

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0014-24\_

SPONSOR: Shaandiin Parrish

**TITLE: An Action Relating to Naabik'iyáti' Committee and Navajo Nation Council; Amending Navajo Nation Council Resolution No. CJN-29-22 to Include additional U.S. Department of Treasury Fiscal Recovery Funds Expenditure Categories; Waiving Navajo Nation Council Approval and Authorizing Administrative Approval of Amendments to the Navajo Nation Fiscal Recovery Fund Bathroom Additions Expenditure Plan to Include Additional Expenditure Categories**

*Date posted:* January 12, 2024 at 8:26PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0014-24

**DATE:** January 12, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION COUNCIL RESOLUTION NO. CJN-29-22 TO INCLUDE ADDITIONAL U.S. DEPARTMENT OF TREASURY FISCAL RECOVERY FUNDS EXPENDITURE CATEGORIES; WAIVING NAVAJO NATION COUNCIL APPROVAL AND AUTHORIZING ADMINISTRATIVE APPROVAL OF AMENDMENTS TO THE NAVAJO NATION FISCAL RECOVERY FUND BATHROOM ADDITIONS EXPENDITURE PLAN TO INCLUDE ADDITIONAL EXPENDITURE CATEGORIES

**PURPOSE:** If adopted, this legislation will expand the eligible uses of the NNFRF Bathroom Additions Expenditure Plan to include bathroom renovations.

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

5-DAY BILL HOLD PERIOD Alfred Mike III  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 01/17/24  
Eligible for Action: 01/18/24

Naabik'iyáti' Committee  
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Navajo Nation Council

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PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY



\_\_\_\_\_  
(Prime Sponsor)

TRACKING NO. 0014-24

AN ACTION  
RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION  
COUNCIL; AMENDING NAVAJO NATION COUNCIL RESOLUTION NO. CJN-29-22  
TO INCLUDE ADDITIONAL U.S. DEPARTMENT OF TREASURY FISCAL  
RECOVERY FUNDS EXPENDITURE CATEGORIES; WAIVING NAVAJO NATION  
COUNCIL APPROVAL AND AUTHORIZING ADMINISTRATIVE APPROVAL OF  
AMENDMENTS TO THE NAVAJO NATION FISCAL RECOVERY FUND  
BATHROOM ADDITIONS EXPENDITURE PLAN TO INCLUDE ADDITIONAL  
EXPENDITURE CATEGORIES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, attached as Exhibit 1 (exhibits not included), mandates that any amendments to CJN-29-22 be duly “adopted by a

1 two-thirds (2/3) vote of all members of the Navajo Nation Council and approved  
2 by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2  
3 N.N.C. §§ 1005 (C) (10), (11), and (12).” CJN-29-22, Section Seventeen.  
4

5 **SECTION TWO. FINDINGS**

- 6 A. The Navajo Nation’s acceptance of federal Fiscal Recovery Funds (“FRF”) obligates  
7 the Navajo Nation to comply with federal laws and regulations, including the U.S.  
8 Department of Treasury’s Compliance and Reporting Guidance for State and Local  
9 Fiscal Recovery Funds. *See* CJN-29-22, Section Two (J).
- 10 B. The U.S. Department of Treasury has issued guidance requiring that the use and  
11 expenditure of Fiscal Recovery Funds must fall under one of the four categories above  
12 and that funding recipients must report each expenditure under one of the eighty-three  
13 (83) "Expenditure Categories" set forth in Appendix 1 to the U.S. Department of  
14 Treasury’s Compliance and Reporting Guidance for State and Local Fiscal Recovery  
15 Funds which is incorporated herein by reference.
- 16 C. The Navajo Nation’s current Navajo Nation Fiscal Recovery Funds (“NNFRF”)   
17 expenditure authorization and approval process for the allocation of funds from the  
18 NNFRF as set forth in Navajo Nation Council Resolutions Nos. CJN-29-22, **Exhibit 1**,  
19 (exhibits not included) and CJY-41-21, attached as **Exhibit 2** (exhibits not included),  
20 mandates that NNFRF Expenditure Plans be adopted by a two-thirds (2/3) vote of all  
21 members of the Navajo Nation Council and approved by the President of the Navajo  
22 Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).  
23 CJN-29-22, Section One (B) and Section Seventeen.
- 24 D. The NNFRF Bathroom Additions Expenditure Plan approved by CJN-29-22, attached  
25 herein as **Exhibit 3**, only authorizes Bathroom Addition projects falling under  
26 Expenditure Category 1.14 (Other Public Health Services) which has limited or  
27 restricted the extent of otherwise eligible FRF Bathroom Addition projects.
- 28 E. The expansion of the NNFRF Bathroom Additions Expenditure Plan to include  
29 Expenditure Categories 5.3 and 5.5 shall authorize the use of NNFRF funding for  
30 bathroom additions, as well as for bathroom renovations.

