



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

April 28, 2023

TRANSMITTAL

TO : Honorable Crystalyne Curley, Speaker
Office of the Speaker

FROM : 
Cordell Shortey, Contracting Officer
Contracts & Grants Section (CGS) / OMB

SUBJECT : Update and Publication of the Navajo Nation Code; ARPA Fund allocated to Office of Legislative Counsel (OLC)

I. Information on Contract (per Original Award):

Update and Publication of the Navajo Nation Code	U.S. Treasury American Recovery Plan Act (ARPA)	21.027
Title of Contract	Funding Agency	CFDA No. - Federal
CJY-41-21	2022	03/11/2021 to 12/31/2026
Grant No.	Amount	Term - Begin and End Date
	\$ 600,000.00	

II. Data Entered in FMIS Regarding:

☒ New Contract or Grant Company No. 8059 Business Unit (K#) K2115136
☐ Contract Mod No. _____
☐ Amt of Award _____ to _____
AMOUNT FROM TO
☐ Budget Period - Extend End Date: From _____ To _____
☐ Other, specify: _____

Authorizing Document - Attached:

☐ Contract / Agreement - Date executed _____
☐ NNC / Committee Resolution - No. & Date _____
☒ Other, specify: NN Council Resolution CJY-41-21

III. Comments by CGS:

Budget received on April 21, 2023 is authorized for implementation pursuant to FY 2023 NN BIM Appendix L Section II. B. and concurred by Navajo Nation Fiscal Recovery Fund (NN FRF) Office by memorandum on April 20, 2023.

Attachment

Copy: Contract files
Contract Accounting / OOC / DPM
Tom Platero, Executive Director - NN FRF Office

Revised February 2023



The Navajo Nation
Yideeskáądi Nitsáhákees

DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

MEMORANDUM

TO: Dominic Beyal, Executive Director
Office of Management & Budget

Cordell Shortey, Contracting Officer
OMB/Contracts and Grants Section

FROM: 
Tom Platero, Executive Director
NN Fiscal Recovery Fund Office

DATE: April 20, 2023

SUBJECT: New Business Unit – APRA/NNFRF funded project



Attached are the documents necessary for the Contracts and Grants Section of the Office of Management & Budget to setup a new business unit funded by the Navajo Nation Fiscal Recovery Fund (NNFRF) (Co. 8059) as determined eligible by Navajo DOJ and approved by Speaker of the Navajo Nation Council.

This step follows the established process and authorization as approved by the Navajo Nation Council and signed into law by President Nez and set forth in Section Seven of Resolution CJY-41-21 (copy of Section Seven is attached) to fund Central Support and Regulatory Services.

Attached are:

1. The memo from Speaker Crystalyne Curley approving the NNFRF for Navajo Nation Office of Legislative Counsel's request to update and the publication of the Navajo Nation Code.
2. The Navajo Nation Department of Justice Initial Eligibility Determination for Navajo Nation Fiscal Recovery Funds, which deems this project eligible.
3. Appendix A – Expenditure Plan for Navajo Nation for Government Units.
4. Attachment A – The signed budget forms in the amount of \$600,000 for use in setting up the business unit in the Navajo Nation's Financial Management Information System (FMIS).
5. Attachment B – Justification memo from the Office of Legislative Counsel
6. Copy of the Navajo Nation Council Resolution CJY-41-21, Section Seven.

If you have any questions, please feel free to contact me by phone at (928) 309-5532 or by email at t.platero@navajo-nsn.gov. Thank you.

xc: Elizabeth Begay, NN Controller
Germaine Jones, Deputy CO, OMB
NNFRFO File

**NAVAJO NATION
SPEAKER
APPROVAL LETTER**

CRYSTALYNE CURLEY
SPEAKER



LEGISLATIVE BRANCH
NAVAJO NATION

OFFICE OF THE SPEAKER
25TH NAVAJO NATION COUNCIL

April 20, 2023

Office of Legislative Counsel
Dana Barbroff, Chief Legal Counsel
PO Box 3390
Window Rock, AZ 86515

Subject: Approval of Navajo Nation Fiscal Recovery Funds (NNFRF) for Navajo Nation Office of Legislative Counsel for Update and Publication of the Navajo Nation Code

By Resolution no. CJY-41-21, the Navajo Nation Council established the Navajo Nation Fiscal Recovery Fund (NNFRF) and the Expenditure Authorization Process for ARPA funding. On August 2, 2021 it was signed into law by President Nez and Vice-President Lizer. Section Seven of the resolution includes an immediate allocation of Navajo Nation Council Fiscal Recovery Funds to fund central support and regulatory programs.

