

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0055-24\_

SPONSOR: Herman M. Daniels, Jr.

**TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending CAU-72-23 and CJY-51-23 and CAP-21-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto Oljato)**

*Date posted:* March 11, 2024 at 4:36PM

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0055-24

**DATE:** March 11, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CAU-72-23 AND CJY-51-23 AND CAP-21-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO)

**PURPOSE:** This legislation, if approved, will remove one-project and add FRF-eligible projects to Hon. Hon. Herman M. Daniels, Jr.'s Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) enacted under CAU-72-23 and CJY-51-23 and CAP-21-23.

**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.**

5-DAY BILL HOLD PERIOD                       
Website Posting Time/Date                       
Posting End Date: 03-16-24  
Eligible for Action: 03-17-24

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

3  
4 INTRODUCED BY

5  
6 

*Herman M. Daniels, Jr.*

7 Primary Sponsor

8  
9 TRACKING NO. 0055-24

10  
11 AN ACTION  
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CAU-72-23  
13 CJY-51-23 AND CAP-21-23, THE NAVAJO NATION FISCAL RECOVERY  
14 FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HERMAN  
15 M. DANIELS, JR.'S DELEGATE REGION  
16 (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO)

17  
18 BE IT ENACTED:

19  
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. CAP-21-23, included and incorporated herein  
28 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
29 Delegate Region Project Plan for Honorable Herman M. Daniels, Jr.'s Delegate  
30 Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) 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. CJY-51-23, included and incorporated herein  
5 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
6 Delegate Region Project Plan for Honorable Herman M. Daniels, Jr.'s Delegate  
7 Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato) be approved by a  
8 Navajo Nation Council resolution and signed into law by the President of the Navajo  
9 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and  
10 (12).

11 E. Navajo Nation Council Resolution No. CAU-72-23, attached as **Exhibit 1** (without  
12 project exhibits) included and incorporated herein by reference, mandated that  
13 amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan  
14 for Honorable Herman M. Daniels, Jr.'s Delegate Region (Chapters: Tsah Bii Kin,  
15 Navajo Mountain, Shonto, Oljato) be approved by a Navajo Nation Council resolution  
16 and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164  
17 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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

22  
23 **SECTION TWO. FINDINGS**

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

1       HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;  
2       BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND  
3       ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND  
4       MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION  
5       PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED  
6       ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo  
7       Nation on July 15, 2022.

8       B. 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       2. The Delegate Region Project Plan funding will be allocated to the Navajo  
21       Nation Central Government, specifically the Division of Community  
22       Development or other appropriate Navajo Nation Division or Department,  
23       to implement the projects rather than directly to the Chapters. See CJN-29-  
24       22, Section Three (D).
- 25       3. The Navajo Nation Central Government, specifically the Division of  
26       Community Development or other appropriate Navajo Nation Division or  
27       Department, shall manage and administer funds and Delegate Region  
28       Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation  
29       Central Government may award funding to LGA-Certified Chapters through  
30       sub-recipient agreements to implement and manage specific projects, but

1 shall maintain Administrative Oversight over such funding and Delegate  
2 Region Project Plans. *See* CJN-29-22, Section Three (E).

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

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

14 C. The Navajo Nation Council Resolution No. CAP-21-23, AN ACTION RELATING  
15 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
16 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE  
17 REGION PROJECT PLAN FOR HONORABLE HERMAN M. DANIELS, JR.'S  
18 DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN,  
19 SHONTO, OLJATO), was signed into law by the President of the Navajo Nation on  
20 May 5, 2023.

21 D. CAP-21-23, Section Four, states that:

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

26 E. The Navajo Nation Council Resolution No. CJY-51-23, AN ACTION RELATING TO  
27 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
28 AMENDING CAP-21-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
29 DELEGATE REGION PROJECT PLAN FOR HONORABLE HERMAN M.  
30 DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII KIN, NAVAJO

1 MOUNTAIN, SHONTO, OLJATO), TO INCLUDE ADDITIONAL PROJECTS  
2 FOR THIS DELEGATE REGION was signed into law by the President of the Navajo  
3 Nation on August 4, 2023.

