NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK 757

Date & Time Received: 03/07/24 at 09:29

Date & Time of Response: 03/15/24 at 17:00

Entity Requesting FRF: Dine College

Title of Project: Business Incubator

Administrative Oversight: Department of Dine Education

Amount of Funding Requested: $1,500,000.00

Eligibility Determination:

- [x] FRF eligible
- [ ] FRF ineligible
- [ ] Additional information requested

FRF Eligibility Category:

- [x] (1) Public Health and Economic Impact
- [ ] (2) Premium Pay
- [ ] (3) Government Services/Lost Revenue
- [ ] (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category:
2.32 (Business Incubators and Start-Up or Expansion Assistance)

P.O. Box 2010 • Window Rock, Navajo Nation (AZ) 86515 • 928-810-8526 • Facsimile: 928-871-6200

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

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

Other Comments: _____

Name of DOJ Reviewer: Veronica Blackhat, AAG-Natural Resources Unit

Signature of DOJ Reviewer: Vm Blackhat

Disclaimers:

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

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

RECEIVED
3/15/2024

APPENDIX A

THE NAVAJO NATION
FISCAL RECOVERY FUNDS **REQUEST FORM & EXPENDITURE PLAN**
FOR **EXTERNAL ENTITIES**

Part 1. Identification of parties.

External Entity requesting FRF: Dine College Date prepared: 9/20/2023

External Entity's mailing address: 1 Circle Dr. P.O. Box C08 Tsaile, AZ 86556 phone/email: 928-724-6669 website (if any):

This Form prepared by: C rystal Carr phone/email: 928-724-6669

Dr. Charles Roessel, President, Dine College — CONTACT PERSON'S name and title

928-724-6669 — CONTACT PERSON'S info

Title and type of Project: Business Incubator

External Entity's CEO (or equivalent): Dr. Charles Roessel phone & email: officeofthepresident@dinecollege.edu

Board President: Theresa Hatathlie phone & email: officeofthepresident@dinecollege.edu

Board Treasurer or Financial Officer: Bo Lewis, Vice President of Finance phone & email: bolewis@dinecollege.edu

Funding Recipient will be working with: Department of Diné Education on the Project
Indicate name of Director of assisting Division and Division; if none, indicate "NN President and OPVP"
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

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

☐ document attached

Amount of FRF requested: $1,500,000 FRF funding period: Oct. 2023 to Dec. 2024 10/1/23-12/31/26
Indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

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

Diné College's Business Incubator will be set up at our North Shiprock Campus; funding will be used to renovate incubator space. The incubator will provide training and technical tools to help entrepreneurs (community members and students) to start their small business. The incubator will house office space for small businesses to utilize for business/partnership meetings. Training will include startup procedures under NN Small Business Regulatory, tax management, grant management, payroll, ethics and employment law, etc.

☐ document attached

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

Diné College's Business Incubator will serve socially and economically disadvantaged entrepreneurs living in and around Navajo Nation to improve small business development and success.
By creating small businesses and associated additional jobs, the Diné College business incubator will reduce unemployment, increase median household income, and create a sustainable career path that allows people to continue to live on the Navajo Nation.

☐ document attached

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

☑ document attached

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

Diné College personnel including faculty and staff within the School of Business and throughout the college.

☐ document attached

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

Diné College; cost will range between $5,000 to $15,000 annually for custodial and maintenance of faculty.

☐ document attached

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

2.9 Small Business Economic Assistance (General)
-The incubator will assist in establishing small business to be successful by providing them with the tools and resources they need to start up. This area of the reservation does not have access to these types of services. Eastern and Western Agency do have access and yet Shiprock Agency has been forgotten.

☐ document attached

Part 3. Additional documents.

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

2024 NN Budget forms

☑ Board Resolution attached

Part 4. Affirmation by Funding Recipient.

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

External Entity's Preparer: Crystal Carr
signature of Preparer/CONTACT PERSON / PERSON

Approved by: _____
signature of Board Chairperson or President (or Vice President)

Approved by: _____
signature of External Entity's CEO (or equivalent)

Approved to submit for Review: _____ 12.14.2023
signature of Director of assisting Division

-OR- Approved to submit for Review: _____
signature of NN President

FY 24

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: K- [NEW] Program Title: Diné College Business Incubator Division/Branch: Diné College

Prepared By: Dr. Charles Roessel Phone No.: 928-724-6669 Email Address: officeofthepresident@dinecollege.edu

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
NN Fiscal Recovery Funds	10/1/23 - 12/31/26	1,500,000.00	100%
	TOTAL:	$1,500,000.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
2001 Personnel Expenses		0	0	0.00
3000 Travel Expenses		0	0	0.00
3500 Meeting Expenses		0	0	0.00
4000 Supplies		0	0	0.00
5000 Lease and Rental		0	0	0.00
5500 Communications and Utilities		0	0	0.00
6000 Repairs and Maintenance		0	0	0.00
6500 Contractual Services		0	0	0.00
7000 Special Transactions		0	0	0.00
8000 Public Assistance	6	0	1,500,000	1,500,000.00
9000 Capital Outlay		0	0	0.00
9500 Matching Funds		0	0	0.00
9500 Indirect Cost		0	0	0.00
TOTAL		$0.00	1,500,000.00	1,500,000.00

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Vehicles Budgeted:	0	0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Dr. Charles Roessel
Program Manager's Printed Name

Program Manager's Signature and Date

APPROVED BY: Claudia Edgewater
Division Director / Branch Chief's Printed Name

12.26.2023
Division Director / Branch Chief's Signature and Date

FY ____24_____

THE NAVAJO NATION
PROGRAM PERFORMANCE MEASURES

BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: K- [NEW] Program Name/Title: Diné College Business Incubator

PART II. PROGRAM PERFORMANCE CRITERIA:

	1st QTR Goal	2nd QTR Goal	3rd QTR Goal	4th QTR Goal
1. Program Performance Measure: Renovate and setup incubator space at Shiprock North Branch and Tsaile Campus Q1: Facilities assessment on upgrade needs; Q2: Start renovation plan; Q3: Progress renovation plan; Q4: Finish renovation of three classrooms	1	1	1	1
2. Program Performance Measure: Identify startups and potential entrepreneurs Q3: Develop criteria for selecting startups, considering innovation, market potential, and alignment with program goals; Q4: Review and evaluate applications, inteviews, and assessments as part of selection process			1	1
3. Program Performance Measure: Conduct survey for new business in Northern Agency Q4: Develop a comprehensive survey to gather information on business needs and assess current industry needs within the Navajo Nation and builds on community development.				1
4. Program Performance Measure: Indentify grants to assist small business startups Q3: Research and compile list of potential grant opportunities for small business startups. Q4: Facilitate workshops or webinars to educate startups on availalbe grants and provide support strategies			1	1
5. Program Performance Measure: Implement technical assistnace and service center with staff Q3: Recruit and higher staff, ensuring a diverse and skilled team and partnerships; Q4: Evaluate the performance of the service center, gather feedback from users, make adjustments for improvment that are responsive to the unique conditions faced on Navajo Nation			1	1

PART III. CONCURRENCE/APPROVAL:

Dr. Charles Roessel
Program Manager's Printed Name

Program Manager's Signature and Date

Claudia Edgewater
Division Director/Branch Chief's Printed Name

12-22-2023
Division Director/Branch Chief's Signature and Date

FY ____24_____

THE NAVAJO NATION
PROGRAM PERFORMANCE MEASURES

BUDGET FORM 2A

PART I. PROGRAM INFORMATION:

Business Unit No.: K- [NEW] **Program Name/Title:** Diné College Business Incubator

PART II. PROGRAM PERFORMANCE CRITERIA:

Performance criteria include the following goals:

Renovate and setup incubator space at Shiprock North Branch and Tsaile Campus

Identify startups and potential entrepreneurs

Conduct survey for new business in Northern Agency

Indentify grants to assist small business startups

Implement technical assistnace and service center with staff

PART III. CONCURRENCE/APPROVAL:

Dr. Charles Roessel
Program Manager's Printed Name

Program Manager's Signature and Date

Claudia Edgewater
Division Director/Branch Chief's Printed Name

12.22.2023
Division Director/Branch Chief's Signature and Date

FY 24

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

BUDGET FORM 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Diné College Business Incubator **Business Unit No.:** K- [NEW]

