THREE. AMENDING CD-62-22, THE NAVAJO NATION FISCAL**
7 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**
8 **CRYSTALYNE CURLEY'S DELEGATE REGION (CHAPTERS: TACHEE/BLUE**
9 **GAP, MANY FARMS, NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN)**

- 10 A. The Navajo Nation hereby approves the removal of two projects (the *Nazlini Chapter*
11 *Bathroom Additions* project under NNDOJ Review No. HK0232 and the *Nazlini*
12 *Chapter House Wiring* project under NNDOJ Review No. HK0233) listed in CD-62-
13 22 for Hon. Crystalyne Curley's Delegate Region Projects Plan as stricken in **Exhibit**
14 **2**. The removal of these projects from Hon. Crystalyne Curley's Delegate Projects
15 Plan will revert \$265,000.00 back to her Delegate Region's Project Plan's Un-
16 Allocated Amount.
- 17 B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
18 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Crystalyne Curley's
19 Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini,
20 Tselani/Cottonwood, Low Mountain) set forth in **Exhibit 2**.
- 21 C. The Delegate Region Project Plan approved herein shall comply with all applicable
22 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- 23 D. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
24 individual project appendix, shall be resolved in favor of the project appendix reviewed
25 by Department of Justice during their eligibility determination(s).

26
27 **SECTION FOUR. AMENDMENTS**

28 Amendments to this legislation or to the Delegate Region Project Plan approved herein
29 shall only be adopted by resolution of the Navajo Nation Council and approval of the
30

1 President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005
2 (C) (10), (11), and (12).

3
4 **SECTION FIVE. EFFECTIVE DATE**

5 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
6 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

7
8 **SECTION SIX. SAVING CLAUSE**

9 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,
10 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,
11 those provisions of this legislation not determined invalid shall remain the law of the Navajo
12 Nation.