4 F. CJY-51-23, Section Four, states that:

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

9 G. The Navajo Nation Council Resolution No. CAU-72-23, AN ACTION RELATING  
10 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
11 AMENDING CJY-51-23 AND CAP-21-23, THE NAVAJO NATION FISCAL  
12 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE  
13 HERMAN M. DANIELS, JR.'S DELEGATE REGION (CHAPTERS: TSAH BII  
14 KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO), TO INCLUDE ADDITIONAL  
15 PROJECTS FOR THIS DELEGATE REGION was signed into law by the President  
16 of the Navajo Nation on August 30, 2023. **Exhibit 1.**

17 H. CAU-72-23, Section Four, states that:

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

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

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

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

11         K. The Hon. Herman M. Daniels, Jr. has requested to amend CAU-72-23 to **remove** the  
12         *Oljato Chapter Community Bathroom Additions (for 10-Families)* project (under  
13         NNDOJ Review No. HK0539) from the Delegate Region Projects Plan that covers the  
14         Tсах Bii Kin, Navajo Mountain, Shonto, Oljato Chapters. The removal of this project  
15         will **revert \$420,000.00** back to Hon. Herman M. Daniels, Jr.'s Delegate Region Project  
16         Plan's **Un-Allocated Amount**.

17         L. Further, the Hon. Herman M. Daniels, Jr. has requested that additional projects be  
18         added to his Delegate Region Projects Plan. The additional projects, which have been  
19         deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the removed project, are  
20         set forth in **Exhibit 2**. After the deletion and addition of projects, Hon. Herman M.  
21         Daniels, Jr.'s Delegate Region Projects Plan does *not* exceed the amount of  
22         \$8,802,340, as set forth in CJN-29-22, Section Three (F).

23         M. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
24         Nation and the Hon. Herman M. Daniels, Jr.'s Delegate Region Chapters and  
25         communities to approve and adopt the **removal** of one-project and the **addition** of  
26         additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate  
27         Region Project Plan for Hon. Herman M. Daniels, Jr.'s Delegate Region (Chapters:  
28         Tсах Bii Kin, Navajo Mountain, Shonto, Oljato) as set forth in **Exhibit 2**.



1     **SECTION THREE. AMENDING CAU-72-23 AND CJY-51-23 AND CAP-21-23, THE**  
2     **NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT**  
3     **PLAN FOR HONORABLE HERMAN M. DANIELS, JR.'S DELEGATE REGION**  
4     **(CHAPTERS: TSAH BII KIN, NAVAJO MOUNTAIN, SHONTO, OLJATO)**

5     A. The Navajo Nation hereby approves the removal of one-project (the *Oljato Chapter*  
6     *Community Bathroom Additions (for 10-Families)* project under NNDOJ Review No.  
7     HK0539) listed in CAU-72-23 for Hon. Herman M. Daniels, Jr.'s Delegate Region  
8     Projects Plan as **stricken** in **Exhibit 2**. The removal of this project from Hon. Herman M.  
9     Daniels, Jr.'s Delegate Region Projects Plan will **revert \$420,000.00** back to his Delegate  
10    Region's Project Plan's **Un-Allocated Amount**.

11    B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation  
12    Fiscal Recovery Fund Delegate Region Project Plan for Hon. Herman M. Daniels, Jr.'s  
13    Delegate Region (Chapters: Tsah Bii Kin, Navajo Mountain, Shonto, Oljato)) set forth  
14    in **Exhibit 2**.

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

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

20  
21    **SECTION FOUR. AMENDMENTS**

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

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25    **SECTION FIVE. EFFECTIVE DATE**

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

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29    **SECTION SIX. SAVING CLAUSE**

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

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