

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0022-24_

SPONSOR: George Tolth

TITLE: An Action Relating to the Naabik'íyáti' Committee; Amending NABIN-44-23 and NABIO-38-23 and CJY-67-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0022-24

DATE: January 23, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIN-44-23 AND NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

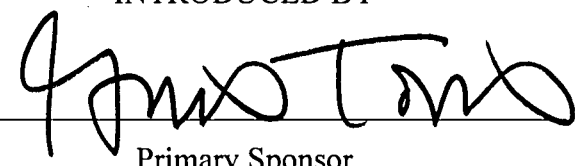
PURPOSE: This resolution, if approved, will remove, adjust and add FRF-Eligible projects to Hon. George H. Tolth's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) enacted under CJY-67-23 and NABIO-38-23 and NABIN-44-23.

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 ASD
Website Posting Time/Date _____
Posting End Date: 01-29-24
Eligible for Action: 01-30-24

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

3
4 INTRODUCED BY

5 
6 _____
7 Primary Sponsor

8
9 TRACKING NO. 0022-24

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE;
13 AMENDING NABIN-44-23 AND NABIO-38-23 AND CJY-67-23,
14 THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
15 PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE
16 REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON,
17 WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO,
18 COUNSELOR)

19
20 BE IT ENACTED:

21
22 SECTION ONE. AUTHORITY

- 23 A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo
24 Nation Council. 2 N.N.C. §700(A).
25 B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23,
26 mandates that Fiscal Recovery Fund (“NNFRF”) Delegate Region Project Plans be
27 approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
28 attendance.
29 C. Navajo Nation Council Resolution No. CJY-67-23, included and incorporated herein
30 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund

1 Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter:
2 Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero
3 Lake, Ojo Encino, Counselor) be approved by a Navajo Nation Council resolution and
4 signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164
5 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12). *See Exhibit 1* (without project
6 exhibits).

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

11 E. Naabik'iyáti' Committee Resolution No. NABIO-38-23, included and incorporated
12 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
13 Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region
14 (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt,
15 Casamero Lake, Ojo Encino, Counselor) be adopted and approved by resolution of the
16 Naabik'iyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti'
17 Committee members in attendance.

18 F. Naabik'iyáti' Committee Resolution No. NABIN-44-23, included and incorporated
19 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
20 Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region
21 (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt,
22 Casamero Lake, Ojo Encino, Counselor) be adopted and approved by resolution of the
23 Naabik'iyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti'
24 Committee members in attendance. *See Exhibit 2* (without project exhibits).

25
26 **SECTION TWO. FINDINGS**

27 A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO
28 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
29 ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY
30 FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND

1 EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC
2 SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL
3 ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS;
4 HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;
5 BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND
6 ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND
7 MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION
8 PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED
9 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo
10 Nation on July 15, 2022.

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

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

23 2. The Delegate Region Project Plan funding will be allocated to the Navajo
24 Nation Central Government, specifically the Division of Community
25 Development or other appropriate Navajo Nation Division or Department,
26 to implement the projects rather than directly to the Chapters. See CJN-29-
27 22, Section Three (D).

28 3. The Navajo Nation Central Government, specifically the Division of
29 Community Development or other appropriate Navajo Nation Division or
30 Department, shall manage and administer funds and Delegate Region

1 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
2 Central Government may award funding to LGA-Certified Chapters through
3 sub-recipient agreements to implement and manage specific projects, but
4 shall maintain Administrative Oversight over such funding and Delegate
5 Region Project Plans. *See* CJN-29-22, Section Three (E).

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

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

17 C. The Navajo Nation Council Resolution No. CJY-67-23, AN ACTION RELATING TO
18 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
19 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
20 REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S
21 DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO,
22 TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO
23 ENCINO, COUNSELOR) was signed into law by the President of the Navajo Nation
24 on August 4, 2023. **Exhibit 1.**

25 D. CJY-67-23, Section Four, states that:

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

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

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

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

20 G. The Naabik'iyáti' Committee Resolution No. NABIO-38-23, AN ACTION
21 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-67-23,
22 THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
23 PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE
24 REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON,
25 WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO,
26 COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE
27 REGION was signed into law by the Chairperson of the Naabik'iyáti' Committee on
28 October 24, 2023.

29 H. NABIO-38-23, 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 I. The Naabik'iyáti' Committee Resolution No. NABIN-44-23, AN ACTION
5 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-38-23
6 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND
7 DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H.
8 TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO
9 PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO
10 LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS
11 FOR THIS DELEGATE REGION was signed into law by the Chairperson of the
12 Naabik'iyáti' Committee on November 14, 2023. **Exhibit 2.**

13 J. NABIN-44-23, Section Four, states that:

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

17 K. The Hon. George H. Tolth has requested to amend CJY-67-23 to **remove** the *Pueblo*
18 *Pintado Chapter Waterline to Fire Station Project* (under NNDOJ Review No.
19 HK0536) from his Delegate Region Projects Plan enacted under CJY-67-23, which
20 appropriated **\$1,129,325.00** for this project. The removal of this project will **revert**
21 **\$1,129,325.00** back to Hon. George H. Tolth's Delegate Region Project Plan's **Un-**
22 **Allocated Amount.**

