



**The Navajo Nation**  
Yideeskáadi Nitsáhákees

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

August 30, 2023

Honorable Crystalene Curley, Speaker  
Navajo Nation Council  
Post Office Box 3390  
Window Rock, AZ 86515

*RE: CAU-73-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CMY-39-23 and CAP-11-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), to Include Additional Projects for this Delegate Region*

Dear Speaker Curley,

I am pleased to sign into law Resolution CAU-73-23 approving the amendments to the Fiscal Recovery Funds Delegate Regional Plan for Honorable Steven R. Arviso's Delegate Region for a total of \$6,220,434. 58 out of a potential allocated amount of \$8,802,340.00.

My Administration supports the plans of these Chapters we have worked very hard to put together their Regional Plans and are working closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice-President and we will work together to overcome it. As you know, my Administration has been working to put in place quicker and more flexible Navajo Nation systems. I look forward to working with you and the entire Council to improve Navajo Nation systems so that we are supporting our communities and taking advantage of this historic funding.

I do want us to be cognizant that the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This date is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on a proposed timeline.

Now let's get to work!

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "B. Nygren".

Dr. Buu Nygren, *President*  
**THE NAVAJO NATION**

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
25<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL  
RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R.  
ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO  
LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL  
PROJECTS FOR THIS DELEGATE REGION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- D. Navajo Nation Council Resolution No. CAP-11-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. Navajo Nation Council Resolution No. CMY-39-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

## SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.
- B. CJN-29-22, Section Three, states, in part and among other things, that
1. The Navajo Nation hereby approves total funding for the NNFRRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation . . . . See CJN-29-22, Section Three (B).
  2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
  3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).

4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
  5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. The Navajo Nation Council Resolution No. CAP-11-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the President of the Navajo Nation on May 4, 2023.
- D. CAP-11-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on June 8, 2023.
- F. CMY-39-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

- G. All additional projects listed in the Hon. Steven R. Arviso's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Steven R. Arviso's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities to approve and adopt the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) as set forth in Exhibit A.

**SECTION THREE. AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

- A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) set forth in Exhibit A.
- B. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

**SECTION FOUR. AMENDMENTS**

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

**SECTION FIVE. EFFECTIVE DATE**

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

**SECTION SIX. SAVING CLAUSE**

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the 25<sup>th</sup> 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 00 Opposed, on this 25<sup>th</sup> day of August 2023.



Honorable Crystalyne Curley, Speaker  
25<sup>th</sup> Navajo Nation Council

8/28/23

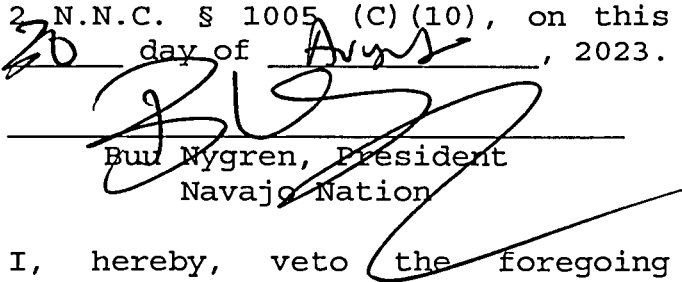
DATE

Motion: Honorable Amber Kanazbah Crotty  
Second: Honorable Lomardo Aseret

Speaker Crystalyne Curley not voting

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 20 day of August, 2023.

  
\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation







**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 0301-2 REISSUED

**Date & Time Received:** 4/12/23 at 11:14

**Date & Time of Response:** 4/25/23 at 10:38 am REISSUED: 5/16/23 at 17:00

**Entity Requesting FRF:** Iyanbito Chapter

**Title of Project:** NHA and eligible community members rental and utility assistance

**Administrative Oversight:** Chapter Community Service Coordinator

**Amount of Funding Requested:** 10,000

**Eligibility Determination:**

- FRF eligible  
 FRF ineligible  
 Additional information requested

**FRF Eligibility Category:**

- (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:** \_\_\_\_\_

2.2 Housing Assistance: Rent, Mortgage, and Utility Aid

**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: HK ID number was incorrect.

Name of DOJ Reviewer: Navalyn R. Platero

Signature of DOJ Reviewer: 

**Disclaimers:**

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to [arpa@nndoj.org](mailto: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.



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

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

RFS/HK Review #: HK0301

Date & Time Received: 12/13/22

Date & Time of Response: 12/20/22 5:00 PM

Entity Requesting FRF: Iyanbito Chapter

Title of Project: NHA and eligible community members rental and utility assistance

Administrative Oversight: Iyanbito Chapter Community Service Coordinator, Tom Delray

Amount of Funding Requested: \$10,000

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

- (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:

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


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

Other Comments: Additional information is needed to make a determination. We request the following additional information:

- What is the criteria that will be applied to determine whether an individual is eligible for assistance? For example, will it be available to only members of the Nation who have demonstrated financial harm or need?
- Will the assistance be for rent, mortgage and utility payments?
- What is the maximum amount an individual or household will be able to receive under this program? (The documents indicate that 10 individuals will receive \$1,000.)
- Once eligible criteria for assistance is established, will such assistance will be available to all those who qualify or will certain individuals get priority?
- Will payments be made directly to individuals or will they in all instances go to landlords/utility companies?

In addition, we note that there may be other sources of funding to leverage to help homeowners with their outstanding utility bills. Please consider whether the Homeowners Assistance Fund or Emergency Rental Assistance Program might provide an additional source of funding.

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

**EXHIBIT A**



**IYANBITO CHAPTER**  
The Navajo Nation

**ARPA RENTAL/UTILITY ASSISTANCE 2023**

Post Date: \_\_\_\_\_

Deadline Date: \_\_\_\_\_; 4:30pm MDT

This application is designed to collect specific information from applicants applying for the Rental and Utility Assistance Program in accordance with the American Rescue Plan Act and the Iyanbito Chapter Policies and Procedures.