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)	(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
8000	Pubilc Assistance		1,500,000
	8785 External Entity	1,500,000	
	Funds will be used for renovations of 4 classroom spaces at Shiprock Campus and one office space in Tsaile Campus.		
	This will include FF&E of the spaces for incubator set up with conference area, office supplies, etc.		
	TOTAL	1,500,000	1,500,000

DEPARTMENT OF DINÉ EDUCATION
THE NAVAJO NATION
P.O. Box 670 · Window Rock, Arizona 86515
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474

Dr. Buu Nygren
President

Richelle Montoya
Vice-President

MEMORANDUM:

TO: Program Managers and Staff
Department of Diné Education

FROM: Claudia Edgewater-Russell, Acting Superintendent of Schools
Department of Diné Education - Administration

DATE: November 15, 2023

SUBJECT: **STANDING DELEGATION OF AUTHORITY – FY 2024**

During my absence from the office, the following individuals are authorized to act on my behalf, in the order they are placed, to ensure the proper and uninterrupted functioning of the Department of Diné Education by performing the routine duties required of the Superintendent of Schools:

ACKNOWLEDGED

1. **Ms. Rose Graham, Department Manager II**
   Office of Navajo Nation Scholarship and Financial Assistance
2. **Paula Seanez, Education Program Manager**
   Office of Special Education & Rehabilitation Services
3. **Dr. Shayla Yellowhair, Education Program Manager**
   COGNIA – Navajo Nation

This delegation authorizes my designee to review and approve all routine administrative, financial and personnel documents, with the understanding that they will consult with me as necessary. However, all requests for Off-Reservation Travel (ORT) will follow the process as outlined through the chain-of-command.

Please continue to bring all documents requiring the review and approval of the Superintendent of Schools to the Department of Diné Education-Administration Office.

If you have any questions, please contact the DODE Administration Office at (928) 871-7475. Your cooperation is expected and appreciated.

xc: Honorable Dr. Buu Nygren, President, The Navajo Nation
Honorable Richelle Montoya, Vice President, The Navajo Nation
Patrick Sandoval, Chief of Staff, Office of the President/Vice President
Sean McCabe, Acting Controller, Office of the Controller
Dominic Beyal, Executive Director, Office of Management and Budget

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PROJECT FORM

PART I. Business Unit No.: _____

Project Title: Diné College Business Incubator

Project Description: Diné College Business Incubator

Check one box: ☑ Original Budget ☐ Budget Revision ☐ Budget Reallocation ☐ Budget Modification

PART II. Project Information

Project Type: Renovation and FF&E

Planned Start Date: ~~Jan-24~~ 10/1/23

Planned End Date: ~~Dec-24~~ 12/31/26

Project Manager: Leon Jackson

PART III. List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.

PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.

Expected Completion Date if project exceeds 8 FY Qtrs. Date_____

	FY __24___												FY __24____																	
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.							
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
Design				x	x	x																								
Construct							x	x	x																					
Equip/Furnish										x	x	x																		

PART V.	$	$	$	$	$	$	$	$	PROJECT TOTAL
Expected Quarterly Expenditures		0.00	1,500,000.00						$1,500,000.00

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____

DINÉ COLLEGE

THE HIGHER EDUCATION INSTITUTION OF THE NAVAJO

Board of Regents

DC-SEP-2660-23

RESOLUTION OF THE BOARD OF REGENTS
DINÉ COLLEGE

Approving and Supporting Diné College to Submit a Proposal and Plan to the Navajo Nation Fiscal Recovery Fund (FRF Office) for American Rescue Plan Act (ARPA) funds, titled Diné College Business Incubator, in the amount of One-Million Five Hundred Thousand Dollars ($1,500,000.00).

WHEREAS:

1. The Diné College Board of Regents is empowered to exercise authority and control over Diné College and is responsible for the accomplishment of the Diné College purposes, 10 NNC § 2003 (2005 ed.); and

2. The Diné College is a non-profit post-secondary educational institution chartered by the Navajo Nation Council in 1968 for the purposes of providing educational opportunities to the Navajo people and others in areas important to the economic and social development of the Navajo Nation and other purposes, 10 NNC § 2002; and

3. The Diné College Board of Regents understands the need during this pandemic has imposed unexpected and unprecedented expenses and hardship across the nation passing previous resolution DC-JUN-2516-21.

4. The American Rescue Plan, signed into law by President Biden on March 11, 2021, invests $1.9 trillion in mandatory funding, program changes, and tax policies aimed at mitigating the continuing effects of the pandemic.

5. The Navajo Nation's share of the $20 Billion from the ARPA initially distributed to Tribal Nations in 2021 is one billion eight hundred and sixty-one million, five hundred and fifty-four thousand, four hundred and fifty-eight dollars and forty-three cents ($1,861,554,458.43).

6. The Navajo Nation ARPA Fund Act applies to this initial distribution and to any subsequent distributions by the U.S. Department of Treasury. Diné College is requesting

funding under the eligibility area determined by the US treasury appendix 1 listing; the requests are as follows:

Fiscal Recovery Area	Project Title	Requested Amount
2.9 Small Business Economic Assistance (General)	Diné College Business Incubator	$1,500,000.00
Total		$1,500,000.00

7. The Diné College Business Incubator is a response to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and non-profits; or to provide aid to impacted industries such as tourism, travel, and hospitality; and

8. Diné College Board of Regents acknowledges that any awarded funds will be used in compliance with the ARPA, the ARPA Regulations, and all other applicable Navajo Nation and federal laws and regulations;

   i) Requesting the funding in the amount of $1,500,000.00;
   ii) Describing the Project to be funded, and how the purposes of the ARPA will be satisfied; and
   iii) Affirming that Diné College will only use awarded funds in compliance with the ARPA, the ARPA Regulations, and all other applicable Navajo Nation and federal laws and regulations.

9. Diné College recognizes the critical role that entrepreneurship and innovation play in fostering economic growth and job creation. Diné College is committed to supporting and nurturing the growth of the College's business program, workforce, and empowering careers in the community.

NOW THEREFORE BE IT RESOLVED THAT:

1. Diné College Board of Regents approves and supports Diné College to Submit a Proposal and Plan to the Navajo Nation Fiscal Recovery Fund (FRF Office) for American Rescue Plan Act (ARPA), titled Diné College Business Incubator, in the amount of One-Million Five Hundred Thousand Dollars ($1,500,000.00).

2. The Diné College Board of Regents hereby authorizes, directs, and empowers the Diné College President to perform all actions deemed necessary and proper to effectuate the purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné College Board of Regents at a duly called meeting held in Tsaile, Arizona at which a quorum was present and that same was passed by a vote of **5** in favor, **0** opposed and **0** abstained, this 22nd day of September 2023.

ATTACHMENT(S)

1. **Exhibit A**, Resolution Authorization Form
2. **Exhibit B,** NN Fiscal Recovery Request Form and Expenditure
3. **Exhibit C**, NN FRF Budget Form

Sharon Toadecheenie, Chair
Diné College Board of Regents

MOTION: Regent Hoskie
SECOND: Regent Smallcanyon

TITLE 10. EDUCATION

Chapter 19. Diné College

§2001. Establishment; Charter; Values

A. Diné College is chartered and established as a nonprofit educational institution wholly-owned by the Navajo Nation, to act for and on behalf of the Navajo Nation Council within its areas of responsibility as defined by this Charter.

B. The charter previously granted by Resolution CN-95-68 of the Navajo Nation Council is hereby amended. Diné College shall have the authority to conduct its activities anywhere as a distinct and semi-independent agency of the Navajo Nation Council, within the limits and guidelines set forth in this Chapter.

C. Traditional Diné Values. In order to achieve the mission and purposes of Diné College, all employees and students shall adhere to the following values:

1. T'áá hó ájít'éego. Excellence and self-initiative in problem-solving, compassion for others, setting clear goals, and establishing positive working relationships.
2. Ahił na'anish. Cooperating and helping others, keeping all employees and students well informed as to matters that affect them, using proper and respectful language when communicating, respecting others on equal terms, and honoring K'é.
3. Ił ídlí. Respecting the cultural, racial, and gender diversity of all Diné People, at all times maintaining safe, courteous, respectful, and positive learning environments. Valuing and supporting inclusiveness for all students, employees, and visitors.
4. Ił Ééhózin. Exercising understanding, thoughtfulness, competence, confidence, conscientiousness, and reflection, in serving the needs of the Diné People.

