

LEGISLATIVE SUMMARY SHEET
Tracking No. 0116-22

DATE: July 15, 2022

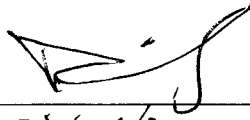
TITLE OF RESOLUTION: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING 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.

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

INTRODUCED BY



Rick Nelson
(Prime Sponsor)

TRACKING NO. 0116-22

AN ACTION

RELATING TO AN EMERGENCY; 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

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”

1 C. Enactments of positive law must be reviewed and approved by resolution by the Navajo
2 Nation Council. 2 N.N.C. § 164(A).

3
4 **SECTION TWO. FINDINGS**

5 A. The Navajo Nation President issued Executive Order No. 001-20 declaring a state of
6 emergency due to the COVID-19 virus on March 13, 2020.

7 B. On March 11, 2020, the Navajo Nation Emergency Management Commission declared
8 a state of emergency due to the COVID-19 virus. Resolution No. CEM-20-03-11.

9 C. The coronavirus pandemic has caused large scale infections and loss of life throughout
10 the world, the United States and the Navajo Nation. As of July 14, 2022, the Navajo
11 Nation Health Command Operations Center has confirmed 58,637 positive cases of
12 COVID-19 and 1,836 COVID-related deaths on the Navajo Nation.
13 <https://www.ndoh.navajo-nsn.gov/COVID-19>

14 D. A report by the Brookings Institution, a nonprofit public policy organization based in
15 Washington, DC, states: “Even before the COVID-19 pandemic, millions of
16 Americans lacked stable, affordable housing. Now, the crisis has highlighted the social
17 and economic costs of this crucial gap in the safety net. People living in poor-quality,
18 overcrowded, or unstable housing—or without any home at all—cannot follow public
19 health directives to safely “shelter in place.” As a result, they are at far greater risk
20 of contracting the virus, along with other chronic illness.”
21 [https://www.brookings.edu/research/strategies-for-increasing-affordable-housing-](https://www.brookings.edu/research/strategies-for-increasing-affordable-housing-amid-the-covid-19-economic-crisis/)
22 [amid-the-covid-19-economic-crisis/](https://www.brookings.edu/research/strategies-for-increasing-affordable-housing-amid-the-covid-19-economic-crisis/)

23 E. The Navajo Housing Authority has applied for and been awarded grants to provide
24 houses for Navajo families. These grants require compliance with the National
25 Environmental Protection Act (NEPA).

26 F. The U.S. Department of Housing and Urban Development (HUD) Form 7015.15
27 (<https://www.hud.gov/sites/dfiles/OCHCO/documents/7015.15.pdf>) requires the
28 “certifying official of the responsible entity” to accept and agree to “the jurisdiction of
29 the Federal courts for the enforcement” of the responsibilities assumed under the
30

1 Environmental Certification form and process. *See* paragraphs 8 and 9 on page 2 of
2 Form 7015.15.

3 G. Pursuant to 24 CFR § 58.2 ([https://www.ecfr.gov/current/title-24/subtitle-A/part-](https://www.ecfr.gov/current/title-24/subtitle-A/part-58/subpart-A/section-58.2)
4 [58/subpart-A/section-58.2](https://www.ecfr.gov/current/title-24/subtitle-A/part-58/subpart-A/section-58.2)), the Responsible Entity means in this context the Indian
5 Tribe. *See* 24 CFR § 58.2(7)(ii). Further, under the Native American Housing
6 Assistance and Self-Determination Act of 1996 (“NAHASDA”), which is the federal
7 legislation controlling this funding for the Navajo Nation and the Navajo Housing
8 Authority, “the Indian Tribe is the responsible entity whether or not a Tribally
9 Designated Housing Entity is authorized to receive grant amounts on behalf of the
10 tribe.” 24 CFR § 58.2.

11 H. Navajo Nation Council Resolution CJA-13-00, approved a limited waiver of sovereign
12 immunity allowing the Navajo Nation to be sued in Federal District Court regarding
13 compliance with the National Environmental Protection Act in carrying out the United
14 States Housing and Urban Development grants and further authorized the Navajo
15 Nation President to sign Form 7015.15 for HUD funded projects through Fiscal Year
16 2004. The Board of Commissioners of the Navajo Housing Authority through
17 Resolution NHA-4970-2020, attached as **Exhibit 1**, requests approval of extension of
18 the limited waiver of sovereign immunity.

