

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0208-23\_

SPONSOR: Danny Simpson

**TITLE: An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CJY-65-23 and CMY-42-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Danny Simpson's Delegate Region (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint), to Include Additional Projects for this Delegate Region**

*Date posted:* August 23, 2023 at 5:29PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0208-23

**DATE: August 15, 2023**

**TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CJY-65-23 AND CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY, NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

**PURPOSE:** This resolution, if approved, will add FRF-Eligible projects to Hon. Danny Simpson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) enacted under CJY-65-23 and CMY-42-23.

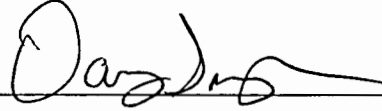
**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD JJR  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 08-28-23  
Eligible for Action: 08-29-23

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. 0208-23

10  
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
13 COUNCIL; AMENDING CJY-65-23 AND CMY-42-23, THE NAVAJO NATION  
14 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15 HONORABLE DANNY SIMPSON'S DELEGATE REGION (CHAPTERS:  
16 BECENTI, LAKE VALLEY, NAHODISHGISH, STANDING ROCK,  
17 WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT),  
18 TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

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20 BE IT ENACTED:

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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. CMY-42-23, herein by reference, mandates  
4 that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project  
5 Plan for Honorable Danny Simpson's Delegate Region (Chapters: Becenti, Lake  
6 Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint)  
7 be approved by a Navajo Nation Council resolution and signed into law by the  
8 President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§  
9 1005 (C) (10), (11), and (12).

10 E. Navajo Nation Council Resolution No. CJY-65-23, herein by reference, mandates that  
11 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan  
12 for Honorable Danny Simpson's Delegate Region (Chapters: Becenti, Lake Valley,  
13 Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) be  
14 approved by a Navajo Nation Council resolution and signed into law by the President  
15 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)  
16 (10), (11), and (12).

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18 **SECTION TWO. FINDINGS**

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

1 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo  
2 Nation on July 15, 2022.

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

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

1 exceed their Delegate Region distribution of eight million eight hundred two  
2 thousand three hundred forty dollars (\$8,802,340). *See* CJN-29-22, Section  
3 Three (F).

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

8 C. The Navajo Nation Council Resolution No. CMY-42-23, AN ACTION RELATING  
9 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
10 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE  
11 REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S DELEGATE  
12 REGION (CHAPTERS: BECENTI, LAKE VALLEY, NAHODISHGISH,  
13 STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT),  
14 was signed into law by the President of the Navajo Nation on June 8, 2023.

15 D. CMY-42-23, Section Four, states that:

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

20 E. The Navajo Nation Council Resolution No. CJY-65-23, AN ACTION RELATING TO  
21 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
22 AMENDING CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
23 DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S  
24 DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY,  
25 NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI,  
26 CROWNPOINT), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGTE  
27 REGION was signed into law by the President of the Navajo Nation on August 4,  
28 2023.

29 F. CJY-65-23, Section Four, states that:  
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1 1. Amendments to this legislation or to the Delegate Region Project Plan approved  
2 herein shall only be adopted by resolution of the Navajo Nation Council and  
3 approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17)  
4 and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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

9 H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
10 Nation and the Hon. Danny Simpson's Delegate Region Chapters and communities to  
11 approve and adopt the additional projects as part of the Navajo Nation Fiscal Recovery  
12 Fund Delegate Region Project Plan for Hon. Danny Simpson's Delegate Region  
13 (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano,  
14 Nageezi, Crownpoint) as set forth in **Exhibit A**.

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16 **SECTION THREE. AMENDING CJY-65-23 AND CMY-42-23, THE NAVAJO**  
17 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**  
18 **FOR HONORABLE DANNY SIMPSON'S DELEGATE REGION (CHAPTERS:**  
19 **BECENTI, LAKE VALLEY, NAHODISHGISH, STANDING ROCK,**  
20 **WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT), TO INCLUDE**  
21 **ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

22 A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation  
23 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Danny Simpson's Delegate  
24 Region (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock,  
25 Huerfano, Nageezi, Crownpoint) set forth in **Exhibit A**.

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

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

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**SECTION FOUR. AMENDMENTS**

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

**SECTION FIVE. EFFECTIVE DATE**

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

**SECTION SIX. SAVING CLAUSE**

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