§ 2002. Purposes

Diné College is created by the Navajo Nation Council for the following purposes:

A. To provide educational opportunities to the Navajo People and others in areas important to the economic, social, and cultural development of the Navajo Nation through:

1. Postsecondary Programs: Programs offered by Diné College will be within the scope of its accreditation by an accrediting agency recognized by the U.S Department of Education and include certificate programs and programs leading to~~,~~ associate, baccalaureate, graduate, and post-graduate degrees;
2. Honorary Degrees: Diné College may bestow Honorary Degrees on individuals to recognize their distinguished contributions to a specific field or to the Navajo Nation;
3. Dual Enrollment Programs: Diné College may offer programs that allow for high school students to enroll in college courses for college and high school credit;
4. Navajo and Native American Studies Program: These programs provide learning experiences to enable students to develop a clear sense of identity, learn the Navajo Language, and develop unique skills useful to Navajo and other Native American communities.
5. Other Programs: Educational programs that create and enforce student respect for the rights of others and preservation of orderly, democratic, and traditional values. Such programs include Continuing Educational programs, Diploma Equivalency Programs, and other educational and development programs.

B. To create for-profit and non-profit entities that are separate non-instrumentalities of the Navajo Nation which will enable Diné College to pursue opportunities in the private sector and participate in public-private partnerships and alliances with other businesses, colleges and universities. Such entities are for the purpose of funding scholarships, improving and building infrastructure, pursuing research, developing academic programs, and otherwise benefitting the College. As non-instrumentalities of the Navajo Nation, these entities will not have the attributes and privileges of sovereign immunity and the Navajo Nation shall not be liable for any action of such non-instrumentalities, financial or otherwise.

C. To provide services to Navajo communities of the Navajo Nation by:
   1. Offering programs related to the Navajo Language and Navajo Culture to enable the survival, progress, and identity of the Navajo People;

2. Conducting research relevant to the needs of the Navajo communities and the Navajo Nation as a whole;
3. Developing programs and working with other governmental agencies and private entities to meet Navajo community needs; and
4. Providing other services to serve the interests of the Navajo Nation such as research and technical assistance to the Navajo Nation Council and its committees, the Navajo Nation and its departments and agencies, and other organizations and enterprises.

D. To provide the following additional services related to the effective operation of Diné ~~e~~ College facilities and programs:

1. Continually assess and inventory the educational needs of the Navajo Nation, and develop long-range plans to meet these needs to build academic and student success programs.
2. Obtain and maintain accreditation of Diné College as a baccalaureate and post graduate institution.
3. Improve access to education by establishing multiple remote campuses and provide distributed learning through distance education, video conferencing and other technologies, transportation, and learning centers.
4. Offer students career counseling and employment placement services.
5. Evaluate and improve the effectiveness of Diné College programs by maintaining communication with former students.
6. Provide effective administrative support and student services to ensure students' full utilization of the educational programs and efficient use of budgeted funds.
7. Encourage educational excellence in Diné College students by developing higher education scholastic standards. The standards will be used to measure student outcomes such as academic performance, rates of retention, graduation, and completion.

E. Diné College shall formulate and deliver land-grant institution programs in natural and rural development, classroom instruction, Extension Services, and research

consistent with the Equity in Educational Land Grant Status of 1994. The College shall participate and collaborate fully with other entities of the Navajo Nation and with other land grant colleges and universities to meet the needs of the Navajo people and others.

§ 2003. Board of Regents; selection

A. Authority. The Board of Regents (the "Board") is vested with all powers and authority to govern effectively and set policy for Diné College~~,~~ in accordance with laws of the Navajo Nation and applicable State and Federal laws. It is the responsibility of the Board to establish the process for the accomplishment of the purposes and mission of Diné College, ensure the College's fiscal integrity, conduct business in an exemplary fashion with appropriate transparency, preserve and protect the College's autonomy and ensure the College provides its students a quality education. Subject to applicable laws, employees and officials of the Navajo Nation and candidates for Navajo Nation office shall not interfere with or interrupt the day-to-day activities of the Board of Regents or Diné College employees carrying out their responsibilities as such.

B. Qualifications for Diné College Board of Regents:

1. All Appointed members of the Board of Regents shall meet the following qualifications:

    a. Bachelor's Degree, from an accredited institution, or experience equivalent to such.

    b. Must be at least (18) years of age at the time of the appointment; and

    c. Must not be an employee of the Diné College; and

    d. Must not have a conflict of interest with the College President or any member of the Executive management team of Diné College; and

    e. Must have good moral and ethical character revealing no acts of dishonesty or moral turpitude within the five (5) years preceding

the recommended date of appointment as demonstrated by the appointment and confirmation process. Must not have any felony convictions.

f. All Appointed members shall possess, at least, one of the following expertise:

i. A professional qualification i.e. certified public accountant, financing, investment or legal background.

ii. A business background with at least five (5) years of executive management, executive management experience in areas such as business, healthcare, social services or similar need on the Navajo Nation.

iii. A good understanding of Diné spiritual ceremonial knowledge, preferably Hataałii, or,

iv. Expertise in higher education and/or education.

2. Qualifications for Ex-Officio members. Ex-Officio members are elected to or are appointed into the position by their respective organizations. Their qualifications are determined by these organizations:

a. The designee who is a current member of the Navajo Nation Council;

b. The Navajo Nation Superintendent of Schools, and;

c. The President of the Associated Students of Diné College

3. Qualifications for Designated members. Designated members are elected to or are appointed into the position by their respective organizations. Their qualifications are determined by these organizations:

a. Hold the position of Faculty Association President

b. Hold the position of Staff Association President

C. Selection.

1. Selection of Appointed members: The President of the Navajo Nation shall recommend Appointed member candidates to serve on the Board of Regents. Candidates are subject to the confirmation by the Naabik'íyáti'

Committee of the Navajo Nation Council. These appointments will include criteria based on the appointee's expertise. Some areas of expertise include, but not limited to education, business, investment, healthcare, traditional knowledge, and/or legal. The number of new appointments for board seats shall not exceed the half of the board's membership.

a. In the event the Naabik'íyáti' Committee of the Navajo Nation Council appointed member declines or fails for any reason to pass a resolution confirming their appointment made by the Navajo Nation President within thirty (30) calendar days of the appointment:

1. The appointee shall not sit as a Diné College Board of Regent; and
2. The Navajo Nation President shall submit an alternative appointee within fourteen (14) calendar days of the Naabik'íyáti' Committee of the Navajo Nation Council action failing/declining to confirm the appointment, or the expiration of the thirty (30) calendar day confirmation period.

2. Selection of Ex-officio members.

   The Ex-officio members will be selected according to their respective positions.

3. Selection of Designated members.

   The Designated members will be selected according to their respective positions.

D. Composition. The Board of Regents shall initially be composed of seven (7) members. By a duly adopted resolution of the Board of Regents, the number of members may increase from seven (7) voting members and two (2) non-voting members (Faculty Association and Staff Association President), but shall not exceed nine (9) nor be less than seven (7) and;

1. The Board of Regents shall include the following categories of members:

a. Appointed members (voting). Four (4) Appointed members who will have a background in the areas of expertise that include, but not limited to education, business, investment, healthcare, traditional knowledge, and legal.

b. Ex Officio members (voting). Three (3) Ex Officio members who will serve based on their service in the following positions:

1) The designee who is a current member of the Navajo Nation Council;

2) The Navajo Nation Superintendent of Schools, and;

3) The President of the Associated Students of Diné College.

c. Designated members (non-voting)

i. Faculty Association President

ii. Staff Association President

2. The majority of all Board members shall be enrolled members of the Navajo Nation.

E. Tenure

1. Appointed members shall serve six (6) year terms. The terms shall be staggered, beginning the date of the Annual Meeting and ending on the date of the Annual Meeting occurring in the sixth calendar year. Appointed Members may be reappointed for no more than two (2) three (3) successive terms.

2. Ex-officio members are eligible to serve on the board as long as they hold their respective positions outlined in 10 N.N.C. § 2003 (B) (2).

3. Designated members are eligible to serve on the board as long as they hold their respective positions outlined in 10 N.N.C. § 2003 (B) (3).

F. Resignation and Removal

1. Resignation. Appointed or Designated members may resign at any time by submitting written notice to the Board Chairperson. Such resignation shall take effect at the time specified in the notice without the necessity of acceptance.

