

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0068-24\_

SPONSOR: Casey Allen Johnson

**TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending NABID-59-23 and CAU-71-23 and CAP-08-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake)**

*Date posted:* March 22, 2024 at 2:08PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0068-24

**DATE:** March 18, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-59-23 AND CAU-71-23 AND CAP-08-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CASEY ALLEN JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE)

**PURPOSE:** This legislation, if approved, will change the name of one-project, decrease the funding amount of one-project, remove one-project and increase the funding amount of two-projects in Hon. Hon. Casey Allen Johnson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) enacted under NABID-59-23 and CAU-71-23 and CAP-08-23.

**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: 03-27-24  
Eligible for Action: 03-28-24

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

3  
4                                    INTRODUCED BY

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



8  
9                                    TRACKING NO. 0068-24

10  
11                                    AN ACTION  
12                                    RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-59-  
13                                    23 AND CAU-71-23 AND CAP-08-23, THE NAVAJO NATION FISCAL  
14                                    RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15                                    HONORABLE CASEY ALLEN JOHNSON'S DELEGATE REGION  
16                                    (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP,  
17                                    TOLANI LAKE)

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. CAP-08-23, included and incorporated herein  
29                                    by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
30                                    Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region

1 (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) be  
2 approved by a Navajo Nation Council resolution and signed into law by the President  
3 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)  
4 (10), (11), and (12). *See Exhibit AA* (without project exhibits).

5 D. Navajo Nation Council Resolution No. CAU-71-23, included and incorporated herein  
6 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
7 Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region  
8 (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) be  
9 approved by a Navajo Nation Council resolution and signed into law by the President  
10 of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)  
11 (10), (11), and (12). *See Exhibit BB* (without project exhibits).

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'íyáti'  
14 Committee as the final approval authority for Delegate Region Project Plans funded  
15 through Navajo Nation's Fiscal Recovery Funds.

16 F. Naabik'íyáti' Committee Resolution No. NABID-59-23, included and incorporated  
17 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery  
18 Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region  
19 (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) be adopted  
20 and approved by resolution of the Naabik'íyáti' Committee pursuant to two-thirds (2/3)  
21 vote of the Naabik'íyáti' Committee members in attendance.

## 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-08-23, 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 CASEY ALLEN JOHNSON'S  
18 DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON,  
19 BIRDSPRINGS, LEUPP, TOLANI LAKE), was signed into law by the President of  
20 the Navajo Nation on May 5, 2023. **Exhibit AA.**

21 D. CAP-08-23, 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. CAU-71-23, AN ACTION RELATING  
27 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
28 AMENDING CAP-08-23 AND THE NAVAJO NATION FISCAL RECOVERY  
29 FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CASEY  
30 ALLEN JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON,

1 COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE), was signed into  
2 law by the President of the Navajo Nation on August 30, 2023. **Exhibit BB.**

3 F. CAU-71-23, Section Four, states that:

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

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

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

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

27 I. The Naabik'íyáti' Committee Resolution No. NABID-59-23, AN ACTION  
28 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CAU-71-23  
29 AND CAP-08-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
30 DELEGATE REGION PROJECT PLAN FOR HONORABLE CASEY ALLEN

1 JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON, COALMINE  
2 CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE), TO REMOVE A PROJECT  
3 AND INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGTE REGION, was  
4 signed into law by the Chairperson of the Naabik'iyáti' Committee on January 4, 2024.

5 J. NABID-59-23, Section Four, states that:

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

9 K. The Hon. Casey Allen Johnson has requested to amend CAP-08-23 to **change** the  
10 project's name for the *Tolani Lake Chapter Dump Truck and Trailer Purchase*  
11 (*originally* under NNDOJ Review No. HK0369) to *Tolani Lake Chapter Heavy Duty*  
12 *Work Truck and Flatbed Trailer* (now under NNDOJ Review No. HK0369-2) from  
13 his Delegate Region Projects Plan enacted under CAP-08-23, which *originally*  
14 appropriated **\$135,468.00** and *will* remain the same amount appropriated for this  
15 project. The change to the project's name *will not* adjust the project's funding amount in  
16 Hon. Casey Allen Johnson's Delegate Region Project Plan.

17 L. The Hon. Casey Allen Johnson has requested to amend CAP-08-23 to **decrease** the  
18 project's funding amount for the *Leupp Chapter Heavy Equipment and Fleet Vehicle*  
19 *Purchase* (under NNDOJ Review No. HK398) by **\$520,300.00** from his Delegate  
20 Region Projects Plan enacted under CAP-08-23, which *originally* appropriated  
21 **\$1,156,600.00** for this project. The decrease of the project's funding amount will **adjust**  
22 the project's funding amount to **\$636,300.00** and will **revert \$520,300.00** back to Hon.  
23 Casey Allen Johnson's Delegate Region Project Plan's **Un-Allocated Amount**.

24 M. The Hon. Casey Allen Johnson has requested to amend CAU-71-23 to **remove** the  
25 *Leupp Chapter Purchase of PPE Project* (under NNDOJ Review No. HK0523) from  
26 his Delegate Region Projects Plan enacted under CAU-71-23, which *originally*  
27 appropriated **\$50,000.00** for this project. The removal of this project will **revert**  
28 **\$50,000.00** back to Hon. Casey Allen Johnson's Delegate Region Project Plan's **Un-**  
29 **Allocated Amount**.



