

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0159-23_

SPONSOR: Steven Arviso

TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CMY-39-23 and CAP-11-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), to Include Additional Projects for this Delegate Region

Date posted: July 24, 2023 12:00 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0159-23

DATE: July 20, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

PURPOSE: This resolution, if approved, will include additional FRF-Eligible projects to Hon. Steven R. Arviso's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) enacted under CMY-39-23 and CAP-11-23.

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 8/30
Website Posting Time/Date _____
Posting End Date: 07-29-23
Eligible for Action: 07-30-23

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. 0159-23

10
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION
14 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE STEVEN R. ARVISO'S DELEGATE REGION
16 (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE,
17 PINEDALE, SMITH LAKE, THOREAU),
18 TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

19
20 BE IT ENACTED:

21
22 SECTION ONE. AUTHORITY

- 23 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
24 §102(A).
25 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
26 with the delegated responsibility to hear proposed resolution(s) that require final
27 action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
28 C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference,
29 mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region
30 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-11-23, herein by reference, mandates that
4 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan
5 for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito,
6 Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation
7 Council resolution and signed into law by the President of the Navajo Nation pursuant
8 to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

9 E. Navajo Nation Council Resolution No. CMY-39-23, herein by reference, mandates
10 that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project
11 Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock,
12 Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo
13 Nation Council resolution and signed into law by the President of the Navajo Nation
14 pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

15
16 **SECTION TWO. FINDINGS**

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

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

- 2 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
3 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
4 Recovery Fund in the total amount of two hundred eleven million two
5 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
6 to be divided equally between the twenty-four (24) Delegate Regions in the
7 amount of eight million eight hundred two thousand three hundred forty
8 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
9 Region Project Plans approved by Navajo Nation Council resolution and
10 signed into law by the President of the Navajo Nation . . . See CJN-29-22,
11 Section Three (B).
- 12 2. The Delegate Region Project Plan funding will be allocated to the Navajo
13 Nation Central Government, specifically the Division of Community
14 Development or other appropriate Navajo Nation Division or Department,
15 to implement the projects rather than directly to the Chapters. See CJN-29-
16 22, Section Three (D).
- 17 3. The Navajo Nation Central Government, specifically the Division of
18 Community Development or other appropriate Navajo Nation Division or
19 Department, shall manage and administer funds and Delegate Region
20 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
21 Central Government may award funding to LGA-Certified Chapters through
22 sub-recipient agreements to implement and manage specific projects, but
23 shall maintain Administrative Oversight over such funding and Delegate
24 Region Project Plans. See CJN-29-22, Section Three (E).
- 25 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
26 eligible projects within their Delegate Region to be funded by the NNFRF
27 Chapter and Regional Projects Expenditure Plan through a Delegate Region
28 Projects Plan. The total cost of projects selected by each Delegate shall not
29 exceed their Delegate Region distribution of eight million eight hundred two
30

1 thousand three hundred forty dollars (\$8,802,340). *See* CJN-29-22, Section
2 Three (F).

- 3 5. Each Delegate Region Project shall identify its Administrative Oversight
4 entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ
5 initial eligibility determination. *See* CJN-29-22, Section Three (L)(5) and
6 (L)(6).

7 C. The Navajo Nation Council Resolution No. CAP-11-23, AN ACTION RELATING
8 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
9 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
10 REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S
11 DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO
12 LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the
13 President of the Navajo Nation on May 4, 2023.

14 D. CAP-11-23, Section Four, states that:

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

19 E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING
20 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
21 AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND
22 DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R.
23 ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO,
24 MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE
25 ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law
26 by the President of the Navajo Nation on June 8, 2023.

27 F. CMY-39-23, Section Four, states that:

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

3 G. All additional projects listed in the Hon. Steven R. Arviso's Delegate Region Projects
4 Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by
5 NNDOJ. In addition, Hon. Steven R. Arviso's Delegate Region Projects Plan does
6 *not* exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

7 H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
8 Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities
9 to approve and adopt the additional projects as part of the Navajo Nation Fiscal
10 Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate
11 Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake,
12 Thoreau) as set forth in **Exhibit A**.

13
14 **SECTION THREE. AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO**
15 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**
16 **FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS:**
17 **CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE,**
18 **THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE**
19 **REGION**

20 A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
21 Fiscal Recovery Fund Delegate Region Project Plan for Steven R. Arviso's Delegate
22 Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau)
23 set forth in **Exhibit A**.

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

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

1 **SECTION FOUR. AMENDMENTS**

2 Amendments to this legislation or to the Delegate Region Project Plan approved herein
3 shall only be adopted by resolution of the Navajo Nation Council and approval of the
4 President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005
5 (C) (10), (11), and (12).
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7 **SECTION FIVE. EFFECTIVE DATE**

8 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
9 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).
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11 **SECTION SIX. SAVING CLAUSE**

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