

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0257-23_

SPONSOR: Curtis Yanito

TITLE: An Action Relating to The Naabik'iyáti' Committee; Amending NABIO-27-23 and CMY-36-23, The Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Curtis Yanito's Delegate Region (Chapters: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa), to Include Additional Projects for this Delegate Region

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0251-23

DATE: November 28, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-27-23 AND CMY-36-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CURTIS YANITO'S DELEGATE REGION (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED MESA), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION


PURPOSE: This resolution, if approved, will add FRF-Eligible projects to Hon. Curtis Yanito's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Mexican Water, To'Likan, Tees Nos Pos, Aneth, Red Mesa) enacted under CMY-36-23 and NABIO-27-23.

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.

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PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL — First Year, 2023

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0257-23

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
NABIO-27-23 AND CMY-36-23, THE NAVAJO NATION FISCAL RECOVERY
FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CURTIS
YANITO'S DELEGATE REGION (CHAPTERS: MEXICAN WATER,
TO'LIKAN, TEES NOS POS, ANETH, RED MESA), TO INCLUDE
ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. §700(A).
- B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23, mandates that Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.
- C. Navajo Nation Council Resolution No. CMY-36-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Curtis Yanito's Delegate Region

1 (Chapters: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) be approved by a
2 Navajo Nation Council resolution and signed into law by the President of the Navajo
3 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and
4 (12).

5 D. Navajo Nation Council Resolution No. CAU-74-23, which amended CJN-29-22 and
6 CJY-41-2, included and incorporated herein by reference, delegated the Naabik'iyáti'
7 Committee as the final approval authority for Delegate Region Project Plans funded
8 through Navajo Nation's Fiscal Recovery Funds.

9 E. Naabik'iyáti' Committee Resolution No. NABIO-27-23, included and incorporated
10 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
11 Fund Delegate Region Project Plan for Hon. Curtis Yanito's Delegate Region
12 (Chapter: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) be adopted and
13 approved by resolution of the Naabik'iyáti' Committee pursuant to two-thirds (2/3)
14 vote of the Naabik'iyáti' Committee members in attendance.

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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, as amended by CAU-74-23, Section Three, now states, in part and among
2 other things, that

3 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
4 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
5 Recovery Fund in the total amount of two hundred eleven million two
6 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
7 to be divided equally between the twenty-four (24) Delegate Regions in the
8 amount of eight million eight hundred two thousand three hundred forty
9 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
10 Region Project Plans approved by two-thirds (2/3) vote of the Naabik'iyáti'
11 Committee members in attendance. . . See CJN-29-22, as amended by
12 CAU-74-23, Section Three (B).

13 2. The Delegate Region Project Plan funding will be allocated to the Navajo
14 Nation Central Government, specifically the Division of Community
15 Development or other appropriate Navajo Nation Division or Department,
16 to implement the projects rather than directly to the Chapters. See CJN-29-
17 22, Section Three (D).

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

26 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
27 eligible projects within their Delegate Region to be funded by the NNFRF
28 Chapter and Regional Projects Expenditure Plan through a Delegate Region
29 Projects Plan. The total cost of projects selected by each Delegate shall not
30 exceed their Delegate Region distribution of eight million eight hundred two

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. CMY-36-23, 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 CURTIS YANITO'S DELEGATE
11 REGION (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS,
12 ANETH, RED MESA), was signed into law by the President of the Navajo Nation on
13 June 8, 2023.

14 D. CMY-36-23, 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. CAU-74-23, AN ACTION RELATING
20 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
21 AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22;
22 DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL
23 AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH
24 THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the
25 President of the Navajo Nation on September 6, 2023.

26 F. CJN-29-22, as amended by CAU-74-23, Section Three, now states, in part and among
27 other things, that

- 28 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
29 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
30 Recovery Fund in the total amount of two hundred eleven million two

1 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
2 to be divided equally between the twenty-four (24) Delegate Regions in the
3 amount of eight million eight hundred two thousand three hundred forty
4 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
5 Region Project Plans approved by two-thirds (2/3) vote of the Naabik'iyáti'
6 Committee members in attendance. . . See CJN-29-22, as amended by
7 CAU-74-23, Section Three (B).

8 G. The Naabik'iyáti' Committee Resolution No. NABIO-27-23, AN ACTION
9 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CMY-36-23,
10 THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
11 PROJECT PLAN FOR HONORABLE CURTIS YANITO'S DELEGATE REGION
12 (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED
13 MESA), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE
14 REGION, was signed into law by the Chairperson of the Naabik'iyáti' Committee on
15 October 17, 2023.

16 H. NABIO-27-23, Section Four, states that:

17 1. Amendments to this legislation or to the Delegate Region Project Plan approved
18 herein shall only be adopted and approved by resolution of the Naabik'iyáti'
19 Committee.

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

24 J. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
25 Nation and the Hon. Curtis Yanito's Delegate Region Chapters and communities to
26 approve and adopt the additional projects as part of the Navajo Nation Fiscal Recovery
27 Fund Delegate Region Project Plan for Hon. Curtis Yanito's Delegate Region
28 (Chapters: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) as set forth in
29 **Exhibit A**.

1 **SECTION THREE. AMENDING NABIO-27-23 AND CMY-36-23, THE NAVAJO**
2 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**
3 **FOR HONORABLE CURTIS YANITO'S DELEGATE REGION (CHAPTERS:**
4 **MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED MESA), TO**
5 **INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

6 A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
7 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Curtis Yanito's Delegate
8 Region (Chapters: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) set forth
9 in **Exhibit A**.

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

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

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16 **SECTION FOUR. AMENDMENTS**

17 Amendments to this legislation or to the Delegate Region Project Plan approved herein
18 shall only be adopted and approved by resolution of the Naabik'íyáti' Committee.

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20 **SECTION FIVE. EFFECTIVE DATE**

21 This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the
22 Naabik'íyáti' Committee members in attendance.

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24 **SECTION SIX. SAVING CLAUSE**

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