

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0088-24_

SPONSOR: Lomardo Aseret

TITLE: An Action Relating to the Naabik'iyáti' Committee: Amending NABIF-10-24 and CJY-54-23 and CMY-41-23, The Navajo Nation Fiscal Recovery Fund Delegated Region Project Plan for Honorable Lomardo Aseret's Delegate Region (Chapters: Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dził)

Date posted: April 23, 2024 at 5:57PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0088-24

DATE: April 17, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI'COMMITTEE; AMENDING NABIF-10-24 AND CJY-54-23 AND CMY-41-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE LOMARDO ASERET'S DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK, LUPTON, NAHATA DZIIL)

PURPOSE: This legislation, if approved, will remove three-projects and increase the funding amount of one-project in Hon. Lomardo Aseret's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Klagnetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) enacted under CMY-41-23 and CJY-54-23 and NABIF-10-24.

FINAL AUTHORITY: Naabik'íyáti' Committee

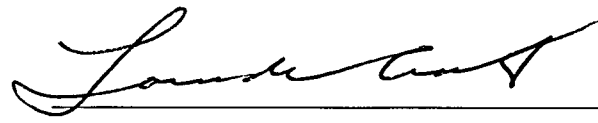
VOTE REQUIRED: 2/3 Vote

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: 04-28-24
Eligible for Action: 04-29-24

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

4 INTRODUCED BY

5 
6 _____

7 Primary Sponsor

9 TRACKING NO. 0088-24

11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING
13 NABIF-10-24 AND CJY-54-23 AND CMY-41-23, THE NAVAJO NATION
14 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR
15 HONORABLE LOMARDO ASERET'S DELEGATE REGION (CHAPTERS:
16 KLAGETOH, WIDE RUINS, HOUCK, LUPTON, NAHATA DZIIL)

18 BE IT ENACTED:

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. CMY-41-23, included and incorporated herein
28 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
29 Delegate Region Project Plan for Hon. Lomardo Aseret's Delegate Region (Chapters:
30 Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) be approved by a Navajo Nation

1 Council resolution and signed into law by the President of the Navajo Nation pursuant
2 to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12). *See Exhibit 1*
3 (without project exhibits).

4 D. Navajo Nation Council Resolution No. CJY-54-23, included and incorporated herein
5 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
6 Delegate Region Project Plan for Hon. Lomardo Aseret's Delegate Region (Chapters:
7 Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) be approved by a Navajo Nation
8 Council resolution and signed into law by the President of the Navajo Nation pursuant
9 to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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

14 F. Naabik'íyáti' Committee Resolution No. NABIF-10-24, included and incorporated
15 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
16 Fund Delegate Region Project Plan for Hon. Lomardo Aseret's Delegate Region
17 (Chapters: Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) be adopted and
18 approved by resolution of the Naabik'íyáti' Committee pursuant to two-thirds (2/3)
19 vote of the Naabik'íyáti' Committee members in attendance.

20
21 **SECTION TWO. FINDINGS**

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

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

6 B. 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 and
9 Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery
10 Fund in the total amount of two hundred eleven million two hundred fifty-six
11 thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally
12 between the twenty-four (24) Delegate Regions in the amount of eight million
13 eight hundred two thousand three hundred forty dollars (\$8,802,340) per
14 Delegate Region . . . and allocated through Delegate Region Project Plans
15 approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
16 attendance. . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).
- 17 2. The Delegate Region Project Plan funding will be allocated to the Navajo
18 Nation Central Government, specifically the Division of Community
19 Development or other appropriate Navajo Nation Division or Department, to
20 implement the projects rather than directly to the Chapters. See CJN-29-22,
21 Section Three (D).
- 22 3. The Navajo Nation Central Government, specifically the Division of
23 Community Development or other appropriate Navajo Nation Division or
24 Department, shall manage and administer funds and Delegate Region Project
25 Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central
26 Government may award funding to LGA-Certified Chapters through sub-
27 recipient agreements to implement and manage specific projects, but shall
28 maintain Administrative Oversight over such funding and Delegate Region
29 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 entity
9 and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial
10 eligibility determination. *See* CJN-29-22, Section Three (L)(5) and (L)(6).