During COVID-19 Pandemic our Navajo Dine' People have struggle from work lay-off's, closures, and self-employment business has slowed down for those who do self-employment for their support. Renters/Utility Assistance will not only help but it will bring hope for those who are in need at this time as we are still facing the PANDEMIC and the current inflation of food and gas.

The Renters/Utility Assistance will not **"require proof of income"** The only requirement is that you reside within the Iyanbito Chapter Community Navajo Housing Authority and you show proof of your rental agreement and utility bills.

Applications are available at Iyanbito Chapter House Administrative Office during normal business hours: 8:00am-12noon and 1:00pm – 5:00pm, Monday through Friday.

**ARPA Criteria & Policy:**

- Any person applying for the ARPA Assistance with Iyanbito Chapter shall submit the required documents (see list below) to the administrative office on or before the deadline date.
- Please be advised that this is a one-time help of **\$196.00** for NHA RENTERS Assistance.
- Applicant must choose only **ONE** of the following for assistance
  - TOHATCHII HOUSING AUTHORITY
  - NAVAJO TRIBAL UTILITY AUTHORITY
  - CONTINENTAL DIVIDE ELECTRIC COMPANY
  - PROPANE COMPANY OF THEIR CHOICE
- Once the selection is made by the applicant there will not be any changes made
- Iyanbito Chapter will then inform Window Rock Office to send payments to the choosing of the applicants Rental or Utility payment.

**Applicant shall submit the following Required Documents:**

- Completed and signed ARPA Rent/Utility Assistance Application
- Proof of monthly rent payment
- Proof of monthly electric bill payment
- Proof of monthly water bill payment
- Proof of propane purchase payment
- Copy of valid Certificate of Indian Blood (CIB) for all household members
- Copy of valid Identification card
- Copy of Social Security cards (for all household members)
- Proof of Navajo Nation Voters Registration (see Registered Voter bullet above)

**Questions or Inquiries:**

Delray Tom Community Service Coordinator, Iyanbito Chapter Administrative Office

Jaida Betom Office Specialist

Telephone: 505-905-5650 Facsimile: 505-905-6115 Email: [iyanbito@navajochapters.org](mailto:iyanbito@navajochapters.org)



**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NON-GOVERNANCE CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Non-Governance Certified Chapter requesting FRF: Iyanbito Chapter Date prepared: \_\_\_\_\_

Chapter's P.O. Box 498 phone/email: 505-905-5650  
mailing address: Fort Wingate, NM 87316 website (if any): Iyanbito@navajochapters.org

This Form prepared by: Delray Tom phone/email: 505-905-5650  
Community Service Coordinator dtom@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: NHA and eligible Community members rental and utility assistance

Chapter President: Seneca Becenti phone & email: 505-870-7818

Chapter Vice-President: \_\_\_\_\_ phone & email: \_\_\_\_\_

Chapter Secretary: Stephen Silversmith phone & email: ssilversmith@navajochapters.org

Chapter Treasurer: Stephen Silversmith phone & email: 505-870-8920

Chapter Manager or CSC: Delray Tom phone & email: 505-905-5650 dtom@nnchapters.org

DCD/Chapter ASO: Guarena Adeky phone & email: 505-488-8476 gadeky@nndcd.org

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

Amount of FRF requested: 10,000.00 FRF funding period: 11/18/2022 -09/30/2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

During COVID pandemic families are still struggle to catch up on their home rental/mortgage payments, and utility bills.

document attached

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

Renters assistance will ensure the Navajo families that they will have a shelter, roof over their head, continue to call their rental home and a place to quarantine during the pandemic. Navajo families need utility to cook, clean, wash clothing and up keep their daily living in a safe -warm living environment. For families to combat COVID they need a home, running water, heating source, and a home to cook healthy meals.

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

**APPENDIX A**

Program(s) or Project(s) by December 31, 2026:

Project will be completed by December 31, 2026 if funds are disbursed in January 2022. We are tiering the projects to ensure rental, utility payments are made. Progress will be reported to the Division of Community Development and Iyanbito Chapter Community and all necessary entities.

document attached

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

Iyanbito Chapter Community Service Coordinator will be responsible for implementing the project for the chapter.

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:

The individual homeowners will be responsible for future rental and utility payments. The Iyanbito Chapter will not be responsible for any rental and utility payments

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:

2.2 - Household Assistance: Rent, Mortgage, and utility Aid  
Iyanbito Chapter Navajo Housing Authority is a Navajo Government entity.

document attached

**Part 3. Additional documents.**

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

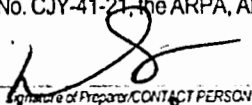
Chapter Resolution

Chapter Resolution attached

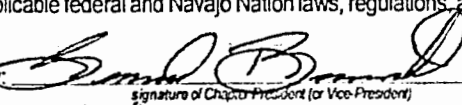
**Part 4. Affirmation by Funding Recipient.**

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:

Chapter's Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Chapter President (or Vice-President)

Approved by:

  
signature of CSC

Approved by:

  
signature of Chapter ASG

Approved to submit for Review:

