

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0157-23\_

SPONSOR: Danny Simpson

**TITLE: An Action Relating to an Emergency for the Navajo Nation; Relating to the Navajo Nation Council; Amending Council Resolutions CJY-41-21 and CJN-29-22; Authorizing the Naabik'iyáti' Committee to have Final Approval Authority for Projects using the Navajo Nation's Fiscal Recovery Funds**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0157-23

**DATE:** July 20, 2023


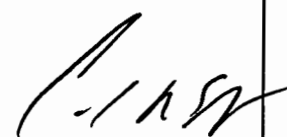
**TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; RELATING TO THE NAVAJO NATION COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; AUTHORIZING THE NAABIK'ÍYÁTI' COMMITTEE TO HAVE FINAL APPROVAL AUTHORITY FOR PROJECTS USING THE NAVAJO NATION'S FISCAL RECOVERY FUNDS**

**PURPOSE:** The purpose of this proposed resolution is to allow the Naabik'iyáti' Committee to approve Projects using the Navajo Nation's Fiscal Recovery Fund by amending provisions from Council Resolutions CJY-41-21 and CJN-29-22.

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY

  
(Prime Sponsor) 

TRACKING NO. 0157-23

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; RELATING TO THE NAVAJO NATION COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; AUTHORIZING THE NAABIK'ÍYÁTI' COMMITTEE TO HAVE FINAL APPROVAL AUTHORITY FOR PROJECTS USING THE NAVAJO NATION'S FISCAL RECOVERY FUNDS

BE IT ENACTED:

**SECTION 1. AUTHORITY**

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Code provides, “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation.” 2 N.N.C. § 164(A)(16).
- C. This legislation is offered as an emergency because the Fiscal Recovery Funds (“FRF”) are intended to support governmental efforts and respond to health, social and economic impacts as a result of the impact of COVID-19 suffered by residents and business. These are matters that

1 directly threaten the sovereignty of the Navajo Nation and arise due to the pressing public need,  
2 which meets the emergency legislation requirements.

3  
4 **SECTION 2. FINDINGS**

5 A. The Navajo Nation's current FRF Project approval process requires legislation to be  
6 approved by the Navajo Nation Council in accordance with Council Resolutions CJY-  
7 41-21, attached as **Exhibit A** (exhibits omitted), and CJN-29-22, attached as **Exhibit B**,  
8 (exhibits omitted).

9 B. The term Projects as used in this legislation has the definition assigned in Exhibits A-E  
10 of Resolution BFS-31-21.

11 C. This legislation amends the Nation's FRF process to allow for approval through the  
12 Naabik'iyáti' Committee. Without this change, the Office of the President and Vice-  
13 Present and all supporting Divisions, Departments, and other entities, will be hindered  
14 in their efforts to complete Projects in a timely manner given the challenges of limited  
15 construction season, inflation and the rising cost of goods, and additional project  
16 approval requirements.

17 D. Allowing the Naabik'iyáti' Committee to be the final approval authority for FRF  
18 Projects will streamline the Navajo Nation's approval process, and bring greater  
19 efficiency to the FRF Project approval process.

20  
21 **SECTION 3. AMENDING NAVAJO NATION COUNCIL RESOLUTION CJY-41-**  
22 **21 AUTHORIZING THE NAABIK'ÍYÁTI' COMMITTEE TO HAVE FINAL**  
23 **APPROVAL AUTHORITY FOR PROJECTS USING THE NAVAJO NATION'S**  
24 **FISCAL RECOVERY FUNDS**

25  
26 The Navajo Nation Council hereby amends Council Resolution CJY-41-21, as follows:

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28 \*\*\*

29 Amend SECTION THREE, Page 4, Paragraph G, as follows:

30 G. Except as set forth in Sections Five through Seven below, expenditures of the

1 NNFRF shall only be authorized through Expenditure Plan(s) duly adopted by a two-thirds  
2 (2/3) vote of the all members of the Naabik'iyáti' Committee. ~~Navajo Nation Council and~~  
3 ~~approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C.~~  
4 ~~§§ 1005(C) (10), (11), and (12).~~9

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7 Amend SECTION FOUR, Page 5, Paragraph E, as follows:

8 E. Following NNFRF Expenditure Plan approval by a two-thirds (2/3) vote of all  
9 members of the Naabik'iyáti' Committee ~~Navajo Nation Council and President~~, the  
10 Navajo Nation with the assistance of NNDOJ, shall enter into a binding agreement,  
11 such as a, grant or subrecipient agreement, with each Responsible Entity, other than  
12 Navajo Nation divisions and offices and non-LGA certified chapters, to ensure all  
13 Navajo Nation laws and regulations are followed and complied with at all times.

14  
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16 Amend SECTION EIGHT, Page 8, Paragraph A, as follows:

17 A. After reimbursement of the Síhasin Fund and UUFB, allocations to the defunded  
18 Navajo Nation CARES Fund projects, and the release of the immediate disbursements  
19 provided for in this legislation, OOC shall only release and distribute NNFRF funds in  
20 conformance with duly adopted Expenditure Plans enacted by a two-thirds (2/3) vote  
21 of all members of the Naabik'iyáti' Committee. ~~Navajo Nation Council and approved~~  
22 ~~by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§~~  
23 ~~1005 (C) (10), (11) and (12).~~

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28 **SECTION 4. AMENDING NAVAJO NATION COUNCIL RESOLUTION CJN-29-**  
29 **22 AUTHORIZING THE NAABIK'ÍYÁTI' COMMITTEE TO HAVE FINAL**  
30 **APPROVAL AUTHORITY FOR PROJECTS USING THE NAVAJO NATION'S**

1 **FISCAL RECOVERY FUNDS**

2  
3 The Navajo Nation Council hereby amends Council Resolution CJN-29-22, as follows:

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6 Amend SECTION THREE, Page 6, Paragraph B, as follows:

7 The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter  
8 Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total  
9 amount of two hundred eleven million two hundred fifty-six thousand one hundred forty  
10 eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate  
11 Regions in the amount of eight million eight hundred two thousand three hundred forty  
12 dollars (\$8,802,340) per Delegate Region, as set forth in **Exhibit C** [exhibit omitted in this  
13 resolution], and allocated through Delegate Region Project Plans approved by two-thirds  
14 (2/3) vote of the full Naabik'iyáti' Committee. ~~Navajo Nation Council resolution and~~  
15 ~~signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17)~~  
16 ~~and 2 N.N.C. §§ 1005(C)(10), (11), and (12).~~

17  
18 **SECTION 5. SAVING CLAUSE**

19 Should any provision(s) of this Act be determined invalid by the Navajo Nation Supreme  
20 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation  
21 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

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23 **SECTION 6. EFFECTIVE DATE**

24 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).  
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