



MEMORANDUM

TO : Julissa M. Johnson, Policy Analyst
Office of Legislative Services

FROM : 
Manuel Rico, Jr., Executive Director
Office of Legislative Services

DATE : January 04, 2023

SUBJECT : 24th Navajo Nation Council Expired Legislation

Pursuant to 2 N.N.C. § 164(A)(1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out as soon as possible and labeled as "Expired":

0079-19	0116-19	0182-19	0207-19	0265-19	0285-19
0308-19	0320-19	0011-20	0138-20	0209-20	0221-20
0234-20	0271-20	0292-20	0315-20	0013-21	0109-21
0111-21	0112-21	0114-21	0158-21	0161-21	0167-21
0192-21	0229-21	0259-21	0261-21	0267-21	0020-22
0035-22	0040-22	0052-22	0064-22	0076-22	0101-22
0108-22	0149-22	0157-22	0158-22	0168-22	0180-22
0190-22	0191-22	0224-22	0227-22	0228-22	0232-22
0233-22	0236-22	0238-22	0243-22	0245-22	
0259-22	0260-22	0271-22	0272-22	0275-22	0276-22

If you have any questions, please let me know.

CONCURRENCE:



Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

CC: Sherylene Yazzie, Chief of Staff, Office of the Speaker
OLS Tracking Section
File

LEGISLATIVE SUMMARY SHEET

Tracking No. 0227-22

DATE: November 2, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ADOPTING THE LATEST INTERNATIONAL BUILDING CODE (ICC'S 2021 INTERNATIONAL BUILDING CODE) AS APPLICABLE TO COMMERCIAL AND GOVERNMENT BUILDINGS CONSTRUCTED BY THE NAVAJO NATION GOVERNMENT AND ITS ENTITIES AND POLITICAL SUBDIVISIONS

PURPOSE: The purpose of this legislation is to adopt the latest International Building Code as the building code applicable to commercial and government buildings constructed by the Navajo Nation and its entities and political subdivisions.

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

5-DAY BILL HOLD PERIOD: Spurman
Website Posting Time/Date: 10:02AM; 11-18-22
Posting End Date: 11-23-22
Eligible for Action: 11-24-22

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0227-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI'
COMMITTEES AND THE NAVAJO NATION COUNCIL; ADOPTING THE
LATEST INTERNATIONAL BUILDING CODE (ICC'S 2021 INTERNATIONAL
BUILDING CODE) AS APPLICABLE TO COMMERCIAL AND
GOVERNMENT BUILDINGS CONSTRUCTED BY THE NAVAJO NATION
GOVERNMENT AND ITS ENTITIES AND POLITICAL SUBDIVISIONS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee was established as a standing committee of the Navajo Nation Council. 2 N.N.C. §§ 500(A).
- B. The Resources and Development Committee shall exercise oversight authority over economic and community development, commerce and trade. 2 N.N.C. § 500(C),
- C. The Resources and Development Committee has authority to make recommendations to the Navajo Nation for final approval of laws related to housing development, private and public facilities, including but not limited to building, construction, and utility codes. 2 N.N.C. § 501(B)(9).

1 D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
2 and is empowered with authority to reviews proposed legislation which requires final
3 action by the Navajo Nation Council. 2 N.N.C. § 164 (A) (9).

4 E. The Navajo Nation Council must review and approve enactments or amendments of
5 positive law. 2 N.N.C. § 164(A).

6 7 **SECTION TWO. FINDINGS**

8 A. The Navajo Nation finds it necessary to establish a non-residential building code, i.e.,
9 commercial and government building code to protect public health, safety and general
10 welfare as they relate to the construction and occupancy of commercial and government
11 buildings and structures.

12 B. The purpose of uniform codes and standards published by national and international
13 organization is to provide minimum standards for safety, health, and general welfare
14 including structural integrity, mechanical integrity (including sanitation, water supply,
15 light, and ventilation), means of egress, fire prevention and control, and energy
16 conservation. The uniform codes generally include:

- 17 1. Standards for structure, placement, size, usage, wall assemblies, fenestration
18 size/locations, egress rules, size/location of rooms, foundations, floor assemblies,
19 roof structures/assemblies, energy efficiency, stairs and halls, mechanical,
20 electrical, plumbing, site drainage & storage, appliance, lighting, fixtures
21 standards, occupancy rules, and swimming pool regulations; and
- 22 2. Rules regarding parking and traffic impact; and
- 23 3. Fire code rules to minimize the risk of a fire and to ensure safe evacuation in the
24 event of such an emergency; and
- 25 4. Requirements for specific building uses (for example, storage of flammable
26 substances, or housing a large number of people); and
- 27 5. Energy provisions and consumption; and
- 28 6. Grandfather clauses: Unless the building is being renovated, the building code
29 usually does not apply to existing buildings; and
- 30 7. Specifications on components; and

8. Allowable installation methodologies; and
9. Minimum and maximum room ceiling heights, exit sizes and location; and
10. Qualification of individuals or corporations doing the work.

