

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0149-23_

SPONSOR: Cherilyn Yazzie

TITLE: An Action Relating to the Naabik'íyáti' Committee and Navajo Nation Council; Amending CD-69-22 and the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Cherilyn Yazzie's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs)

Date posted: July 07, 2023 at 5:04PM

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) 871-7586

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.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0149-23

DATE: July 5, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CD-69-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CHERILYN YAZZIE'S DELEGATE REGION (CHAPTERS: DILKON, INDIAN WELLS, TEESTO, WHITECONE, GREASEWOOD SPRINGS)

PURPOSE: This resolution, if approved, will include additional FRF-Eligible projects to Hon. Cherilyn Yazzie's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) enacted under CD-69-22.

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 8/12
Website Posting Time/Date _____
Posting End Date: 07-12-23
Eligible for Action: 07-13-23

Naabik'iyáti' Committee
Thence
Navajo Nation Council

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. 0149-23

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; AMENDING CD-69-22 AND THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE CHERILYN YAZZIE'S DELEGATE REGION
16 (CHAPTERS: DILKON, INDIAN WELLS, TEESTO, WHITECONE,
17 GREASEWOOD SPRINGS)

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. CD-69-22, attached as **Exhibit 1** (without
4 project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery
5 Fund Delegate Region Project Plan for Hon. Cherilyn Yazzie's Delegate Region
6 (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) be
7 approved by a Navajo Nation Council resolution and signed into law by the President
8 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)
9 (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-69-22, 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 ELMER P. BEGAY'S DELEGATE
5 REGION (CHAPTERS: DILKON, INDIAN WELLS, TEESTO, WHITECONE,
6 GREASEWOOD SPRINGS), was signed into law by the President of the Navajo
7 Nation on January 6, 2023. **Exhibit 1.**

8 D. CD-69-22, 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. Cherilyn Yazzie has requested to amend CD-69-22 to **remove** the *Teesto*
14 *Chapter Feasibility Studies for All Washes in Teesto Service Area* project (under
15 NNDOJ Review No. HK0245) and to **remove** the *Teesto Chapter ADA Bathroom*
16 *Additions for 10-Families* project (under NNDOJ Review No. HK0299) from the
17 Delegate Region Projects Plan that covers the Dilkon, Indian Wells, Teesto,
18 Whitecone, Greasewood Springs Chapters. The removal of these projects will **revert**
19 **\$373,291.00** back to Hon. Cherilyn Yazzie's Delegate Region Project Plan's **Un-**
20 **Allocated** Amount.

21 F. Further, the Hon. Cherilyn Yazzie has requested to amend CD-69-22 to **replace** the
22 *Teesto Chapter Heavy Equipment Purchase John Deere 724P* project (under NNDOJ
23 Review No. HK0244) with a new NNDOJ Eligibility Determination for the project
24 **now** under *Teesto Chapter New John Deere 724P* (NNDOJ Review No. HK0534)
25 project and to **replace** the *Teesto Chapter 2021 John Deere 324G with 2021*
26 *JRB48Forks* project (NNDOJ Review No. HK0247) with a new NNDOJ Eligibility
27 Determination for the project **now** under *Teesto Chapter John Deere 324G with JRB*
28 *48FORKS* project (under NNDOJ Review No. HK0533) within the Delegate Region
29 Projects Plan covering the Dilkon, Indian Wells, Teesto, Whitecone, Greasewood
30

1 Springs Chapters. The replacement of these projects will add \$256,783.99 to Hon.
2 Cherilyn Yazzie's Delegate Region's Project Plan's **Allocated** Amount.

3 G. Further, the Hon. Cherilyn Yazzie has requested that additional projects be **added** to
4 the Delegate Region Projects Plan covering the Dilkon, Indian Wells, Teesto,
5 Whitecone, Greasewood Springs Chapters originally approved by CD-69-22. The
6 additional projects, which have all been deemed Fiscal Recovery Fund eligible by
7 NNDOJ, as well as the **removed** and **replaced** projects, are set forth in **Exhibit 2**.
8 After the deletion, replacement and addition of the project(s), the Hon. Cherilyn
9 Yazzie's Delegate Region Projects Plan does *not* exceed the amount of **\$8,802,340**, as
10 set forth in CJN-29-22, Section Three (F).

11 H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
12 Nation and the Hon. Cherilyn Yazzie's Delegate Region Chapters and communities
13 to approve and adopt the **removal** of two-projects, the **replacement** of two-projects
14 and the **addition** of additional projects as part of the Navajo Nation Fiscal Recovery
15 Fund Delegate Region Project Plan for Hon. Cherilyn Yazzie's Delegate Region
16 (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) as set forth
17 in **Exhibit 2**.

18
19 **SECTION THREE. AMENDING CD-69-22, THE NAVAJO NATION FISCAL**
20 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**
21 **CHERILYN YAZZIE'S DELEGATE REGION (CHAPTERS: DILKON, INDIAN**
22 **WELLS, TEESTO, WHITECONE, GREASEWOOD SPRINGS)**

23 A. The Navajo Nation hereby approves the **removal** of two-projects (the *Teesto Chapter*
24 *Feasibility Studies for All Washes in Teesto Service Area* project under NNDOJ
25 Review No. HK0245 and the *Teesto Chapter ADA Bathroom Additions for 10-Families*
26 project under NNDOJ Review No. HK0299) listed in CD-69-22 for Hon. Cherilyn
27 Yazzie's Delegate Region Projects Plan as **stricken** in **Exhibit 2**. The **removal** of
28 these projects from Hon. Cherilyn Yazzie's Delegate Projects Plan will **revert**
29 **\$373,291.00** back to her Delegate Region's Project Plan's **Un-Allocated** Amount.

1 B. The Navajo Nation hereby approves the **replacement** of two-projects (the *Teesto*
2 *Chapter Heavy Equipment Purchase John Deere 724P* project under NNDOJ Review
3 No. HK0244 and the *Teesto Chapter 2021 John Deere 324G with 2021 JRB48Forks*
4 project under NNDOJ Review No. HK0247) listed in CD-69-22 for Hon. Cherilyn
5 Yazzie's Delegate Region Projects Plan as **stricken** and replaced in **Exhibit 2** with
6 new NNDOJ Eligibility Determinations for the two-projects under *Teesto Chapter*
7 *New John Deere 724P* (under NNDOJ Review No. HK0534) project and the *Teesto*
8 *Chapter John Deere 324G with JRB 48FORKS* project (under NNDOJ Review No.
9 HK0533). The **replacement** of these two-projects from Hon. Cherilyn Yazzie's
10 Delegate Projects Plan will **add \$256,783.99** to her Delegate Region's Project Plan's
11 **Allocated Amount**.

12 C. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
13 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Cherilyn Yazzie's Delegate
14 Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) set
15 forth in **Exhibit 2**.

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

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

21 22 **SECTION FOUR. AMENDMENTS**

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

27 28 **SECTION FIVE. EFFECTIVE DATE**

29 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
30 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SECTION SIX. SAVING CLAUSE

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