  
signature of DCD Director



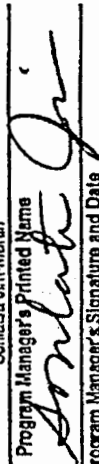

|   |  |  |                            |  |                    |                                   |                     |                         |
|---|--|--|----------------------------|--|--------------------|-----------------------------------|---------------------|-------------------------|
| PART I. Business Unit No.: <u>K (New)</u>       |  | Program Title: <u>NHA and Eligible Community members rental and utility assistance</u> |                            | Division/Branch: <u>dtom:cmnchapters.org</u> |                    | Division of Community Development |                     |                         |
| Prepared By: <u>Delray Tom</u>                  |  | Phone No.: <u>505-505-5550</u>   |                            | Email Address: _____                         |                    |                                   |                     |                         |
| PART II. FUNDING SOURCE(S)<br><u>ARPA FUNDS</u> |  | Fiscal Year Term<br><u>11/22-12/22</u>   | Amount<br><u>10,000.00</u> | % of Total<br><u>100%</u>                    |                    |                                   |                     |                         |
| PART III. BUDGET SUMMARY                        |  |  |                            |  | Fund Type Code     | (A) NHC Approved Original Budget  | (B) Proposed Budget | (C) Difference or Total |
| 2001 Personnel Expenses                         |  |  |                            |  |                    |                                   |                     |                         |
| 3000 Travel Expenses                            |  |  |                            |  |                    |                                   |                     |                         |
| 3500 Meeting Expenses                           |  |  |                            |  |                    |                                   |                     |                         |
| 4000 Supplies                                   |  |  |                            |  |                    |                                   |                     |                         |
| 5000 Lease and Rental                           |  |  |                            |  |                    |                                   |                     |                         |
| 5500 Communications and Utilities               |  |  |                            |  |                    |                                   |                     |                         |
| 6000 Repairs and Maintenance                    |  |  |                            |  |                    |                                   |                     |                         |
| 6500 Contractual Services                       |  |  |                            |  |                    |                                   |                     |                         |
| 7000 Special Transactions                       |  |  |                            |  |                    |                                   |                     |                         |
| 8000 Public Assistance                          |  |  |                            |  | <u>0</u>           | <u>-10,000</u>                    | <u>10,000</u>       |                         |
| 9000 Capital Outlay                             |  |  |                            |  |                    |                                   |                     |                         |
| 9500 Matching Funds                             |  |  |                            |  |                    |                                   |                     |                         |
| 9500 Indirect Cost                              |  |  |                            |  |                    |                                   |                     |                         |
| <b>TOTAL</b>                                    |  |  |                            |  | <b>\$10,000.00</b> | <b>10,000.00</b>                  | <b>10,000.00</b>    |                         |
| PART IV. POSITIONS AND VEHICLES                 |  |  |                            |  | (D)                | (E)                               |                     |                         |
| Total # of Positions Budgeted:                  |  |  |                            |  |                    |                                   |                     |                         |
| Total # of Vehicles Budgeted:                   |  |  |                            |  |                    |                                   |                     |                         |
| <b>TOTAL:</b>                                   |  |  |                            |  | <b>\$10,000.00</b> | <b>100%</b>                       |                     |                         |

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

SUBMITTED BY: Sonlata Jim-Marth      APPROVED BY: Pearl Yellowmen  
 Program Manager's Printed Name      Division Director / Branch Chief's Printed Name  
Sonlata Jim-Marth      Pearl Yellowmen  
 Program Manager's Signature and Date      Division Director / Branch Chief's Signature and Date  
12.22      12.22

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

|  |   |   |         |   |         |
|--|---|---|---------|---|---------|
| PART I. PROGRAM INFORMATION:   |   | Business Unit No.: <u>                    </u> K (New)                              |         | Program Name/Title: <u>NHA and Eligible Community members rental and utility assistance</u> |         |
| PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:                       |   |   |         |   |         |
| PART III. PROGRAM PERFORMANCE CRITERIA:  |   |   |         |   |         |
| 1. Goal Statement:   |   | 1st QTR   | 2nd QTR | 3rd QTR   | 4th QTR |
|  | Goal is to ensure payments are made for 10 renters and eligible members.                              | Goal  | Actual  | Goal  | Actual  |
|  | Program Performance Measure/Objective:  |   |         |   |         |
|  | To assist NHA and eligible renters with rent and Utility payments during COVID families have struggle |   | 10      |   |         |
| 2. Goal Statement:   |   |   |         |   |         |
|  | Program Performance Measure/Objective:  |   |         |   |         |
| 3. Goal Statement:   |   |   |         |   |         |
|  | Program Performance Measure/Objective:  |   |         |   |         |
| 4. Goal Statement:   |   |   |         |   |         |
|  | Program Performance Measure/Objective:  |   |         |   |         |
| 5. Goal Statement:   |   |   |         |   |         |
|  | Program Performance Measure/Objective:  |   |         |   |         |
| PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. |   |   |         |   |         |
|  |   | Sondisa Jim-Martin  |         | Pearl Yellowmen   |         |
|  |   | Program Manager's Printed Name  |         | Division Director/Branch Chief's Printed Name   |         |
|   |   |  |         |   |         |
| Program Manager's Signature and Date   |   | Division Director/Branch Chief's Signature and Date                                 |         |   |         |





RESOLUTION  
OF THE  
IYANBITO CHAPTER  
THE NAVAJO NATION

No. ICH67 11/22-012

**APPROVING THE REQUEST TO UTILIZE THE DELEGATE EDMUND YAZZIE REGIONAL EXPENDITURE PLAN FUNDS TO ASSIST IYANBITO NAVAJO HOUSING AUTHORITY (NHA) RESIDENTS AND ELIGIBLE COMMUNITY MEMBERS WITH RENTAL, MORTGAGE, AND UTILITY PAYMENTS IN THE AMOUNT OF \$10,000.00.**

**WHEREAS:**

1. Pursuant to Navajo Tribal Council Resolution W-30-55, and reaffirmed by Resolution CMY-23-79, the Council certifies and authorizes the Iyanbito Chapter as a Navajo Chapter; and
2. Pursuant to 26 N.N.C., Section 1, (B)(1)(2) and Section 103, the Iyanbito Chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to local matters consistent with Navajo Nation laws; and
3. The Iyanbito Chapter, as part of Honorable Edmund Yazzie's Region, was allocated funds from the American Rescue Plan Act (ARPA) Delegate Regional Expenditure Plan to provide services to the community of Iyanbito Chapter; and
4. The Iyanbito Chapter is submitting a funding proposal in the amount of \$10,000.00 to assist Iyanbito Navajo Housing Authority (NHA) residents and eligible community members with rental, mortgage, and utility payments in the amount of \$10,000.00 in accordance with Exhibit A; and
5. The Iyanbito Chapter will work with all stakeholders to assist Iyanbito Navajo Housing Authority (NHA) residents and eligible community members with rental, mortgage, and utility payments; and
6. The Iyanbito Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds (FRF) and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Iyanbito Chapter hereby approves the request to utilize the Delegate Edmund Yazzie regional expenditure plan funds to assist Iyanbito Navajo Housing Authority (NHA) residents and eligible community members with rental, mortgage, and utility payments in the amount of \$10,000.00.
2. The Iyanbito Chapter will work with all stakeholders to assist Iyanbito Navajo Housing Authority (NHA) residents and eligible community members with rental, mortgage, and utility payments.

