

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0015-24_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending NABIN-45-23 and CJY-64-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Carl R. Slater's Delegate Region (Chapters: Tsaile/Wheatfields, Lukachukai, Round Rock, Tsésh'izhí, Rock Point)

Date posted: January 12, 2024 at 8:53PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0015-24

DATE: January 12, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIN-45-23 AND CJY-64-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CARL R. SLATER'S DELEGATE REGION (CHAPTERS: TSAILE/ WHEATFIELDS, LUKACHUKAI, ROUND ROCK, TSÉCH'IZHÍ, ROCK POINT)

PURPOSE: This resolution, if approved, will adjust projects in Hon. Carl R. Slater's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Tsaile/Wheatfields, Lukachukai, Round Rock, Tséch'izhí, Rock Point) enacted under NABIN-45-23 and CJY-64-23.

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: ajplum
Website Posting Time/Date: _____
Posting End Date: 01-17-24
Eligible for Action: 01-18-24

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

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0015-24

AN ACTION
RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
NABIN-45-23 AND CJY-64-23, THE NAVAJO NATION FISCAL RECOVERY
FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CARL R.
SLATER'S DELEGATE REGION (CHAPTERS: TSAILE/WHEATFIELDS,
LUKACHUKAI, ROUND ROCK, TSÉCH'IZHÍ, ROCK POINT)

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. CJY-64-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Carl R. Slater's Delegate Region (Chapters: Tsaile/Wheatfields, Lukachukai, Round Rock, Tséch'izhí, Rock Point) be

1 approved by a Navajo Nation Council resolution and signed into law by the President
2 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)
3 (10), (11), and (12). *See Exhibit 1* (without project exhibits).

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

8 E. Naabik'íyáti' Committee Resolution No. NABIN-45-23, included and incorporated
9 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
10 Fund Delegate Region Project Plan for Honorable Carl R. Slater's Delegate Region
11 (Chapters: Tsaile/Wheatfields, Lukachukai, Round Rock, Tséché'izhí, Rock Point) be
12 adopted and approved by resolution of the Naabik'íyáti' Committee pursuant to two-
13 thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

14
15 **SECTION TWO. FINDINGS**

16 A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO
17 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
18 ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY
19 FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND
20 EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC
21 SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL
22 ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS;
23 HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;
24 BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND
25 ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND
26 MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION
27 PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED
28 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo
29 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. CJY-64-23, AN ACTION RELATING TO
8 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
9 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
10 REGION PROJECT PLAN FOR HONORABLE CARL R. SLATER'S DELEGATE
11 REGION (CHAPTERS: TSAILE/WHEATFIELDS, LUKACHUKAI, ROUND
12 ROCK, TSÉCH'IZHÍ, ROCK POINT), was signed into law by the President of the
13 Navajo Nation on August 4, 2023. **Exhibit 1.**

14 D. CJY-64-23, 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'íyáti'
6 Committee members in attendance. . . See CJN-29-22, as amended by
7 CAU-74-23, Section Three (B).

8 G. The Naabik'íyáti' Committee Resolution No. NABIN-45-23, AN ACTION
9 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-64-23,
10 THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
11 PROJECT PLAN FOR HONORABLE CARL R. SLATER'S DELEGATE REGION
12 (CHAPTERS: TSAILE/WHEATFIELDS, LUKACHUKAI, ROUND ROCK,
13 TSÉCH'IZHÍ, ROCK POINT)), TO INCLUDE ADDITIONAL PROJECTS FOR
14 THIS DELEGATE REGION was signed into law by the Chairperson of the
15 Naabik'íyáti' Committee on November 14, 2023.

16 H. NABIN-45-23, 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'íyáti'
19 Committee.

20 I. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **remove** the *Round Rock*
21 *Chapter Upgrade to Sewer Lagoon Project* (under NNDOJ Review No. HK0495)
22 from his Delegate Region Projects Plan enacted under CJY-64-23, which appropriated
23 **\$60,000.00** for this project. The removal of this project will **revert \$60,000.00** back to
24 Hon. Carl R. Slater's Delegate Region Project Plan's **Un-Allocated Amount**.