2. Removal. All members shall adhere to the proper removal process as it applies to them.
    a. Removal of an Appointed member. The Board by a removal process may remove any Appointed member if they determine such removal is in the best interests of Diné College, regardless of time left in tenure. The removal of the Regent from the Board may occur with or without cause at a duly called meeting of the Board for that purpose. The removal process of an Appointed member will be in accordance with the by-laws of the Board.
    b. Removal of Ex-Officio Members. All Ex-Officio members are eligible to serve on the board as long as they hold their respective positions and are subject to removal as determined by the organizations they represent.
    c. Removal of Designated Members. Any Designated Member may be removed from the Board by a two-thirds majority vote of the Board of Regents at any special meeting of the Board called expressly for that purpose. Any Board member proposed to be removed shall be entitled to reasonable notice for an opportunity to be heard at such special meeting as long as the removal does not interfere with the Board's quorum and college operations.

G. Vacancies. Vacancies of any member will follow the selection, qualification, and confirming process as it applies to that member's role before it was vacated.

H. Compensation. By formal resolution, the Board may establish rates of compensation and procedures for payment and reimbursement of expenses of Board members, consistent with best practices within higher education. The Board shall have discretionary authority to provide different rates for officers and committee members as it sees fit, or for any Regent assigned a special responsibility. A copy of any resolution establishing or amending any financial benefit to the Board, or any member of the Board, shall be promptly transmitted to the President of the Navajo Nation and to the Health, Education, and Human Services Committee of the Navajo Nation Council.

J. Responsibilities and Duties.

The Board of Regents under this chartered and established nonprofit educational institution wholly-owned by the Navajo Nation, shall act for and on behalf of the Navajo Nation Council within its areas of responsibility as defined by this chapter. As such, a Regent shall perform the responsibilities and duties in good faith, and in a manner that is in the best interest of Diné College. The responsibilities and duties of the Board of Regents shall include more specifically to:

1. Report and be accountable to its oversight committee the Health, Education and Human Services Committee of the Navajo Nation Council. The Board of Regents shall provide submit a written report to the Navajo Nation Council's Winter Session to be delivered verbally by the Chairperson of the Board or such other representative designated by the Board.
2. Maintain and safeguard the funds, investments, and assets of Diné College according to reasonable and prudent financial accounting standards and practices and utilize such funds and assets to accomplish the long-range objectives of Diné College.
3. Establish the policies and procedures to be followed by Diné College in its pursuit of the purposes stated in this Chapter, and employ or retain qualified personnel, or outside-assistance as necessary to establish proper and effective policies and procedures.
4. Administer the routine and special affairs of Diné College through employment of qualified, competent, educational, and administrative personnel, and extending an employment preference to qualified members of the Navajo Nation.
5. Conduct the business of Diné College in an authorized and lawful manner and, subject to applicable laws, retaining qualified and competent attorneys for consultation with the Board and preserving and defending the legal rights and interests of Diné College.
6. Communicate with appropriate committees and representatives of the Navajo Nation Council, United States Congress, federal, state and private agencies in a position of responsibility and authority to support the mission and objectives of

Diné College, and submit appropriate proposals and applications for financial, technical and other assistance as may be available and consistent with the purposes of Diné College.

7. Establish and maintain an institutional review board for purposes of reviewing and assessing the educational integrity and ethics of faculty and student research and ensuring that such research is consistent with the College's mission and purposes.
8. Obtain and maintain institutional accreditation by an accreditor recognized by the U.S. Department of Education.
9. To create for-profit and/or non-profit entities that are separate non-instrumentalities of the Navajo Nation.

K. Support Personnel.

The Board may request the College President to make available administrative services and/or other assistance to the Board.

§ 2004. Meetings for the Board of Regents, special meetings, work sessions, notice; meeting items; executive session

A. The Board of Regents shall have an annual meeting on the first Wednesday of October each year at 10:00 A.M. at the Diné College campus at Tsaile, Navajo Nation (Arizona). Meetings may be held monthly at such time and place as established by the Board, but a meeting will be held not less than once each quarter. The Chairperson or the Vice-President of the Board of Regents or by any three Regents acting in concert may call special meetings. The Board may discuss and act upon any matter pertaining to or impacting Diné College at any regular or special meeting at which a quorum is present and notice requirements were met.

B. The Board may vote to declare all, or any part of any meeting involving personnel matters, litigation, or other confidential matters to be an executive session and closed to everyone except for voting members and such other persons who the Board Chairperson expressly requests to attend. Non-voting members and others asked by the Board Chairperson to attend executive session must sign a written

agreement to maintain the strict confidentiality of all matters discussed in executive session. No resolutions shall be passed or no formal action shall be taken in executive session.

C. Notice of Meeting. Written notice of a meeting of the Board shall be sent to each Regent. Such written notice shall state the place, day, and time of the meeting and have an agenda attached. A notice for special meetings shall also indicate the purpose of the meeting and be provided three (3) days in advance, unless the Board Chairperson determines that an emergency situation warrants less notice.

D. Quorum. A quorum for any meeting of the Board or its committees shall be a simple majority of the voting membership. No formal action of the Board shall be valid unless a quorum is present. The quorum requirement shall be met either by actual physical presence, or remote participation of Regents.

E. Voting. At any meeting of the Board in which quorum is achieved, each Regent shall have one (1) vote, subject to the authority and privileges in this Charter and Bylaws. The board shall in all cases act by a majority vote in the presence of quorum.

F. Board action. All official action of the Board shall require formal motion, a second and an affirmative vote of a majority of those Regents present. Voting at duly called regular or special meetings of the Board with a quorum present shall be reduced to writing in the form of minutes, which will be certified by the presiding officer or Secretary. All resolutions should be reduced to writing and included with the official minutes. All minutes shall be properly certified. No individual power or authority to act on behalf of Diné College shall attach to any Board member by virtue of that office, except as may be expressly given by this chapter, the Bylaws, or resolution of the Board.

G. Bylaws. The Board may adopt, and amend from time to time, Bylaws to govern the conduct of its meetings and establish procedures for the orderly transaction of business. Such Bylaws may further define the duties, authority and responsibility of officers of the Board, and cover such other matters as are normal and appropriate to similar corporate Bylaws. The Bylaws shall be effective to the

extent they are not repugnant to this Chapter or the applicable laws and regulations of the Navajo Nation and the United States. Whenever adopted or amended, a copy of the Bylaws will be transmitted to the President of the Navajo Nation and to its oversight, the Health, Education, and Human Services Committee.

H. Teleconference Meetings. Board meetings can be held through teleconferencing means e.g. zoom, skype, phone conference when deemed necessary. All actions and voting rights hold the same authority as if the board were meeting in-person. Quorum requirement and Bylaws meeting procedures will be complied with during telecommunication meetings.

§ 2005. Board Officers

A. Officers of the Board. Any Board Member may serve in any office, but each officer must be a current member of the Board of Regents. At the annual meeting, the Board of Regents shall select the following officers to perform the following duties:

1. Chairperson. The Chairperson of the Board of Regents shall preside at all meetings during which he or she is present. He or she may delegate such function to another Board member. The Chairperson shall have the authority to call special meetings of the Board and certify resolutions as provided in this Chapter, and in general perform all duties incident to the office of Board Chairperson, including such duties as may be described in the Bylaws or policies and regulations or assigned to him ~~of~~ or her by the Board of Regents.
2. Vice-Chairperson. The Vice-Chairperson of the Board of Regents shall preside at all meetings of the Board in the absence of the President, and shall discharge any other duties assigned by the Chairperson_or the Board.
3. Secretary. The Secretary shall have overall responsibility to maintain complete and accurate minutes of all meetings, and all resolutions or other formal Board action to be properly recorded, indexed and retained for future reference, and shall see that all required notices are duly given. The Secretary shall have authority to attest to official records of Diné College and the Board of Regents, to certify resolutions as provided in this Chapter.

4. Treasurer. The Treasurer shall have overall responsibility for proper control and accounting of Diné College funds in an advisory capacity. He or she shall maintain liaison between and among the Board of Regents, the Controller, and the Business Manager of Diné College and bring appropriate financial information and recommended action to the attention of the Board. The Treasurer shall have no direct authority over the expenditure or investment of Diné College funds excepts as may be expressly granted by formal Board resolution and may be required by the Board to give a bond for his or her faithful performance.
5. Support Personnel. The Board may request the College President, through administrative staff, to provide secretarial or other assistance to the Board.

