

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0110-24_

SPONSOR: Otto Tso

TITLE: An Action Relating to the Naabik'iyáti' Committee; Amending NABIJA-04-24 and NABIAP-33-24; the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Otto Tso's Delegate Region (Chapter: To' Nanees Dizi)

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0110-24

DATE: May 14, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIJA-04-24 AND NABIAP-33-24, 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 and NABIAP-33-24.

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.

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

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

9 E. Naabik'iyáti' Committee Resolution No. NABIAP-33-24, included and incorporated
10 herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery
11 Fund Delegate Region Project Plan for Hon. Otto Tso's Delegate Region (Chapter: To'
12 Nanees Dizi) be adopted and approved by resolution of the Naabik'iyáti' Committee
13 pursuant to two-thirds (2/3) vote of the Naabik'iyáti' Committee members in
14 attendance.

15
16 **SECTION TWO. FINDINGS**

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

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

- 3 1. The Navajo Nation hereby approves total funding for the NNFRF Chapter
4 and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal
5 Recovery Fund in the total amount of two hundred eleven million two
6 hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148)
7 to be divided equally between the twenty-four (24) Delegate Regions in the
8 amount of eight million eight hundred two thousand three hundred forty
9 dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate
10 Region Project Plans approved by two-thirds (2/3) vote of the Naabik'iyáti'
11 Committee members in attendance. . . . See CJN-29-22, as amended by
12 CAU-74-23, Section Three (B).
- 13 2. The Delegate Region Project Plan funding will be allocated to the Navajo
14 Nation Central Government, specifically the Division of Community
15 Development or other appropriate Navajo Nation Division or Department, to
16 implement the projects rather than directly to the Chapters. See CJN-29-22,
17 Section Three (D).
- 18 3. The Navajo Nation Central Government, specifically the Division of
19 Community Development or other appropriate Navajo Nation Division or
20 Department, shall manage and administer funds and Delegate Region Project
21 Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central
22 Government may award funding to LGA-Certified Chapters through sub-
23 recipient agreements to implement and manage specific projects, but shall
24 maintain Administrative Oversight over such funding and Delegate Region
25 Project Plans. See CJN-29-22, Section Three (E).
- 26 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund
27 eligible projects within their Delegate Region to be funded by the NNFRF
28 Chapter and Regional Projects Expenditure Plan through a Delegate Region
29 Projects Plan. The total cost of projects selected by each Delegate shall not
30 exceed their Delegate Region distribution of eight million eight hundred two

1 thousand three hundred forty dollars (\$8,802,340). *See* CJN-29-22, Section
2 Three (F).

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

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

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

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

26 E. The Naabik'íyáti' Committee Resolution No. NABIJA-04-24, AN ACTION
27 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE
28 NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT
29 PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION (CHAPTER: TO'
30

1 NANEES DIZI) was signed into law by the Chairperson of the Naabik'íyáti' Committee
2 on January 22, 2024.

3 F. NABIJA-04-24, 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 G. The Naabik'íyáti' Committee Resolution No. NABIAP-33-24, AN ACTION
8 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIJA-04-
9 24; THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
10 PROJECT PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION
11 (CHAPTER: TO' NANEES DIZI) was signed into law by the Chairperson of the
12 Naabik'íyáti' Committee on April 30, 2024.

13 H. NABIAP-33-24, Section Four, states that:

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

17 I. All projects listed in the Hon. Otto Tso's Delegate Region Projects Plan, attached as
18 **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition,
19 Hon. Otto Tso's Delegate Region Projects Plan does *not* exceed the amount of
20 \$8,802,340, as set forth in CJN-29-22, Section Three (F).

21 J. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
22 Nation and the Hon. Otto Tso's Delegate Region Chapters and communities to
23 approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project
24 Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) as set forth in
25 **Exhibit A**.

26
27 **SECTION THREE. AMENDING NABIJA-04-24 AND NABIAP-33-24, THE**
28 **NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION**
29 **PROJECT PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION**
30 **(CHAPTER: TO' NANEES DIZI)**

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

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

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

9
10 **SECTION FOUR. AMENDMENTS**

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

13
14 **SECTION FIVE. EFFECTIVE DATE**

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

17
18 **SECTION SIX. SAVING CLAUSE**

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