The Navajo Nation Office of Legislative Counsel submitted the project description from the NNFRF Administrative Support Costs. The Department of Justice has reviewed the form and determined the project eligible. The following is a summary of their determination:

Description	Amount	Approving Expenditure Category
Update and Publication of the Navajo Nation Code	\$600,000	3.5 Public Sector Capacity: Administrative Needs

Included with this memo is the DOJ eligibility determination form from the Fiscal Recovery Fund Office, Office of Management & Budget (OMB) and the Office of the Controller (OOC) records. Please Submit a copy of the entire signed project description forms to include the necessary Navajo Nation BIM forms to OMB in order to establish the budgets to move forward with your project.

The resolution contains additional provisions, including a section to authorize funding for central support and regulatory services and a section authorizing the establishment of the NN Fiscal Recovery Fund Office within the Office the President and Vice-President (OPVP).

Sincerely,

Crystalyne Curley, Speaker
25th Navajo Nation Council

**NAVAJO NATION
DEPT. OF JUSTICE**

**ELIGIBILITY
DETERMINATION
FORM**



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HKA0006

Date & Time Received: 4/11/2023 at 09:38

Date & Time of Response: 4/19/2023 at 20:10

Entity Requesting FRF: Office of Legislative Counsel

Title of Project: Update and Publication of the Navajo Nation Code

Administrative Oversight: Office of the Speaker / Legislative Branch

Amount of Funding Requested: \$600,000

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

- | | |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay |
| <input type="checkbox"/> (3) Government Services/Lost Revenue | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

U.S. Department of Treasury Reporting Expenditure Category:

3.5, Public Sector Capacity: Administrative Needs

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: Please note that we have modified the requested expenditure code from 6.1 (Provision of Government Services) to 3.5 (Public Sector Capacity: Administrative Needs). The modified expenditure code is more favorable because it is not limited to the Nation's lost revenue.

Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

Signature of DOJ Reviewer: 

Disclaimers:

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NAVAJO NATION GOVERNMENT UNITS

Part 1. Identification of parties.

NN Government Unit requesting FRF: **Legislative Branch/Office of Legislative Counsel**

Date prepared: **03/14/2023**

Indicate Department, Program, Office, Division, or Branch

NN Government Unit's P.O. Box 3390
mailing address: Window Rock, Arizona 86515

phone/email: (928) 871-7166

website (if any):

Form prepared by: **Cecelia G. Thomas, ASO**

phone/email: (928) 871-7166

Legislative Branch/Office of Legislative Counsel

cecelia.thomas@navajo-nsn.gov

CONTACT PERSON'S name, title and Department, Program, Office, etc.

CONTACT PERSON'S info

Title & type of Project: **Update of and Publication of the Navajo Nation Code pursuant to 2 N.N.C. 964(B)**

NN Government Unit's Director or Manager: **Dana L. Bobroff, Chief Legislative Counsel** phone & email: (928) 871-7166/danabobroff@navajo-nsn.gov

Division Director (if any): phone & email:

Branch Chief: **Crystalayne Curley, Speaker** phone & email: (928) 871-7160

Funding Recipient will be working with: **Legislative Branch/Office of the Speaker** on the Project and

the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):

Publishers who specialize in codification of tribal laws made by tribal legislative bodies. ☐ document attached

Amount of FRF requested: **\$600,000.00** FRF funding period: **April 1, 2023 thru December 31, 2026**

Indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

The Office of Legislative Counsel (OLC), as part of its charge, pursuant to 2 N.N.C. 964(B), is responsible for the codification of Navajo Nation laws, rules and regulations, which are organized under the Navajo Nation Code (Titles 1 thru 26). The Navajo Nation Code contains the general and permanent laws that have been enacted by the Navajo Nation Council and its Standing Committees since the formation of the Navajo Nation government. Presently, the Navajo Nation Code requires a major update that needs to include: 1) revisions to previously published law, and 2) additions of new law, before an updated publication can be made by the OLC. The major issue, that impedes the current published form of the Navajo Nation Code, is that Navajo Nation law and emergency management are inherently intertwined as the Navajo Nation Code provides the authorities and funding for any kind of emergency management; thus, leaving the Navajo Nation at a disadvantage (hence the need for an update) when emergencies (i.e., COVID-19 pandemic or any future unforeseen nationwide emergency) arise as the Navajo Nation Code is always an integral part of helping to develop the response of the Navajo Nation to such types of emergency situations.