§ 2006. Officers of Diné College

The officers of Diné College shall be the College President, Provost, Vice President of Finance, and Administration, Board of Regents Liaison. Subject to the approval of the Board, the President of the College may establish or designate other positions as officers of Diné College. All officers of the College must not have any felony convictions. All officers must have good moral and ethical character as demonstrated by a background clearance revealing no acts of dishonesty or moral turpitude within five (5) years preceding the date of appointment.

A. Chief of Executive Officer. The President of the College is the Chief Executive Officer of the institution. The President shall be appointed by the Board and shall serve at the pleasure of the Board. The President shall be responsible for the supervision and management of the College, for the duties mandated by the Charter and Bylaws, and for interpreting and implementing the policies of the College and of the Board. The President appoints the remaining officers of the College subject to Board approval.
B. Chief Academic Officer. The Provost shall be the Chief Academic Officer of the College and shall report to the President of the College.

C. Chief Financial Officer. The Vice President of Finance and Administration shall be the Chief Financial Officer of the College.

§ 2007. Board Committees

The Board may establish committees, such as standing or ad hoc, as it deems appropriate from among its members and Diné College staff and/or external members with specialized areas of expertise and may empower such committees to act for and on behalf of the Board to the extent it desires. The following committee are hereby established:

A. The Audit, Finance, and Investment Committee, or its designee, shall oversee and monitor the College's Financial audit, investments, and compensation. The Audit, Finance, and Investment Committee shall consist of three (3) Board members. All members of the Audit Finance, and Compensation Committee shall be financially literate.
B. Student Success and Academic Affairs Committee, or its designee, shall oversee the implementation of initiative towards data-based practices to improve students' graduation, retention, and experience. The Student Success Committee shall consist of three (3) Board members.
C. Governance Committee, or its designee, shall provide strategic direction and oversight, make recommendations to the Board of Regents, and take action pursuant to delegated authority, on matters pertaining to the organization and management of the Board, pertaining to the development, review and amendment of employee compensation and benefits programs and policies. The Governance Committee shall consist of two (2) Board members.

§ 2008. Conflicts of Interest

No contract or other transaction between Diné College and any one of the Board members, or between Diné College and any corporation, partnership, firm or legal entity in which one or more of the Board members has an interest, directly or indirectly, shall be valid for any purpose unless the entire interest of the Board

members has been fully disclosed as required by the Ethics in Government Law, and the proposed contract or transaction is approved by the affirmative vote of at least a majority of the Board members who are not so interested. The discussion and vote shall take place while the interested Board members or members remove themselves from the meeting.

§ 2009. Powers and authority of Diné College

A. Diné College is a semi-independent entity of the Navajo Nation and shall be under the oversight of the Health, Education, and Human Services Committee or its successors.

B. Diné College, through its Board of Regents, shall have the following powers which it may exercise consistent with the purposes for which it is established:

1. To adopt and use an official seal by causing it, or a facsimile thereof, to be impressed or affixed or in other manner reproduced.
2. To make agreements and incur liabilities which may be appropriate to enable Diné College to accomplish any or all of its purposes, to borrow money for such purposes at such rates of interest as Diné College may determine, to issue notes, bonds and other obligations subject to the provisions hereof concerning the issuance of its obligations, and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income with the approval of the Navajo Nation Council. Diné College shall not have power to mortgage, pledge, or encumber any real estate or tangible property of the Navajo Nation, nor any such property in which the Navajo Nation has an interest.
3. To make agreements with and to borrow money to a maximum single transaction limit of fifty million dollars ($50,000,000.00), from any governmental agency (federal, state or local), the Navajo Nation or any other legal entity or bank, or organization, and to agree to and perform any conditions attached thereto. Any loan in excess of fifty million dollars ($50,000,000.00) must have prior legislation approved by the Budget and Finance Committee of the Navajo Nation Council.

4. To own, use, take, hold, purchase, lease, gift, devise or bequest, or otherwise~~;~~ to deal in and with any real or personal property, or any interest therein.
5. To sell, convey, mortgage, pledge, create a security interest in, lease or otherwise dispose of all or any part of Diné College's property and assets. Diné College shall not have power to sell, convey, mortgage, pledge or encumber any real estate or tangible property of the Navajo Nation, nor any such property in which the Navajo Nation has an interest.
6. To invest its funds from time to time in any certificates of deposit or similar investments, tangible or intangible personal property, or real property located within the Navajo Nation, to lend money for its lawful purposes, and to take and hold real and personal property as security for the payment of funds so invested or loaned.
7. To purchase insurance for any property or against any risks or hazards.
8. To establish and maintain such bank accounts as may be necessary and proper.
9. To hire employees, including all necessary administration and instructional personnel and other educational assistants and such officers, agents, and employees, permanent or temporary, as it may require, and to delegate to such officers and employees such powers or duties as the Board of Regents shall deem proper and to fix their compensation, all in accordance with this Chapter.
10. To adopt such rules, regulations and Bylaws as the Board of Regents deems necessary and proper.
11. To establish standards for graduation, admission and attendance and to prescribe the course of study to be followed, to charge tuition, board charges, rent, student union fees or such other fees and charges necessary to operate the College.
12. To issue and confer, upon the recommendation of the faculty, diplomas, degrees, and certifications to such persons as have satisfactorily completed the required programs of studies of the College and to confer appropriate degrees.
13. To acquire, by purchase or otherwise construct, enlarge, improve, equip, complete, operate, control, maintain, and operate any property suitable for use

as an educational facility, including but not limited to the following types of buildings: classrooms, dormitories, dining halls, and offices.

14. To promulgate rules and regulations for the protection of both private and Diné College property, and persons on the campus. Specifically, the Board of Regents may adopt reasonable rules regarding use of Diné College facilities, parking on campus, and the conduct of visitors, students, and residents on College property. The Board may adopt a schedule of fines to enforce its rules, and shall also have authority to expel students and other persons from the campus for repeated violations.
15. To establish and operate, on a continued basis, a campus police and security force in order to enforce applicable Diné College, Navajo Nation, federal and state laws and regulations and to handle other duties relating to public safety on Diné College property.
16. To have and exercise all powers necessary or convenient to effectuate any or all of the purposes for which this charter and chapter is granted, and to discharge the responsibilities placed upon the Board of Regents herein.

§ 2010. Bonds

The College may, with the review of the Navajo Nation Controller and the approval of the Navajo Nation Council, issue bonds from time to time in its discretion for any of its lawful purposes. All bonds, including the terms, conditions, and covenants set forth in the resolution authorizing such bond(s), shall include a full description of all claims against, and obligations of, the College that may be adjudicated in Navajo Nation Courts. The College may also issue resolutions authorizing bonds to which revenues are pledged and which may contain such covenants with the future holder or holders of the bonds regarding the management and operation of the affected facilities, the imposition and collection of fees and charges for commodities and services furnished thereby, the disposition of such fees and revenues, the issuance of future bonds, the creation of future liens and encumbrances against such facilities, the carrying of insurance, the keeping of books and records, the deposit and paying out of revenues

and bond proceeds, the appointment and duties of a trustee, and other pertinent matters as may be deemed proper by the Board of Regents.

A. The College may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:
   1. Exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the federal, state, or, Navajo Nation, or local government in aid of such project;
   2. Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or
   3. From its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project, projects or other property of the Diné College.

B. The bonds and other obligations of the Diné College and its entities shall not be considered to be obligations general, special or otherwise of the Navajo Nation, nor to be securities or a debt of the Navajo Nation and shall not be enforceable against the Navajo Nation, and the bonds and obligations shall so state on their face.

C. Any coupons shall be signed by the Treasurer of the Diné College. Any authorized officer may execute or cause the bonds to be executed with a facsimile signature in lieu of his or her manual signature, provided at least one signature on such bonds shall be manual. The seal of the Diné College may be printed, stamped, engraved, or photographed on the bonds in lieu of impressing the seal thereon. Facsimile signatures may be used on any coupons.

D. Bonds shall be issued and sold in the following manner:
   1. Bonds of the Diné College shall be authorized by resolution adopted by the vote of an absolute majority of the Board of Regents~~,~~ and may be issued in one or more series.
   2. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry

such conversion or registration privileges, have such rank or priority, be payable in such medium of payments at such places and be subject to such terms of redemption, with or without premium, as such resolution may provide.