25 J. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **decrease** the project's
26 funding amount for the *Round Rock Chapter Recreation Park Project* (under NNDOJ
27 Review No. HK0494) by **\$526,000.00** from his Delegate Region Projects Plan enacted
28 under CJY-64-23, which appropriated **\$700,000.00** for this project. The decrease of the
29 project's funding amount will **adjust the project's funding amount to \$174,000.00** and
30

1 will revert **\$526,000.00** back to Hon. Carl R. Slater's Delegate Region Project Plan's
2 **Un-Allocated Amount.**

3 K. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **decrease** the project's
4 funding amount for the *Lukachukai Chapter Track Construction Project* (under
5 NNDOJ Review No. HK0586) by **\$269,685.00** from his Delegate Region Projects
6 Plan enacted under CJY-64-23, which appropriated **\$449,685.00** for this project. The
7 decrease of the project's funding amount will **adjust the project's funding amount to**
8 **\$180,000.00** and will **revert \$269,685.00** back to Hon. Carl R. Slater's Delegate Region
9 Project Plan's **Un-Allocated Amount.**

10 L. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **increase** the project's
11 funding amount for the *Round Rock Chapter Community Cemetery Project* (under
12 NNDOJ Review No. HK0464) by **\$25,000.00** to his Delegate Region Projects Plan
13 enacted under CJY-64-23, which appropriated **\$200,000.00** for this project. The
14 increase of the project's funding amount will **adjust the project's funding amount to**
15 **\$225,000.00** upon a *revised* Navajo Nation Department of Justice Eligibility
16 Determination.

17 M. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **increase** the project's
18 funding amount for the *Round Rock Chapter Diversion/Irrigation Project* (under
19 NNDOJ Review No. HK0461) by **\$561,000.00** to his Delegate Region Projects Plan
20 enacted under CJY-64-23, which appropriated **\$150,000.00** for this project. The
21 increase of the project's funding amount will **adjust the project's funding amount to**
22 **\$711,000.00** upon a *revised* Navajo Nation Department of Justice Eligibility
23 Determination.

24 N. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **increase** the project's
25 funding amount for the *Lukachukai Chapter Renovation of Chapter House Roof*
26 *Project* (under NNDOJ Review No. HK0587) by **\$96,100.00** to his Delegate Region
27 Projects Plan enacted under CJY-64-23, which appropriated **\$43,900.00** for this
28 project. The increase of the project's funding amount will **adjust the project's funding**
29 **amount to \$140,000.00** upon a *revised* Navajo Nation Department of Justice Eligibility
30 Determination.

1 O. The Hon. Carl R. Slater has requested to amend CJY-64-23 to **increase** the project's
2 funding amount for the *Lukachukai Chapter Renovation/Replacement of Chapter*
3 *Fieldhouse Roof Project* (under NNDOJ Review No. HK0588) by **\$172,850.00** to his
4 Delegate Region Projects Plan enacted under CJY-64-23, which appropriated
5 **\$87,150.00** for this project. The increase of the project's funding amount will **adjust the**
6 **project's funding amount to \$260,000.00** upon a *revised* Navajo Nation Department of
7 Justice Eligibility Determination.

8 P. All projects listed in the Hon. Carl R. Slater's Delegate Region Projects Plan, attached
9 as **Exhibit 2**, do *not* exceed the amount of \$8,802,340, as set forth in CJN-29-22,
10 Section Three (F).

11 Q. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
12 Nation and the Hon. Carl R. Slater's Delegate Region Chapters and communities to
13 approve and adopt the **removal** of one-project, **decrease** the project funding amounts
14 of two-projects, and **increase** the project funding amounts of four-projects as part of
15 the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Carl
16 R. Slater's Delegate Region (Chapters: Tsaile/Wheatfields, Lukachukai, Round Rock,
17 Tsé'ich'izhí, Rock Point) as set forth in **Exhibit 2**.

18
19 **SECTION THREE. AMENDING NABIN-45-23 AND CJY-64-23, THE NAVAJO**
20 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**
21 **FOR HONORABLE CARL R. SLATER'S DELEGATE REGION (CHAPTERS:**
22 **TSAILE/ WHEATFIELDS, LUKACHUKAI, ROUND ROCK, TSÉCH'IZHÍ, ROCK**
23 **POINT)**

24 A. The Navajo Nation hereby approves the **removal** of the *Round Rock Chapter Upgrade*
25 *to Sewer Lagoon Project* (under NNDOJ Review No. HK0495) from Hon. Carl R.
26 Slater's Delegate Region Projects Plan enacted under CJY-64-23, which appropriated
27 **\$60,000.00** for this project and is **stricken in Exhibit 2**. The removal of this project
28 will **revert \$60,000.00** back to Hon. Carl R. Slater's Delegate Region Project Plan's **Un-**
29 **Allocated Amount**.