**CERTIFICATION**

We hereby certify the foregoing resolution was duly considered by the Iyanbito Chapter at a duly called Regular Chapter meeting at Iyanbito, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a vote of 37 in favor, 00 opposed, and 03 abstained, this 27<sup>th</sup> day of November 2022.

Motion by: Eugene Marshall  
Second by: Eunice Skeet

Seneca Becenti, President

Stephen J. Silversmith, Secretary/Treasurer



**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 0325-2

**Date & Time Received:** 06/13/23 at 09:13

**Date & Time of Response:** 6/20/23 at 17:00

**Entity Requesting FRF:** Mariano Lake Chapter

**Title of Project:** Mariano Lake Chapter Special Duty Pay for Essential Employees: CSC & AMS

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$49,999.00

**Eligibility Determination:**

- FRF eligible  
 FRF ineligible  
 Additional information requested

**FRF Eligibility Category:**

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

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

4.1, Premium Pay: Public Sector Employees

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

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

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
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Name of DOJ Reviewer: Navalyn R. Platero

Signature of DOJ Reviewer: 

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

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



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

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

RFS/HK Review #: HK0325

Date & Time Received: 12/17/2022 12:13

Date & Time of Response: 12 January 2023; 1:01 pm

Entity Requesting FRF: Mariano Lake Chapter

Title of Project: Premium Pay - Special Duty Pay

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$69,677.00

**Eligibility Determination:**

- FRF eligible  
 FRF ineligible  
 Additional information requested

**FRF Eligibility Category:**

- (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: To be determined.

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

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

Other Comments: Further information is needed to evaluate the project.

**Premium Pay:** To qualify as "premium pay" (also considered "hazard pay") there are several requirements that must be met. Under the American Rescue Plan and guidance issued by the U.S. Department of Treasury, Fiscal Recovery Funds (FRF) can be used for premium pay only in limited situations.

**Specifically, FRF can only be used to provide *premium pay to eligible workers that are performing essential work to respond to pandemic.***

The italicized terms are further defined as follows:

- Premium Pay = Up to \$13 per hour; no more than \$25,000 per employee in total. This must be paid in addition to the employee's regular compensation.

- Eligible Workers = Are those employees needed to maintain continuity of operations of essential critical infrastructure sections and additional sectors as each government may designate as critical to protect the health and wellbeing of residents. This includes those providing vital services to Tribes.

- Essential Work = Is that work that requires interaction with people or things that have interacted with people. This definition would exclude hour that were teleworked.

- Respond = To be responsive, Treasury guidance indicates that one of the three conditions must be met:

Condition 1: The employee's total pay (premium pay and regular compensation) must be less or equal to 150% the state or county's average annual wages for all occupations; or

Condition 2: The employees who are eligible to receive premium pay must be eligible for overtime under the Fair Labor Standards Act (FSLA).

Condition 3: A justification must be submitted to Treasury explaining how the premium pay is responsive to the COVID-19 pandemic.

The Documents state that premium pay will be provided to Chapter House employees that provide government services to Chapter members, including providing PPE, food, fuel, and firewood assistance, as well as those assisting with COVID-19 mitigation projects such as renovations, housing, house wiring, powerline, waterline, bathroom additions, planning and designing projects, student workers, and others carrying out COVID-19 mitigation tasks. While the Documents state



that the premium pay will be a bi-weekly 25% increase for COVID-19 mitigation efforts through September 30, 2026, the Documents do not indicate if employees will receive more than \$25,000.

**The Project should be resubmitted and answer the following question:**

**1. Will employees be paid more than \$25,000?**

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Name of DOJ Reviewer: Adjua Adjei-Danso



Signature of DOJ Reviewer: \_\_\_\_\_

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

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NON-GOVERNANCE CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Non-Governance Certified Chapter requesting FRF: Mariano Lake Chapter Date prepared: 2/21/2023

Chapter's mailing address: P.O. Box 164, Smith Lake, NM 87365 phone/email: 505-786-2180  
website (if any): marianolake.navajochapters.org

This Form prepared by: Ms. Leandra K. James phone/email: 505-786-2180  
Community Services Coordinator ljames@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Mariano Lake Chapter Special Duty Pay for Essential Employees: CSC & AMS

Chapter President: Mr. Jay R. DeGroat phone & email: jrdegroat@naataanii.org

Chapter Vice-President: Mr. Henry King phone & email: marianolake@navajochapters.org

Chapter Secretary: Mr. Henry P. Begay Jr. phone & email: hpbegayjr@navajochapters.org

Chapter Treasurer: Mr. Henry P. Begay Jr. phone & email: hpbegayjr@navajochapters.org

Chapter Manager or CSC: Ms. Leandra K. James phone & email: ljames@nnchapters.org

DCD/Chapter ASO: Ms. Guarena Adeky phone & email: gadeky@nndcd.org

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

document attached

Amount of FRF requested: \$49,999.00 FRF funding period: October 1, 2022 to September 30, 2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