3. The bonds may be sold at public or private sale at not less than par.
4. Bonds issued hereunder shall be executed in the name of the Diné College, shall be signed by the Chairperson or the Vice-Chairperson of the Board of Regents under the official seal of the Diné College and shall be attested by the Secretary of the Board of Regents.
5. The bonds, any coupons pertaining thereto, and other securities, bearing the signatures of the officers in office at the time of the signing thereof, shall be the valid and binding obligations of the Diné College, notwithstanding that before the delivery thereof and payment therefore, any and all of the persons whose signatures appear thereon have ceased to fill their respective offices.
6. Any officer authorized or permitted to sign any bonds, any coupons, or any other securities, at the time of their execution and of a signature certificate pertaining thereto, may adopt as and for his own facsimile signature, the facsimile signature of this predecessor in office in the event that such facsimile signature appears upon the bonds, coupons and other securities pertaining thereto, or any combination thereof.
7. The Board of Regents, in any resolution authorizing the issuance of bonds or other securities hereunder or in any instrument or other proceedings pertaining thereto, may create special funds and accounts for the payment of the cost of a project, of operation and maintenance expenses, of the securities, including the accumulation and maintenance of reserves therefore, of improvements, including the accumulation and maintenance of reserves therefore; and of other obligations pertaining to the securities, any project or otherwise in connection with the College.
8. The Diné College may employ legal, fiscal, engineering, and other expert services in connection with any project or otherwise pertaining to the Diné College and the authorization, sale and issuance of bonds and other securities

hereunder. Employment of legal counsel shall be subject to applicable laws of the Navajo Nation.

9. The Diné College is authorized to enter into any contracts or arrangements, not inconsistent with the provisions hereof, with respect to the sale of bonds or other securities hereunder, the employment of bond counsel, and other matters as the Board of Regents may determine to be necessary or desirable in accomplishing the purposes hereof.

§ 2011. Planning, zoning, sanitary and building regulations

All property of the Diné College shall be subject to the planning, zoning, sanitary and building laws and regulations applicable to the locality in which the Diné College property is situated.

§ 2012. Tax exemption

The property and funds of the Diné College are declared to be public property used for essential public and governmental purposes and such property is exempt from all taxes and special assessments of the Navajo Nation and other authorities.

§ 2013. Sovereign Immunity

The Navajo Sovereign Immunity Act shall be applicable to the Diné College and the Diné College Board of Regents.

§ 2014. Amendments

The Navajo Nation Council is authorized to consider and grant approval of any amendments or modifications to this Chapter to the extent that any modifications or amendments hereafter approved by the Navajo Nation Council may not have the effect of prejudicing the rights of such purchasers or holders or detract from the validity of such bonds or evidences of indebtedness and their enforcement. This authority to amend and modify is specifically subject to and limited by the continuing integrity of the portions of this chapter entitled "Bonds," any other portion justifiably relied upon

by any purchaser of bonds or holder of bonds issued by Diné College, and any evidence of indebtedness issued by Diné College.

§ 2015. Relation to Navajo Nation government

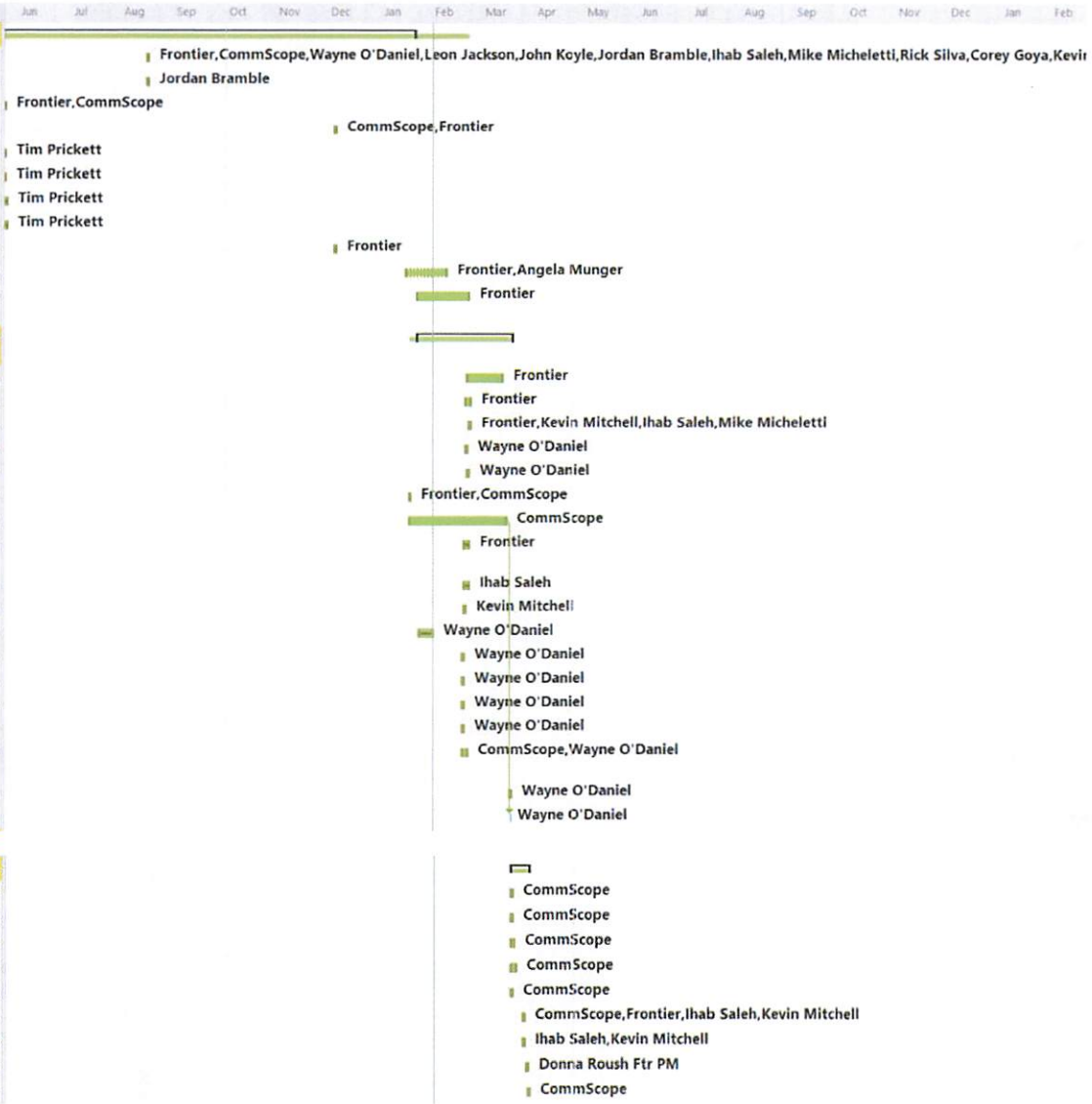
The Diné College is subject to the laws of the Navajo Nation.

Dine College DIA ckt + MWLAN for Hogan Housing and Modulars

Project Plan

*Specific Dates for Implementation are dependent on Circuit installation. Date will be adjusted/timeline completed when Ckt Site Walk is completed and we have FOC from Frontier Engineering.