1 N. The Hon. Casey Allen Johnson has requested to amend CAP-08-23 to **increase** the  
2 project's funding amount for the *Leupp Chapter Senior Center Renovation Project*  
3 (*originally* under NNDOJ Review No. HK0400) by **\$370,000.00** to his Delegate  
4 Region Projects Plan enacted under CAP-08-23, which *originally* appropriated  
5 **\$81,000.00** for this project. A *revised* Navajo Nation Department of Justice Eligibility  
6 Determination (now under NNDOJ Review No. HK400-2) increased the project's  
7 funding amount and **adjusted** the project's funding amount to **\$451,000.00**.

8 O. The Hon. Casey Allen Johnson has requested to amend CAP-08-23 to **increase** the  
9 project's funding amount for the *Leupp Chapter House Renovation Project* (*originally*  
10 under NNDOJ Review No. HK0401) by **\$200,000.00** to his Delegate Region Projects  
11 Plan enacted under CAP-08-23, which *originally* appropriated **\$287,868.00** for this  
12 project. A *revised* Navajo Nation Department of Justice Eligibility Determination (now  
13 under NNDOJ Review No. HK0401-2) increased the project's funding amount and  
14 **adjusted** the project's funding amount to **\$487,868.00**.

15 P. All projects listed in the Hon. Casey Allen Johnson's Delegate Region Projects Plan,  
16 attached as **Exhibit CC**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.  
17 In addition, Hon. Casey Allen Johnson's Delegate Region Projects Plan does *not*  
18 exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

19 Q. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
20 Nation and the Hon. Casey Allen Johnson's Delegate Region Chapters and  
21 communities to approve and adopt the additional projects as part of the Navajo Nation  
22 Fiscal Recovery Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's  
23 Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani  
24 Lake) as set forth in **Exhibit CC**.

25  
26 **SECTION THREE. AMENDING NABID-59-23 AND CAU-71-23 AND CAP-08-23,**  
27 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**  
28 **PROJECT PLAN FOR HONORABLE CASEY ALLEN JOHNSON'S DELEGATE**  
29 **REGION (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS,**  
30 **LEUPP, TOLANI LAKE)**

- 1 A. The Navajo Nation hereby approves the **change** of the project's name for the *Tolani*  
2 *Lake Chapter Dump Truck and Trailer Purchase* (originally under NNDOJ Review  
3 No. HK0369) to *Tolani Lake Chapter Heavy Duty Work Truck and Flatbed Trailer*  
4 (now under NNDOJ Review No. HK0369-2) in Hon. Casey Allen Johnson's Delegate  
5 Region Projects Plan enacted under CAP-08-23, which *originally* appropriated  
6 **\$135,468.00** and *will* remain the same appropriated amount for this project and the  
7 **change is identified in Exhibit CC**. The change to the project's name *will not* adjust  
8 the project's funding amount in Hon. Casey Allen Johnson's Delegate Region Project  
9 Plan.
- 10 B. The Navajo Nation hereby approves the **decrease** to the project's funding amount for  
11 the *Leupp Chapter Heavy Equipment and Fleet Vehicle Purchase* (under NNDOJ  
12 Review No. HK398) by **\$520,300.00** in Hon. Casey Allen Johnson's Delegate Region  
13 Projects Plan enacted under CAP-08-23, which *originally* appropriated **\$1,156,600.00**  
14 for this project and this **decrease is identified in Exhibit CC**. The decrease of the  
15 project's funding amount will **adjust** the project's funding amount to **\$636,300.00** and  
16 will **revert \$520,300.00** back to Hon. Casey Allen Johnson's Delegate Region Project  
17 Plan's **Un-Allocated Amount**.
- 18 C. The Navajo Nation hereby approves the **removal** the *Leupp Chapter Purchase of PPE*  
19 *Project* (under NNDOJ Review No. HK0523) in Hon. Casey Allen Johnson's  
20 Delegate Region Projects Plan enacted under CAU-71-23, which appropriated  
21 **\$50,000.00** for this project and is **stricken in Exhibit CC**. The removal of this project  
22 will **revert \$50,000.00** back to Hon. Casey Allen Johnson's Delegate Region Project  
23 Plan's **Un-Allocated Amount**.
- 24 D. The Navajo Nation hereby approves the **increase** to the project's funding amount for  
25 the *Leupp Chapter Senior Center Renovation Project* (originally under NNDOJ  
26 Review No. HK0400) by **\$370,000.00** in Hon. Casey Allen Johnson's Delegate  
27 Region Projects Plan enacted under CAP-08-23, which *originally* appropriated  
28 **\$81,000.00** for this project and this **increase is identified in Exhibit CC**. A *revised*  
29 Navajo Nation Department of Justice Eligibility Determination (now under NNDOJ  
30

1 Review No. HK0400-2) increased the project's funding amount and **adjusted** the  
2 project's funding amount to **\$451,000.00**.

3 E. The Navajo Nation hereby approves the **increase** to the project's funding amount for  
4 the *Leupp Chapter House Renovation Project* (originally under NNDOJ Review No.  
5 HK0401) by **\$200,000.00** in Hon. Casey Allen Johnson's Delegate Region Projects  
6 Plan enacted under CAP-08-23, which *originally* appropriated **\$287,868.00** for this  
7 project and this **increase** is **identified** in **Exhibit CC**. A *revised* Navajo Nation  
8 Department of Justice Eligibility Determination (now under NNDOJ Review No.  
9 HK0401-2) increased the project's funding amount and adjusted the project's funding  
10 amount to **\$487,868.00**.

11 F. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal  
12 Recovery Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate  
13 Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) as  
14 set forth in **Exhibit CC**.

15 G. 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 H. 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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