## LEGISLATIVE SUMMARY SHEET Tracking No. <u>OD16-22</u>

**DATE:** January 10, 2022

**TITLE OF RESOLUTION:** A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

**PURPOSE:** This resolution, if approved, will approve the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also approve the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

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

1	HOLD PERIOD:	Committee Thence	
Posting En	Tradon yacı		
Eligible for	Action: <u>01-27-22</u> PROPOSED NAVAJO NATION COUNCIL RESOLUTION Navajo Natio	Thence Do Council	
2	24 <sup>th</sup> NAVAJO NATION COUNCIL Fourth Year, 2022		
3			
4	INTRODUCED BY		
5	11 22		
6	Non		
7	(Prime Sponsor)		
8			
9	TRACKING NO. 0016-22		
10			
11	AN ACTION		
12	RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'		
13	COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR		
14	A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO		
15	NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING		
16	COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN		
17	CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND		
18	URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF		
19	THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO		
20	EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025		
21			
22	BE IT ENACTED:		
23	SECTION ONE. AUTHORITY		
24	A. The Resources and Development Committee ("RDC") is established as a standing		
25	committee of the Navajo Nation Council with oversight over housing for the purposes of		
26	establishing policies and legislation appropriate to the housing needs of the Navajo Nation.		
27	2 N.N.C. §§ 500 (A) and 500 (C)(3).		
28	B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council		
29	standing committee and is empowered to coordinate all federal programs with the Navajo		
30			

OLC No. 22-010-1

Nation government to provide efficient services to Navajo members. 2 N.N.C. §§ 700 (A), 701 (A)(4), 701 (A)(6), and 701 (A)(4).

- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that require final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).
- D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).
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## SECTION TWO. FINDINGS

- A. Resolution CJA-13-00, approved a limited waiver of sovereign immunity allowing the 11 Navajo Nation to be sued in Federal District Court regarding compliance with the National 12 Environmental Protection Act (NEPA) in carrying out the United States Housing and 13 14 Urban Development (HUD) grants and further authorized the Navajo Nation President to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004. The Board of 15 Commissioners of the Navajo Housing Authority through Resolution NHA-4970-2020, 16 attached as Exhibit A, requests approval of extension of the limited waiver of sovereign 17 immunity. 18
- B. There have been four similar resolutions granting approval of the limited sovereign immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. *See*CAP-21-05; CAP-15-10; CJA-03-14 and CO-57-17.
  - C. The HUD Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in Federal District Court regarding compliance with the NEPA, in carrying out the grants.
- D. It is within the best interest of the Navajo Housing Authority to authorize the extension of
  a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal
  District Court regarding compliance with NEPA in carrying out HUD grants and
  authorizing the Navajo Nation President to sign Form 7015.15 through September 30,
  2025.
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# SECTION THREE. AUTHORIZING THE EXTENSION OF A LIMITED WAIVER OF SOVEREIGN IMMUNITY AND THE PRESIDENT TO SIGN FORM 7015.15 THROUGH SEPTEMBER 30, 2025

The Navajo Nation hereby authorizes the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also authorizes the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

OLC No. 22-010-1



#### **RESOLUTION NHA-4970-2020**

## RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

## Recommending to the Navajo Nation Council to Amend Resolution CO-57-17 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding <u>Compliance with the National Environmental Protection Act (NEPA) in</u> <u>Carrying Out HUD Grants and Authorizing the President of the Navajo</u> Nation to Sign Form 7015.15 Through September 30, 2025

#### WHEREAS:

 Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and

 Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and

3. The Navajo Nation Council enacted resolution CO-57-17 on October 5, 2017, entitled "Relating to Resources and Development, NAABIK IYATI' Committees and Navajo Nation Council; Amending Resolution CJA-03-14 Extending The Time For A Limited Waiver of Sovereign Immunity To Allow The Navajo Nation To Be Sued In Federal District Court For Compliance With The National Environmental Protection Act To Carry Out The United States Department Of Housing and Urban Development Grants and Authorizing The President Of The Navajo Nation To Be The Certifying Tribal Official To Execute Form 7015.15 Through September 30, 2025", hereto attached as Exhibit "A"; and

4. The NHA Board of Commissioners on June 10, 2017 adopted Resolution NHA-4733-2017 entitled "Recommending to the Navajo Nation Council to Amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021" hereto attached as Exhibit "B"; and 5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Protection Act in Carrying out HUD grants, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008, and Approving an Effective Date Retroactive to October 1, 2004; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and Approving an Effective Date Retroactive to October 1, 2008, and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. Pursuant to CO-57-17 the Navajo Nation Council approved an amendment to Resolution CJA-03-14 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 30, 2021; and

12. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and

13. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

14. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

## RESOLUTION NHA-4970-2020 July 31, 2020

Page 3

15. It is in the best interest of the Navajo Housing Authority to approve this resolution.

# NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2025.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

## CERTIFICATION

Commissioner <u>Frankie Lee</u>, moved that the foregoing Resolution <u>NHA-4970-2020</u> be adopted and this was seconded by Commissioner <u>Kerrie Begaye</u>

Same was passed by the following vote:

AYES: <u>3</u> NAYS: <u>0</u> ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution <u>NHA-4970-2020</u> was adopted this <u>31<sup>st</sup></u> day of <u>July</u>, 2020.