1 **SECTION THREE. AMENDING NAVAJO NATION COUNCIL RESOLUTION**  
2 **CJN-29-22 TO ADD EXPENDITURE CATERGORIES 5.3 AND 5.5 TO THE NNFRF**  
3 **BATHROOM ADDITIONS EXPENDITURE PLAN**

4 The Navajo Nation Council hereby amends Section Eleven, Subsection (B)(1) of Navajo  
5 Nation Council Resolution CJN-29-22, as follows:

6 One hundred fifty million dollars (\$150,000,000) to the Division of Community  
7 Development for Bathroom Additions, as Other Public Health Services  
8 (Expenditure Category 1.14), Decentralized Wastewater (Expenditure Category  
9 5.3), and/or Other Sewer Infrastructure (Expenditure Category 5.5) as set forth in  
10 Exhibit M, with administrative oversight by the Navajo Nation Fiscal Recovery  
11 Funds Office and legislative oversight by the Resources and Development  
12 Committee.

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14 **SECTION FOUR. WAIVING NAVAJO NATION COUNCIL APPROVAL OF**  
15 **AMENDMENTS TO THE NNFRF BATHROOM ADDITIONS EXPENDITURE**  
16 **PLAN TO INCORPORATE EXPENDITURE CATEGORIES 5.3 AND 5.5**

17 A. The Navajo Nation Council hereby waives any and all provisions of Navajo Nation  
18 Council Resolution Nos. CJY-41-21 and CJN-29-22 that require amendments to the  
19 NNFRF Bathroom Additions Expenditure Plan, CJY-41-21 Exhibits M and M-1, be  
20 approved by the Navajo Nation Council and enacted pursuant to 2 N.N.C. § 164  
21 (A)(17) and 2 N.N.C. §§ 1005 (C)(10), (11), and (12).

22 B. Amendments to the Bathroom Additions Expenditure Plan, CJY-41-21 Exhibits M and  
23 M-1, to incorporate Decentralized Wastewater (Expenditure Category 5.3), and/or Other  
24 Sewer Infrastructure (Expenditure Category 5.5) shall be approved administratively by the  
25 President of the Navajo Nation.

26 C. The waiver of Navajo Nation Council approval of amendments to the Bathroom  
27 Additions Expenditure Plan, CJY-41-21 Exhibits M and M-1, shall only extend to the  
28 incorporation of Decentralized Wastewater (Expenditure Category 5.3), and/or Other  
29 Sewer Infrastructure (Expenditure Category 5.5).

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1     **SECTION FIVE. SAVING CLAUSE**

2     Should any provision(s) of this Action be determined invalid by the Navajo Nation  
3     Supreme Court or the District Courts of the Navajo Nation, without appeal to the  
4     Navajo Nation Supreme Court, the remainder of the Action shall remain the law of the  
5     Navajo Nation.

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7     **SECTION SIX. EFFECTIVE DATE**

8     The provisions of this Action shall become effective upon adoption by a two-thirds (2/3)  
9     vote of all members of the Navajo Nation Council and approval of the President of the  
10    Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C)(10), (11),  
11    and (12).

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13    **SECTION SEVEN. DIRECTIVES**

- 14    A. The Division of Community Development, Navajo Nation Fiscal Recovery Office, and  
15    Department of Justice are to work collaboratively to revise the NNFRF Bathroom  
16    Addition Expenditure Plan, CJN-29-22 Exhibits M and M-1, to add incorporate  
17    Decentralized Wastewater (Expenditure Category 5.3), and Other Sewer Infrastructure  
18    (Expenditure Category 5.5) and expeditiously submit the revised Bathroom Addition  
19    Expenditure Plan to the Office of President and Vice-President for President approval.
- 20    B. Once the President has approved the revised Bathroom Addition Expenditure Plan, the  
21    Division of Community and Navajo Nation Fiscal Recovery Office shall ensure that  
22    the revised Bathroom Addition Expenditure Plan is appropriately published, including  
23    posting on the NNFRF website and distribution to Navajo Nation Chapters and  
24    Council Delegates.

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