C. Building codes have been used in the United States since the 1600s, but only within the last 20 years have they been standardized across all 50 states. In 1994, the International Code Council (ICC) was created by merging the Building Officials Code Administrators, Southern Building Code Congress International, and the International Conference of Building Officials to standardize building codes across the United States.

D. Currently the ICC has adopted the following codes:

1. International Building Code (IBC);
2. International Residential Code (IRC);
3. International Fire Code (IFC);
4. International Plumbing Code (IPC);
5. International Mechanical Code (IMC);
6. International fuel gas code (IFGC);
7. International Energy Conservation Code (IECC);
8. ICC Performance Code (ICCPC);
9. International Wildland Urban Interface Code (IWUIC);
10. International Existing Building Code (IEBC);
11. International Property Maintenance Code (IPMC);
12. International Private Sewage Disposal Code (IPSDC);
13. International Zoning Code (IZC);
14. International Green Construction Code (IGCC); and
15. International Swimming Pool and Spa Code (ISPSC).

E. The Navajo Nation historically has adopted building codes that include the following:

1. Resolution ACAU-16-66, Ratification and Adoption of the Navajo Tribal Utility Authority Resolution No. NTUA-28-66, which ratifies and directs that all utility construction on the Navajo Reservation conform to the following codes: Electrical (National Fire Protection Association – No. 70), Gas (National Bureau

- 1 of Fire Underwriters – 54), and Water (National Plumbing Code No. ASA A40.8
2 – 1955); and
- 3 2. Resolution CS-75-65, Directing Preparation of Codes for Planning Communities
4 on Navajo Lands, which directs consideration of the following codes: Electrical
5 Code, Building Code, Plumbing Code, Housing Code, and Health and Sanitation
6 Code; and
- 7 3. Resolution ACJN-99-68, Approving and Recommending to the Navajo Tribal
8 Council and Adopting a Housing Code and a Dwelling House Construction Code,
9 which approves the Uniform Building Code, Volume 3, Housing, 1967 Edition,
10 and the Uniform Building Code, Volume 6, Dwelling House Construction, 1967
11 Edition, and recommends to the Navajo Tribal Council the adoption of these
12 codes; and
- 13 4. Resolution CN-93-68, Adopting a Housing Code and a Dwelling House
14 Construction Code, which adopts Volume 3, the Housing Code of the Uniform
15 Building Code, and Volume 6, the House Construction Code of the Uniform
16 Building Code (1967 Edition) as standards for all federal housing programs, new
17 housing construction and new house construction.
- 18 C. As a current general rule, if federal or state funds are approved for the construction of
19 building or other structures within the Navajo Nation, there is normally a funding
20 requirement that international building codes or other specified codes will be used.
- 21 D. The latest International Building Code (ICC's 2021 International Building Code)
22 applies to all buildings including commercial buildings *except* detached one- and two-
23 family dwellings and townhouses up to three stories. This Code should not interfere
24 with the construction of housing for the Navajo people. This Code should not be
25 confused with the latest Residential International Building Code (ICC's 2021
26 International Residential Code) which is a comprehensive code comprises all building,
27 plumbing, mechanical, fuel gas and electrical requirements for one- and two-family
28 dwellings and townhouses up to three stories.
- 29 E. It in the best interest of the Navajo Nation and for the health, safety and welfare of the
30 Navajo people, residents and visitors to the Navajo Nation that the Navajo Nation adopt

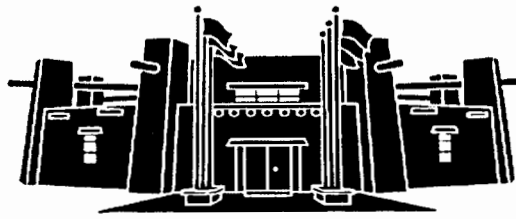
1 the latest International Building Code (ICC's 2021 International Building Code) for
2 construction of commercial and government buildings by the Navajo Nation
3 government and its entities and political subdivisions.
4

