

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0158-23\_

SPONSOR: Germaine Simonson

**TITLE: An Action Relating to Naabik'iyáti' Committee and Navajo Nation Council: Amending CAP-15-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill), to Include Additional Projects for this Delegate Region**

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**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0158-23**

**DATE: July 13, 2023**

**TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

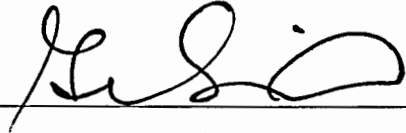
**PURPOSE:** This resolution, if approved, will include additional FRF-Eligible projects to Hon. Germaine Simonson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) enacted under CAP-15-23.

**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         
Website Posting Time/Date         
Posting End Date: 07-29-23  
Eligible for Action: 07-30-23

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

4 INTRODUCED BY

5   
6 \_\_\_\_\_

7 Primary Sponsor

9 TRACKING NO. 0158-23

11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
13 COUNCIL; AMENDING CAP-15-23, THE NAVAJO NATION FISCAL  
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15 HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS:  
16 HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL),  
17 TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

19 BE IT ENACTED:

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 D. Navajo Nation Council Resolution No. CAP-15-23, herein by reference, mandates that  
4 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan  
5 for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest  
6 Lake, Pinon, Black Mesa, Whippoorwill) be approved by a Navajo Nation Council  
7 resolution and signed into law by the President of the Navajo Nation pursuant to 2  
8 N.N.C. § 164 (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).  
30

1 C. The Navajo Nation Council Resolution No. CAP-15-23, 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 GERMAINE SIMONSON'S  
5 DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON,  
6 BLACK MESA, WHIPPOORWILL), was signed into law by the President of the  
7 Navajo Nation on May 4, 2023.

8 D. CAP-15-23, 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. Germaine Simonson's Delegate Region  
14 Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible  
15 by NNDOJ. In addition, Hon. Germaine Simonson's Delegate Region Projects Plan  
16 does *not* exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three  
17 (F).

18 F. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
19 Nation and the Hon. Germaine Simonson'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. Germaine Simonson's  
22 Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa,  
23 Whippoorwill) as set forth in **Exhibit A**.

24  
25 **SECTION THREE. AMENDING CAP-15-23, THE NAVAJO NATION FISCAL**  
26 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**  
27 **GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK,**  
28 **FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE**  
29 **ADDITIONAL 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. Germaine Simonson's  
3 Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa,  
4 Whippoorwill) set forth in **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.