Derrith Watchman-Moore, Chairperson NHA BOARD OF COMMISSIONERS

ATTEST:

Kerrie Begayc, Secretary

RESPECTIVE CHIEF :_	
LEGAL REVIEW: Post	ef-Silva/Jay
CHIEF EXECUTIVE OF	FICER:

CO-57-17

#### RESOLUTION OF THE NAVAJO NATION COUNCIL

#### 23<sup>RD</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2017

#### AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'İYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CJA-03-14 EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT TO CARRY OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2021

#### BE IT ENACTED:

#### SECTION ONE. AUTHORITY

- A. The Resources and Development Committee (RDC) is established as a standing committee of the Navajo Nation Council with oversight over housing for the purposes of establishing policies and legislation appropriate to the housing needs of the Navajo Nation. 2 N.N.C. §§ 500(A) and 500(C) (3) (2012); See also CJA-03-13.
- B. The Navajo Nation established the Naabik'ryáti' Committee as a Navajo Nation Touncil standing committee and is empowered to coordinate all toderal programs, (i.e. U.S. Department of Housing and Urban Development (MUD)), with the Navajo Nation government to provide efficient services to Navajo members. 2 N.N.C. §§ 700(A), OT(A)(4), 701(A)(6), and 70T(A)(4) 101/2).
- C. The Navago Nation Council established the Naatik'(yát) Committee as a Navago Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik':yati' Committee. 2 N.N.C. \$§ 164(A)(9), 700(A) (2012); See also CO-45-12.
- D. Enactments of positive law must be reviewed and approved by resolution by the Navato Nation Council, 2 N.N.C. § 164(A); See also CO-45-12.

#### SECTION TWO. FINDINGS

- A. Resolution (TA-1)-60, approved a limited warver of sovereign immunity allowing the Navaji Nation to be sued in Federal District Court regarding compliance with the National Environmental Profection Act (NEPA) in carrying out the United States Housing and Urban Development (HUD) grants and Eurther authorized the Navajo Nation President to sign Form /GIS.15 for HUD Funded projects through Fiscal Year 2004. Resolution of the Board of Commissioners of the Navajo Housing Authority is attached as Exhibit A.
- B. There have been three similar resolutions granting approval of the limited sovereign immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. See CAP-21-05; CAP-15-10; and CJA-03-14.
- C. The HUD Environmental Review requirements require an authorized tribal orticial to execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in Federal District Court regarding compliance with the NEFA, in carrying out the grants. Form 7015.15 is attached as Exhibit 8.
- B. It is within the best interest of the Navajo Bousing Authority to authorize the extension of a limited waiver of sovereign immunity to allow the Navato Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and authorizing the Navajo Nation President to sign Form 7015.15 through September 30, 2021.

#### SECTION THREE. APPROVING AND AUTHORIZING

The Navajo Nation hereby approves and autholizes the extension of a limited warver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also authorizes the Navajo Nation President (1 right Form 7015.15 through September 30, 2021.

CO-57-17

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in Favor and 01 Opposed, this 5<sup>TH</sup> day of October, 2017.

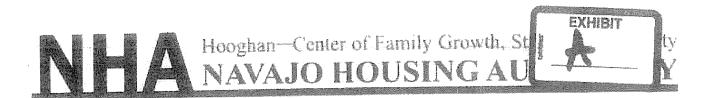
Aps 2 A

LoRenzo C. Bates, Speaker Navajo Nation Council

10-18-17 Date

Motion: Honorable Benjamin L. Bennett Second: Honorable Edmund Yazzie

Speaker Bates not voting



#### RESOLUTION NHA-4733-2017

#### RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

#### Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021

#### WHEREAS:

1. Pursuant to 6 N.N.C. Sections 605, and 516 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and

2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and

3 The Navajo Nation Council enacted resolution CJA-03-14on January 30, 2014, entitled "Relating to Resources and Development. NAABIK TYATT Committees: Amending Resolution CAP-15-10 to Extend the Period of a Limited Warver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Policy Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017, hereto attached as Exhibit "A"; and