11 C. The Navajo Nation Council Resolution No. CMY-41-23, AN ACTION RELATING
12 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
13 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
14 REGION PROJECT PLAN FOR HONORABLE LOMARDO ASERET'S
15 DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK,
16 LUPTON, NAHATA DZIL), was signed into law by the President of the Navajo
17 Nation on June 8, 2023.

18 D. CMY-41-23, Section Four, states that:

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

23 E. The Navajo Nation Council Resolution No. CJY-54-23, AN ACTION RELATING TO
24 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
25 AMENDING CMY-41-23, THE NAVAJO NATION FISCAL RECOVERY FUND
26 DELEGATE REGION PROJECT PLAN FOR HONORABLE LOMARDO
27 ASERET'S DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS,
28 HOUCK, LUPTON, NAHATA DZIL), TO INCLUDE ADDITIONAL PROJECTS
29 FOR THIS DELEGATE REGION was signed into law by the President of the Navajo
30 Nation on August 4, 2023.

1 F. CJY-54-23, Section Four, states that:

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

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

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

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

24 I. The Naabik'íyáti' Committee Resolution No. NABIF-10-24, AN ACTION
25 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-54-23
26 AND CMY-41-23, THE NAVAJO NATION FISCAL RECOVERY FUND
27 DELEGATE REGION PROJECT PLAN FOR HONORABLE LOMARDO
28 ASERET'S DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS,
29 HOUCK, LUPTON, NAHATA DZIIL) was signed into law by the Chairperson of the
30 Naabik'íyáti' Committee on February 15, 2024.

1 J. NABIF-10-24, 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 K. The Hon. Lomardo Aseret has requested to amend CMY-41-23 to **remove** the
6 *Klagetoh Chapter Illegal Dumpsite Remediation (Greasewood Road) Project* (under
7 NNDOJ Review No. HK0378) from his Delegate Region Projects Plan enacted under
8 CMY-41-23, which *originally* appropriated **\$100,000.00** for this project. The removal
9 of this project will **revert \$100,000.00** back to Hon. Lomardo Aseret's Delegate Region
10 Project Plan's **Un-Allocated Amount**.

11 L. The Hon. Lomardo Aseret has requested to amend CMY-41-23 to **remove** the
12 *Klagetoh Chapter Demolition and Rehabilitation of Old B.I.A. Compound Project*
13 (under NNDOJ Review No. HK0496) from his Delegate Region Projects Plan enacted
14 under CMY-41-23, which *originally* appropriated **\$200,000.00** for this project. The
15 removal of this project will **revert \$200,000.00** back to Hon. Lomardo Aseret's Delegate
16 Region Project Plan's **Un-Allocated Amount**.

17 M. The Hon. Lomardo Aseret has requested to amend CMY-41-23 to **remove** the
18 *Klagetoh Chapter A.R.P.A. Projects Consultant* (under NNDOJ Review No. HK0497)
19 from his Delegate Region Projects Plan enacted under CMY-41-23, which *originally*
20 appropriated **\$50,000.00** for this project. The removal of this project will **revert**
21 **\$50,000.00** back to Hon. Lomardo Aseret's Delegate Region Project Plan's **Un-Allocated**
22 **Amount**.

23 N. The Hon. Lomardo Aseret has requested to amend CMY-41-23 to **increase** the
24 project's funding amount for the *Klagetoh Chapter Renovation of Chapter House*
25 *Project* (*originally* under NNDOJ Review No. HK0381) by **\$350,000.00** to his
26 Delegate Region Projects Plan enacted under CMY-41-23, which *originally*
27 appropriated **\$827,774.00** for this project. A *revised* Navajo Nation Department of
28 Justice Eligibility Determination (now under NNDOJ Review No. HK0381-2) increased
29 the project's funding amount and **adjusted** the project's funding amount to
30 **\$1,177,774.00**.