☒ document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo Communities, or the Navajo People:

The Project will serve to greatly benefit the Navajo Nation government, its communities and its people as it will provide a vessel to update the Navajo Nation Code that serves as the "Law of the Land" for the Navajo Nation. Specifically, the Project will provide the Navajo Nation with a necessary life-saving and quality-of-life advantage if another world-wide (i.e., COVID-19 pandemic, major natural disaster, etc.) or nationwide emergency affects the health and safety of the Navajo people. As history has dictated in recent years, the Navajo Nation's immediate response is to use its codified laws, which provides authorities and funding parameters, to develop an immediate emergency response that mitigates the loss of health, property, livelihood and life of the Navajo people; therefore, deeming this Project of the utmost priority for the Navajo Nation.

☒ document attached

APPENDIX A

- (c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

APRIL thru JUNE, 2023: Review Process by N.N.F.R.F.O. and N.N.D.O.J to Determine Eligibility.
JULY thru DECEMBER, 2023: Legislative Process and Enactment into Law.
JANUARY thru FEBRUARY, 2024: Entry of Appropriated F.R.F. Funds by OMB.
MARCH thru MARCH 2025: Compilation of Navajo Nation Laws, Rules and Regulations; and Selective Installation of Outside Counsel to Review N.N. Code for Publication.
APRIL thru DECEMBER, 2026: Publication Process and Final Launch by Publisher that Specializes in Codification of Tribal Laws made by Tribal Legislative Bodies.

☐ document attached

- (d) Identify who will be responsible for implementing the Program or Project:

The following individuals will be responsible for implementing the Project: 1) Cecelia G. Thomas, ASO for OLC; 2) Dana L. Bobroff, Chief Legislative Counsel for OLC; and 3) Other Personnel from the OLC.

☐ document attached

- (e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

Pursuant to 2 N.N.C. 964(B), the Office of Legislative Counsel will be responsible for the operations and maintenance costs for the Project after completion of the Project.

☐ document attached

- (f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

The Office of Legislative Counsel believes that this Project fits under the 6.1 Government Services category of the U.S. Department of the Treasury Appendix 1 as it purports to provide the Navajo Nation with a necessary advantage if another world-wide (i.e. COVID-19 pandemic) or nationwide emergency affects the health and safety of the Navajo people. As history has dictated in recent years, the Navajo Nation's immediate response is to use its codified laws (in conjunction with other applicable state and federal laws), which provides authorities and funding parameters, to develop an emergency response that mitigates the loss of health, property, livelihood and life of the Navajo people. Therefore, deeming this Project of the utmost priority for the Navajo Nation.

☐ document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Attachment A – Navajo Nation Budget Forms and Appendix J (Project Schedule).
Attachment B – Memorandum to Reviewers re Justification for Update to and Publication of the Navajo Nation Code pursuant to 2 N.N.C. 964(B).

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

NN Government Unit
Preparer:

signature of NN Government Unit Preparer

Approved by:

signature of NN Government Unit's Chief Financial Officer or Manager

Approved to submit
for Review

signature of Branch Director or Supervisor

Print Name, Title,
Branch or Division

Hon. Crystalayne Curley, Speaker

print name and include title or position

Legislative Branch

indicate Branch or Division

Attachment A

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Office of Legislative Counsel - <u>Books</u>		Division/Branch: <u>Legislative Branch</u>	
Prepared By: <u>Cecelia G. Thomas</u>		Phone No.: <u>(928) 871-7166</u>		Email Address: <u>cecelia.thomas@navajo-nsn.gov</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
N.N. Fiscal Recovery Fund		04/01/2023-12/31/2026	\$600,000.00	100%	
PART III. BUDGET SUMMARY					
		Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
	2001 Personnel Expenses				
	3000 Travel Expenses				
	3500 Meeting Expenses				
	4000 Supplies	6	\$0	\$10,000	\$10,000
	5000 Lease and Rental				
	5500 Communications and Utilities				
	6000 Repairs and Maintenance				
	6500 Contractual Services	6	\$0	\$590,000	\$590,000
	7000 Special Transactions				
	8000 Public Assistance				
	9000 Capital Outlay				
	9500 Matching Funds				
	9500 Indirect Cost				
TOTAL			\$0	\$600,000	\$600,000
PART IV. POSITIONS AND VEHICLES					
			(D)	(E)	
Total # of Positions Budgeted:			0	0	
Total # of Vehicles Budgeted:			0	0	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>Dana L. Bobroff, Chief Legislative Counsel</u>		APPROVED BY: <u>Hon. Crystalline Curley, Speaker</u>			
Program Manager's Printed Name <u>Dana Bobroff</u>		Division Director/Branch Chief's Printed Name <u>3/29/23</u>			
Program Manager's Signature and Date <u>3/24/2023</u>		Division Director/Branch Chief's Signature and Date			

[Handwritten signature]

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		Office of Legislative Counsel								
Business Unit No.:	NEW	Program Name/Title:	<div> <div>1st QTR</div> <div>2nd QTR</div> <div>3rd QTR</div> <div>4th QTR</div> </div>							
			Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:										
Pursuant to 2 N.N.C. 961 and 962. The Office of Legislative Counsel provides legal advice and legal representation to the Navajo Nation Council, Naabik'iyati', Standing Committee, Boards, Commissions, Sub-Committees and Task Forces of the Navajo Nation Council.										
PART III. PROGRAM PERFORMANCE CRITERIA:										
1. Goal Statement:										
The Office of Legislative Counsel, as part of its charge pursuant to 2 N.N.C. 964(B), is responsible for the codification of Navajo Nation laws, rules and regulations which are organized under the Navajo Nation Code (Titles 1 thru 26). The Navajo Nation Code contains the general and permanent laws that have been enacted by the Navajo Nation Council and its Standing Committees since the formation of the Navajo Nation government. Presently the Navajo Nation Code requires a major update that needs to include 1) revisions to previously published law, and 2) additions of new law before an updated publication can be made by the OLC.										
Program Performance Measure/Objective:										
The major issue that impedes the current published form of the Navajo Nation Code is that Navajo Nation law and emergency management are inherently intertwined as the Navajo Nation Code provides the authorities and funding for any kind of emergency management, thus, leaving the Navajo Nation at a disadvantage (hence the need for an update) when emergencies (i.e. COVID-19 pandemic or any future unforeseen nationwide emergency) arise as the Navajo Nation Code is always an integral part of helping to develop the response of the Navajo Nation to such types of emergency situations.										
2. Goal Statement:										
Program Performance Measure/Objective:										
3. Goal Statement:										
Program Performance Measure/Objective:										
4. Goal Statement:										
Program Performance Measure/Objective:										
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.										
<div> <div>Dana L. Bobroff, Chief Legislative Counsel</div> <div>Program Manager's Printed Name</div> </div>		<div> <div>Hon. Crystalyne Curley, Speaker</div> <div>Division Director/Branch Chief's Printed Name</div> </div>								
<div> <div><i>Dana Bobroff</i></div> <div>3/24/2023</div> </div>		<div> <div><i>[Signature]</i></div> <div>3/29/23</div> </div>								
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date								

J.M. 4/6/23

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:		Business Unit No.: NEW	
Program Name/Title:		Office of Legislative Counsel	
PART II. DETAILED BUDGET:		(B)	
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
4400	4400 SUPPLIES Purchase of Non-Cap Computer Software and Accessories, Back-Up/Cloud/External Service and Accessories.		\$10,000
	Operating Supplies.....	\$10,000	
	4230 Non-Cap Computer Software.....		\$5,000
	4420 General Operating Supplies.....		\$5,000
6500	6500 CONTRACTURAL SERVICES Contracted Professional Services for Various Program Initiatives, Contract Services for Specialized Services.		\$590,000
6660	Attorneys.....	\$200,000	
	6670 Attorney Fees (Legal Review).....		\$180,000
	6680 Attorney Expenses (Legal Review).....		\$20,000
6910	Other Contractual Services.....	\$390,000	
	6921 Other Services (Competitive Selection of Publisher of Tribal Codes) Contract publishing services to provide professional services as a Total Code Administrator who will convert, update and publish the N.N. Code (Titles 1-26) (i.e. conversion into a database for republication, inclusion of previously published codes, supplement service, online hosting, update to numbering and references, etc.). Services may require the Publisher to publish the N.N. Code in print format and in an online format followed by a full-service supplementation with full access to all standard and premium online features to access the N.N. Code.		\$390,000
TOTAL		\$600,000	\$600,000