4. The NHA Board of Commissioners on December 8. 2012 adopted Resolution NHA-4297-2012 entitled "Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form "015-15 Through Fiscal Year 2017" hereto attached as Exhibit "B"; and

P.O. Box 4980

Window Rock, Navajo Nation, Arizona 86515-4980

Phone: (928) \$71-2600

#### RESOLUTION NHA-4733-2017 June 10, 2017 Page | 2

5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Policy Act in Carrying out HUD grants, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act. 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts without a Council resolution; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity, authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15: and

12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

14. It is in the best interest of the Navajo Housing Authority to approve this resolution:

#### NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation

#### RESOLUTION NHA-4733-2017 June 10, 2017 Page 13

Sovereign Immunity Act, 1 N.N.C. Section 354 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

## CERTIFICATION

Same was passed by the following vote:

AYES 3 NAYS: 0 ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution <u>NHA-4733-2017</u> was adopted this <u>100h</u> day of June, <u>2017</u>.

Kris Beecher, Chairperson NHA BOARD OF COMMISSIONERS

ATTES

Scan McCabe, Secretary/Treasurer NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF LEGAL REVIEW: CHIEF EXECUTIVE OFFICER:

EXHIBIT A-6



Part 1. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Astivity(ise)/Project(s). I, the undereigned officer of the responsible antity, certify that:

- 1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
- 2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the amhorities in 24 CFR 58.6 and applicable State and local laws.
- 3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Mistoric Preservation Officer, Indian tribes and Native Huwaitan organizations, and the public
- 4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request. I have found that the proposal did indid not 🖌 require the preparation and discemination of an environmental impact statement.
- 5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 38.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure
- 6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
- 7. In accordance with 24 CFR 38.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity. I also certify that:

- E. I am authorized to and do consent to essuine the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the resconsible entity.
- 9. I am enhorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Centifying Officer of the Responsible Entity	Tille of Certifying Officer
and the second	, , , , , , , , , , , , , , , , , , , ,
	President of the Navajo Nation
	Date segred
X	

Address of Certificano Officer

Navajo Netion, P.O. 9000 Window Rock, Anzona 86515

Part 3. To be completed when the Recipient is not the Responsible Enthy	
The recipient requests the release of funds for the programs and a conditions, procedures and requirements of the environmental res- the scope of the project or any change in environmental condition	iew and to advise the responsible pathy of any proposed change in
Signature of Authorized Officer of the Recipiens	Tillis of Authorized Officer
	Chief Executive Officer Navajo Housing Authority
	Dale signed
¥	

Warning: NUD will prodecute false claims and statements. Conviction may result in extend and/or chel penaltes. (16 U.S.C. 1001, 1015, 1012; 31 U.S.C. 1728, 3592)

Previous costiona are obsolete

10mm HUD-7015.15 (1/99)

EXHIBIT "8"

#### Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development Office of Community Planning and Development OMB No. 2506-0087 (exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statules that provide for the assumption of the anvironmental review responsibility by units of general local government and States. Public reporting burden for this categore of information is estimated to average 36 maxtee per response, including the time for reviewing instructions, searching existing data sources, gethering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to , a collection of information unless that collection displays a valid OMB control number.

Pert 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(3)	2. HUD/State Identification Number	3. Apopient Identification Number	
Indian Housing Block Grant	55IH0402810	(optional)	
4. CMB Catalog Number(s)	5. Name and address of responsible entity Navajo Nation P.O. Box 9000 Window Rock, Arizona 85515		
6 For information about this request, contact (name & phone number)			
CEO, NHA (928)871-2600			
B. HUD or State Agency and office unit to receive request	7 Name and address of recipient (if different then responsible entry)		
HUD Northern Plains Office of Native American Programs	Navajo Housing Authority		
1670 Broadway, 22nd Fl.	P.O. Box 4980		
Denver, Colorado 90202-4801	Window Rock, Arizona 86515		

grant coaditions governing the use of the assistance for the following

9 Pregram Acamerylies/Project Namela)

10. Location (Sheet address city, county, State)

11 Program Activity/Project Description

Previous additions are obsold/o

form HUD-701E.18 (1/28)

EXHIBIT "B"

#### Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(iss)/Projectio), 1, the undersigned officer of the responsible entity, certify that:

- The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
- The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
- 3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
- 4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposed did is did not vironmental impact statement.
- 5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR \$8.43 and 58.55 a notice to the public in accordance with 24 CFR \$8.70 and as evidenced by the anached copy (copies) or evidence of posting and mailing procedure.
- The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
- In accordance with 24 CFR 58.71(b), the responsible entity will advice the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

- E. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR S6.5 list of NEPA-related authorities insofer as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
- I am authorized to and do accept, on behalf of the recipitat personally, the jurisdiction of the Federal coasts for the enforcement
  of all these responsibilities, in my espacity as certifying officer of the responsible antity.