5 **SECTION THREE. APPROVAL**

- 6 A. The Navajo Nation hereby adopts the latest International Building Code (ICC's 2021
7 International Building Code) for construction of commercial and government buildings
8 by the Navajo Nation government and its entities and political subdivisions, including
9 enterprises, authorities, corporations, chapters, and townships.
- 10 B. The adopted Code will not apply to those construction projects that are state or federal
11 funded and there is a requirement that other international building codes or other
12 specified codes will be used.
- 13 C. The Navajo Nation hereby rescinds its approval of all prior building codes that are not
14 up to date, such as the building codes approved during the 1960s.
- 15 D. The Navajo Nation directs the President of the Navajo Nation to designate a division,
16 department, or office that will implement the intent of this resolution.
17

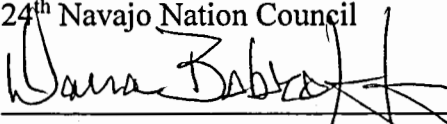
18 **SECTION FOUR. EFFECTIVE DATE**

19 The adoption of the International Building Code and the directive to the President of
20 the Navajo Nation shall become effective in accordance with 2 N.N.C. § 221(B) one
21 hundred and eighty (180) days after adoption by the Navajo Nation Council and signature
22 of the President of the Navajo Nation or Navajo Nation Council override of a Presidential
23 veto.
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MEMORANDUM

TO: Honorable Eugenia Charles-Newton
24th Navajo Nation Council

FROM: 
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: November 2, 2022

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
COUNCIL; ADOPTING THE LATEST INTERNATIONAL BUILDING
CODE (ICC'S 2021 INTERNATIONAL BUILDING CODE) AS
APPLICABLE TO COMMERCIAL AND GOVERNMENT BUILDINGS
CONSTRUCTED BY THE NAVAJO NATION GOVERNMENT AND ITS
ENTITIES AND POLITICAL SUBDIVISIONS**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0227-22_

SPONSOR: Eugenia Charles-Newton

TITLE An Action Relating to Resources and Development; Naabik'iyáti' Committees and the Navajo Nation Council; Adopting the Latest International Building Code (ICC'S 2021 International Building Code) as Applicable to Commercial and Government Buildings Constructed by the Navajo Nation Government and its Entities and Political Subdivisions

Date posted: November 18, 2022 at 10:02 AM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0227-22

SPONSOR: Honorable Eugenia Charles-Newton

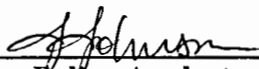
TITLE: An Action Relating to Resources and Development; Naabik'íyáti' Committees and the Navajo Nation Council; Adopting the Latest International Building Code (ICC'S 2021 International Building Code) as Applicable to Commercial and Government Buildings Constructed by the Navajo Nation Government and its Entities and Political Subdivisions

Posted: November 18, 2022 at 10:02 AM

5 DAY Comment Period Ended: November 23, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Policy Analyst
Office of Legislative Services**

November 29, 2022; 8:15 AM

Date/Time

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0227-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ADOPTING THE LATEST INTERNATIONAL BUILDING CODE (ICC'S 2021 INTERNATIONAL BUILDING CODE) AS APPLICABLE TO COMMERCIAL AND GOVERNMENT BUILDINGS CONSTRUCTED BY THE NAVAJO NATION GOVERNMENT AND ITS ENTITIES AND POLITICAL SUBDIVISIONS. *Sponsor: Honorable Eugenia Charles-Newton*

Has had it under consideration and reports a **DO PASS** with one (1) amendment.

AMENDMENT #1:

1. Page 5, Line 18, insert a new **SECTION FOUR** as follows:

SECTION FOUR. ~~EFFECTIVE DATE~~ EXEMPTIONS

This resolution adopting the latest International Building Code for construction of commercial and government buildings by the Navajo Nation government and its entities and political subdivisions shall not be applicable to Navajo traditional buildings such as *hooghan nímazí* (hogans), *chaha'oh* (shade houses), *táchééh* (sweathouses), other such dwellings and Navajo ceremonial structures.

2. Renumber or re-letter the previous succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Office of Legislative Services and the Office of Legislative Counsel are hereby authorized to make technical edits to this Legislation and its Exhibits to implement the Council's intent in approving this Legislation. This Amendment shall supersede inconsistent language contained in any other Committee or Council amendment, which language shall be conformed to the intent or language of this Amendment.

