

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0150-23_

SPONSOR: George Tolth

TITLE: An Action Relating to the Naabik'íyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0150-23

DATE: July 6, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

PURPOSE: This resolution, if approved, will enact Hon. George H. Tolth's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor).

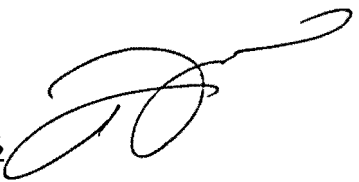
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD
Website Posting Time/Date
Posting End Date: 07-12-23
Eligible for Action: 07-13-23

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

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4 INTRODUCED BY

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6 _____
7 Primary Sponsor

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9 TRACKING NO. 0150-23 

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND
14 DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S
15 DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO,
16 TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE,
17 OJO ENCINO, COUNSELOR)

18
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

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
4 **SECTION TWO. FINDINGS**

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

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

- 20 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
21 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
22 Recovery Fund in the total amount of two hundred eleven million two
23 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
24 to be divided equally between the twenty-four (24) Delegate Regions in the
25 amount of eight million eight hundred two thousand three hundred forty
26 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
27 Region Project Plans approved by Navajo Nation Council resolution and
28 signed into law by the President of the Navajo Nation . . . See CJN-29-22,
29 Section Three (B).

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

25 C. All projects listed in the Hon. George H. Tolth's Delegate Region Projects Plan,
26 attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.
27 In addition, Hon. George H. Tolth's Delegate Region Projects Plan does *not* exceed
28 the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

29 D. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
30 Nation and the Hon. George H. Tolth's Delegate Region Chapters and communities

1 to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region
2 Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater,
3 Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo
4 Encino, Counselor) as set forth in **Exhibit A**.

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6 **SECTION THREE. APPROVAL OF HON. GEORGE H. TOLTH'S DELEGATE**
7 **REGION PROJECT PLAN**

8 A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project
9 Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo
10 Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino,
11 Counselor) set forth in **Exhibit A**.

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

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

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18 **SECTION FOUR. AMENDMENTS**

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

23
24 **SECTION FIVE. EFFECTIVE DATE**

25 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
26 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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28 **SECTION SIX. SAVING CLAUSE**

29 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,
30 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,

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those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.