19 I. There have been four similar resolutions granting approval of the limited sovereign
20 immunity and authorizing the President of the Navajo Nation to sign Form 7015.15.
21 *See* CAP-21-05; CAP-15-10; CJA-03-14 and CO-57-17. CO-57-17 is attached as
22 **Exhibit 2**.

23 J. The Navajo Housing Authority’s construction of houses through U.S. Department of
24 Housing and Urban Development funding will assist the Navajo Nation to address the
25 COVID-19 crisis. Providing houses allows the Navajo homeowner or renter to follow
26 public health directives to safely “shelter in place,” and, thereby, lessen the risk of
27 contracting the Covid-19 virus. The Navajo Housing Authority’s construction of
28 homes meets a pressing public need. The waiver of sovereign immunity is a matter
29 requiring final action by the Council. Therefore, the Navajo Nation Council finds that
30

1 this legislation meets the requirements of an emergency within the meaning of 2 N.N.C.
2 §164 (A)(16).

3
4 **SECTION THREE. AUTHORIZING THE EXTENSION OF A LIMITED**
5 **WAIVER OF SOVEREIGN IMMUNITY AND THE PRESIDENT TO SIGN**
6 **FORM 7015.15 THROUGH SEPTEMBER 30, 2025**

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

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

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 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, 2025

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 CO-57-17 on October 5, 2017, entitled "*Relating to Resources and Development, NAABIK'ÍYÁTI' 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

RESOLUTION NHA-4970-2020

July 31, 2020

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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

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

Same was passed by the following vote:

AYES: 3 NAYS: 0 ABSTAINED: 0

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

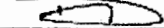
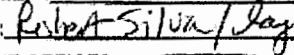



Derrith Watchman-Moore, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:



Kerrie Begaye, Secretary
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF: 
LEGAL REVIEW: 
CHIEF EXECUTIVE OFFICER: 



RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL - THIRD YEAR, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' 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'iyáti' Committee as a Navajo Nation Council standing committee and is empowered to coordinate all federal programs, (i.e. U.S. Department of Housing and Urban Development (HUD)), with the Navajo 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) (2012).
- C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' 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 Navajo Nation Council. 2 N.N.C. § 164(A); See also CO-45-12.

SECTION TWO. FINDINGS

- A. Resolution CJA-13-00, approved 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 the United States Housing and Urban Development (HUD) grants and further authorized the Navajo Nation President to sign Form 7015.15 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 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. Form 7015.15 is attached as **Exhibit B**.
- 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, 2021.

SECTION THREE. APPROVING AND AUTHORIZING

The Navajo Nation hereby approves and 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, 2021.

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 5TH day of October, 2017.



LoRenzo C. Bates, Speaker
Navajo Nation Council

10-12-17

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 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-03-14 on January 30, 2014, entitled "*Relating to Resources and Development, NAABIK'ÍYÁTI' 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 Carrying 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

RESOLUTION NHA-4733-2017

June 10, 2017

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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

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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.

C E R T I F I C A T I O N

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

Same was passed by the following vote:

AYES : 3 NAYS: 0 ABSTAINED: 0

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



Kris Beecher, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:



Sean McCabe, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF: 

LEGAL REVIEW: 

CHIEF EXECUTIVE OFFICER: 

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -Fourth Year, 2014

AN ACTION

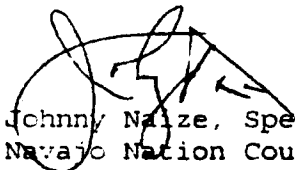
RELATING TO RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES:
AMENDING RESOLUTION CAP-15-10 TO EXTEND THE PERIOD OF A LIMITED
WAIVER OF SOVEREIGN IMMUNITY ALLOWING THE NAVAJO NATION TO BE SUED
IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH NATIONAL ENVIRONMENTAL
PROTECTION ACT IN ORDER TO CARRY OUT 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

BE IT ENACTED:

The Navajo Nation hereby amends Council Resolution CAP-15-10, Exhibit "A" pursuant to the request of the Navajo Housing Authority Board of Commissioners Resolution NHA-4297-2012, Exhibit "B", to extend the limited waiver of sovereign immunity to September 30, 2017 allowing the Navajo Nation to be sued in Federal District Court for compliance with the National Environmental Protection Act (NEPA) in order to carry out HUD grants and to authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 2017.