Rodney L. Tate

Rodney L. Tate, *Legislative Advisor*
Office of Legislative Services

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0227-22

SPONSOR: Honorable Eugenia Charles-Newton


TITLE: An Action Relating to Resources and Development; Naabik'iyáti' Committees and the Navajo Nation Council; Adopting the Latest International Building Code (ICC'S 2021 International Building Code) as Applicable to Commercial and Government Buildings Constructed by the Navajo Nation Government and its Entities and Political Subdivisions

Posted: November 18, 2022 at 10:02 AM

5 DAY Comment Period Ended: November 23, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Andy Thomas



**Policy Analyst
Office of Legislative Services**

December 08, 2022; 9:15 AM

Date/Time

IBC comments

Andy Thomas <andy_thomas@nndcd.org>

Wed 12/7/2022 2:07 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Marcus Murphy <mmurphy@nndcd.org>;

All,

Please note: In order to adopt the 2021 IBC UBC codes, leadership (24&25th Council) or the Established Department (Future) programs must have years of knowledge and experience in the construction industry to apply principles in the Planning, Zoning, Construction Management, and Infrastructure development under an intense organizational program/chart to include a Construction Department. The procured license professionals have to design by the current International Building Codes (IBC) as required by their States License Board requirements. The other City Planning/Zoning Department does adopt updated IBC codes every 3 years with the state/federal law as required. If the Navajo Nation and leadership does adopt the 2021 IBC codes, the NN needs personnel/ directors/Leadership that are experienced in the planning, design and construction management and methods to oversee this future Planning/Zoning Department of the Navajo Nation. This will be our Nation's Checks and balances for all renovations, Additions, current and New designs of future government buildings. And an experienced construction law attorney is recommended and required to support the operations and policies that abide by the Navajo Nation law and Policies.

The Navajo Nations' Planning Zoning Department (Enforcement Agency) Future Personal

- Certified Building Plans examiner with specialized engineers within their area of expertise ex: licensed Architectural, Civil, Structural, Mechanical, Electrical, landscaping etc; To red line and Comment on all Construction Documents (CD)'s as submitted by A/E firms and professional engineering firms and to issue building permits to their procured General Contractors (GC). This relates to all additions and Renovations, Capital Improvement, Multi-Purpose, Head Start buildings, Senior Center facilities, and future Business Commercial developments.
- Zoning Department - (the existing 110 chapters will utilize new drawings to administer new development, master planning, urban planning , infrastructure development, parks/recreations, buildings) establish a New file systems, and create digital Database records for all the Navajo Nation use.....Maybe utilize the Agency as their regional zoning departments.
- Certified/licensed Building inspectors for various mechanical trades.
- Implement new zoning and association with the current Navajo Nation's Master plans and Community Land Use Plans (CLUP)
- Fire and Police department and NTUA Departments (Water Storage Tanks/Fire Sprinkler systems)
- Rural addressing for Government building numbers and addresses.
- NIOSH

A Public Servant of the Navajo Nation.

A. Thomas

ANDY THOMAS | CAPITAL PROJECT MANAGEMENT DEPARTMENT | 928 871 6739 | andy_thomas@nndcd.org

WARNING: External email. Please verify sender before opening attachments or clicking on links.

24th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2022

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0227-22

An Action Relating to Resources and Development; Naabik'íyáti' Committees and the Navajo Nation Council; Adopting the Latest International Building Code (ICC'S 2021 International Building Code) as Applicable to Commercial and Government Buildings Constructed by the Navajo Nation Government and its Entities and Political Subdivisions

Sponsored by: Honorable Eugenia Charles-Newton

Has had it under consideration and reports the same that the legislation **PASSED AND IS REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Jamie Henio, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE*

19 December 2022

MAIN MOTION

Motioned by: Honorable Jimmy Yellowhair

Seconded by: Honorable Pernell Halona

Vote: 15 In Favor, 00 Opposed (Chairman Pro Tem Henio Not Voting)

NAVAJO NATION

1407

12/19/2022

Naa'bik'iyati' Committee Special Meeting

12:22:26 PM

Amd# to Amd#

New Business: Item B.

PASSED

MOT Yellowhair

-Legislation 0227-22: Adopting

SEC Halona, P

the Latest International Buildin
Code(ICC's 2021 International...

Yeas : 15

Nays : 0

Excused : 3

Not Voting : 5

Yea : 15

Begay, E

Freeland, M

Slater, C

Tso, E

Begay, P

Halona, P

Smith

Wauneka, E

Charles-Newton

James, V

Stewart, W

Yellowhair

Daniels

Nez, R

Tso, D

Nay : 0

Excused : 3

Tso, O

Crotty

Damon

Not Voting : 5

Begay, K

Tso, C

Walker, T

Yazzie

Brown

Presiding Speaker: Henio, J