	Task Name	Duration	Start	Finish	Resource Names	Complet
1	**Planning Phase Total Days**	**173 days**	**Thu 6/1/23**	**Mon 1/29/24**		**22%**
2	Kickoff Call	1 day	Thu 8/24/23	Thu 8/24/23	Frontier,CommScope, W	100%
3	Obtain Orders from Dine	1 day	Thu 8/24/23	Thu 8/24/23	Jordan Bramble	100%
4	Schedule Site Walk for MWLAN	1 day	Thu 6/1/23	Thu 6/1/23	Frontier,CommScope	100%
5	Define Network/Connectivity	1 day	Wed 12/13/23	Wed 12/13/23	CommScope,Frontier	100%
6	Gather Floor Plans	1 day	Thu 6/1/23	Thu 6/1/23	Tim Prickett	100%
7	Site Readiness / Safety Req's	1 day	Thu 6/1/23	Thu 6/1/23	Tim Prickett	100%
8	Complete Site Survey	2 days	Thu 6/1/23	Fri 6/2/23	Tim Prickett	100%
9	Complete Desktop Design	2 days	Thu 6/1/23	Fri 6/2/23	Tim Prickett	100%
10	Present Results to Customer	1 day	Wed 12/13/23	Wed 12/13/23	Frontier	100%
11	DIA Order # 10125122	18 days	Wed 1/24/24	Fri 2/16/24	Frontier,Angela Munger	3%
12	Hogan Housing ckt site walk scheduled	22 days	Wed 1/31/24	Thu 2/29/24	Frontier	0%
13	**Phase 1 Implementation Prep Total Days**	**40 days**	**Wed 1/31/24**	**Tue 3/26/24**		**15%**
14	DIA Ckt NID Install	15 days	Thu 2/29/24	Wed 3/20/24	Frontier	0%
15	DIA Ckt Handoff	3 days	Wed 2/28/24	Fri 3/1/24	Frontier	0%
16	Final Network Check	1 day	Fri 3/1/24	Fri 3/1/24	Frontier, Kevin Mitchell,	0%
17	Pole Placement	1 day	Wed 2/28/24	Wed 2/28/24	Wayne O'Daniel	0%
18	Power to pole established	1 day	Thu 2/29/24	Thu 2/29/24	Wayne O'Daniel	0%
19	Equipment Ordered	1 day	Fri 1/26/24	Fri 1/26/24	Frontier,CommScope	100%
20	Equipment Shipped	41 days	Fri 1/26/24	Fri 3/22/24	CommScope	0%
21	List of names submitted for ID Badges	3 days	Tue 2/27/24	Thu 2/29/24	Frontier	100%
22	ID Badges procured	3 days	Tue 2/27/24	Thu 2/29/24	Ihab Saleh	100%
23	Secure Storage Space Procured	1 day	Tue 2/27/24	Tue 2/27/24	Kevin Mitchell	0%
24	Asbestos check completed	6 days	Thu 2/1/24	Thu 2/8/24	Wayne O'Daniel	100%
25	2x sets of access keys obtained	1 day	Mon 2/26/24	Mon 2/26/24	Wayne O'Daniel	0%
26	Access Hours Confirmed	1 day	Mon 2/26/24	Mon 2/26/24	Wayne O'Daniel	0%
27	Scissor Lifts procured	1 day	Mon 2/26/24	Mon 2/26/24	Wayne O'Daniel	0%
28	Parking Location Confirmed	1 day	Mon 2/26/24	Mon 2/26/24	Wayne O'Daniel	0%
29	Interior/Exterior Mounting Requirements	3 days	Mon 2/26/24	Wed 2/28/24	CommScope, Wayne O'Daniel	0%
30	Equipment Rec'd	1 day	Mon 3/25/24	Mon 3/25/24	Wayne O'Daniel	0%
31	Equipment Securely Stored	1 day	Mon 3/25/24	Mon 3/25/24	Wayne O'Daniel	0%
51	**Phase 1 Implementation**	**9 days**	**Mon 3/25/24**	**Thu 4/4/24**		**0%**
52	Cabling	1 day	Mon 3/25/24	Mon 3/25/24	CommScope	0%
53	Siklu's	1 day	Mon 3/25/24	Mon 3/25/24	CommScope	0%
54	Outdoor AP's	2 days	Mon 3/25/24	Tue 3/26/24	CommScope	0%
55	Indoor AP's	3 days	Mon 3/25/24	Wed 3/27/24	CommScope	0%
56	Switches	1 day	Mon 3/25/24	Mon 3/25/24	CommScope	0%
57	Test & Turn Up	1 day	Mon 4/1/24	Mon 4/1/24	CommScope,Frontier, Iha	0%
58	Validation / Approval	1 day	Mon 4/1/24	Mon 4/1/24	Ihab Saleh, Kevin Mitch	0%
59	BI Portal Training	1 day	Wed 4/3/24	Wed 4/3/24	Donna Roush Ftr PM	0%
60	Keys Returned	1 day	Thu 4/4/24	Thu 4/4/24	CommScope	0%



32	**Phase 2 Implementation Prep Total Days**	**55 days**	**Mon 2/5/24**	**Fri 4/19/24**		**0%**
33	Shed Ordered	1 day	Mon 2/5/24	Mon 2/5/24	Wayne O'Daniel	0%
34	Shed Built / In place	4 days	Fri 4/12/24	Wed 4/17/24	Wayne O'Daniel	0%
35	Power to Shed	4 days	Mon 4/15/24	Thu 4/18/24	Wayne O'Daniel	0%
36	Network Check	1 day	Fri 4/19/24	Fri 4/19/24	Kevin Mitchell	0%
37	Equipment Ordered	1 day	Mon 3/25/24	Mon 3/25/24	Mike Micheletti	0%
38	Equipment Shipped	5 days	Mon 3/25/24	Fri 3/29/24	Mike Micheletti	0%
39	Permits Obtained	1 day	Fri 3/1/24	Fri 3/1/24	Frontier	0%
40	List of Names submitted for ID Badges	1 day	Fri 3/1/24	Fri 3/1/24	Donna Roush Ftr PM	0%
41	ID Badges procured	1 day	Fri 3/1/24	Fri 3/1/24	Frontier	0%
42	Secure Storage Space Procured	1 day	Fri 3/1/24	Fri 3/1/24	Ihab Saleh, Wayne O'D	0%
43	Asbestos check completed	1 day	Fri 3/1/24	Fri 3/1/24	Wayne O'Daniel	0%
44	Access to bldgs secured	1 day	Fri 3/1/24	Fri 3/1/24	Ihab Saleh	0%
45	Access Hours Confirmed	1 day	Fri 3/1/24	Fri 3/1/24	Ihab Saleh	0%
46	Parking Location Confirmed	1 day	Fri 3/1/24	Fri 3/1/24	Ihab Saleh	0%
47	Interior/Exterior Mounting Reqirements	1 day	Fri 3/1/24	Fri 3/1/24	Wayne O'Daniel	0%
48	Equipment Rec'd	1 day	Fri 3/29/24	Fri 3/29/24	Ihab Saleh	0%
49	Manpower Scheduled	1 day	Fri 3/29/24	Fri 3/29/24	Mike Micheletti	0%
50	Equipment Securely Stored	1 day	Fri 3/29/24	Fri 3/29/24	Ihab Saleh	0%

61	**Phase 2 Implementation**	**7 days**	**Mon 4/22/24**	**Tue 4/30/24**		**0%**
62	Cabling	1 day	Mon 4/22/24	Mon 4/22/24	CommScope	0%
63	Siklu's	2 days	Mon 4/22/24	Tue 4/23/24	CommScope	0%
64	Outdoor AP's	1 day	Mon 4/22/24	Mon 4/22/24	CommScope	0%
65	Indoor AP's	2 days	Mon 4/22/24	Tue 4/23/24	CommScope	0%
66	Switches	1 day	Mon 4/22/24	Mon 4/22/24	CommScope	0%
67	Test & Turn Up	1 day	Mon 4/29/24	Mon 4/29/24	CommScope, Ihab Saleh,	0%
68	Validation / Approval	1 day	Tue 4/30/24	Tue 4/30/24	Ihab Saleh, Kevin Mitch	0%
69	Keys Returned	1 day	Tue 4/30/24	Tue 4/30/24	CommScope	0%

Appendix C

Navajo Nation

ARPA Funding

Name of Subrecipient:	**Dine College**
Business Unit:	**K211550 & K211549**

Subrecipient Disbursement Schedule

Date of Submission		Advance/Reimbursement (Invoic	Description	Monthly Report (monitoring)
Tuesday, March 26, 2024		$774,867.80	Sumbit invoice to Navajo Nation - Procurement, Construction, Engineering, Project Management & Tax, Site 1	September-October 2023 Monthly report
Friday, April 19, 2024		$122,255.39	Submit invoice to Navajo Nation - Procurement, Construction, Engineering and Tax for Climate Controlled Sheds	October-November 2023 Monthly report
Tuesday, April 30, 2024		$692,876.80	Sumbit invoice to Navajo Nation - Procurement, Construction, Engineering, Project Management and Tax, Site 2	September-December 2023 Monthly report

Total with Tax $1,589,999.99

Unit	ARRIS Part Number	DESCRIPTION	QTY
Deployment			
Engineering Labor			
Per quantity	800960	Desktop Design / Heat maps (small site/SMB up to 10 APs)	2
Per AP	800960	Desktop Design / Heat maps (above 10 APs)	69
Per Day	800960	Onsite Wi-Fi RF Site Survey (single day)	1
Per Day	800960	Onsite Wi-Fi RF Site Survey - additional days in same week	1
Per Base Property	800960	Custom sites: IP Network Design and Documentation - Base Site Edge - (Remote) Core to Edge Demarc (controller(s), VPN, Firewall), Agg. and first PoE Switch (Remote) - Includes acquiring IP Schema info from Customer (where site does not follow standard template)	2
Per Device	800960	Custom sites: IP Network Design and Documentation - Additional Devices (Remote) (where site does not follow standard template)	16

