

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0079-24\_

SPONSOR: Germaine Simonson

TITLE: Amending NABID-58-23 and CO-80-23 and CAP-15-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill)

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0079-24

**DATE:** April 6, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-58-23 AND CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL)

**PURPOSE:** This legislation, if approved, will amend two-projects and add FRF-Eligible projects to Hon. Germaine Simonson's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) enacted under CAP-15-23 and CO-80-23 and NABID-58-23.

**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                       
Website Posting Time/Date                       
Posting End Date: 04-14-24  
Eligible for Action: 04-15-24

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. 0079-24

10  
11                                    AN ACTION

12                                    RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-58-  
13                                    23 AND CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL  
14                                    RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15                                    HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS:  
16                                    HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL)

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-15-23, included and incorporated herein  
28                                    by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
29                                    Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region  
30                                    (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be approved by

1 a 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). *See Exhibit 1* (without project exhibits).

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

8 E. Navajo Nation Council Resolution No. CO-80-23, included and incorporated herein  
9 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
10 Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region  
11 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be approved by  
12 a Navajo Nation Council resolution and signed into law by the President of the Navajo  
13 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and  
14 (12).

15 F. Naabik'íyáti' Committee Resolution No. NABID-58-23, included and incorporated  
16 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery  
17 Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region  
18 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be adopted and  
19 approved by resolution of the Naabik'íyáti' Committee pursuant to two-thirds (2/3)  
20 vote of the Naabik'íyáti' Committee members in attendance. *See Exhibit 2* (without  
21 project exhibits).

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-15-23, 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 GERMAINE SIMONSON'S  
18 DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON,  
19 BLACK MESA, WHIPPOORWILL), was signed into law by the President of the  
20 Navajo Nation on May 4, 2023. **Exhibit 1.**

21 D. CAP-15-23, 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-74-23, AN ACTION RELATING  
27 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
28 AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22;  
29 DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL  
30 AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH

1 THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the  
2 President of the Navajo Nation on September 6, 2023.

3 F. 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'íyáti'  
13 Committee members in attendance. . . See CJN-29-22, as amended by  
14 CAU-74-23, Section Three (B).

15 G. The Navajo Nation Council Resolution No. CO-80-23, AN ACTION RELATING TO  
16 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
17 AMENDING CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
18 DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE  
19 SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST  
20 LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE  
21 ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law  
22 by the President of the Navajo Nation on November 3, 2023.

23 H. The Naabik'íyáti' Committee Resolution No. NABID-58-23, AN ACTION  
24 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CO-80-23  
25 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
26 DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE  
27 SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST  
28 LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE  
29 ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law  
30 by the Chairperson of the Naabik'íyáti' Committee on January 5, 2024. **Exhibit 2.**

- 1 I. NABID-58-23, Section Four, states that:
- 2 1. Amendments to this legislation or to the Delegate Region Project Plan approved
- 3 herein shall only be adopted and approved by resolution of the Naabik'iyáti'
- 4 Committee.
- 5 J. The Delegate Region Projects Plan for Hon. Germaine Simonson requires an
- 6 amendment to remedy an inadvertent error enacted under NABID-58-23, which
- 7 approved a project previously enacted under CAP-15-23. The *Pinon Chapter Septic*
- 8 *& Leach Field Repair or Replacement Project* (under NNDOJ Review No. HK0283),
- 9 after its *original* authorization under CAP-15-23 on May 4, 2023, received a project
- 10 budget in the amount of \$260,468.00 under Business Unit No. K2115198;
- 11 subsequently, after the enactment of NABID-58-23, the same project received another
- 12 project budget for the same amount under Business Unit No. K2115486. The remedy
- 13 required here is to identify the entry of the original project budget appropriated under
- 14 CAP-15-23 in the amount of \$260,468.00 under Business Unit No. K2115198 as the
- 15 official project budget for No. HK0283, and to act further to remove the subsequent
- 16 project budget appropriated under NABID-58-23 in the same amount under Business
- 17 Unit No. K2115486, which will **revert \$260,468.00** back to Hon. Germaine
- 18 Simonson's Delegate Region Project Plan's **Un-Allocated Amount**.
- 19 K. The Delegate Region Projects Plan for Hon. Germaine Simonson requires an
- 20 amendment to remedy an inadvertent error enacted under NABID-58-23, which
- 21 approved a project previously enacted under CAP-15-23. The *Whippoowill Chapter*
- 22 *Hire of Personnel (Technical Staff/Skilled Construction Workers)* (under NNDOJ
- 23 Review No. HK0447), after its *original* authorization under CAP-15-23 on May 4,
- 24 2023, received a project budget in the amount of \$630,517.00 under Business Unit
- 25 No. K2115206; subsequently, after the enactment of NABID-58-23, the same project
- 26 received another project budget for the same amount under Business Unit No.
- 27 K2115487. The remedy required here is to identify the entry of the original project budget
- 28 appropriated under CAP-15-23 in the amount of \$630,517.00 under Business Unit No.
- 29 K2115206 as the official project budget for No. HK0447, and to act further to remove the
- 30 subsequent project budget appropriated under NABID-58-23 in the same amount under