1.27 July 2023

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No. NEW		PART II. Project Information		
Project Title: Update 16 and Publication of the Navajo Nation Code pursuant to 2 N.N.C. 964(B)		Project Type: Codification of N.N. Law		
Project Description: The Navajo Nation Code requires a major update that needs to include the following:		Planned Start Date: 04/01/2023		
1) revisions to previously published law, and 2) additions of new law, before publication		Planned End Date: 12/31/2023		
Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification		Project Manager: Cecelia G. Thomas, OLC		
PART III.		PART IV.		
List Project Task separately, such as Plan, Design, Construct, Equip or Furnish		Use Fiscal Year (FY) Quarters to complete the information below. O = Oct., N = Nov., D = Dec., etc.		
<p>The Office of Legislative Counsel (OLC) is part of its charge pursuant to 2 N.N.C. 964(B) is responsible for the codification of Navajo Nation laws, rules, and regulations, which are organized under the Navajo Nation Code (Title 1, Vol. 26). The Navajo Nation Code contains the general and particular laws that have been enacted by the Navajo Nation Council and its Standing Committees since the formation of the Navajo Nation government. Prescribed by Navajo Nation Code requires a major update that needs to include 1) revisions to previously published law, and 2) additions of new law before an updated publication can be made by the OLC. The major issue that impacts the current published form of the Navajo Nation Code is that Navajo Nation law and emergency management are currently interwoven as the Navajo Nation Code provides the authorities and funding guidelines for any kind of emergency management. But, having the Division of a disadvantage there is the need for an update when emergencies like COVID-19 take place or any future unforeseen events like emergency response. The Navajo Nation Code is already an integral part of helping to develop the response of the Navajo Nation to such types of emergency situations.</p>	FY 2023			
	FY 2024			
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
	O	N	D	J
	F	M	A	M
	J	J	F	A
	A	M	J	M
	S	A	J	A
	O	N	D	J
	F	M	A	M
	J	J	F	A
	A	M	J	M
	S	A	J	A
12/31/2026				
O	N	D	J	
F	M	A	M	
J	J	F	A	
A	M	J	M	
S	A	J	A	
PROJECT TOTAL				
Expected Quarterly Expenditures				
PART V.				

Attachment B

MEMORANDUM

FROM: 
Cecelia G. Thomas, ASO
Office of Legislative Counsel

DATE: March 14, 2023

This memorandum serves as a written narrative to justify the need to fund the update to and publication of the Navajo Nation Code (Titles 1 thru 26) pursuant to 2 N.N.C. § 96-4(B).

General Background of the Navajo Nation Code. From time immemorial, the Navajo people have governed themselves through evolving concepts of *Naabik'iyaai'* that were sowed by the seeds of aboriginal thought processes carefully crafted through sacred prayers and songs that guided the application of natural law to preserve the Navajo people and its way of life. Then in 1923, the Navajo people installed its first (1st) Navajo Council who became the governing body of the Navajo people and laid the foundation of the Navajo Nation Code. And, since that time, the Navajo Nation Code, through the Navajo people's exercise of its inherent right to self governance and self determination, has evolved to govern the Navajo people and its many

Memo to Reviewers of F.R.F. Requests & Expenditure Plan for N.N. Government Units
Re: Justification for Complete Update to and Publication of the Navajo Nation Code
(Titles 1 thru 26) pursuant to 2 N.N.C. § 964(B)

March 14, 2023

Page 2 of 2

interests. Then in 1998, the Navajo Nation Council established the Office of Legislative Counsel who, by statute, are charged to serve as the legal counsel to the Navajo Nation Council, Standing Committees, Boards, Commissions, and the Legislative Branch. And, part of that charge, pursuant to 2 N.N.C. § 964(B), provides that the Office of Legislative Counsel is responsible for the codification of Navajo Nation laws, rules and regulations, which are organized under the Navajo Nation Code (Titles 1 thru 26), which contains the general and permanent laws that have been enacted by the Navajo Nation Council and its Standing Committees since the formation of the Navajo Nation government.