- 1 O. All projects listed in the Hon. Lomardo Aseret's Delegate Region Projects Plan,
2 attached as **Exhibit 2**, have been deemed Fiscal Recovery Fund eligible by NNDOJ.
3 In addition, Hon. Lomardo Aseret's Delegate Region Projects Plan does *not* exceed
4 the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- 5 P. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
6 Nation and the Hon. Lomardo Aseret's Delegate Region Chapters and communities
7 to approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund
8 Delegate Region Project Plan for Hon. Lomardo Aseret's Delegate Region (Chapters:
9 Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) as set forth in **Exhibit 2**.

10
11 **SECTION THREE. AMENDING NABIF-10-24 AND CJY-54-23 AND CMY-41-23,**
12 **THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**
13 **PROJECT PLAN FOR HONORABLE LOMARDO ASERET'S DELEGATE**
14 **REGION (CHAPTERS: CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK,**
15 **LUPTON, NAHATA DZIIL)**

- 16 A. The Navajo Nation hereby approves the **removal** of the *Klagetoh Chapter Illegal*
17 *Dumpsite Remediation (Greasewood Road) Project* (under NNDOJ Review No.
18 HK0378) in Hon. Lomardo Aseret's Delegate Region Projects Plan enacted under
19 CMY-41-23, which appropriated **\$100,000.00** for this project and is **stricken** in
20 **Exhibit 2**. The removal of this project will **revert \$100,000.00** back to Hon. Lomardo
21 Aseret's Delegate Region Project Plan's **Un-Allocated Amount**.
- 22 B. The Navajo Nation hereby approves the **removal** of the *Klagetoh Chapter Demolition*
23 *and Rehabilitation of Old B.I.A. Compound Project* (under NNDOJ Review No.
24 HK0496) in Hon. Lomardo Aseret's Delegate Region Projects Plan enacted under
25 CMY-41-23, which appropriated **\$200,000.00** for this project and is **stricken** in
26 **Exhibit 2**. The removal of this project will **revert \$200,000.00** back to Hon. Lomardo
27 Aseret's Delegate Region Project Plan's **Un-Allocated Amount**.
- 28 C. The Navajo Nation hereby approves the **removal** of the *Klagetoh Chapter A.R.P.A.*
29 *Projects Consultant* (under NNDOJ Review No. HK0497) in Hon. Lomardo Aseret's
30 Delegate Region Projects Plan enacted under CMY-41-23, which appropriated

1 **\$50,000.00** for this project and is **stricken** in **Exhibit 2**. The removal of this project
2 will **revert \$50,000.00** back to Hon. Lomardo Aseret's Delegate Region Project Plan's
3 **Un-Allocated Amount**.

4 D. The Navajo Nation hereby approves the **increase** to the project's funding amount for
5 the *Klagetoh Chapter Renovation of Chapter House Project* (originally under NNDOJ
6 Review No. HK0381) by **\$350,000.00** in Hon. Lomardo Aseret's Delegate Region
7 Projects Plan enacted under CMY-41-23, which *originally* appropriated **\$827,774.00**
8 for this project and this **increase** is **identified** in **Exhibit 2**. A *revised* Navajo Nation
9 Department of Justice Eligibility Determination (now under NNDOJ Review No.
10 HK0381-2) increased the project's funding amount and **adjusted** the project's funding
11 amount to **\$1,177,774.00**.

12 E. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
13 Recovery Fund Delegate Region Project Plan for Hon. Lomardo Aseret's Delegate
14 Region (Chapters: Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziil) set forth in
15 **Exhibit 2**.

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

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

21
22 **SECTION FOUR. AMENDMENTS**

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

25
26 **SECTION FIVE. EFFECTIVE DATE**

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

29
30 **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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