

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0032-24_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Naabik'íyáti' Committee; Amending NABID-53-23 and NABIO-37-23 and CJY-65-23 and CMY-42-23, The Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Danny Simpson's Delegate Region (Chapters; Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint)

Date posted: February 01, 2024 at 10:00PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0032-24

DATE: February 01, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-53-23 AND NABIO-37-23 AND CJY-65-23 AND CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY, NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT)

PURPOSE: This legislation, if approved, will add FRF-Eligible projects to Hon. Danny Simpson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) enacted under NABID-53-23 and NABIO-37-23 and CJY-65-23 and CMY-42-23.

FINAL AUTHORITY: Naabik'íyáti' 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.

5-DAY BILL HOLD PERIOD At Mktg
Website Posting Time/Date _____
Posting End Date: 02/06/24
Eligible for Action: 02/07/24

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. 0032-24

10
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
13 NABID-53-23 AND NABIO-37-23 AND CJY-65-23 AND CMY-42-23, THE
14 NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
15 PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S DELEGATE
16 REGION (CHAPTERS: BECENTI, LAKE VALLEY, NAHODISHGISH,
17 STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT)

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. Navajo Nation Council Resolution No. CMY-42-23, included and incorporated herein
29 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
30 Delegate Region Project Plan for Hon. Danny Simpson's Delegate Region (Chapters:

1 Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi,
2 Crownpoint) be approved by a Navajo Nation Council resolution and signed into law
3 by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C.
4 §§ 1005 (C) (10), (11), and (12).

5 D. Navajo Nation Council Resolution No. CJY-65-23, included and incorporated herein
6 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
7 Delegate Region Project Plan for Hon. Danny Simpson's Delegate Region (Chapters:
8 Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi,
9 Crownpoint) be approved by a Navajo Nation Council resolution and signed into law
10 by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C.
11 §§ 1005 (C) (10), (11), and (12).

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

16 F. Naabik'iyáti' Committee Resolution No. NABIO-37-23, included and incorporated
17 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
18 Fund Delegate Region Project Plan for Hon. Danny Simpson's Delegate Region
19 (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano,
20 Nageezi, Crownpoint) be adopted and approved by resolution of the Naabik'iyáti'
21 Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti' Committee members
22 in attendance.

23 G. Naabik'iyáti' Committee Resolution No. NABID-53-23, included and incorporated
24 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
25 Fund Delegate Region Project Plan for Hon. Danny Simpson's Delegate Region
26 (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano,
27 Nageezi, Crownpoint) be adopted and approved by resolution of the Naabik'iyáti'
28 Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti' Committee members
29 in attendance.

30

1 **SECTION TWO. FINDINGS**

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

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

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

28 2. The Delegate Region Project Plan funding will be allocated to the Navajo
29 Nation Central Government, specifically the Division of Community
30 Development or other appropriate Navajo Nation Division or Department,

1 to implement the projects rather than directly to the Chapters. *See* CJN-29-
2 22, Section Three (D).

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

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

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

22 C. The Navajo Nation Council Resolution No. CMY-42-23, AN ACTION RELATING
23 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
24 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
25 REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S DELEGATE
26 REGION (CHAPTERS: BECENTI, LAKE VALLEY, NAHODISHGISH,
27 STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI, CROWNPOINT),
28 was signed into law by the President of the Navajo Nation on June 8, 2023.

29 D. CMY-42-23, 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 by resolution of the Navajo Nation Council and
3 approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17)
4 and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

5 E. The Navajo Nation Council Resolution No. CJY-65-23, AN ACTION RELATING TO
6 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
7 AMENDING CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY FUND
8 DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S
9 DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY,
10 NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI,
11 CROWNPOINT), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGTE
12 REGION was signed into law by the President of the Navajo Nation on August 4,
13 2023.

14 F. CJY-65-23, 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 G. 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 H. 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 I. The Naabik'íyáti' Committee Resolution No. NABIO-37-23, AN ACTION
9 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-65-23
10 AND CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY FUND
11 DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S
12 DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY,
13 NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI,
14 CROWNPOINT), TO INCLUDE ADDITIONAL PROJECTS FOR THIS
15 DELEGATE REGION, was signed into law by the Chairperson of the Naabik'íyáti'
16 Committee on October 18, 2023.

17 J. NABIO-37-23, Section Four, states that:

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

21 K. The Naabik'íyáti' Committee Resolution No. NABID-53-23, AN ACTION
22 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-37-23
23 AND CJY-65-23 AND CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY
24 FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY
25 SIMPSON'S DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY,
26 NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI,
27 CROWNPOINT), TO INCLUDE ADDITIONAL PROJECTS FOR THIS
28 DELEGATE REGION, was signed into law by the Chairperson of the Naabik'íyáti'
29 Committee on January 5, 2024.

30 L. NABID-53-23, Section Four, states that:

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

8 N. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
9 Nation and the Hon. Danny Simpson's Delegate Region Chapters and communities to
10 approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund
11 Delegate Region Project Plan for Hon. Danny Simpson's Delegate Region (Chapters:
12 Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi,
13 Crownpoint) as set forth in **Exhibit A**.

14
15 **SECTION THREE. AMENDING NABID-53-23 AND NABIO-37-23 AND CJY-65-23**
16 **AND CMY-42-23, THE NAVAJO NATION FISCAL RECOVERY FUND**
17 **DELEGATE REGION PROJECT PLAN FOR HONORABLE DANNY SIMPSON'S**
18 **DELEGATE REGION (CHAPTERS: BECENTI, LAKE VALLEY,**
19 **NAHODISHGISH, STANDING ROCK, WHITEROCK, HUERFANO, NAGEEZI,**
20 **CROWNPOINT)**

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. Danny Simpson's Delegate
23 Region (Chapters: Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock,
24 Huerfano, Nageezi, Crownpoint) set forth in **Exhibit A**.

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

27 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
28 individual project appendix, shall be resolved in favor of the project appendix reviewed
29 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.
4

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.
8

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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