

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0205-23\_

SPONSOR: Herman M. Daniels Jr.

**TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CJY-51-23 and CAP-21-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) to Include Additional Projects for this Delegate Region**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0205-23

**DATE: August 9, 2023**

**TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CJY-51-23 AND CAP-21-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO) TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

**PURPOSE:** This resolution, if approved, will add FRF-Eligible projects to Hon. Herman M. Daniels, Jr.'s Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) enacted under CJY-51-23 and CAP-21-23.

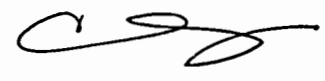
**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD JJB  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 08-16-23  
Eligible for Action: 08-17-23

Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

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

4 INTRODUCED BY



6 \_\_\_\_\_  
7 Primary Sponsor

9 TRACKING NO. 0205-23

11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
13 COUNCIL; AMENDING CJY-51-23 AND CAP-21-23, THE NAVAJO NATION  
14 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15 HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION  
16 (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO),  
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-21-23, herein by reference, mandates that  
4 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan  
5 for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapter: Tsah Bii Kin,  
6 Navajo Mountain, Shonto, Oljato) be approved by a Navajo Nation Council resolution  
7 and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164  
8 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

9 E. Navajo Nation Council Resolution No. CJY-51-23, herein by reference, mandates  
10 that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project  
11 Plan for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapter: Tsah Bii Kin,  
12 Navajo Mountain, Shonto, Oljato) be approved by a Navajo Nation Council resolution  
13 and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164  
14 (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-21-23, 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 HERMAN M. DANIELS, JR.'S  
11 DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN,  
12 SHONTO, OLJATO), was signed into law by the President of the Navajo Nation on  
13 May 5, 2023.

14 D. CAP-21-23, 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. CJY-51-23, AN ACTION RELATING TO  
20 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
21 AMENDING CAP-21-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
22 DELEGATE REGION PROJECT PLAN FOR HONORABLE HERMAN M.  
23 DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO  
24 MOUNTAIN, SHONTO, OLJATO), TO INCLUDE ADDITIONAL PROJECTS  
25 FOR THIS DELEGATE REGION was signed into law by the President of the Navajo  
26 Nation on August 4, 2023.

27 F. CJY-51-23, Section Four, states that:

- 28 1. 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  
30

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. Herman M. Daniels, Jr.'s Delegate Region  
4 Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible  
5 by NNDOJ. In addition, Hon. Herman M. Daniels, Jr.'s Delegate Region Projects  
6 Plan does *not* exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section  
7 Three (F).

8 H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
9 Nation and the Hon. Herman M. Daniels, Jr.'s Delegate Region Chapters and  
10 communities to approve and adopt the additional projects as part of the Navajo Nation  
11 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Herman M. Daniels,  
12 Jr.'s Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) as  
13 set forth in **Exhibit A**.

14  
15 **SECTION THREE. AMENDING CJY-51-23 AND CAP-21-23, THE NAVAJO**  
16 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**  
17 **FOR HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION**  
18 **(CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO), TO**  
19 **INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE 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 Hon. Herman M. Daniels, Jr.'s  
22 Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) set forth in  
23 **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).

29  
30 **SECTION FOUR. AMENDMENTS**

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

5  
6 **SECTION FIVE. EFFECTIVE DATE**

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

9  
10 **SECTION SIX. SAVING CLAUSE**

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