

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0030-24_

SPONSOR: Norman M. Begay

TITLE: An Action Relating to the Naabik'íyáti' Committee; Amending NABIN-43-23 and CJY-50-23 and CAP-12-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee)

Date posted: January 31, 2024 at 4:17PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0030-24

DATE: January 29, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIN-43-23 AND CJY-50-23 AND CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE)

PURPOSE: This legislation, if approved, will add FRF-Eligible projects to Hon. Norman M. Begay's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Alamo, Ramah, Tohajiilee) enacted under NABIN-43-23 and CJY-50-23 and CAP-12-23.

FINAL AUTHORITY: Naabik'iyáti' Committee

VOTE REQUIRED: 2/3 Vote

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.

Website Posting Time/Date

Posting End Date:

02-5-24

Eligible for Action:

02-6-24

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

INTRODUCED BY

N-M. Begay

Primary Sponsor

TRACKING NO. 0030-24

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
NABIN-43-23 AND CJY-50-23 AND CAP-12-23, THE NAVAJO NATION
FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
HONORABLE NORMAN M. BEGAY'S DELEGATE REGION
(CHAPTERS: ALAMO, RAMAH, TOHAJIILEE)

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. CAP-12-23 included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) be approved by a Navajo Nation Council

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

3 D. Navajo Nation Council Resolution No. CJY-50-23, included and incorporated herein
4 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
5 Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region
6 (Chapters: Alamo, Ramah, Tohajiilee) be approved by a Navajo Nation Council
7 resolution and signed into law by the President of the Navajo Nation pursuant to 2
8 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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

13 F. Naabik'íyáti' Committee Resolution No. NABIN-43-23, included and incorporated
14 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
15 Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region
16 (Chapters: Alamo, Ramah, Tohajiilee) be adopted and approved by resolution of the
17 Naabik'íyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'íyáti'
18 Committee members in attendance.

19
20 **SECTION TWO. FINDINGS**

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

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

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

- 7 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
8 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
9 Recovery Fund in the total amount of two hundred eleven million two
10 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
11 to be divided equally between the twenty-four (24) Delegate Regions in the
12 amount of eight million eight hundred two thousand three hundred forty
13 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
14 Region Project Plans approved by two-thirds (2/3) vote of the Naabik'íyáti'
15 Committee members in attendance. . . See CJN-29-22, as amended by
16 CAU-74-23, Section Three (B).
- 17 2. The Delegate Region Project Plan funding will be allocated to the Navajo
18 Nation Central Government, specifically the Division of Community
19 Development or other appropriate Navajo Nation Division or Department,
20 to implement the projects rather than directly to the Chapters. See CJN-29-
21 22, Section Three (D).
- 22 3. The Navajo Nation Central Government, specifically the Division of
23 Community Development or other appropriate Navajo Nation Division or
24 Department, shall manage and administer funds and Delegate Region
25 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
26 Central Government may award funding to LGA-Certified Chapters through
27 sub-recipient agreements to implement and manage specific projects, but
28 shall maintain Administrative Oversight over such funding and Delegate
29 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. CAP-12-23, 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 NORMAN M. BEGAY'S
16 DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), was
17 signed into law by the President of the Navajo Nation on May 5, 2023.

18 D. CAP-12-23, Section Four, states that:

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

23 E. The Navajo Nation Council Resolution No. CJY-50-23, AN ACTION RELATING TO
24 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
25 AMENDING CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND
26 DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M.
27 BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH,
28 TOHAJIILEE), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE
29 REGION was signed into law by the President of the Navajo Nation on August 4,
30 2023.

1 F. CJY-50-23, Section Four, states that:

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

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

13 H. CJN-29-22, as amended by CAU-74-23, Section Three, now states, in part and among
14 other things, that

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

25 I. The Naabik'iyáti' Committee Resolution No. NABIN-43-23, AN ACTION
26 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-50-23
27 AND CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND
28 DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M.
29 BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH,
30 TOHAJIILEE), TO REMOVE A PROJECT AND INCLUDE ADDITIONAL

1 PROJECTS FOR THIS DELEGATE REGION, was signed into law by the
2 Chairperson of the Naabik'iyáti' Committee on November 14, 2023.

3 J. NABIN-43-23, 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'iyáti'
6 Committee.

7 K. All projects listed in the Hon. Norman M. Begay's Delegate Region Projects Plan,
8 attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.
9 In addition, Hon. Norman M. Begay's Delegate Region Projects Plan does *not* exceed
10 the 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. Norman M. Begay's Delegate Region Chapters and communities
13 to approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund
14 Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region
15 (Chapters: Alamo, Ramah, Tohajiilee) as set forth in **Exhibit A**.

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17 **SECTION THREE. AMENDING NABIN-43-23 AND CJY-50-23 AND CAP-12-23,**
18 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**
19 **PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE**
20 **REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE)**

21 A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
22 Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate
23 Region (Chapters: Alamo, Ramah, Tohajiilee) set forth in **Exhibit A**.

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

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

1 **SECTION FOUR. AMENDMENTS**

2 Amendments to this legislation or to the Delegate Region Project Plan approved herein
3 shall only be adopted and approved by resolution of the Naabik'iyáti' Committee.
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5 **SECTION FIVE. EFFECTIVE DATE**

6 This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the
7 Naabik'iyáti' Committee members in attendance.
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9 **SECTION SIX. SAVING CLAUSE**

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