1 Business Unit No. K2115487, which will **revert \$630,517.00** back to Hon. Germaine  
2 Simonson's Delegate Region Project Plan's **Un-Allocated Amount**.

3 L. All projects listed in the Hon. Germaine Simonson's Delegate Region Projects Plan,  
4 attached as **Exhibit 3**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.  
5 In addition, Hon. Germaine Simonson's Delegate Region Projects Plan does *not*  
6 exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

7 M. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
8 Nation and the Hon. Germaine Simonson's Delegate Region Chapters and  
9 communities to approve and adopt the projects as part of the Navajo Nation Fiscal  
10 Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's  
11 Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa,  
12 Whippoorwill) as set forth in **Exhibit 3**.

13  
14 **SECTION THREE. AMENDING NABID-58-23 AND CO-80-23 AND CAP-15-23,**  
15 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**  
16 **PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE**  
17 **REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA,**  
18 **WHIPPOORWILL)**

19 A. The Navajo Nation hereby approves the **amendment** to identify the entry of the original  
20 project budget for the *Pinon Chapter Septic & Leach Field Repair or Replacement*  
21 *Project* (under NNDOJ Review No. HK0283), originally appropriated under CAP-15-  
22 23 in the amount of \$260,468.00 under Business Unit No. K2115198, as the official  
23 project budget for No. HK0283 in Hon. Germaine Simonson's Delegate Region  
24 Projects Plan, and to further act to remove the subsequent project budget appropriated  
25 under NABID-58-23 in the same amount under Business Unit No. K2115486 for the  
26 same project. The **amendment** is identified in **Exhibit 3** and will **revert \$260,468.00**  
27 back to Hon. Germaine Simonson's Delegate Region Project Plan's **Un-Allocated**  
28 **Amount**.

29 B. The Navajo Nation hereby approves the **amendment** to identify the entry of the original  
30 project budget for the *Whippoorwill Chapter Hire of Personnel (Technical Staff/Skilled*

1           *Construction Workers*) (under NNDOJ Review No. HK0447), originally appropriated  
2           under CAP-15-23 in the amount of \$630,517.00 under Business Unit No. K2115206, as  
3           the official project budget for No. HK0447 in Hon. Germaine Simonson's Delegate  
4           Region Projects Plan, and to further act to remove the subsequent project budget  
5           appropriated under NABID-58-23 in the same amount under Business Unit No.  
6           K2115487 for the same project. The **amendment** is identified in **Exhibit 3** and will  
7           **revert \$630,517.00** back to Hon. Germaine Simonson's Delegate Region Project  
8           Plan's **Un-Allocated Amount**.

9           C. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal  
10           Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate  
11           Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) set forth  
12           in **Exhibit 3**.

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

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

#### 18 19           **SECTION FOUR. AMENDMENTS**

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

#### 22 23           **SECTION FIVE. EFFECTIVE DATE**

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

#### 26 27           **SECTION SIX. SAVING CLAUSE**

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

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