

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0001-24_

SPONSOR: Otto Tso

TITLE: An Action Relating to the Naabik'iyáti' Committee; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Otto Tso's Delegated Region (Chapter: To' Nanees Dizi)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0001-24

DATE: January 3, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION (CHAPTER: TO' NANEES DIZI)

PURPOSE: This resolution, if approved, will enact Hon. Otto Tso's Fiscal Recovery Fund Delegate Region Projects Plan (Chapter: To' Nanees Dizi).

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 ASD
Website Posting Time/Date _____
Posting End Date: 01-08-24
Eligible for Action: 01-09-24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL — Second Year, 2024

3
4 INTRODUCED BY

5 
6 _____
7 OTTO TSO
8 Primary Sponsor

9 TRACKING NO. 0001-24

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE
13 NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
14 PROJECT PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION
15 (CHAPTER: TO' NANEES DIZI)

16
17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo
22 Nation Council. 2 N.N.C. §700(A).
23 B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23,
24 mandates that Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be
25 approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
26 attendance.
27 C. Navajo Nation Council Resolution No. CAU-74-23, which amended CJN-29-22 and
28 CJY-41-2, included and incorporated herein by reference, delegated the Naabik'iyáti'
29 Committee as the final approval authority for Delegate Region Project Plans funded
30 through Navajo Nation's Fiscal Recovery Funds.

1
2 **SECTION TWO. FINDINGS**

3 A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO
4 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
5 ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY
6 FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND
7 EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC
8 SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL
9 ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS;
10 HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;
11 BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND
12 ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND
13 MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION
14 PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED
15 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo
16 Nation on July 15, 2022.

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

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

1 Development or other appropriate Navajo Nation Division or Department,
2 to implement the projects rather than directly to the Chapters. *See* CJN-29-
3 22, Section Three (D).

4 3. The Navajo Nation Central Government, specifically the Division of
5 Community Development or other appropriate Navajo Nation Division or
6 Department, shall manage and administer funds and Delegate Region
7 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
8 Central Government may award funding to LGA-Certified Chapters through
9 sub-recipient agreements to implement and manage specific projects, but
10 shall maintain Administrative Oversight over such funding and Delegate
11 Region Project Plans. *See* CJN-29-22, Section Three (E).

12 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
13 eligible projects within their Delegate Region to be funded by the NNFRF
14 Chapter and Regional Projects Expenditure Plan through a Delegate Region
15 Projects Plan. The total cost of projects selected by each Delegate shall not
16 exceed their Delegate Region distribution of eight million eight hundred two
17 thousand three hundred forty dollars (\$8,802,340). *See* CJN-29-22, Section
18 Three (F).

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

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

1 D. 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'íyáti'
11 Committee members in attendance. . . See CJN-29-22, as amended by
12 CAU-74-23, Section Three (B).

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

17 F. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
18 Nation and the Hon. Otto Tso's Delegate Region Chapters and communities to
19 approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project
20 Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) as set forth in
21 **Exhibit A**.

22
23 **SECTION THREE. APPROVAL OF HON. OTTO TSO'S DELEGATE REGION**
24 **PROJECT PLAN**

25 A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project
26 Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) set forth in
27 **Exhibit A**.

28 B. The Delegate Region Project Plan approved herein shall comply with all applicable
29 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
30

1 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
2 individual project appendix, shall be resolved in favor of the project appendix reviewed
3 by Department of Justice during their eligibility determination(s).
4

5 **SECTION FOUR. AMENDMENTS**

6 Amendments to this legislation or to the Delegate Region Project Plan approved herein
7 shall only be adopted and approved by resolution of the Naabik'iyáti' Committee.
8

9 **SECTION FIVE. EFFECTIVE DATE**

10 This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the
11 Naabik'iyáti' Committee members in attendance.
12

13 **SECTION SIX. SAVING CLAUSE**

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