

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0196-23_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending Council Resolutions CJY-41-21 and CJN-29-22; Delegating the Naabik'iyáti' Committee as the Final Approval Authority for Delegate Region Project Plans Funded Through the Navajo Nation's Fiscal Recovery Funds

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0196-23

DATE: August 4, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH THE NAVAJO NATION'S FISCAL RECOVERY FUNDS

PURPOSE: The purpose of this legislation is to assign and delegate final approval of Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Projects Plans to the Naabik'íyáti' Committee.

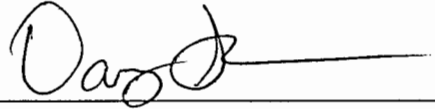
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 08/09/23
Eligible for Action: 08/10/23

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 (Prime Sponsor)

8
9 TRACKING NO. 0196-23

10
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22;
14 DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL
15 AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH
16 THE NAVAJO NATION'S FISCAL RECOVERY FUNDS

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
22 § 102 (A).
- 23 B. Navajo Nation Council Resolution No. CJY-41-21, attached as **Exhibit 1** (exhibits
24 amended), mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Expenditure
25 Plans be duly adopted by a two-thirds (2/3) vote of all members of the Navajo Nation
26 Council and approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164
27 (A) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).
- 28 C. Navajo Nation Council Resolution No. CJN-29-22, attached as **Exhibit 2** (exhibits
29 amended), mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Expenditure
30 Plans be duly adopted by a two-thirds (2/3) vote of all members of the Navajo Nation

1 Council and approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164
2 (A) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

3 D. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council
4 with the delegated responsibility to hear proposed resolution(s) that require final
5 action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

6
7 **SECTION TWO. FINDINGS**

8 A. The Navajo Nation's current NNFRF Project approval process requires legislation to be
9 approved by the Navajo Nation Council in accordance with Council Resolutions CJY-
10 41-21, attached as **Exhibit 1** (exhibits omitted), and CJN-29-22, attached as **Exhibit 2**
11 (exhibits omitted).

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

14 C. This legislation amends the Nation's NNFRF process to allow for approval of Delegate
15 Region Project Plans through the Naabik'íyáti' Committee. Without this amendment,
16 the NNFRF Office, Office of the President and Vice-President and all supporting
17 Divisions, Departments, Chapters, and other entities, will be hindered in their efforts to
18 complete chapter and regional projects in a timely manner given the challenges of
19 limited construction season, inflation and the rising cost of goods, and additional
20 project approval requirements.

21 D. Allowing the Naabik'íyáti' Committee to be the final approval authority for NNFRF
22 Delegate Region Project Plans will expedite and streamline the Navajo Nation's
23 approval process, and bring greater efficiency to the Delegate Region Project Plans
24 approval process and completion of chapter and regional projects.

25
26 **SECTION THREE. AMENDING NAVAJO NATION COUNCIL RESOLUTION**
27 **CJY-41-21 TO DELEGATE FINAL APPROVAL AUTHORITY FOR DELEGATE**
28 **REGION PROJECT PLANS USING NAVAJO NATION'S FISCAL RECOVERY**
29 **FUNDS TO THE NAABIK'ÍYÁTI' COMMITTEE**

30 The Navajo Nation Council hereby amends Sections Three, Four, and Eight of Navajo

1 Nation Council Resolution CJY-41-21, as follows:

2 1. SECTION THREE, Page 4, Paragraph G:

3 G. Except as set forth in Sections Five through Seven below, expenditures of the
4 NNFRF shall only be authorized through Expenditure Plan(s) duly adopted by
5 a two-thirds (2/3) vote of the all members of the Navajo Nation Council and
6 approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)
7 and 2 N.N.C. §§ 1005(C) (10), (11), and (12). Notwithstanding the above,
8 NNFRF Delegate Region Project Plans, authorized through CJN-29-22, shall
9 be duly adopted by a two-thirds (2/3) vote of the Naabik'iyáti' Committee
10 members in attendance and shall not require approval by the President of the
11 Navajo Nation.

12
13 2. SECTION FOUR, Page 5, Paragraph E, as follows:

14 E. Following NNFRF Expenditure Plan approval by Navajo Nation Council and
15 President, or NNFRF Delegate Region Project Plan approval by the
16 Naabik'iyáti' Committee, the Navajo Nation, with the assistance of NNDOJ,
17 shall enter into a binding agreement, such as a, grant or subrecipient
18 agreement, with each Responsible Entity, other than Navajo Nation divisions
19 and offices and non-LGA certified chapters, to ensure all Navajo Nation laws
20 and regulations are followed and complied with at all times.

21
22 3. SECTION EIGHT, Page 8, Paragraph A, as follows:

23 A. After reimbursement of the Síhasin Fund and UUFB, allocations to the
24 defunded Navajo Nation CARES Fund projects, and the release of the
25 immediate disbursements provided for in this legislation, OOC shall only
26 release and distribute NNFRF funds in conformance with duly adopted
27 Expenditure Plans enacted by a two-thirds (2/3) vote of all members of the
28 Navajo Nation Council and approved by the President of the Navajo Nation
29 pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§ 1005 (C) (10), (11) and (12);
30 or NNFRF Delegate Region Project Plans adopted by a two-thirds (2/3) vote of

1 the Naabik'iyáti' Committee members in attendance.

