

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0258-23_

SPONSOR: Germaine Simonson

TITLE: An Action Relating to The Naabik'iyáti' Committee; Amending CO-80-23 and CAP-15-23, The Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill), to Include Additional Projects for this Delegate Region

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0258-23

DATE: November 27, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION


PURPOSE: This resolution, if approved, will add FRF-Eligible projects to Hon. Germaine Simonson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) enacted under CAP-15-23 and CO-80-23.

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 JSD
Website Posting Time/Date _____
Posting End Date: 12-05-23
Eligible for Action: 12-06-23

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

3
4 INTRODUCED BY

5
6 _____ 

7 Primary Sponsor

8
9 TRACKING NO. 0258-23

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CO-80-23
13 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND
14 DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE
15 SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST
16 LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE
17 ADDITIONAL PROJECTS FOR THIS DELEGATE REGION
18

19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

- 22 A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo
23 Nation Council. 2 N.N.C. §700(A).
24 B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23,
25 mandates that Fiscal Recovery Fund (“NNFRF”) Delegate Region Project Plans be
26 approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
27 attendance.
28 C. Navajo Nation Council Resolution No. CAP-15-23, included and incorporated herein
29 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
30 Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region

1 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be approved by
2 a 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. Navajo Nation Council Resolution No. CO-80-23, included and incorporated herein
10 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
11 Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region
12 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be approved by
13 a Navajo Nation Council resolution and signed into law by the President of the Navajo
14 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and
15 (12).

16
17 **SECTION TWO. FINDINGS**

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

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

3 B. CJN-29-22, as amended by CAU-74-23, Section Three, now states, in part and among
4 other things, that

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

15 2. The Delegate Region Project Plan funding will be allocated to the Navajo
16 Nation Central Government, specifically the Division of Community
17 Development or other appropriate Navajo Nation Division or Department,
18 to implement the projects rather than directly to the Chapters. See CJN-29-
19 22, Section Three (D).

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

28 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
29 eligible projects within their Delegate Region to be funded by the NNFRF
30 Chapter and Regional Projects Expenditure Plan through a Delegate Region

1 Projects Plan. The total cost of projects selected by each Delegate shall not
2 exceed their Delegate Region distribution of eight million eight hundred two
3 thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section
4 Three (F).

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

9 C. The Navajo Nation Council Resolution No. CAP-15-23, AN ACTION RELATING
10 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
11 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
12 REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S
13 DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON,
14 BLACK MESA, WHIPPOORWILL), was signed into law by the President of the
15 Navajo Nation on May 4, 2023.

16 D. CAP-15-23, Section Four, states that:

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

21 E. The Navajo Nation Council Resolution No. CAU-74-23, AN ACTION RELATING
22 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
23 AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22;
24 DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL
25 AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH
26 THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the
27 President of the Navajo Nation on September 6, 2023.

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

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

11 G. The Navajo Nation Council Resolution No. CO-80-23, AN ACTION RELATING TO
12 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
13 AMENDING CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND
14 DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE
15 SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST
16 LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE
17 ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law
18 by the President of the Navajo Nation on November 3, 2023.

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

24 I. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
25 Nation and the Hon. Germaine Simonson's Delegate Region Chapters and
26 communities to approve and adopt the additional projects as part of the Navajo Nation
27 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's
28 Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa,
29 Whippoorwill) as set forth in **Exhibit A**.

1 **SECTION THREE. AMENDING CO-80-23 AND CAP-15-23, THE NAVAJO**
2 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**
3 **FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION**
4 **(CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA,**
5 **WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS**
6 **DELEGATE REGION**

- 7 A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation
8 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's
9 Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa,
10 Whippoorwill) set forth in **Exhibit A**.
- 11 B. The Delegate Region Project Plan approved herein shall comply with all applicable
12 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- 13 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
14 individual project appendix, shall be resolved in favor of the project appendix reviewed
15 by Department of Justice during their eligibility determination(s).

16
17 **SECTION FOUR. AMENDMENTS**

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

20
21 **SECTION FIVE. EFFECTIVE DATE**

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

24
25 **SECTION SIX. SAVING CLAUSE**

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