

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0115-24_

SPONSOR: Germaine Simonson

TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending NABIAP-30-24 and 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. 0115-24

DATE: May 14, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIAP-30-24 AND 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 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 and NABIAP-30-24.

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: 05-25-24
Eligible for Action: 05-26-24

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

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4 INTRODUCED BY

5 

6 Primary Sponsor

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8
9 TRACKING NO. 0115-24

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11 AN ACTION
12 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIAP-
13 30-24 AND NABID-58-23 AND CO-80-23 AND CAP-15-23, THE NAVAJO
14 NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN
15 FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION
16 (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA,
17 WHIPPOORWILL)

18
19 BE IT ENACTED:

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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-15-23, included and incorporated herein
29 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
30 Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region

1 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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).

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

9 E. Navajo Nation Council Resolution No. CO-80-23, included and incorporated herein
10 by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund
11 Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region
12 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be approved by
13 a Navajo Nation Council resolution and signed into law by the President of the Navajo
14 Nation pursuant to 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and
15 (12).

16 F. Naabik'iyáti' Committee Resolution No. NABID-58-23, included and incorporated
17 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
18 Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region
19 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be adopted and
20 approved by resolution of the Naabik'iyáti' Committee pursuant to two-thirds (2/3)
21 vote of the Naabik'iyáti' Committee members in attendance.

22 G. Naabik'iyáti' Committee Resolution No. NABIAP-30-24, included and incorporated
23 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
24 Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region
25 (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be adopted and
26 approved by resolution of the Naabik'iyáti' Committee pursuant to two-thirds (2/3)
27 vote of the Naabik'iyáti' Committee members in attendance.

28
29 **SECTION TWO. FINDINGS**
30

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

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

27 2. The Delegate Region Project Plan funding will be allocated to the Navajo
28 Nation Central Government, specifically the Division of Community
29 Development or other appropriate Navajo Nation Division or Department,
30

1 to implement the projects rather than directly to the Chapters. *See* CJN-29-
2 22, 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
6 Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation
7 Central Government may award funding to LGA-Certified Chapters through
8 sub-recipient agreements to implement and manage specific projects, but
9 shall maintain Administrative Oversight over such funding and Delegate
10 Region 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
19 entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ
20 initial eligibility determination. *See* CJN-29-22, Section Three (L)(5) and
21 (L)(6).

22 C. The Navajo Nation Council Resolution No. CAP-15-23, AN ACTION RELATING
23 TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
24 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE
25 REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S
26 DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON,
27 BLACK MESA, WHIPPOORWILL), was signed into law by the President of the
28 Navajo Nation on May 4, 2023.

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

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

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

11 I. NABID-58-23, Section Four, states that:

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

15 J. The Naabik'íyáti' Committee Resolution No. NABIAP-30-24, AN ACTION
16 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-58-23
17 AND CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY
18 FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE
19 SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST
20 LAKE, PINON, BLACK MESA, WHIPPOORWILL) was signed into law by the
21 Chairperson of the Naabik'íyáti' Committee on April 29, 2024.

22 K. NABIAP-30-24, Section Four, states that:

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

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

30

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

7
8 **SECTION THREE. AMENDING NABIAP-30-24 AND NABID-58-23 AND CO-80-23**
9 **AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND**
10 **DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE**
11 **SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST**
12 **LAKE, PINON, BLACK MESA, WHIPPOORWILL)**

13 A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal
14 Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate
15 Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) set forth
16 in **Exhibit A**.

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

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

22
23 **SECTION FOUR. AMENDMENTS**

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

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27 **SECTION FIVE. EFFECTIVE DATE**

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

1 **SECTION SIX. SAVING CLAUSE**

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

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