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 16 in favor and 4 opposed, this 30th day of January 2014.


Johnny Naize, Speaker
Navajo Nation Council

Feb 04 '14
Date

Motion: Honorable David Tom
Second: Honorable Russell Begaye

EXHIBIT "A"



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

RESOLUTION NHA-4297-2012

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

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 Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2017

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 Tribal Council the NHA was created as 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 NHA Board of Commissioners enacted Resolution NHA-4056-2009 entitled *“Recommending to the Government Services Committee, the Transportation and Community Development Committee and the Intergovernmental Relations Committees of the Navajo Nation Council Recommending to the Navajo Nation Council to Amend Resolution CAP-21-05 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 Fiscal Year 2017”*, hereto attached as **Exhibit “B”**; and
4. The Navajo Nation Council enacted resolution CAP-15-10, April 20, 2010, entitled *“Relating to Government Services, Community Development, and Intergovernmental Relations; Approving an Extension of 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 HUD Grants; Authorizing the President of the Navajo Nation to execute form 7015.15 for Fiscal Year 2013 through Fiscal Year 2017”*, hereto attached as **Exhibit “A”**; and

RESOLUTION NHA-4297-2012

December 8, 2012

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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, hereto attached as Exhibit "C", 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

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

11. 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

12. 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

13. 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, 2017.

RESOLUTION NHA-4297-2012

December 8, 2012

Page | 3

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.

C E R T I F I C A T I O N

Commissioner Leila Help-Tulley, moved that the foregoing Resolution NHA-4297-2012 be adopted and this was seconded by Commissioner Wilson Ray, Sr.

Same was passed by the following vote:

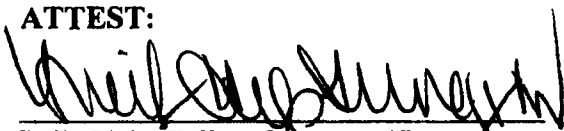
AYES : 5
NAYS : 0
ABSTAINED : 0

The Secretary, thereupon, declared said motion carried and said Resolution NHA-4297-2012 was adopted this 8th day of December, 2012.





Edward T. Begay, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:



Leila Help-Tulley, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

CHIEF APPROVAL: 
LEGAL REVIEW: 
CHIEF EXECUTIVE OFFICER: 

FYHIRIT "R"

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

RESOLUTION NHA-4056-2009

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Government Services Committee, the Transportation and Community Development Committee and the Intergovernmental Relations Committees of the Navajo Nation Council Recommending to the Navajo Nation Council to Amend Resolution CAP-21-05 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 Fiscal Year 2013 and Approving an Effective Date Retroactive to October 01, 2008

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 Tribal Council the NHA was created as 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 NHA Board of Commissioners enacted Resolution NHA-3590-2005 entitled "*Recommending to the Government Services Committee of the Navajo Nation Council legislation approving an amendment to Resolution CMA-13-00 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 Chief Executive Officer of the Navajo Housing Authority to sign Form 7015.15 through Fiscal Year 2008*", hereto attached as Exhibit "A1-A7"; and
4. The Navajo Nation Council enacted Resolution CAP-21-05, April 20, 2005, entitled "*Relating to Navajo Sovereign Immunity Act; Navajo Housing Authority; Division of Community Development; Approving an Extension of a Limited Waiver of Sovereign Immunity that Allows the Navajo Nation to be Sued in Federal District Court regarding Compliance with the National Environmental Policy Act in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation, Chief Executive Officer of the Navajo Housing Authority and the*

Division Director of the Navajo Nation Division of Community Development to Sign Form 7015.15 through Fiscal Year 2008, and Approving an Effective Date Retroactive to October 1, 2008", hereto attached as Exhibit "B1-B3"; and

4. 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, hereto attached as Exhibit "C", and

5. 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

6. 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

7. 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

8. The amendment reauthorizing the President to sign Form 7015.15 has since expired; and

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

10. 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

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

12. 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 requests the Government Services Committee, the Transportation and Community Development

Committee, and the Intergovernmental Relations Committee of the Navajo Nation Council to recommend approval to the Navajo Nation Council 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, 2013 and Approving an effective date retroactive to October 01, 2008.