2
3 **SECTION FOUR. AMENDING NAVAJO NATION COUNCIL RESOLUTION**
4 **CJN-29-22 TO DELEGATE FINAL APPROVAL AUTHORITY FOR DELEGATE**
5 **REGION PROJECT PLANS USING NAVAJO NATION'S FISCAL RECOVERY**
6 **FUNDS TO THE NAABIK'ÍYÁTI' COMMITTEE**

7 The Navajo Nation Council hereby amends Sections Three and Twelve of Council
8 Resolution CJN-29-22, as follows:

9 1. SECTION THREE, Page 6, Paragraph B, as follows:

10 B. The Navajo Nation hereby approves total funding for the NNFRF Chapter and
11 Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery
12 Fund in the total amount of two hundred eleven million two hundred fifty-six
13 thousand one hundred forty eight dollars (\$211,256,148) to be divided equally
14 between the twenty-four (24) Delegate Regions in the amount of eight million
15 eight hundred two thousand three hundred forty dollars (\$8,802,340) per
16 Delegate Region, as set forth in Exhibit C [*exhibit omitted in this resolution*],
17 and allocated through Delegate Region Projects Plans approved by two-thirds
18 (2/3) vote of the Naabik'iyáti' Committee members in attendance. ~~Navajo~~
19 ~~Nation Council resolution and signed into law by the President of the Navajo~~
20 ~~Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005(C)(10), (11),~~
21 ~~and (12).~~

22 2. SECTION THREE, Page 7, Paragraph G, as follows:

23 G. The projects selected by each Navajo Nation Council delegated shall be
24 compiled into a Delegate Region Projects Plan for their respective Delegate
25 Region and approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee
26 members in attendance. ~~Navajo Nation Council resolution and signed into law~~
27 ~~by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and~~
28 ~~2 N.N.C. §§ 1005(C)(10), (11), and (12).~~

29
30 3. SECTION TWELVE, Page 19, Paragraphs F and G as follows:

1 F. Awarded Navajo Nation Fiscal Recovery Funds shall only be obligated and
2 expended on projects and/or services, including need-based projects and
3 services, that were included as an immediate allocation under Resolution CJY-
4 41-21 or are included in a NNFRF Expenditure Plan approved and adopted by
5 a Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164
6 (A)(17) and 2 N.N.C. §§ 1005 (C)(10), (11), and (12) or are included in a
7 NNFRF Delegate Region Projects Plan approved and adopted by two-thirds
8 (2/3) vote of the Naabik'iyáti' Committee members in attendance.

9 G. All proposed modifications to an approved NNFRF Expenditure Plan or an approved
10 NNFRF Expenditure Plan budget shall comply with section 8 of Exhibits 1 through 5 of
11 Resolution BFS-31-21.

12 * * * *

13 b. Modifications that change the purpose and intent of the Expenditure Plan or
14 projects and services within the approved Expenditure Plan or that substantially
15 change the scope of work of the Expenditure Plan shall require approval by the
16 Navajo Nation Council or by two-thirds (2/3) vote of the Naabik'iyáti'
17 Committee members in attendance when the change(s) are to a Delegate Region
18 Projects Plan.

19 * * * *

20 d. After NNDOJ has reviewed the request for a modification of an approved
21 Expenditure Plan and determined that legislative approval is not needed, or after
22 the modification is approved by a Navajo Nation Council resolution enacted
23 pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C)(10), (11), and (12)
24 or by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance
25 when the modification(s) are to a Delegate Region Projects Plan, the
26 Administrative Oversight entity acting on behalf of the Funding Recipient shall
27 submit a budget revision request to Office of Management & Budget ("OMB"), if
28 needed. The Budget Instruction Manual provisions regarding budget revision
29 requests shall apply.

30 4. SECTION TWELVE, Page 20, Paragraph K as follows:

1 K. To add projects or services to an approved Expenditure Plan when such
2 projects and/or services are not need-based projects or services, shall require a
3 NNDOJ initial eligibility determination pursuant to Resolution BFS-31-21 and
4 the addition must be approved through resolution by the Standing
5 Committee(s) having oversight over the Expenditure Plan and the Budget and
6 Finance Committee.

7 1. If the new project and/or service increases the total funding awarded for
8 the Expenditure Plan or does not share the same Expenditure Category
9 as the Expenditure Plan, Resolution BFS-31-21 must be fully complied
10 with and the addition can only be added through Navajo Nation Council
11 resolution enacted pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§
12 1005 (C)(10), (11), and (12). Notwithstanding the above, if the new
13 project or service does not share the same Expenditure Category as the
14 Delegate Region Projects Plan project, the addition can be added
15 through Naabik'iyáti' Committee resolution approved by two-thirds (2/3) vote of
16 the members in attendance.

17
18 **SECTION FIVE. SAVING CLAUSE**

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

23
24 **SECTION SIX. EFFECTIVE DATE**

25 The provisions of this Action shall become effective upon adoption by a two-thirds (2/3)
26 vote of all members of the Navajo Nation Council and approval of the President of the
27 Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C)(10), (11),
28 and (12).