Signature of Certifying Offices of the Responsible Entity	Tiles of Cerelying Officer	
	President of the Navajo Nation	
	Date algred	
X		
Address of Cerkining Officer	•	
Nevelo Nation, P.O. 9000 Window Rock, Artzona 88515		

## Part 3. To be completed when the Recipient is not the Responsible Entity The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Reciptent	The of Aumonzed Lencer
	Chief Executive Officer Navajo Housing Authority
	Date signed
x	

Worsting: HUO will prosecure false claims and statements. Conviction may result in crimital and/or owll persettes. (18 U.E.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Providus editions are obaciete

form HUD-7915.19 (1/58)

EXHIBIT C-2

EXHIBIT A-9

# 23rd Navajo Nation Council Special Session Thursday; October 5, 2017

Legislation DZ29-17	(Main Motion)
Motion:	Benjamin Bennett
Second:	Edmund Jazzie

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo C.	之处	
BEGAY, Kee Allen Jr.		19 S.
BEGAY, Norman M.		start start
BEGAY, Steven	1. v. 1. 7.	12
BEGAYE, Nelson		- 1-
BENNETT, Benjamin L.		
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CROTTY, Amber K.	a second	
DAMON, Seth	A.	13
DANIELS, Herman	<u>[]</u>	
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JACK, Lee Sr.	19	Q
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GRAND TOTAL

CERTIFICATION:

Honorable LoŘenzo C. Bates Speaker " <u>6</u>

# Hooghan—Center of Family Growth, Strength and Beauty NAVAJO HOUSING AUTHORITY

#### **RESOLUTION NHA-4733-2017**

## RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

#### Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021

#### WHEREAS:

1. Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and

2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and

3. The Navajo Nation Council enacted resolution CJA-03-14on January 30, 2014, entitled "Relating to Resources and Development, NAABIK'IYATI' Committees: Amending Resolution CAP-15-10 to Extend the Period of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Policy Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017", hereto attached as Exhibit "A"; and

4. The NHA Board of Commissioners on December 8, 2012 adopted Resolution NHA-4297-2012 entitled "Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Cärrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2017" hereto attached as Exhibit "B"; and

P.O. Box 4980

Window Rock, Navajo Nation, Arizona 86515-4980

Phone: (928) 871-2600

EXHIBIT B-1

RESOLUTION NHA-4733-2017 June 10, 2017 Page [2

5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Policy Act in Carrying out HUD grants, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts without a Council resolution; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and

12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

14. It is in the best interest of the Navajo Housing Authority to approve this resolution.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation

RESOLUTION NHA-4733-2017 June 10, 2017 Page | 3

Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

## CERTIFICATION

Commissioner <u>Derrith Watchman-Moore</u>, moved that the foregoing Resolution <u>NHA-4733-2017</u> be adopted and this was seconded by Commissioner <u>Sean McCabe</u>.

Same was passed by the following vote:

AYES : \_\_\_\_\_ NAYS: \_\_O ABSTAINED: \_\_O

The Secretary, thereupon, declared said motion carried and said Resolution <u>NHA-4733-2017</u> was adopted this <u>10th</u> day of June, <u>2017</u>.

Kris Beecher, Chairperson NHA BOARD OF COMMISSIONERS

ATTES

Sean McCabe, Secretary/Treasurer NHA BOARD OF COMMISSIONERS

**RESPECTIVE CHIEF** LEGAL REVIEW: CHIEF EXECUTIVE OFFIC

Office of Legislative Counsel Telephone: (928) 871-7166 Fax # (928) 871-7576



Honorable Seth Damon Speaker 24<sup>th</sup> Navajo Nation Council

## MEMORANDUM

TO: Honorable Mark Freeland Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint Chapters

FROM: Mariana Kahn, Attorney Office of Legislative Counsel

DATE: January 13, 2022

SUBJECT: A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

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 to formatting. 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: \_0016-22\_\_\_

SPONSOR: Mark A. Freeland

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees and Navajo Nation Council; Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act in Carrying Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2025

## Date posted: January 21, 2022 at 6:22PM

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.: 0016-22

## SPONSOR: <u>Honorable Mark A. Freeland</u>

TITLE: <u>An Action Relating to Resources and Development and Naabik'íyáti'</u> Committees and Navajo Nation Council; Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act in Carrying Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2025

Posted: January 21, 2022 at 6:22 PM

## 5 DAY Comment Period Ended: January 26, 2022

**Digital Comments received:** 

Comments Supporting	None
Comments Opposing	None
Comments/Recommendations	None

VSRedhorse

Legislative Tracking Secretary Office of Legislative Services

January 28, 2022; 9:00 AM Date/Time