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 Frank Donald, Jr., moved that the foregoing Resolution NHA-4056-2009 be adopted and this was seconded by Commissioner Edward T. Begay.

Same was passed by the following vote:

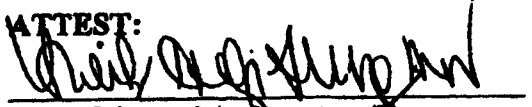
AYES	:	<u>8</u>
NAYS	:	<u>0</u>
ABSTAINED	:	<u>0</u>

The Secretary, thereupon, declared said motion carried and said Resolution NHA-4056-2009 was adopted this 3rd day of December, 2009.



Leonard Teller, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:



Leila Help-Tulley, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF: 

LEGAL REVIEW: 

CHIEF EXECUTIVE OFFICER: 

EXHIBIT B

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

RESOLUTION NHA-3590-2005

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Government Services Committee of the Navajo Nation Council Legislation Approving an Amendment to Resolution CMA-13-00 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 in Carrying Out HUD Grants and Authorizing the Chief Executive Officer of the Navajo Housing Authority and the Director, Navajo Division of Community Development to Sign Form 7015.15 Through Fiscal Year 2008

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 Tribal Council the NHA was created as 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-13-00, February 2, 2000, entitled "*Approving an Amendment to Resolution CMA-31-98 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 in Carrying out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2004*", hereto attached as Exhibit "A"; and
4. 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, hereto attached as Exhibit "B"; and
5. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. §554, the President, nor any other Navajo official, does not have the authority to

EXHIBIT A-1

RESOLUTION NHA-3590-2005

January 7, 2005

Page 2

execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts unless otherwise properly authorized; and

6. Pursuant to CMA-31-98 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 1999; and

7. Pursuant to CJA-13-00 the Navajo Nation Council approved an amendment to Resolution CMA-31-98 and thereby extended the limited waiver of sovereignty authorizing the President to sign Form 7015.15 through Fiscal Year 2004; and

8. The amendment reauthorizing the President to sign Form 7015.15 has since expired; and

9. In order to receive draw-downs on relevant federal funds for projects implementation, a certifying tribal official must execute Form 7015.5; and

10. It would be administratively efficient for the Chief Executive Officer of the NHA, for the purpose of NAHASDA funds, and the Director of the Division of Community Development for ICDBG funds, as the certifying tribal officials, to sign and execute Form 7015.5 rather than the President of the Navajo Nation; and

11. 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 limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

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

13. 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 Government Services Committee of the Navajo Nation Council to recommend approval to the Navajo Nation Council for a limited waiver to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be used in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the Chief Executive Officer of the NHA and Director, Navajo Nation Division of Community Development, to be the certifying tribal officials to execute Form 7015.15 through Fiscal Year 2008.

RESOLUTION NHA-3590-2005

January 7, 2005

Page 3

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

CERTIFICATION

Commissioner Richard Blackhorse moved that the foregoing Resolution NHA-3590-2005 be adopted and this was seconded by Commissioner Cordell Shortey.


Same was passed by the following vote:

AYES : 8

NAYES : 0

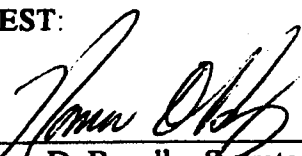
ABSTENTIONS : 0

The Secretary, thereupon, declared said motion carried and said Resolution NHA-3590-2005 was adopted this 7th day of January, 2005.