23 L. The Hon. George H. Tolth has requested to amend NABIN-44-23 to **remove** the *Baca-*
24 *Prewitt Chapter Community Bathroom Upgrade Project* (under NNDOJ Review No.
25 HK0662) from his Delegate Region Projects Plan enacted under NABIN-44-23, which
26 appropriated **\$120,000.00** for this project. The removal of this project will **revert**
27 **\$120,000.00** back to Hon. George H. Tolth's Delegate Region Project Plan's **Un-**
28 **Allocated Amount.**

29 M. The Hon. George H. Tolth has requested to amend NABIN-44-23 to **decrease** the
30 project's funding amount for the *Casamero Lake Chapter Bathroom Additions and*

1 *Renovations Project* (under NNDOJ Review No. HK644) by **\$99,708.00** from his
2 Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated
3 **\$600,000.00** for this project. The decrease of the project's funding amount will **adjust**
4 **the project's funding amount to \$500,292.00** and will **revert \$99,708.00** back to Hon.
5 George H. Tolth's Delegate Region Project Plan's **Un-Allocated Amount**.

6 N. The Hon. George H. Tolth has requested to amend NABIN-44-23 to **decrease** the
7 project's funding amount for the *Casamero Lake Chapter House-Wiring/Meter Box*
8 *Installation Project* (under NNDOJ Review No. HK654) by **\$55,000.00** from his
9 Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated
10 **\$300,000.00** for this project. The decrease of the project's funding amount will **adjust**
11 **the project's funding amount to \$245,000.00** and will **revert \$55,000.00** back to Hon.
12 George H. Tolth's Delegate Region Project Plan's **Un-Allocated Amount**.

13 O. All projects listed in the Hon. George H. Tolth's Delegate Region Projects Plan,
14 attached as **Exhibit 3**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.
15 In addition, Hon. George H. Tolth's Delegate Region Projects Plan does *not* exceed
16 the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

17 P. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
18 Nation and the Hon. George H. Tolth's Delegate Region Chapters and communities
19 to approve and adopt the **removal** of two-projects, **decrease** the project funding
20 amounts of two-projects and **add** projects as part of the Navajo Nation Fiscal
21 Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate
22 Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake,
23 Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) as set forth in **Exhibit 3**.

24
25 **SECTION THREE. AMENDING NABIN-44-23 AND NABIO-38-23 AND CJY-67-23,**
26 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**
27 **PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE**
28 **REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON,**
29 **WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO,**
30 **COUNSELOR)**

1 A. The Navajo Nation hereby approves the **removal** of the *Pueblo Pintado Chapter*
2 *Waterline to Fire Station Project* (under NNDOJ Review No. HK0536) from Hon.
3 George H. Tolth's Delegate Region Projects Plan enacted under CJY-67-23, which
4 appropriated **\$1,129,325.00** for this project and is **stricken in Exhibit 3**. The removal
5 of this project will **revert \$1,129,325.00** back to Hon. George H. Tolth's Delegate
6 Region Project Plan's **Un-Allocated Amount**.

7 B. The Navajo Nation hereby approves the **removal** of the *Baca-Prewitt Chapter*
8 *Community Bathroom Upgrade Project* (under NNDOJ Review No. HK0662) from
9 Hon. George H. Tolth's Delegate Region Projects Plan enacted under NABIN-44-
10 23, which appropriated **\$120,000.00** for this project and is **stricken in Exhibit 3**. The
11 removal of this project will **revert \$120,000.00** back to Hon. George H. Tolth's
12 Delegate Region Project Plan's **Un-Allocated Amount**.

13 C. The Navajo Nation hereby approves the **decrease** to the project's funding amount for
14 the *Casamero Lake Chapter Bathroom Additions and Renovations Project* (under
15 NNDOJ Review No. HK644) by **\$99,708.00** in Hon. George H. Tolth's Delegate
16 Region Projects Plan enacted under NABIN-44-23, which appropriated **\$600,000.00**
17 for this project and this decrease is listed in **Exhibit 3**. The decrease of the project's
18 funding amount will **adjust the project's funding amount to \$500,292.00** and will
19 **revert \$99,708.00** back to Hon. George H. Tolth's Delegate Region Project Plan's **Un-**
20 **Allocated Amount**.

21 D. The Navajo Nation hereby approves the **decrease** to the project's funding amount for
22 the *Casamero Lake Chapter House-Wiring/Meter Box Installation Project* (under
23 NNDOJ Review No. HK654) by **\$55,000.00** in Hon. George H. Tolth's Delegate
24 Region Projects Plan enacted under NABIN-44-23, which appropriated **\$300,000.00**
25 for this project and this decrease is listed in **Exhibit 3**. The decrease of the project's
26 funding amount will **adjust the project's funding amount to \$245,000.00** and will
27 **revert \$55,000.00** back to Hon. George H. Tolth's Delegate Region Project Plan's **Un-**
28 **Allocated Amount**.

29 E. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
30 Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate

1 Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake,
2 Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) set forth in **Exhibit 3**.

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

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

8
9 **SECTION FOUR. AMENDMENTS**

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

12
13 **SECTION FIVE. EFFECTIVE DATE**

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

16
17 **SECTION SIX. SAVING CLAUSE**

18 If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court,
19 or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court,
20 those provisions of this legislation not determined invalid shall remain the law of the Navajo
21 Nation.