

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0024-24\_

SPONSOR: Curtis Yanito

**TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending NABID-57-23 and NABIO-27-23 and CMY-36-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Curtis Yanito's Delegate Region (Chapters: Mexican Water, To'Likan, Tees Nos Pos, Aneth, Red Mesa)**

*Date posted:* January 25, 2024 at 4:56PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0024-24

**DATE:** January 22, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIN-57-23 AND NABIO-27-23 AND CMY-36-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CURTIS YANITO'S DELEGATE REGION (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED MESA)

**PURPOSE:** This resolution, if approved, will add FRF-Eligible projects to Hon. Curtis Yanito's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Mexican Water, To'Likan, Tees Nos Pos, Aneth, Red Mesa) enacted under CMY-36-23 and NABIO-27-23 and NABIN-57-23.

**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 YES  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 01/30/24  
Eligible for Action: 01/31/24

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

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4 INTRODUCED BY

5  
6 \_\_\_\_\_  
7 Primary Sponsor



8  
9 TRACKING NO. 0024-24

10  
11 AN ACTION  
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING  
13 NABID-57-23 AND NABIO-27-23 AND CMY-36-23, THE NAVAJO NATION  
14 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15 HONORABLE CURTIS YANITO'S DELEGATE REGION (CHAPTERS:  
16 MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED MESA)

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18 BE IT ENACTED:

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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. CMY-36-23, included and incorporated herein  
28 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
29 Delegate Region Project Plan for Honorable Curtis Yanito's Delegate Region  
30 (Chapters: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) be approved by a

1 Navajo Nation Council resolution and signed into law by the President of the Navajo  
2 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and  
3 (12).

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. NABIO-27-23, included and incorporated  
9 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery  
10 Fund Delegate Region Project Plan for Hon. Curtis Yanito's Delegate Region  
11 (Chapter: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) be adopted and  
12 approved by resolution of the Naabik'íyáti' Committee pursuant to two-thirds (2/3)  
13 vote of the Naabik'íyáti' Committee members in attendance.

14 F. Naabik'íyáti' Committee Resolution No. NABID-57-23, included and incorporated  
15 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery  
16 Fund Delegate Region Project Plan for Hon. Curtis Yanito's Delegate Region  
17 (Chapter: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) be adopted and  
18 approved by resolution of the Naabik'íyáti' Committee pursuant to two-thirds (2/3)  
19 vote of the Naabik'íyáti' Committee members in attendance.

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21 **SECTION TWO. FINDINGS**

22 A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO  
23 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
24 ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY  
25 FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND  
26 EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC  
27 SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL  
28 ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS;  
29 HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;  
30 BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND

1 ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND  
2 MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION  
3 PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED  
4 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo  
5 Nation on July 15, 2022.

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

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

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

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

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

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

12 C. The Navajo Nation Council Resolution No. CMY-36-23, AN ACTION RELATING  
13 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
14 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE  
15 REGION PROJECT PLAN FOR HONORABLE CURTIS YANITO'S DELEGATE  
16 REGION (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS,  
17 ANETH, RED MESA), was signed into law by the President of the Navajo Nation on  
18 June 8, 2023.

19 D. CMY-36-23, Section Four, states that:

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

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

1 F. 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 G. The Naabik'íyáti' Committee Resolution No. NABIO-27-23, AN ACTION  
14 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CMY-36-23,  
15 THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION  
16 PROJECT PLAN FOR HONORABLE CURTIS YANITO'S DELEGATE REGION  
17 (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED  
18 MESA), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE  
19 REGION, was signed into law by the Chairperson of the Naabik'íyáti' Committee on  
20 October 17, 2023.

21 H. NABIO-27-23, Section Four, states that:

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

25 I. The Naabik'íyáti' Committee Resolution No. NABID-57-23, AN ACTION  
26 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-27-23  
27 AND CMY-36-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
28 DELEGATE REGION PROJECT PLAN FOR HONORABLE CURTIS YANITO'S  
29 DELEGATE REGION (CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS  
30 POS, ANETH, RED MESA), TO REMOVE A PROJECT AND INCLUDE

1           ADDITIONAL PROJECTS FOR THIS DELEGATE REGION, was signed into law  
2           by the Chairperson of the Naabik'íyáti' Committee on January 5, 2024.

3           J. NABID-57-23, Section Four, states that:

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

7           K. All projects listed in the Hon. Curtis Yanito's Delegate Region Projects Plan, attached  
8           as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In  
9           addition, Hon. Curtis Yanito's Delegate Region Projects Plan does *not* exceed the  
10          amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

11          L. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
12          Nation and the Hon. Curtis Yanito's Delegate Region Chapters and communities to  
13          approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund  
14          Delegate Region Project Plan for Hon. Curtis Yanito's Delegate Region (Chapters:  
15          Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) as set forth in **Exhibit A**.

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17          **SECTION THREE. AMENDING NABID-57-23 AND NABIO-27-23 AND CMY-36-**  
18          **23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**  
19          **PROJECT PLAN FOR HONORABLE CURTIS YANITO'S DELEGATE REGION**  
20          **(CHAPTERS: MEXICAN WATER, TO'LIKAN, TEES NOS POS, ANETH, RED**  
21          **MESA)**

22          A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal  
23          Recovery Fund Delegate Region Project Plan for Hon. Curtis Yanito's Delegate Region  
24          (Chapters: Mexican Water, To'likan, Tees Nos Pos, Aneth, Red Mesa) set forth in **Exhibit**  
25          **A**.

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

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



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**SECTION FOUR. AMENDMENTS**

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

**SECTION FIVE. EFFECTIVE DATE**

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

**SECTION SIX. SAVING CLAUSE**

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