Leonard Teller, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:



Norman D. Benally, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS


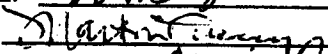


CHIEF APPROVAL: 
LEGAL REVIEW: 
CHIEF EXECUTIVE OFFICER: 
EXECUTIVE SECRETARY: 

EXHIBIT A-3

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Approving an Amendment to Resolution CMA-31-98 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 in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2004

WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is the governing body of the Navajo Nation; and

2. Pursuant to 1 N.N.C. §554 (C), the Navajo Nation may be sued only in the Courts of the Navajo Nation when explicitly authorized by resolution of the Navajo Nation Council; and

3. Pursuant to Resolution CMA-31-98, the Navajo Nation Council authorized a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Courts regarding compliance with the National Environmental Protection Act 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 1999; and directed the Transportation and Community Development Committee, Department of Justice and the President of the Navajo Nation to negotiate the terms and requirements of HUD grants with the Secretary of Housing and Urban Development based on the government-to-government relationship to eliminate the requirements that the Navajo Nation waive its sovereign immunity as a condition of receipt of HUD funds, hereto attached as Exhibit "A"; and

4. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) grants 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, hereto attached as Exhibit "B"; and

5. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. §554, the President does not have the authority to execute Form HUD 7015.15 which consents to suit against the Navajo Nation in Federal District Courts; and

6. Pursuant to 2 N.N.C. §223 (D), the sovereign immunity of the Navajo Nation can be waived by two-thirds (2/3) vote of the entire Navajo Nation Council; and

7. The HUD/Southwest Office of Native American Programs has indicated in a letter dated July 6, 1998, that it is unable to negotiate or waive program environmental requirements that are statutorily mandated, hereto attached as Exhibit "C"; and

8. Pursuant to 24 CFR Part 58.1 (b), environmental review for the Indian Community Development Block Grant (ICDBG) activities and projects is the responsibility of the recipients and cannot participate under 24 CFR Part 50, where HUD assumes the environmental requirement responsibility; and

9. In order to receive draw-down on ICDBG funds for projects implementation, an extension on the limited waiver of sovereign immunity and reauthorizing the President of the Navajo Nation to sign Form HUD 7015.15, Request for Release of Funds and Certification, is necessary; and

10. It is in the best interest of the Navajo Nation to extend the limited waiver of sovereign immunity of the Navajo Nation to allow lawsuits in Federal District Courts regarding compliance with the National Environmental Protection Act in carrying out HUD grant projects and to reauthorize the President of the Navajo Nation to sign Form HUD 7015.15 through Fiscal Year 2004.

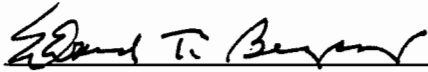
NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby approves the amendment to Resolution CMA-31-98 by authorizing an extension of a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Courts regarding compliance with the National Environmental Protection Act in carrying out HUD grants.

2. The Navajo Nation Council further reauthorizes the President of the Navajo Nation to execute Form HUD 7015.15, Request for Release of Funds and Certification, through Fiscal Year 2004.

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 same was passed by a vote of 61 in favor, 12 opposed and 3 abstained, this 28th day of January 2000.


Edward T. Begay, Speaker
Navajo Nation Council
2/2/00
Date Signed

Motion: Larry Noble
Second: Duane Tsinigine

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this 4th day of February 2000.


Kelsey A. Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10) this ___ day of _____ 2000 for the reason(s) expressed in the attached letter to the Speaker.

Kelsey A. Begaye, President
Navajo Nation

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -Fourth Year, 2014

AN ACTION

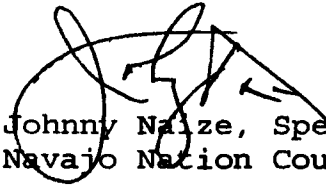
RELATING TO RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES:
AMENDING RESOLUTION CAP-15-10 TO EXTEND THE PERIOD OF A LIMITED
WAIVER OF SOVEREIGN IMMUNITY ALLOWING THE NAVAJO NATION TO BE SUED
IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH NATIONAL ENVIRONMENTAL
PROTECTION ACT IN ORDER TO CARRY OUT 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

BE IT ENACTED:

The Navajo Nation hereby amends Council Resolution CAP-15-10, Exhibit "A" pursuant to the request of the Navajo Housing Authority Board of Commissioners Resolution NHA-4297-2012, Exhibit "B", to extend the limited waiver of sovereign immunity to September 30, 2017 allowing the Navajo Nation to be sued in Federal District Court for compliance with the National Environmental Protection Act (NEPA) in order to carry out HUD grants and to authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 2017.

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 16 in favor and 4 opposed, this 30th day of January 2014.


