

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0081-24\_

SPONSOR: Nathan Notah

**TITLE: An Action Relating to the Naabik'íyáti' Committee; Amending NABIO-29-23 and CJY-53-23 and CAP-20-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Nathan Notah's Delegate Region (Chapters: Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a')**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0081-24

**DATE:** April 7, 2024

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-29-23 AND CJY-53-23 AND CAP-20-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NATHAN NOTAH'S DELEGATE REGION (CHAPTERS: COYOTE CANYON, MEXICAN SPRINGS, NASCHITTI, TOHATCHI, BAHASTL'A'A')

**PURPOSE:** This legislation, if approved, will increase the funding amount of one-project in Hon. Nathan Notah's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') enacted under CAP-20-23 and CJY-53-23 and NABIO-29-23.

**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: 04-15-24  
Eligible for Action: 04-16-24

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. 0081-24

10  
11                                    AN ACTION  
12                                    RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING  
13                                    NABIO-29-23 AND CJY-53-23 AND CAP-20-23, THE NAVAJO NATION  
14                                    FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR  
15                                    HONORABLE NATHAN NOTAH'S DELEGATE REGION  
16                                    (CHAPTERS: COYOTE CANYON, MEXICAN SPRINGS, NASCHITTI,  
17                                    TOHATCHI, BAHASTL'A'A')

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-20-23, included and incorporated herein  
29                                    by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
30                                    Delegate Region Project Plan for Hon. Nathan Notah's Delegate Region (Chapters:

1 Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') be approved by  
2 a Navajo Nation Council resolution and signed into law by the President of the Navajo  
3 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and  
4 (12). See **Exhibit 1** (without project exhibits).

5 D. Navajo Nation Council Resolution No. CJY-53-23, included and incorporated herein  
6 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund  
7 Delegate Region Project Plan for Hon. Nathan Notah's Delegate Region (Chapters:  
8 Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') be approved by  
9 a Navajo Nation Council resolution and signed into law by the President of the Navajo  
10 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and  
11 (12).

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

16 F. Naabik'iyáti' Committee Resolution No. NABIO-29-23, included and incorporated  
17 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery  
18 Fund Delegate Region Project Plan for Hon. Nathan Notah's Delegate Region  
19 (Chapters: Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') be  
20 adopted and approved by resolution of the Naabik'iyáti' Committee pursuant to two-  
21 thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.

## 22 **SECTION TWO. FINDINGS**

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

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

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

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

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

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

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

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

12 C. The Navajo Nation Council Resolution No. CAP-20-23, AN ACTION RELATING  
13 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
14 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE  
15 REGION PROJECT PLAN FOR HONORABLE NATHAN NOTAH'S DELEGATE  
16 REGION (CHAPTERS: COYOTE CANYON, MEXICAN SPRINGS, NASCHITTI,  
17 TOHATCHI, BAHASTL'A'A'), was signed into law by the President of the Navajo  
18 Nation on May 5, 2023. **Exhibit 1.**

19 D. CAP-20-23, 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 E. The Navajo Nation Council Resolution No. CJY-53-23, AN ACTION RELATING TO  
25 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
26 AMENDING CAP-20-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
27 DELEGATE REGION PROJECT PLAN FOR HONORABLE NATHAN NOTAH'S  
28 DELEGATE REGION (CHAPTERS: COYOTE CANYON, MEXICAN SPRINGS,  
29 NASCHITTI, TOHATCHI, BAHASTL'A'A'), TO INCLUDE ADDITIONAL  
30

1 PROJECTS FOR THIS DELEGATE REGION was signed into law by the President  
2 of the Navajo Nation on August 4, 2023.

3 F. CJY-53-23, 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 and  
18 Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery  
19 Fund in the total amount of two hundred eleven million two hundred fifty-six  
20 thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally  
21 between the twenty-four (24) Delegate Regions in the amount of eight million  
22 eight hundred two thousand three hundred forty dollars (\$8,802,340) per  
23 Delegate Region . . . and allocated through Delegate Region Project Plans  
24 approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in  
25 attendance. . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).

26 I. The Naabik'íyáti' Committee Resolution No. NABIO-29-23, AN ACTION  
27 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-53-23  
28 AND CAP-20-23, THE NAVAJO NATION FISCAL RECOVERY FUND  
29 DELEGATE REGION PROJECT PLAN FOR HONORABLE NATHAN NOTAH'S  
30 DELEGATE REGION (CHAPTERS: COYOTE CANYON, MEXICAN SPRINGS,

1 NASCHITTI, TOHATCHI, BAHASTL'A'A'), TO INCLUDE ADDITIONAL  
2 PROJECTS FOR THIS DELEGATE REGION was signed into law by the  
3 Chairperson of the Naabik'iyáti' Committee on October 17, 2023.

4 J. NABIO-29-23, Section Four, states that:

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

8 K. The Hon. Nathan Notah has requested to amend CAP-20-23 to **increase** the project's  
9 funding amount for the *Coyote Canyon Chapter Housing Modernization, Renovation*  
10 *and Weatherization Project (originally* under NNDOJ Review No. HK0409) **by**  
11 **\$299,999.00** to his Delegate Region Projects Plan enacted under CAP-20-23, which  
12 *originally* appropriated **\$600,000.00** for this project. A *revised* Navajo Nation  
13 Department of Justice Eligibility Determination (now under NNDOJ Review No.  
14 HK0409-2) increased the project's funding amount and **adjusted** the project's funding  
15 amount to **\$899,999.00**.

16 L. All projects listed in the Hon. Nathan Notah's Delegate Region Projects Plan, attached  
17 as **Exhibit 2**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In  
18 addition, Hon. Nathan Notah's Delegate Region Projects Plan does *not* exceed the  
19 amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

20 M. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo  
21 Nation and the Hon. Nathan Notah's Delegate Region Chapters and communities to  
22 approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund  
23 Delegate Region Project Plan for Hon. Nathan Notah's Delegate Region (Chapters:  
24 Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a') as set forth in  
25 **Exhibit 2**.

26  
27 **SECTION THREE. AMENDING NABIO-29-23 AND CJY-53-23 AND CAP-20-23,**  
28 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**  
29 **PROJECT PLAN FOR HONORABLE NATHAN NOTAH'S DELEGATE REGION**  
30



1 (CHAPTERS: COYOTE CANYON, MEXICAN SPRINGS, NASCHITTI,  
2 TOHATCHI, BAHASTL'A'A')

3 A. The Navajo Nation hereby approves the **increase** to the project's funding amount for  
4 the *Coyote Canyon Chapter Housing Modernization, Renovation and Weatherization*  
5 *Project (originally under NNDOJ Review No. HK0409) by \$299,999.00* in Hon.  
6 Nathan Notah's Delegate Region Projects Plan enacted under CAP-20-23, which  
7 *originally* appropriated \$600,000.0 for this project and this **increase** is **identified** in  
8 **Exhibit 2**. A *revised* Navajo Nation Department of Justice Eligibility Determination  
9 (now under NNDOJ Review No. HK0409-2) increased the project's funding amount  
10 and **adjusted** the project's funding amount to **\$899,999.00**.

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. Nathan Notah's Delegate  
13 Region (Chapters: Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'a'a')  
14 set forth 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, those  
3 provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.  
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