The project to be funded is the "Mariano Lake Chapter Special Duty Pay for Essential Employees: Community Services Coordinator and Accounts Maintenance Specialist". The Special duty pay will be provided to the essential employees (CSC & AMS) as identified by the Navajo Nation through Executive Order No.002-20 and Memorandum Dated April 8, 2020 from Sonlatsa Jim-Martin; to provide essential government services by responding to the COVID-19 pandemic, complete COVID-19 mitigation and response efforts, and to complete essential work for the eligible programs and projects for the Navajo Nation Government using the Navajo Nation Fiscal Recovery Funds to serve the Mariano Lake Chapter of the Navajo Nation in Mariano Lake, New Mexico.  document attached

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

Per clarified by the Memo dated April 8, 2020 from Sonlatsa Jim-Martin, The "CSC" and "AMS" are deemed as essential employees by the Navajo Nation; Furthermore have been tasked with the responsibility to implement the eligible programs and projects of the NNFRF to respond to the COVID19 negative impacts and begin improvement activities to the benefit people's health.  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:**

Special Duty Pay will be added to the Community Services Coordinator Regular Hourly Wage, by adding \$13 per hour for 1923 hours, totaling \$24,999.00; The Accounts Maintenance Specialist Special Duty Pay will be calculated as One-and One-half times the employee's usual hourly rate pay not exceeding \$25,000.00; Payment provided until funds are depleted or by September 30, 2026.  document attached

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

Leandra K. James, Community Services Coordinator  
Myrna M. James, Accounts Maintenance Specialist  
Guarena Adeky, Senior Program Projects Specialist, ASC, DCD, NN  
Administrative Services Center, Division of Community Development  
Navajo Nation Payroll  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:**

The Navajo Nation will continue to provide essential employees and/or regular status employees to serve the communities at the local level to operate and maintain its local government office; and will continue providing services to improve the health and safety of its residents and tribal members.  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:**

**PREMIUM PAY - Public Sector Employees:**  
Through Executive Health Order No. 002-20, the Navajo Nation declared Chapter Staff consisting of the Community Services Coordinator and Accounts Maintenance Specialist as "Essential Employees", through the identification of "Non-Governance Certified Chapters". The Navajo Nation Department of Personnel Management then created the "Special Duty Pay Procedures" for Essential Employees to implement while providing the essential government services during the COVID-19 pandemic and response efforts. The special duty pay outlines that the payment is an addition to the employee's regular compensation for the COVID-19 emergency response.  document attached

**Part 3. Additional documents.**

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

Navajo Nation Executive Order No. 002-20; Memorandum Dated April 8, 2020 from Sonlatsa Jim-Martin; Memorandum Dated April 8, 2020 from Tonia W. Becenti with Special Duty Pay Procedures; Memorandum Dated April 13, 2020 from Ms. Pearline Kirk, Controller; Navajo Nation Special Duty Pay Program Flyer July 23, 2020; and CSC & AMS Job Descriptions.  Chapter 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:

Chapter's Preparer: Ms. LEANDRA K. JAMES Approved by: [Signature]  
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)  
Approved by: [Signature] Approved by: [Signature]  
signature of CSC signature of Chapter ASD  
Approved to submit for Review: [Signature]  
signature of DCD Director

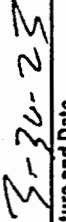

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

| PART I. Business Unit No.:   |  | New              |           | Program Title:  |                                 | Mariano Lake Chapter - Special Duty Pay |                 | Division/Branch:    |           | DCD/Executive                   |   |  |
|--|--|------------------|-----------|---|---------------------------------|---|-----------------|---------------------|-----------|---------------------------------|---|--|
| Prepared By:   |  | Leandra K. James |           | Phone No.:  |                                 | 505-786-2180                            |                 | Email Address:      |           | mariano.lake@navajochapters.org |   |  |
| PART II. FUNDING SOURCE(S)   |  | Fiscal Year Term | Amount    | % of Total  | PART III. BUDGET SUMMARY        |   |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | Fund Type Code                  | NNC Approved Original Budget            | Proposed Budget | Difference or Total |           |                                 |   |  |
| NINFRF   |  | 10/1/22-9/30/26  | 49,999.00 | 100%  | 2001                            | Personnel Expenses                      |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 3000                            | Travel Expenses                         |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 3500                            | Meeting Expenses                        |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 4000                            | Supplies                                |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 5000                            | Lease and Rental                        |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 5500                            | Communications and Utilities            |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 6000                            | Repairs and Maintenance                 |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 6500                            | Contractual Services                    |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 7000                            | Special Transactions                    |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 8000                            | Public Assistance                       | 6               | 0                   | 49,999    | 49,999                          |   |  |
|  |  |                  |           |   | 9000                            | Capital Outlay                          |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 9500                            | Matching Funds                          |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | 9500                            | Indirect Cost                           |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | TOTAL                           |   |                 | \$0.00              | 49,999.00 | 49,999                          |   |  |
|  |  |                  |           |   | PART IV. POSITIONS AND VEHICLES |   |                 |                     |           |                                 |   |  |
|  |  |                  |           |   | (D)                             |   |                 | (E)                 |           |                                 |   |  |
|  |  |                  |           |   | Total # of Positions Budgeted:  |   |                 | 0                   | 0         | 0                               | 0 |  |
|  |  |                  |           |   | Total # of Vehicles Budgeted:   |   |                 | 0                   | 0         | 0                               | 0 |  |
|  |  |                  |           |   | TOTAL:                          |   |                 | \$49,999.00         | 100%      |                                 |   |  |
| PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE. |  |                  |           |   |                                 |   |                 |                     |           |                                 |   |  |
| SUBMITTED BY:  |  |                  |           | APPROVED BY:  |                                 |   |                 |                     |           |                                 |   |  |
| James Adakai, Deputy Director  |  |                  |           | Calvin Castillo, Executive Director                   |                                 |   |                 |                     |           |                                 |   |  |
| Program Manager's Printed Name   |  |                  |           | Division Director / Branch Chief's Printed Name       |                                 |   |                 |                     |           |                                 |   |  |
| 3-30-23  |  |                  |           |   |                                 |   |                 | 3/30/2023           |           |                                 |   |  |
| Program Manager's Signature and Date   |  |                  |           | Division Director / Branch Chief's Signature and Date |                                 |   |                 |                     |           |                                 |   |  |