Johnny Naize, Speaker
Navajo Nation Council

Feb 04 '14

Date

Motion: Honorable David Tom
Second: Honorable Russell Begaye



CAP-15-10

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - Fourth Year, 2010

AN ACTION

RELATING TO GOVERNMENT SERVICES, COMMUNITY DEVELOPMENT, AND INTERGOVERNMENTAL RELATIONS; APPROVING AN EXTENSION OF A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE USED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT HUD GRANTS; AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO EXECUTE FORM 7015.15 FOR FISCAL YEAR 2009 THROUGH FISCAL YEAR 2013; AND APPROVING AN EFFECTIVE DATE RETROACTIVE TO OCTOBER 1, 2008

BE IT ENACTED:

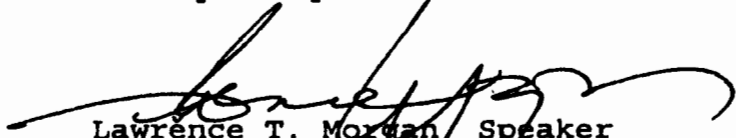
Section 1. Findings and Purpose

- A. The Navajo Nation Council finds that in order for the Navajo Housing Authority to receive federal draw-downs on relevant federal funds for project implementation, an authorized tribal official must execute HUD Form 7015.15.
- B. 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 Court regarding compliance with the National Environmental Protection Act ("NEPA") in carrying out HUD grants. 24 C.F.R. Part 58.

EXHIBIT A

CERTIFICATION

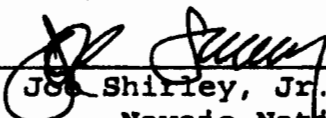
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 61 in favor and 8 opposed, this 20th day of April 2010.


Lawrence T. Morgan, Speaker
Navajo Nation Council
22 April 10
Date

Motion: GloJean Todacheene
Second: Johnny Naize

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of MAY 03 2010 2010.



Dr. Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2010 for the reason(s) expressed in the attached letter to the Speaker.

Dr. Joe Shirley, Jr., President
Navajo Nation

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

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, 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 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 proposal did did not require the preparation and dissemination 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 58.70 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 58.71(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:

8. 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 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 responsible entity.
9. I am authorized 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 Certifying Officer of the Responsible Entity

Title of Certifying Officer

President of the Navajo Nation

Date signed

X

Address of Certifying Officer

Navajo Nation, P.O. 9000 Window Rock, Arizona 86515

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 Recipient

Title of Authorized Officer

Chief Executive Officer
Navajo Housing Authority

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

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 statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering 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.

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

1. Program Title(s) Indian Housing Block Grant	2. HUD/State Identification Number 55IH0402810	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity Navajo Nation P.O. Box 9000 Window Rock, Arizona 86515	
6. For information about this request, contact (name & phone number) CEO, NHA (928)871-2600	7. Name and address of recipient (if different than responsible entity) Navajo Housing Authority P.O. Box 4980 Window Rock, Arizona 86515	
8. HUD or State Agency and office unit to receive request HUD Northern Plains Office of Native American Programs 1670 Broadway, 22nd Fl. Denver, Colorado 80202-4801	7. Name and address of recipient (if different than responsible entity) Navajo Housing Authority P.O. Box 4980 Window Rock, Arizona 86515	
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following		
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)	

11. Program Activity/Project Description

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

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, 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 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 proposal did did not require the preparation and dissemination 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 58.70 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 58.71(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:

8. 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 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 responsible entity.
9. I am authorized 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 Certifying Officer of the Responsible Entity X	Title of Certifying Officer President of the Navajo Nation
	Date signed

Address of Certifying Officer

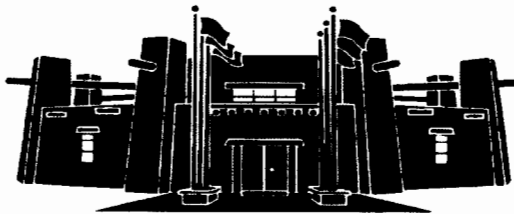
Navajo Nation, P.O. 9000 Window Rock, Arizona 86515

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 Recipient X	Title of Authorized Officer Chief Executive Officer Navajo Housing Authority
	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



MEMORANDUM

TO: Honorable Rick Nez
T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan Chapters

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

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: July 18, 2022

SUBJECT: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO AN EMERGENCY; 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. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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).