

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0085-24_

SPONSOR: Otto Tso

TITLE: An Action Relating to Naabik'iyáti' Committee; Amending NABIJA-04-24; the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Otto Tso's Delegate Region (Chapter: To' Nanees Dizi)

Date posted: April 19, 2024 at 5:47PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0085-24

DATE: April 18, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIJA-04-24, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION (CHAPTER: TO' NANEES DIZI)

PURPOSE: This legislation, if approved, will add projects to Hon. Otto Tso's Fiscal Recovery Fund Delegate Region Projects Plan (Chapter: To' Nanees Dizi) enacted under NABIJA-04-24.

FINAL AUTHORITY: Naabik'iyáti' Committee

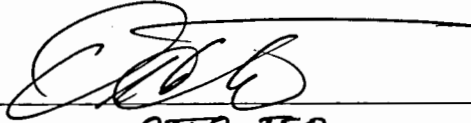
VOTE REQUIRED: 2/3 Vote

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: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-24-24
Eligible for Action: 04-25-24

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

3
4 INTRODUCED BY

5 

6
7 OTTO TSO
Primary Sponsor

8
9 TRACKING NO. 0085-24

10
11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
13 NABIJA-04-24; THE NAVAJO NATION FISCAL RECOVERY FUND
14 DELEGATE REGION PROJECT PLAN FOR HONORABLE OTTO TSO'S
15 DELEGATE REGION (CHAPTER: TO' NANEES DIZI)

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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. CAU-74-23, which amended CJN-29-22 and
28 CJY-41-2, included and incorporated herein by reference, delegated the Naabik'iyáti'
29 Committee as the final approval authority for Delegate Region Project Plans funded
30 through Navajo Nation's Fiscal Recovery Funds.

1 D. Naabik'iyáti' Committee Resolution No. NABIJA-04-24, included and incorporated
2 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
3 Fund Delegate Region Project Plan for Hon. Otto Tso's Delegate Region (Chapter: To'
4 Nanees Dizi) be adopted and approved by resolution of the Naabik'iyáti' Committee
5 pursuant to two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
6 attendance.

7
8 **SECTION TWO. FINDINGS**

9 A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO
10 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
11 ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY
12 FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND
13 EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC
14 SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL
15 ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS;
16 HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS;
17 BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND
18 ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND
19 MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION
20 PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED
21 ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo
22 Nation on July 15, 2022.

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

- 25 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
26 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
27 Recovery Fund in the total amount of two hundred eleven million two
28 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
29 to be divided equally between the twenty-four (24) Delegate Regions in the
30 amount of eight million eight hundred two thousand three hundred forty

1 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
2 Region Project Plans approved by two-thirds (2/3) vote of the Naabik'iyáti'
3 Committee members in attendance. . . . See CJN-29-22, as amended by
4 CAU-74-23, Section Three (B).

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

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

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

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

29 C. The Navajo Nation Council Resolution No. CAU-74-23, AN ACTION RELATING
30 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;

1 AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22;
2 DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL
3 AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH
4 THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the
5 President of the Navajo Nation on September 6, 2023.

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

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

18 E. The Naabik'íyáti' Committee Resolution No. NABIJA-04-24, AN ACTION
19 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE
20 NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT
21 PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION (CHAPTER: TO'
22 NANEES DIZI) was signed into law by the Chairperson of the Naabik'íyáti' Committee
23 on January 22, 2024.

24 F. NABIJA-04-24, Section Four, states that:

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

28 G. All projects listed in the Hon. Otto Tso's Delegate Region Projects Plan, attached as
29 **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition,
30

1 Hon. Otto Tso's Delegate Region Projects Plan does *not* exceed the amount of
2 \$8,802,340, as set forth in CJN-29-22, Section Three (F).

3 H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
4 Nation and the Hon. Otto Tso's Delegate Region Chapters and communities to
5 approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project
6 Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) as set forth in
7 **Exhibit A.**

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9 **SECTION THREE. AMENDING NABIJA-04-24, THE NAVAJO NATION FISCAL**
10 **RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE**
11 **OTTO TSO'S DELEGATE REGION (CHAPTER: TO' NANEES DIZI)**

12 A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project
13 Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) set forth in
14 **Exhibit A.**

15 B. 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 C. 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).

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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**

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