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

|   |     |  |  |   |        |   |        |         |        |           |        |
|---|-----|--|--|---|--------|---|--------|---------|--------|-----------|--------|
| <b>PART I. PROGRAM INFORMATION:</b>   |     |  |  |   |        |   |        |         |        |           |        |
| Business Unit No.:  | New | Program Name/Title:  |  | Mariano Lake Chapter - Special Duty Pay   |        |   |        |         |        |           |        |
| <b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>                       |     |  |  |   |        |   |        |         |        |           |        |
| <b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>  |     |  |  |   |        |   |        |         |        |           |        |
| 1. Goal Statement:  |     | Provide Special Duty Pay to Essential Employees: CSC & AMS                     |  | 1st QTR   |        | 2nd QTR   |        | 3rd QTR |        | 4th QTR   |        |
|   |     | Program Performance Measure/Objective:   |  | Goal  | Actual | Goal  | Actual | Goal    | Actual | Goal      | Actual |
|   |     | Assist the Government in implementing eligible programs & projects using NNFRF |  | 2   |        | 2   |        | 2       |        | 2         |        |
| 2. Goal Statement:  |     |  |  |   |        |   |        |         |        |           |        |
|   |     | Program Performance Measure/Objective:   |  |   |        |   |        |         |        |           |        |
| 3. Goal Statement:  |     |  |  |   |        |   |        |         |        |           |        |
|   |     | Program Performance Measure/Objective:   |  |   |        |   |        |         |        |           |        |
| 4. Goal Statement:  |     |  |  |   |        |   |        |         |        |           |        |
|   |     | Program Performance Measure/Objective:   |  |   |        |   |        |         |        |           |        |
| 5. Goal Statement:  |     |  |  |   |        |   |        |         |        |           |        |
|   |     | Program Performance Measure/Objective:   |  |   |        |   |        |         |        |           |        |
| <b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b> |     |  |  |   |        |   |        |         |        |           |        |
|   |     |  |  | James Adakai, Deputy Director   |        | Calvin Castillo, Executive Director   |        |         |        |           |        |
|   |     |  |  | Program Manager's Printed Name  |        | Division Director/Branch Chief's Printed Name                                       |        |         |        |           |        |
|   |     |  |  |  |        |  |        |         |        | 3/30/2023 |        |
|   |     |  |  | Program Manager's Signature and Date  |        | Division Director/Branch Chief's Signature and Date                                 |        |         |        |           |        |



THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

| <b>PART I. PROGRAM INFORMATION:</b>                                |  |                                       |                                    |
|--|--|---------------------------------------|------------------------------------|
| Program Name/Title: <u>Mariano Lake Chapter - Special Duty Pay</u> |  | Business Unit No.: <u>New</u>         |                                    |
| <b>PART II. DETAILED BUDGET:</b>                                   |  |                                       |                                    |
| (A)  | (B)  | (C)                                   | (D)                                |
| Object Code (LOD 6)  | Object Code Description and Justification (LOD 7)  | Total by DETAILED Object Code (LOD 6) | Total by MAJOR Object Code (LOD 4) |
| 2745   | <p>Regular Status Employee<br/>Special Duty Pay</p> <p>The Special Duty Pay is for the Essential Employees: Community Services Coordinator &amp; Accounts Maintenance Specialist<br/>The Special Duty Pay is to provide COVID-19 mitigation payments to assist the Navajo Nation Government in implementing the eligible programs and/or projects with the Navajo Nation Fiscal Recovery Funds and/or American Rescue Plan Act funds, and provide essential services. The Special Duty Pay will be provided each pay period until funds are depleted or by September 30, 2026.</p> <p>Community Services Coordinator: Special Duty Pay will be Added to Regular Hourly Wage. Add \$13.00 per hour for special duty pay x 1923 hours = \$24,999.00</p> <p>Accounts Maintenance Specialist: Special Duty Pay will be calculated as One-and One-half times the employee's usual hourly pay rate = \$25,000.00</p> | 24,999<br><br>25,000                  | 49,999                             |
| <b>TOTAL</b>   |  | <b>49,999</b>                         | <b>49,999</b>                      |







**MARIANO LAKE CHAPTER**  
PO BOX 164  
Smith Lake, NM 87365  
Phone (505) 786-2180/2182 Fax (505) 786-2181  
Email: marianolake@navajochapters.org

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**RESOLUTION OF THE MARIANO LAKE CHAPTER**

Resolution No: MLC2022-11-01 (Page 1 of 2)

**APPROVING THE AMERICAN RECOVERY PLAN ACT (ARPA) FUNDS PROPOSAL AND REQUEST FOR THE MARIANO LAKE CHAPTER PROJECTS FOR THE DELEGATE REGIONAL EXPENDITURE PLAN FUNDS IN THE AMOUNT OF ONE MILLION FOUR HUNDRED SIXTY SEVEN THOUSAND FIFTY SIX DOLLARS AND SIXTY SEVEN CENTS (\$1,467,056.67) FOR THE FOLLOWING PROJECTS: HOME IMPROVEMENTS, PROFESSIONAL SERVICES, EMERGENCY SERVICES COORDINATOR AND PREMIUM PAY.**

