

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0089-24_

SPONSOR: George H. Tolth

TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending NABIF-09-24 and NABIN-44-23 and NABIO-38-23 and CJY-67-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor)

Date posted: April 23, 2024 at 6:00PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0089-24

DATE: April 23, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIF-09-24 AND NABIN-44-23 AND NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

PURPOSE: This legislation, if approved, will add FRF-Eligible projects to Hon. George H. Tolth's Fiscal Recovery Fund Delegate Region Projects Plan (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) enacted under CJY-67-23 and NABIO-38-23 and NABIN-44-23 and NABIF-09-24.

FINAL AUTHORITY: Naabik'iyáti' Committee

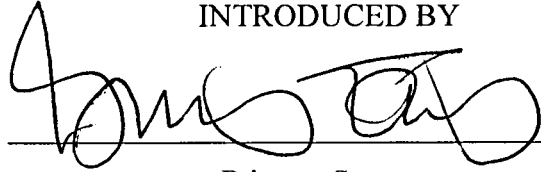
VOTE REQUIRED: 2/3 Vote

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 ASD
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

3
4 INTRODUCED BY

5 
6 _____

7 Primary Sponsor

8
9 TRACKING NO. 0089-24

10
11 AN ACTION

12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE;
13 AMENDING NABIF-09-24 AND NABIN-44-23 AND NABIO-38-23 AND
14 CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
15 REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S
16 DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO,
17 TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE,
18 OJO ENCINO, COUNSELOR)

19
20 BE IT ENACTED:

21
22 SECTION ONE. AUTHORITY

- 23 A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo
24 Nation Council. 2 N.N.C. §700(A).
25 B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23,
26 mandates that Fiscal Recovery Fund (“NNFRF”) Delegate Region Project Plans be
27 approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
28 attendance.
29 C. Navajo Nation Council Resolution No. CJY-67-23, included and incorporated herein
30 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund

1 Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter:
2 Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero
3 Lake, Ojo Encino, Counselor) be approved by a Navajo Nation Council resolution and
4 signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164
5 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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

10 E. Naabik'iyáti' Committee Resolution No. NABIO-38-23, included and incorporated
11 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
12 Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region
13 (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt,
14 Casamero Lake, Ojo Encino, Counselor) be adopted and approved by resolution of the
15 Naabik'iyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti'
16 Committee members in attendance.

17 F. Naabik'iyáti' Committee Resolution No. NABIN-44-23, included and incorporated
18 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
19 Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region
20 (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt,
21 Casamero Lake, Ojo Encino, Counselor) be adopted and approved by resolution of the
22 Naabik'iyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti'
23 Committee members in attendance.

24 G. Naabik'iyáti' Committee Resolution No. NABIF-09-24, included and incorporated
25 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
26 Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region
27 (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt,
28 Casamero Lake, Ojo Encino, Counselor) be adopted and approved by resolution of the
29 Naabik'iyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'iyáti'
30 Committee members in attendance.

1
2 **SECTION TWO. FINDINGS**

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

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

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

1 implement the projects rather than directly to the Chapters. *See* CJN-29-22,
2 Section Three (D).

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

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

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

21 C. The Navajo Nation Council Resolution No. CJY-67-23, AN ACTION RELATING TO
22 THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
23 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
24 REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S
25 DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO,
26 TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO
27 ENCINO, COUNSELOR) was signed into law by the President of the Navajo Nation
28 on August 4, 2023.

29 D. CJY-67-23, Section Four, states that:
30

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

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

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

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

23 G. The Naabik'iyáti' Committee Resolution No. NABIO-38-23, AN ACTION
24 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-67-23,
25 THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
26 PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE
27 REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON,
28 WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO,
29 COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE
30

1 REGION was signed into law by the Chairperson of the Naabik'íyáti' Committee on
2 October 24, 2023.

3 H. NABIO-38-23, Section Four, states that:

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

7 I. The Naabik'íyáti' Committee Resolution No. NABIN-44-23, AN ACTION
8 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-38-23
9 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND
10 DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H.
11 TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO
12 PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO
13 LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS
14 FOR THIS DELEGATE REGION was signed into law by the Chairperson of the
15 Naabik'íyáti' Committee on November 14, 2023.

16 J. NABIN-44-23, Section Four, states that:

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

20 K. The Naabik'íyáti' Committee Resolution No. NABIF-09-24, AN ACTION
21 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIN-44-23
22 AND NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL
23 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE
24 GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER,
25 PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT,
26 CASAMERO LAKE, OJO ENCINO, COUNSELOR) was signed into law by the
27 Chairperson of the Naabik'íyáti' Committee on February 15, 2024.

28 L. NABIF-09-24, Section Four, states that:
29
30

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

8
9 **SECTION THREE. AMENDING NABIF-09-24 AND NABIN-44-23 AND NABIO-38-**
10 **23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND**
11 **DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H.**
12 **TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO**
13 **PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO**
14 **LAKE, OJO ENCINO, COUNSELOR)**

15 A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
16 Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate
17 Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake,
18 Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) set forth in **Exhibit A**.

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

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

24
25 **SECTION FOUR. AMENDMENTS**

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

28
29 **SECTION FIVE. EFFECTIVE DATE**

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

3
4 **SECTION SIX. SAVING CLAUSE**

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

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