

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0078-24_

SPONSOR: Rickie Nez

TITLE: An Action Relating to the Naabik'íyáti' Committee; Amending NABIF-08-24 and NABID-51-23 and NABIO-28-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Rickie Nez's Delegate Region (Chapters: T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)

Date posted: April 05, 2024 at 7:08PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0078-24

DATE: April 5, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIF-08-24 AND NABID-51-23 AND NABIO-28-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE RICKIE NEZ'S DELEGATE REGION (CHAPTERS: T'IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE' DAA' KAAAN, NEWCOMB, SAN JUAN)

PURPOSE: This legislation, if approved, will add FRF-Eligible projects to Rickie Nez's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan) enacted under NABIO-28-23 and NABID-51-23 and NABIF-08-24.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: 2/3 Vote

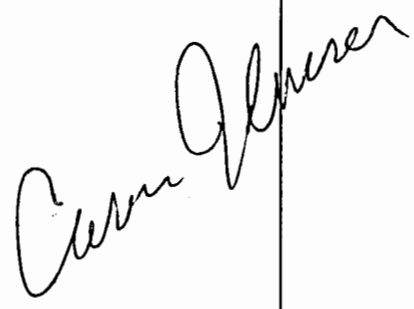
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD
Website Posting Time/Date _____
Posting End Date: 04-10-24
Eligible for Action: 04-11-24

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. 0078-24

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
13 NABIF-08-24 AND NABID-51-23 AND NABIO-28-23, THE NAVAJO NATION
14 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE RICKIE NEZ'S DELEGATE REGION (CHAPTERS: T'IISTOH
16 SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE' DAA' KAAN,
17 NEWCOMB, SAN JUAN)

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. Naabik'iyáti' Committee Resolution No. NABIO-28-23, included and incorporated
29 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
30 Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region (Chapters:

1 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
2 be adopted and approved by resolution of the Naabik'iyáti' Committee pursuant to two-
3 thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.

4 D. Naabik'iyáti' Committee Resolution No. NABID-51-23, included and incorporated
5 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
6 Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region (Chapters:
7 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
8 be adopted and approved by resolution of the Naabik'iyáti' Committee pursuant to two-
9 thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.

10 E. Naabik'iyáti' Committee Resolution No. NABIF-08-24, included and incorporated
11 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
12 Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region (Chapters:
13 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
14 be adopted and approved by resolution of the Naabik'iyáti' Committee pursuant to two-
15 thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.

16
17 **SECTION TWO. FINDINGS**

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

1 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo
2 Nation on July 15, 2022.

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

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

15 2. The Delegate Region Project Plan funding will be allocated to the Navajo
16 Nation Central Government, specifically the Division of Community
17 Development or other appropriate Navajo Nation Division or Department,
18 to implement the projects rather than directly to the Chapters. See CJN-29-
19 22, Section Three (D).

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

28 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
29 eligible projects within their Delegate Region to be funded by the NNFRF
30 Chapter and Regional Projects Expenditure Plan through a Delegate Region

1 Projects Plan. The total cost of projects selected by each Delegate shall not
2 exceed their Delegate Region distribution of eight million eight hundred two
3 thousand three hundred forty dollars (\$8,802,340). *See* CJN-29-22, Section
4 Three (F).

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

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

16 D. 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 E. The Naabik'iyáti' Committee Resolution No. NABIO-28-23, AN ACTION
29 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE
30 NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT

1 PLAN FOR HONORABLE RICKIE NEZ’S DELEGATE REGION (CHAPTERS:
2 T’IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE’ DAA’ KAAAN,
3 NEWCOMB, SAN JUAN) was signed into law by the Chairperson of the Naabik’íyáti’
4 Committee on October 17, 2023.

5 F. NABIO-28-23, 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’íyáti’
8 Committee.

9 G. The Naabik’íyáti’ Committee Resolution No. NABID-51-23, AN ACTION
10 RELATING TO THE NAABIK’ÍYÁTI’ COMMITTEE; AMENDING NABIO-28-
11 23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
12 PROJECT PLAN FOR HONORABLE RICKIE NEZ’S DELEGATE REGION
13 (CHAPTERS: T’IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE’
14 DAA’ KAAAN, NEWCOMB, SAN JUAN), TO INCLUDE ADDITIONAL
15 PROJECTS FOR THIS DELEGATE REGION, was signed into law by the
16 Chairperson of the Naabik’íyáti’ Committee on January 5, 2024.

17 H. NABID-51-23, 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 I. The Naabik’íyáti’ Committee Resolution No. NABIF-08-24, AN ACTION
22 RELATING TO THE NAABIK’ÍYÁTI’ COMMITTEE; AMENDING NABID-51-23
23 AND NABIO-28-23, THE NAVAJO NATION FISCAL RECOVERY FUND
24 DELEGATE REGION PROJECT PLAN FOR HONORABLE RICKIE NEZ’S
25 DELEGATE REGION (CHAPTERS: T’IISTOH SIKAAD, NENAHNEZAD,
26 UPPER FRUITLAND, TSE’ DAA’ KAAAN, NEWCOMB, SAN JUAN) was signed
27 into law by the Chairperson of the Naabik’íyáti’ Committee on February 15, 2024.

28 J. NABIF-08-24, Section Four, states that:
29
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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 K. All projects listed in the Hon. Rickie Nez's Delegate Region Projects Plan, attached
5 as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In
6 addition, Hon. Rickie Nez's Delegate Region Projects Plan does *not* exceed the
7 amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

8 L. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
9 Nation and the Hon. Rickie Nez'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. Rickie Nez's Delegate Region (Chapters:
12 T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan)
13 as set forth in **Exhibit A**.

14
15 **SECTION THREE. AMENDING NABIF-08-24 AND NABID-51-23 AND NABIO-28-**
16 **23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**
17 **PROJECT PLAN FOR HONORABLE RICKIE NEZ'S DELEGATE REGION**
18 **(CHAPTERS: T'IISTOH SIKAAD, NENAHNEZAD, UPPER FRUITLAND, TSE'**
19 **DAA' KAAAN, NEWCOMB, SAN JUAN)**

20 A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
21 Recovery Fund Delegate Region Project Plan for Hon. Rickie Nez's Delegate Region
22 (Chapters: T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb,
23 San Juan) 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).

29
30 **SECTION FOUR. AMENDMENTS**

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

3
4 **SECTION FIVE. EFFECTIVE DATE**

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

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8 **SECTION SIX. SAVING CLAUSE**

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