

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0050-24_

SPONSOR: Steven R. Arviso

TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending CAU-73-23 and CMY-39-23 and CAP-11-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0050-24

DATE: February 19, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CAU-73-23 AND CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU)

PURPOSE: This legislation, if approved, will add FRF-Eligible projects to Hon. Steven R. Arviso's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) enacted under CAU-73-23 and CMY-39-23 and CAP-11-23.

FINAL AUTHORITY: Naabik'íyáti' Committee

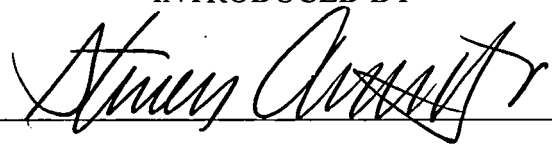
VOTE REQUIRED: 2/3 Vote

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 300
Website Posting Time/Date _____
Posting End Date: 03-10-24
Eligible for Action: 03-11-24

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

4 INTRODUCED BY

5 
6 _____

7 Primary Sponsor

8
9 TRACKING NO. 0050-24

11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CAU-73-23
13 AND CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE STEVEN R. ARVISO'S DELEGATE REGION
16 (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE,
17 PINEDALE, SMITH LAKE, THOREAU)

18
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. CAP-11-23, included and incorporated herein
30 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund

1 Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region
2 (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be
3 approved by a Navajo Nation Council resolution and signed into law by the President
4 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)
5 (10), (11), and (12).

6 D. Navajo Nation Council Resolution No. CMY-39-23, included and incorporated herein
7 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
8 Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region
9 (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be
10 approved by a Navajo Nation Council resolution and signed into law by the President
11 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)
12 (10), (11), and (12).

13 E. Navajo Nation Council Resolution No. CAU-73-23, included and incorporated herein
14 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
15 Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region
16 (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be
17 approved by a Navajo Nation Council resolution and signed into law by the President
18 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)
19 (10), (11), and (12).

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

24
25 **SECTION TWO. FINDINGS**

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

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

10 B. 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'iyáti'
20 Committee members in attendance. . . See CJN-29-22, as amended by
21 CAU-74-23, Section Three (B).
- 22 2. The Delegate Region Project Plan funding will be allocated to the Navajo
23 Nation Central Government, specifically the Division of Community
24 Development or other appropriate Navajo Nation Division or Department,
25 to implement the projects rather than directly to the Chapters. See CJN-29-
26 22, Section Three (D).
- 27 3. The Navajo Nation Central Government, specifically the Division of
28 Community Development or other appropriate Navajo Nation Division or
29 Department, shall manage and administer funds and Delegate Region
30 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation

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

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

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

16 C. The Navajo Nation Council Resolution No. CAP-11-23, AN ACTION RELATING
17 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
18 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
19 REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S
20 DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO
21 LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the
22 President of the Navajo Nation on May 4, 2023.

23 D. CAP-11-23, Section Four, states that:

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

28 E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING
29 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
30 AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND

1 DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R.
2 ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO,
3 MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE
4 ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law
5 by the President of the Navajo Nation on June 8, 2023.

6 F. CMY-39-23, Section Four, states that:

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

11 G. The Navajo Nation Council Resolution No. CAU-73-23, AN ACTION RELATING
12 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
13 AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL
14 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE
15 STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK,
16 IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO
17 INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was
18 signed into law by the President of the Navajo Nation on August 30, 2023.

19 H. CAU-73-23, 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 I. 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 J. 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'iyáti'
11 Committee members in attendance. . . See CJN-29-22, as amended by
12 CAU-74-23, Section Three (B).

13 K. All projects listed in the Hon. Steven R. Arviso's Delegate Region Projects Plan,
14 attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.
15 In addition, Hon. Steven R. Arviso'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 L. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
18 Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities
19 to approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund
20 Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters:
21 Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) as set forth in
22 **Exhibit A**.

23
24 **SECTION THREE. AMENDING CAU-73-23 AND CMY-39-23 AND CAP-11-23,**
25 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**
26 **PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE**
27 **REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE,**
28 **PINEDALE, SMITH LAKE, THOREAU)**

29 A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
30 Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate

1 Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau)
2 set forth in **Exhibit A**.

3 B. 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 C. 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'iyáti' 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'iyáti' 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.