

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0268-22_

SPONSOR: Eugene Tso

TITLE An Action Relating to the Naabik'iyáti' Committee and the Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Eugene Tso's Delegate Region (Chapter: Chinle)

Date posted: December 20, 2022 at 7:23 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0268-22

DATE: December 20, 2022

TITLE OF RESOLUTION: RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE EUGENE TSO'S DELEGATE REGION (CHAPTER: CHINLE)

PURPOSE: This resolution, if approved, will enact Hon. Eugene Tso's Fiscal Recovery Fund Delegate Region Projects Plan (Chapter: Chinle)

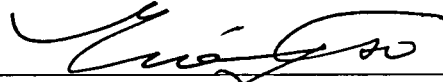
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Holman
Website Posting Time/Date: _____
Posting End Date: 12-25-22
Eligible for Action: 12-26-22

Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL — Fourth Year, 2022

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0268-22

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND
DELEGATE REGION PROJECT PLAN FOR HONORABLE EUGENE TSO'S
DELEGATE REGION (CHAPTER: CHINLE)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

1 **SECTION TWO. FINDINGS**

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

16 B. CJN-29-22, Section Three, states, in part and among 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 Navajo Nation Council resolution and
25 signed into law by the President of the Navajo Nation . . . See CJN-29-22,
26 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 D. All projects listed in the Hon. Eugene Tso's Delegate Region Projects Plan, attached
23 as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In
24 addition, Hon. Eugene Tso's Delegate Region Projects Plan does *not* exceed the
25 amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

26 E. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo
27 Nation and the Hon. Eugene Tso's Delegate Region Chapters and communities to
28 approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project
29 Plan for Hon. Eugene Tso's Delegate Region (Chapter: Chinle) as set forth in **Exhibit**
30 **A**.

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2 **SECTION FOUR. APPROVAL OF HON. EUGENE TSO'S DELEGATE REGION**
3 **PROJECT PLAN**

- 4 A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project
5 Plan for Hon. Eugene Tso's Delegate Region (Chapter: Chinle) set forth in **Exhibit A**.
6 B. The Delegate Region Project Plan approved herein shall comply with all applicable
7 provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
8 C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the
9 individual project appendix, shall be resolved in favor of the project appendix reviewed
10 by Department of Justice during their eligibility determination(s).
11

12 **SECTION FIVE. AMENDMENTS**

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

18 **SECTION SIX. EFFECTIVE DATE**

19 This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C.
20 § 164 (A)(17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).
21

22 **SECTION SEVEN. SAVING CLAUSE**

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