

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0021-24_

SPONSOR: Rickie Nez

TITLE: An Action Relating to the Naabik'íyáti' Committee; Amending NABID-51-23 and NABIO-28-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Rickie Nez's Delegate Region (Chapters: T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0021-24

DATE: January 24, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-51-23 AND NABIO-28-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE RICKIE NEZ'S DELEGATE REGION (CHAPTERS: T'IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE' DAA' KAAAN, NEWCOMB, SAN JUAN)

PURPOSE: This resolution, if approved, will add FRF-Eligible projects to Rickie Nez's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan) enacted under NABIO-28-23 and NABID-51-23.

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 450
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1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL — Second Year, 2024

3
4 INTRODUCED BY

5 
6 _____
7 (Rick Nez)
8 Primary Sponsor

9 TRACKING NO. 0021-24

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
13 NABID-51-23 AND NABIO-28-23, THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE RICKIE NEZ'S DELEGATE REGION (CHAPTERS: T'IISTOH
16 SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE' DAA' KAAAN,
17 NEWCOMB, SAN JUAN)

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. Naabik'iyáti' Committee Resolution No. NABIO-28-23, included and incorporated
29 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
30 Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region (Chapters:

1 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
2 be adopted and approved by resolution of the Naabik'íyáti' Committee pursuant to two-
3 thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

4 D. Naabik'íyáti' Committee Resolution No. NABID-51-23, included and incorporated
5 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
6 Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region (Chapters:
7 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
8 be adopted and approved by resolution of the Naabik'íyáti' Committee pursuant to two-
9 thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

10
11 **SECTION TWO. FINDINGS**

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

26 B. 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 2. The Delegate Region Project Plan funding will be allocated to the Navajo
9 Nation Central Government, specifically the Division of Community
10 Development or other appropriate Navajo Nation Division or Department,
11 to implement the projects rather than directly to the Chapters. See CJN-29-
12 22, Section Three (D).

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

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

28 5. Each Delegate Region Project shall identify its Administrative Oversight
29 entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ
30

1 initial eligibility determination. *See* CJN-29-22, Section Three (L)(5) and
2 (L)(6).

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

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

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

22 E. The Naabik'íyáti' Committee Resolution No. NABIO-28-23, AN ACTION
23 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE
24 NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT
25 PLAN FOR HONORABLE RICKIE NEZ'S DELEGATE REGION (CHAPTERS:
26 T'IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE' DAA' KAAN,
27 NEWCOMB, SAN JUAN) was signed into law by the Chairperson of the Naabik'íyáti'
28 Committee on October 17, 2023.

29 F. NABIO-28-23, Section Four, states that:
30

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

4 G. The Naabik'iyáti' Committee Resolution No. NABID-51-23, AN ACTION
5 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-28-
6 23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
7 PROJECT PLAN FOR HONORABLE RICKIE NEZ'S DELEGATE REGION
8 (CHAPTERS: T'IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE'
9 DAA' KAAAN, NEWCOMB, SAN JUAN), TO INCLUDE ADDITIONAL
10 PROJECTS FOR THIS DELEGATE REGION, was signed into law by the
11 Chairperson of the Naabik'iyáti' Committee on January 5, 2024.

12 H. NABID-51-23, Section Four, states that:

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

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

20 J. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
21 Nation and the Hon. Rickie Nez's Delegate Region Chapters and communities to
22 approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund
23 Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region (Chapters:
24 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
25 as set forth in **Exhibit A**.

26
27 **SECTION THREE. AMENDING NABID-51-23 AND NABIO-28-23, THE NAVAJO**
28 **NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**
29 **FOR HONORABLE RICKIE NEZ'S DELEGATE REGION (CHAPTERS:**
30

1 **T'IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE' DAA' KAAAN,**
2 **NEWCOMB, SAN JUAN)**

- 3 A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
4 Recovery Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region
5 (Chapters: T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb,
6 San Juan) set forth in **Exhibit A**.
- 7 B. The Delegate Region Project Plan approved herein shall comply with all applicable
8 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- 9 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
10 individual project appendix, shall be resolved in favor of the project appendix reviewed
11 by Department of Justice during their eligibility determination(s).

12
13 **SECTION FOUR. AMENDMENTS**

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

16
17 **SECTION FIVE. EFFECTIVE DATE**

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

20
21 **SECTION SIX. SAVING CLAUSE**

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