- 1 B. The Navajo Nation hereby approves the **decrease** to the project's funding amount for
2 the *Round Rock Chapter Recreation Park Project* (under NNDOJ Review No.
3 HK0494) by **\$526,000.00** in Hon. Carl R. Slater's Delegate Region Projects Plan
4 enacted under CJY-64-23, which appropriated **\$700,000.00** for this project and this
5 decrease is listed in **Exhibit 2**. The decrease of the project's funding amount will **adjust**
6 **the project's funding amount to \$174,000.00** and will **revert \$526,000.00** back to Hon.
7 Carl R. Slater's Delegate Region Project Plan's **Un-Allocated Amount**.
- 8 C. The Navajo Nation hereby approves the **decrease** to the project's funding amount for
9 the *Lukachukai Chapter Track Construction Project* (under NNDOJ Review No.
10 HK0586) by **\$269,685.00** in Hon. Carl R. Slater's Delegate Region Projects Plan
11 enacted under CJY-64-23, which appropriated **\$449,685.00** for this project and this
12 decrease is listed in **Exhibit 2**. The decrease of the project's funding amount will **adjust**
13 **the project's funding amount to \$180,000.00** and will **revert \$269,685.00** back to Hon.
14 Carl R. Slater's Delegate Region Project Plan's **Un-Allocated Amount**.
- 15 D. The Navajo Nation hereby approves the **increase** to the project's funding amount for
16 the *Round Rock Chapter Community Cemetery Project* (under NNDOJ Review No.
17 HK0464) by **\$25,000.00** in Hon. Carl R. Slater's Delegate Region Projects Plan
18 enacted under CJY-64-23, which appropriated **\$200,000.00** for this project and this
19 increase is listed in **Exhibit 2**. The increase of the project's funding amount will **adjust**
20 **the project's funding amount to \$225,000.00** upon a *revised* Navajo Nation Department
21 of Justice Eligibility Determination.
- 22 E. The Navajo Nation hereby approves the **increase** to the project's funding amount for
23 the *Round Rock Chapter Diversion/Irrigation Project* (under NNDOJ Review No.
24 HK0461) by **\$561,000.00** in Hon. Carl R. Slater's Delegate Region Projects Plan
25 enacted under CJY-64-23, which appropriated **\$150,000.00** for this project and this
26 increase is listed in **Exhibit 2**. The increase of the project's funding amount will **adjust**
27 **the project's funding amount to \$711,000.00** upon a *revised* Navajo Nation Department
28 of Justice Eligibility Determination.
- 29 F. The Navajo Nation hereby approves the **increase** to the project's funding amount for
30 the *Lukachukai Chapter Renovation of Chapter House Roof Project* (under NNDOJ

1 Review No. HK0587) by \$96,100.00 in Hon. Carl R. Slater's Delegate Region
2 Projects Plan enacted under CJY-64-23, which appropriated \$43,900.00 for this
3 project and this increase is listed in Exhibit 2. The increase of the project's funding
4 amount will **adjust the project's funding amount to \$140,000.00** upon a *revised* Navajo
5 Nation Department of Justice Eligibility Determination.

6 G. The Navajo Nation hereby approves the **increase** to the project's funding amount for
7 the *Lukachukai Chapter Renovation/Replacement of Chapter Fieldhouse Roof Project*
8 (under NNDOJ Review No. HK0588) by **\$172,850.00** in Hon. Carl R. Slater's
9 Delegate Region Projects Plan enacted under CJY-64-23, which appropriated
10 **\$87,150.00** for this project and this increase is listed in **Exhibit 2**. The increase of the
11 project's funding amount will **adjust the project's funding amount to \$260,000.00** upon
12 a *revised* Navajo Nation Department of Justice Eligibility Determination.

13 H. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
14 Recovery Fund Delegate Region Project Plan for Hon. Carl R. Slater's Delegate Region
15 (Chapters: Tsaile/Wheatfields, Lukachukai, Round Rock, Tséché'izhí, Rock Point) set
16 forth in **Exhibit 2**.

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

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

22 23 **SECTION FOUR. AMENDMENTS**

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

26 27 **SECTION FIVE. EFFECTIVE DATE**

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

1 **SECTION SIX. SAVING CLAUSE**

2 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,
3 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,
4 those provisions of this legislation not determined invalid shall remain the law of the Navajo
5 Nation.

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