Overdue Need to Update and Publish the Navajo Nation Code to Protect and Preserve the Navajo People. Presently, the published form of the Navajo Nation Code requires a major update that needs to include: 1) revisions to previously published law, and 2) additions of new law, before an updated publication can be made by the Office of Legislative Counsel. The major issue that impedes the current published form of the Navajo Nation Code, is that Navajo Nation law and emergency management are inherently intertwined as the Navajo Nation Code provides the authorities and funding parameters for any kind of emergency management; thus, leaving the Navajo Nation at a disadvantage (due to the need for an update) when emergencies (i.e. COVID 19 pandemic or any future unforeseen Navajo Nation wide emergency) arise as the Navajo Nation Code is always an integral part of helping to develop the response of the Navajo Nation to such types of emergency situations.

Long-Term Benefit of Updating the Navajo Nation Code (Project). The appropriation of F.R.F. Funds to this vital Project will serve to greatly benefit the Navajo Nation government, its communities and its people as it will provide a vessel to update the Navajo Nation Code that serves as the “*Law of the Land*” for the Navajo Nation. Specifically, the Project will provide the Navajo Nation with a necessary life saving and quality of life advantage if another world wide (i.e. COVID 19 pandemic, major natural disaster, etc.) or nationwide emergency affects the health and safety of the Navajo people. As history has dictated in recent years, the Navajo Nation’s immediate response is to use its codified laws, which provides authorities and funding parameters, to develop an immediate emergency response that mitigates the loss of health, property, livelihood and life of the Navajo people; therefore, deeming this Project of the utmost priority for the Navajo Nation.

Conclusion in Support of Need. Accordingly, based on the foregoing grounds, this request for funds should be deemed as an FRF Eligible project as it serves to provide for the long term benefit to the Navajo Nation, its government and the Navajo people, especially during world wide or nationwide emergencies. Further, the Navajo Nation needs to prepare for future unforeseen circumstances as the Navajo Nation Code is always integral in helping to develop the response of the Navajo Nation to such types of emergency situations. Our office appreciates your favorable consideration of this justification, and further, approving our request for F.R.F. Funds. If you have any questions or concerns, please contact our office at (928) 871-7166, Ahéhee’.

CJY-41-21

SECTION SEVEN

The Navajo Nation hereby immediately allocates NNFRF funds to replace the Navajo Nation CARES Fund funds that were reallocated to the Navajo Nation Hardship Assistance Expenditure Plan pursuant to Navajo Nation Council Resolution No. CJY-67-20 and Naabik'iyáti' Committee Resolutions No. NABIO-49-20 and NABID-63-20, as well as any CARES Fund funding that was voluntarily returned to the Nation because the project approved by the Navajo Nation Council could not be completed by the federal CARES Act deadline(s). OMB, with the assistance of OOC, shall report the amount and status of such allocations to the Naabik'iyáti' Committee and the Office of President and Vice-President no later than sixty (60) days after the effective date of this legislation.

SECTION SEVEN. IMMEDIATE ALLOCATION OF NAVAJO NATION FISCAL RECOVERY FUNDS TO FUND CENTRAL SUPPORT AND REGULATORY SERVICES

- A. The Navajo Nation hereby immediately allocates ten percent (10%) of all Fiscal Recovery Funds received by the Navajo Nation to fund central support service and regulatory costs.
- B. The Office of the President and Vice-President shall be responsible for apportioning ninety percent (90%) of the ten percent (10%) amount amongst Executive Branch programs and offices providing central support and regulatory services, including, the Office of the President and Vice-President, Office of the Controller, Office of Management and Budget, Department of Justice, Navajo Nation Washington Office, Division of Human Resources, Division of Community Development, and other Divisions and offices providing central support and/or regulatory services.
- C. The Speaker of the Navajo Nation Council, after consultation with the Naabik'iyáti' Committee, shall be responsible for apportioning ten percent (10%) of the ten percent (10%) amount amongst Legislative Branch programs and offices providing central support services, including the Office of Legislative Services, Office of Legislative Counsel, Office of the Speaker, and Navajo Nation Council.
- D. The programs and offices receiving NNFRF for central support and/or regulatory services shall use such funding to develop the legal, financial, organizational, managerial, administrative, regulatory, and reporting framework necessary to support the expeditious completion of NNFRF funded projects and the provision of NNFRF funded services.
- E. The detailed budgets for the NNFRF funding allocated here for central support and regulatory services shall be processed through the executive or administrative review process