

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0215-23_

SPONSOR: George H. Tolth

TITLE: An Action Relating to the Naabik'íyáti Committee and Navajo Nation Council; Amending CJY-67-23, The Navajo Nation Fiscal Recovery Fund Delegated Region Project Plan for Honorable George H. Tolth's Delegated Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor), To include additional Projects for this Delegate Region

Date posted: August 28, 2023 at 4:42PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0215-23

DATE: August 28, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

PURPOSE: This resolution, if approved, will add FRF-Eligible project to Hon. George H. Tolth's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) enacted under CJY-67-23.

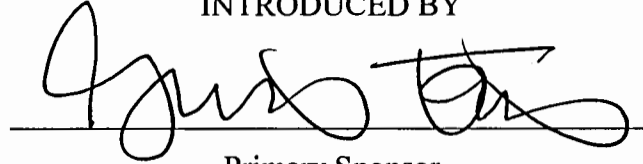
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD Al Nukter
Website Posting Time/Date _____
Posting End Date: 09/02/23
Eligible for Action: 09/03/23

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. 0215-23

10
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
13 COUNCIL; AMENDING CJY-67-23, THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE GEORGE H. TOLTH'S DELEGATE REGION
16 (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE
17 LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR),
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. CJY-67-23, herein by reference, mandates that
4 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan
5 for Hon. George H. Tolth's Delegate Region (Chapter: Littlewater, Pueblo Pintado,
6 Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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).

10
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. CJY-67-23, AN ACTION RELATING TO
2 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
3 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
4 REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S
5 DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO,
6 TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO
7 ENCINO, COUNSELOR) was signed into law by the President of the Navajo Nation
8 on August 4, 2023.

9 D. CJY-67-23, Section Four, states that:

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

14 E. All additional projects listed in the Hon. George H. Tolth's Delegate Region Projects
15 Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by
16 NNDOJ. In addition, Hon. George H. Tolth's Delegate Region Projects Plan does *not*
17 exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

18 F. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
19 Nation and the Hon. George H. Tolth's Delegate Region Chapters and communities
20 to approve and adopt the additional projects as part of the Navajo Nation Fiscal
21 Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate
22 Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake,
23 Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) as set forth in **Exhibit A**.

24
25 **SECTION THREE. AMENDING CJY-67-23, THE NAVAJO NATION FISCAL**
26 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**
27 **GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER,**
28 **PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT,**
29 **CASAMERO LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL**
30 **PROJECTS FOR THIS DELEGATE REGION**

- 1 A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
2 Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate
3 Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake,
4 Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) set forth in **Exhibit A**.
- 5 B. The Delegate Region Project Plan approved herein shall comply with all applicable
6 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- 7 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
8 individual project appendix, shall be resolved in favor of the project appendix reviewed
9 by Department of Justice during their eligibility determination(s).

10
11 **SECTION FOUR. AMENDMENTS**

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

16
17 **SECTION FIVE. EFFECTIVE DATE**

18 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
19 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

20
21 **SECTION SIX. SAVING CLAUSE**

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