

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0201-23_

SPONSOR: Casey Allen Johnson

TITLE: An Action Relating to the Naabik'iyáti Committee and Navajo Nation Council; Amending CAP-08-23, The Navajo Nation Fiscal Recovery Fund Delegated Region Project Plan for Honorable Casey Allen Johnson's Delegated Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake), To include additional Projects for this Delegate Region

Date posted: August 09, 2023 at 5:44PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0201-23

DATE: August 8, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-08-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CASEY ALLEN JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

PURPOSE: This resolution, if approved, will include additional FRF-Eligible projects to Hon. Casey Allen Johnson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) enacted under CAP-08-23.

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 A.T.H.
Website Posting Time/Date _____
Posting End Date: 08/14/23
Eligible for Action: 08/15/23

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

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4 INTRODUCED BY

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7 Primary Sponsor

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9 TRACKING NO. 0201-23

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11 AN ACTION
12 **RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION**
13 **COUNCIL; AMENDING CAP-08-23 AND THE NAVAJO NATION FISCAL**
14 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR**
15 **HONORABLE CASEY ALLEN JOHNSON'S DELEGATE REGION**
16 **(CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP,**
17 **TOLANI LAKE)**

18
19 **BE IT ENACTED:**

20
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
30

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-08-23, attached as **Exhibit 1** (without
4 project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery
5 Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region
6 (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) be
7 approved by a Navajo Nation Council resolution and signed into law by the President
8 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)
9 (10), (11), and (12).

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11 **SECTION TWO. FINDINGS**

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

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

- 27 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
28 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
29 Recovery Fund in the total amount of two hundred eleven million two
30 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)

1 to be divided equally between the twenty-four (24) Delegate Regions in the
2 amount of eight million eight hundred two thousand three hundred forty
3 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
4 Region Project Plans approved by Navajo Nation Council resolution and
5 signed into law by the President of the Navajo Nation *See* CJN-29-22,
6 Section Three (B).

7 2. The Delegate Region Project Plan funding will be allocated to the Navajo
8 Nation Central Government, specifically the Division of Community
9 Development or other appropriate Navajo Nation Division or Department,
10 to implement the projects rather than directly to the Chapters. *See* CJN-29-
11 22, Section Three (D).

12 3. The Navajo Nation Central Government, specifically the Division of
13 Community Development or other appropriate Navajo Nation Division or
14 Department, shall manage and administer funds and Delegate Region
15 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
16 Central Government may award funding to LGA-Certified Chapters through
17 sub-recipient agreements to implement and manage specific projects, but
18 shall maintain Administrative Oversight over such funding and Delegate
19 Region Project Plans. *See* CJN-29-22, Section Three (E).

20 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
21 eligible projects within their Delegate Region to be funded by the NNFRF
22 Chapter and Regional Projects Expenditure Plan through a Delegate Region
23 Projects Plan. The total cost of projects selected by each Delegate shall not
24 exceed their Delegate Region distribution of eight million eight hundred two
25 thousand three hundred forty dollars (\$8,802,340). *See* CJN-29-22, Section
26 Three (F).

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

1 C. The Navajo Nation Council Resolution No. CAP-08-23, 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 CASEY ALLEN JOHNSON'S
5 DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON,
6 BIRDSPRINGS, LEUPP, TOLANI LAKE), was signed into law by the President of
7 the Navajo Nation on May 5, 2023. **Exhibit 1.**

8 D. CAP-08-23, 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. The Hon. Casey Allen Johnson has requested to amend CAP-08-23 to delete the
14 *Tolani Lake Chapter House Wiring Project* (under NNDOJ Review No. HK0367)
15 from the Delegate Region Projects Plan covering the Cameron, Coalmine Canyon,
16 Birdsprings, Leupp, Tolani Lake Chapters. The removal of this project will **revert**
17 **\$70,000.00** back to Hon. Casey Allen Johnson's Delegate Region's Project Plan's **Un-**
18 **Allocated Amount.**

19 F. In addition to the removal of the *Tolani Lake Chapter House Wiring Project*, Hon.
20 Casey Allen Johnson has requested that additional projects be added to the Delegate
21 Region Projects Plan covering the Cameron, Coalmine Canyon, Birdsprings, Leupp,
22 Tolani Lake Chapters originally approved by CAP-08-23. The additional projects,
23 which have all been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the
24 deleted project, are set forth in **Exhibit 2**. After the deletion and addition of projects,
25 the Hon. Casey Allen Johnson's Delegate Region Projects Plan does *not* exceed the
26 amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

27 G. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
28 Nation and the Hon. Casey Allen Johnson's Delegate Region Chapters and
29 communities to approve and adopt the removal of one-project and add additional
30 projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project

1 Plan for Hon. Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine
2 Canyon, Birdsprings, Leupp, Tolani Lake) as set forth in **Exhibit 2**.

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4 **SECTION THREE. AMENDING CAP-08-23, THE NAVAJO NATION FISCAL**
5 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**
6 **CASEY ALLEN JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON,**
7 **COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE)**

8 A. The Navajo Nation hereby approves the removal of one-project (the *Tolani Lake*
9 *Chapter House Wiring Project* under NNDOJ Review No. HK0367) listed in CAP-
10 08-23 for Hon. Casey Allen Johnson's Delegate Region Projects Plan as **stricken in**
11 **Exhibit 2**. The removal of these projects from Hon. Casey Allen Johnson's Delegate
12 Projects Plan will **revert** \$70,000.00 back to his Delegate Region's Project Plan's **Un-**
13 **Allocated Amount**.

14 B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
15 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's
16 Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani
17 Lake) set forth in **Exhibit 2**.

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

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

23
24 **SECTION FOUR. AMENDMENTS**

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

1 **SECTION FIVE. EFFECTIVE DATE**

2 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
3 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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5 **SECTION SIX. SAVING CLAUSE**

6 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,
7 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,
8 those provisions of this legislation not determined invalid shall remain the law of the Navajo
9 Nation.

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