Integration Services			
Per Element	800960	Standard System On-Boarding	105
Per Element	800960	Standard System On-Boarding - Network device	2
Per Base Property	800960	Onsite - Base Site Edge - Build and Apply Standard Configuration of WLAN Premise equipment (Controller(s), VPN, Firewall, Agg. And first PoE Switch	1
Each	800960	Onsite - Build and Apply Standard Configuration of WLAN Premise equipment - Additional Device	1
Each	VMEDGE-DK	vmEdge; Small Desktop Computer for vmEdge deployments	0
Each	VMEDGE-MD	vmEdge; 1G Server for vmEdge deployments (additional components maybe required)	0
Each	VMEDGE-LG	vmEdge; 10G Server for vmEdge deployments (additional components maybe required)	0
Each	VPNAPP-MD	VPN; Medium server for medium deployments	2
Per Property	800960	Standard System Configuration (SSID, Click and connect Portal, EMS)	1

Each	VPNAPP-MD	Support	1

Deployment Services			
per Site	800960	Base Service - 1st AP (includes install labor for head device/ switch/ cable/ install 1st AP up to 12')	2
Per AP	800960	Indoor APs - Install/Cable/Connect (up to 12', includes 150' avg. cabling to established IDF) Large Number of APs (Over 24)	86
Per MDF	800960	Install New MDF - Tier 1 Service	1
Per AP	800960	AP Verification - Basic (Passive Coverage) - as part of existing deployment	39
Per Element	800960	Install WLAN Equipment (Switches, Controllers, and UPSs)	27
Per Foot	613686-001-00	Cat 6 Wire + connectors and attachment materials (open path)	16841
Per Device	613686-001-00	Miscellaneous Install Materials	2
Per MDF	613686-001-00	New MDF - Tier 1 - Materials - Full Build	2
Each	613686-001-00	Ethernet Patch Cables 5' (Blue)	3
Each	613686-001-00	LC-SC Singlemode Duplex Patch Cable - Length by need	2
Each	800960	LC - LC Multi mode Patch Cable 3 Meters	18
Each	800960	Install, Cable and Tune MultiHaul (MH) Base Units P2MP Siklu Radio	23
Each	800960	Install, Cable and Tune MultiHaul (TU) P2MP Siklu Radio	74
Each	800960	Programming Support and Onboarding for Radios	97
Each	800960	Install Siklu power unit	126
each	800960	Firewall penetration for Siklu - (Materials and Labor)	97
Each	800960	Grounding Materials for Outdoor Siklu Radios	97

Each	800960	MultiHaul™ TG Node, 360°, 3800Mbps, 1 RJ-45 10GE & 1 RJ-45 1GE & 1 SFP+ 10GE, Mounting Kit included, IP-67, White. Upgradeable to 5500Mbps*	23
Each	800960	MultiHaul™ TG TU, 90°, 1000Mbps, 2 RJ-45 & 1 SFP+, MK & PoE injector included, IP-67, White. Upgradeable to 2500Mbps*	68
	800960	MultiHaul™ TG Long Range TU with ANT. port, 1000Mbps, 2 RJ-45 & 1 SFP+, IP-67, White (PoE & Antenna sold separately). Upgradeable to 2500Mbps*	6
Each	800960	Siklu EtherHaul Mounting Kit for all small ODUs & 16cm Antenna for Elevation up to +60/-45 degree	6
Each	800960	PoE Injector 60W, E.L. VI (100-240 AC source, US AC cable)	29
Each	800960	10 GbE Ethernet/PoE Surge Protector (outdoor) 802.3ab/bz/an	97
each	800960	Adjustable Wall Mount for hollow walls, 12 in stand-off	97
Each	800960	SikluCare "Elite" support plan for MH-N366 series - 5-year plan (includes Advanced replacement)	23
Each	800960	SikluCare "Elite" support plan for MH-TG-CCP Series - 5-year plan (includes Advanced replacement)	74
Per Property	800960	Construction Contingency Estimate - CommScope will invoice only actual costs incurred	1

Equipment			
APs HW/SW/Lic.			
Each	901-R550-US00	ACCESSPOINT; R550 US, DUAL BAND 11AX INDOOR ACCESS POINT 2X2:2 - 901-R550-US00	89
Each	1509757	MOUNT; SECURE BRACKET FOR R710/ R5x0/R6x0/R310 - QTY 1 - FOR HARD WALL / CEILING - R5x0/R6x0/R7x0/R310 NO PADLOCK SUPPORT	89
Per Element	DSH1001	LICENSE; NI Network Intelligence Dashboard Reporting per element - NOC Dashboard	41
Each	BUSINT1000	LICENSE; BI Business Intelligence Portal license per element	41

Each	VPNAPP-MD	VPN; Medium server for medium deployments	1
Each	1509374	Ruckus vSZ AP License - Access Point Controller License	89
each	ICX8200-C08PF	RUCKUS ICX 8200 Compact Switch, 8×10/100/1000 Mbps PoE+ ports, 2×10 GbE SFP+ stacking/uplink-ports, 124W PoE budget, three-year remote TAC support. Power cord not included. TAA	11
each	1512039	48-port 1 GbE SFP fiber switch, 3 modular slots for optional uplinks/stacking. Power supply, fan & modules need to be ordered separately; Extra items required for the switch, Fans(ICX-FAN10-E), Power(RPS15-E)	1
each	1512062	ICX 7450 exhaust airflow fan, front to back airflow (two fans required when using two power supplies)	2
each	1511930	ICX7450/6610/6650 NON-POE 250W AC PSU, exhaust airflow, front to back airflow	2
each	1512025	MODULE; ICX 7450 4-PORT 1/10GBE SFP+ MODULE - ICX7400-4X10GF	1
Each	1512666	Switch management license for SZ-100/vSZ 5.X/SZ300, 1 Ruckus ICX switch. Order this when you intend to run software version from 5.0 onwards.	13
Each	1512002	ICX7150-C12P Rack Mount Kit	12
Each	1511895	1000Base-LX SFP optic, SMF, LC connector, Optical Monitoring Capable	8
Each	1511894	1000BASE-LX SFP optic 8 Pack, SMF, LC connector, Optical Monitoring Capable	5
Per Property	613686-001-00	Equipment Contingency Estimate - CommScope will invoice only actual costs	1

Support

Annual Product Support

Per Year	801110	Ruckus Support and Maintenance - HW and SW	7%
Per Year	803898	Content Filtering Support and Maintenance	15%
Per Year	807008	SVC CTRCT; MTC ICX7 SUPP NBDAR (optional TAC supp and NBDS for optics)	3.50%

Management

Site Management

	476666-170-04	Monthly Management Fee per Element	145
	476666-170-05	MRC; PER AP FOR COMMON AREAS & PWF (3RD PARTY APS AND/OR SELF-INSTALLED)	97

Additional

Installation

Each		Climate Controlled Communications Sheds: American Products metal shelter has a high strength to weight ratio for easy deployment with either fork-lift or crane. The outdoor 76.5"x76.5"x106" equipment shelter is constructed of 14 ga galvanized exterior with an 8 ga galvanized structural base which includes built in fork-lift channels. Enclosure is compliant with GR-487 paint specifications. Standard powder coating is beige. Enclosure includes factory installed items below: - ¼" thick galvanized steel lifting brackets on each corner - Pitched roof that includes rubberized radiant barrier coating - Industrial grade entry door with door closer and keyed door knob - Detachable awning - Bright white interior steel ceiling panels - 1/2" PVC white rigid plastic interior wall panel - (2) 4' LED lights and switch - (4) 115V 20 amp outlets wired to breaker - Industrial vinyl floor covering - 100 amp 20 slot load center with main breaker, single phase - R-13 insulated floor, wall, and ceilings - Aluminum trim on interior - S/S hardware - 1 Ton Air Conditioner (230V) with T-Stat & 5KW Heater - 4"Ø - 8 Port Wall Cable Entrance	4
Each		GigE Fiber Deployment w/additional NID	1

Cost Analysis

MWLAN

		Managed WiFi Installation & Deployment	$ 1,313,304.92

Additional Installation

		Climate Controlled Sheds w/Install	$ 210,000.00

		GigE Fiber Deployment w/additional NID	$ 81,360.00
Total			**$ 1,604,664.92**