**WHEREAS:**

1. Pursuant to 26 N.N.C., Section 1 (B.1) the Mariano Lake Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B.1) the purpose of the Local Governance Act is to recognize governance at the local level. Through the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition; and
3. Pursuant to 26 N.N.C., Section 1 (B.2) enactment of the Local Governance Act allows Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allow communities to excel and flourish, enable Navajo leaders to lead towards a prosperous future, and improve the strength and sovereignty of the Navajo Nation. Through adoption of this Act, Chapters are compelled to govern with responsibility and accountability to the local citizens; and
4. Pursuant to 26 N.N.C., Section 103 (A) the members of each Chapter, at a duly called meeting, are authorized to oversee the authority delegated to the Chapter;
5. The Mariano Lake Chapter, as part of Honorable Edmund Yazzie Region was allocated funds from the American Rescue Plan Act (ARPA) Delegate Regional Expenditure Plan to provide services to the Community of Mariano Lake Chapter; and
6. The Mariano Lake Chapter Officials, Land Use Planning Committee Members and Volunteers participated in the in-service training provided by the Chapter Administration to ensure the understanding that this is a one-time assistance to community members to overcome the negative of the Coronavirus; and
7. The Mariano Lake Chapter has identified the projects to be funded by the American Recovery Plan Act Funds through the Navajo Nation Fiscal Recovery Funds Office accordingly: A) Plan & Construct Home Improvements, and obtain B) Technical & Logistics Assistance by contracting Professional Services to Plan, Design & provide Project Management Services, and obtain C) Emergency Services Coordinator for temporary full time employment, and obtain D) Premium Payment for the Mariano Lake Chapter Community Services Coordinator and Accounts Maintenance Specialist to mitigate the negative effects of the Coronavirus; and
8. The Mariano Lake Chapter has discussed and concluded the projects to be in the best interest of assisting the community to improve the safety and health of the residents, and the projects will ensure improvements and completion of all eligible programs and projects provided by the Navajo Nation Fiscal Recovery Funds Office using the American Recovery Plan (ARPA) Act Funds.

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|                                 |                                  |  |
|---------------------------------|----------------------------------|--|
| Jay R. DeGroat, President       | Vacant, Vice-President           | Henry P. Begay Jr., Secretary/Treasurer          |
| Edmund Yazzie, Council Delegate | Anthony Begay, Land Board Member | Leandra K. James, Community Services Coordinator |

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**MARIANO LAKE CHAPTER**  
 PO BOX 164  
 Smith Lake, NM 87365  
 Phone (505) 786-2180/2182 Fax (505) 786-2181  
 Email: marianolake@navajochapters.org

Continue Resolution No: MLC2022-11-01 (Page 2 of 2)

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

1. The Mariano Lake Chapter hereby approves the American Recovery Plan Act (ARPA) funds proposal and request for the Mariano Lake Chapter Projects for the Delegate Regional Expenditure Plan Funds in the amount of One Million Four Hundred Sixty Seven Thousand Fifty Six Dollars and Sixty Seven Cents (\$1,467,056.67) for the following projects: Home Improvements, Professional Services, Emergency Services Coordinator and Premium Pay.

**CERTIFICATION**

We, hereby, certify that the foregoing resolution was duly considered by the Mariano Lake Chapter at a duly called meeting in Mariano Lake, Navajo Nation, New Mexico at which a quorum of chapter members were present and that the same was passed by a vote of 06 in favor, 00 opposed and 02 abstained this 21<sup>st</sup> day of November, 2022.

  
 Jay R. DeGroat, President

\_\_\_\_\_  
 Vacant, Vice-President

  
 Henry P. Begay Jr., Sec./Treasurer

**Navajo Nation Executive Order No. 002-20**



**EXECUTIVE ORDER NO. 002-20**

**EXTENDING THE DECLARATION OF A STATE OF EMERGENCY DUE TO  
THE COVID-19 VIRUS ON THE NAVAJO NATION, EXTENDING THE  
CLOSURE OF NAVAJO NATION GOVERNMENT OFFICES AND RELATED  
ENTITIES**

**NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT  
MARCH 31, 2020**

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**WHEREAS:**

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2.N.N.C. §1005 (A);
2. The President shall have the power to issue an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. 2.N.N.C. §1005 (C)(14);
3. With the concurrence of the President of the Navajo Nation, the Emergency Management Commission shall have the power to declare a state of emergency affecting the Navajo Nation and to obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all Divisions, Departments and Enterprises of the Navajo Nation for use in addressing the requirements of the People in any declared emergency. 2 N.N.C. § 884(B)(1)(3);
4. The Emergency Management Commission declared an emergency due to the confirmation of the coronavirus disease (COVID-19) in regional areas surrounding the Navajo Nation. 2 N.N.C. § 884(B)(1), *See* Emergency Management Commission resolution CEM 20-03-11;
5. An Executive Order shall have the force of law upon the recipient. 2 N.N.C. § 1005(C)(14).

**THEREFORE:**

I, Jonathan Nez, President of the Navajo Nation and I, Myron Lizer, Vice President of the Navajo Nation, by the authority vested in us, hereby issue the following order:

1. With the Declaration of a State of Emergency by the Emergency Management Commission, CEM-20-03-11, and Public Health Emergency Orders No. 2020-003 and

No. 2020-004, the public health state of emergency affecting the Navajo Nation citizens and residents due to confirmation of the spread of the COVID-19 virus in and surrounding the Navajo Nation is extended, as such:

- a. The Navajo Nation Health Command Operations Center shall be staffed throughout the emergency condition under the direction of David Nez, Health Command Center Manager with support from Director, Dr. Jill Jim, Navajo Department of Health; and,
  - b. The Navajo Department of Emergency Management Emergency Operation Center shall be activated to support the Navajo Health Command Operations Center; and,
  - c. All Navajo Nation Branches, Divisions, Departments, programs, offices, non-certified Chapters, Enterprises, and Navajo casinos shall comply with and adhere to directives, instructions, and/or policies coming from the Navajo Health Command Operations Center as related to addressing COVID-19.
2. The Navajo Nation previously issued travel restrictions due to the COVID-19 virus which restricted or canceled all off-reservation travel and directed all Navajo Nation employees to return from current off-reservation travel; however, the COVID-19 virus continues to spread throughout the Navajo Nation. The action of the Navajo Nation and surrounding States, restricting large gatherings and closure of government offices, has had effect on the spread of the COVID-19, as such:
- a. All Navajo Nation government offices shall remain closed to minimize the spread of the COVID-19 virus. This closure shall extend from April 3, 2020 to April 26, 2020 and only Essential Personnel, as determined by the respective Division Director, shall report to their respective duty stations, including, but not limited to, Navajo Public Safety, Navajo Fire Department, Navajo Emergency Medical Services, Department of Emergency Management, Navajo Division of Natural Resources, Navajo Division of Finance, Navajo Division of Social Services, Navajo Division of Human Services, Department of Diné Education, and those determined by the Branch Chiefs; and,
  - b. All Non-Essential Navajo Nation government employees, including non-governance certified Chapter employees, affected by this Executive Order shall be granted Administrative Leave for the duration of the closure and are expected to refrain from events, gatherings, or other areas where they may contract the COVID-19 virus, and to observe and follow all Public Health Emergency Orders; and,
  - c. The closure of Navajo Nation government offices may be extended beyond April 26, 2020 on the recommendation of the Navajo Health Command Operations Center and the Navajo Department of Emergency Management Operation Center.
3. All Navajo Nation Divisions, Departments, Programs, Offices, non-governance certified Chapters, Enterprises, and Navajo casinos shall follow the direction of the

Public Health Emergency Orders requiring all Navajo citizens to limit their movement which means staying at home and leaving for Essential Activities only; and comply with the curfew hours by staying home between the hours of 8:00 P.M. and 5:00 A.M. MDST.

4. The Navajo Nation Board of Education declared an emergency affecting all schools on the Navajo Nation due to the spread of the COVID-19 virus and recommended, among other measures, the closure of all schools and educational facilities on the Navajo Nation to protect our children, their parents, and care givers, NNBEMA-608-2020; in addition, the States of Arizona (H.B. 2910), New Mexico (Executive Order 2020-12), and Utah issued statewide school closure for the remainder of the 2020 school year that affect the Navajo Nation, as such:

We strongly recommend and urge the Navajo Board of Education to extend the closing of the schools and educational facilities for the remainder of this school year which shall include:

- a. Public Law 100-297 grant schools, Public Law 93-638 contract schools, and Bureau of Education operated schools be closed for the remainder of the 2020 school year; and,
- b. Public schools, including grant schools, private schools, higher education institutions, early childhood programs, including CCDF, Head Start, FACE programs, and all after school programs located on the Navajo Nation be closed for the remainder of the 2020 school year; and,
- c. Off reservation residential halls and dormitories for Navajo students operating under the authority of the Navajo Nation will follow the process and procedure for this host school district.

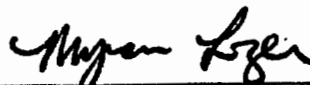
The Navajo Nation Divisions, Departments, Programs, Offices, non-governance certified Chapters, Enterprises, and Navajo casinos are responsible for implementing and ensuring compliance with this order.

The provisions of this order shall be implemented consistent with the laws of the Navajo Nation and in a manner that advances the highest welfare of the People.

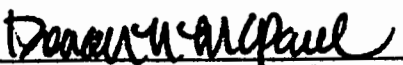
EXECUTED this 31<sup>st</sup> day of March 2020



Jonathan Nez, *President*  
THE NAVAJO NATION



Myron Lizer, *Vice-President*  
THE NAVAJO NATION

ATTEST:   
Doreen N. McPaul, *Attorney General*  
Navajo Nation Department of Justice

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : 110 Navajo Chapters  
Navajo Nation Local Government

FROM : *Sonlatsa Jim*  
Sonlatsa Jim-Martin, Department Manager II  
DIVISION OF COMMUNITY DEVELOPMENT  
HEALTH COMMAND OPERATIONS CENTER, Operations Section, Chapter Branch

DATE : April 8, 2020

RE : All 110 Chapters to Coordinate with the Division of Community Development  
Non-Governance Certified Chapter Staff as Essential Employees

On March 13, 2020, President Nez and Vice-President Lizer issued Executive Order No. 001-20 (EO) which empowered Division Directors to determine "essential personnel." On March 31, 2020, President Nez and Vice-President Lizer issued the second Executive Order (002-20) which, among other things, extended the governmental closure to April 26, 2020. Both EOs provided paid administrative leave to all "non-essential" personnel for the duration of the closure. Further, that the closure could be extended on the recommendation of the Navajo Nation Health Command Operations Center (HCOC). Its second EO reaffirmed the Division Director's authority to determine essential personnel. For non-governance certified Chapters, all Community Services Coordinators (CSC) and Account Maintenance Specialist (AMS) are Executive Branch employees for purposes of the Local Governance Act.

Effective Monday April 13, 2020, all CSCs and AMSs are deemed as essential employees. This does not mean that Chapters are re-opening. In fact, Chapters are to remain closed to the public. These employees will be providing "Essential Government Functions" and assisting with the implementation of the Emergency Navajo Nation Chapter Plan. All 110 Navajo Chapters are approved for the following essential government services:

- water hauling services
- solid waste management services
- coal/wood/hay services
- food and supply storage
- food and supply delivery services
- U.S. mail services (if located at the Chapter)
- administrative emergency documents
- Other essential services will be determined on a case by case basis and as the situation changes with the COVID-19 emergency response.

Page 1 of 2

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



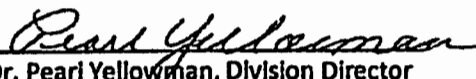
As provided in the Emergency Public Health Orders, all emergency relief efforts by any of the 110 Chapters need to be coordinated with the HCOC. At the outset of the establishment of the HCOC, the DCD was placed under the Operations Section of the HCOC. Thus, there is a "Chapter Branch" under HCOC which is facilitated by DCD. Therefore, all Chapters including Governance-Certified Chapters, must coordinate all emergency relief efforts through the Chapter Branch of the HCOC.

The Covid-19 virus has demonstrated to be a major public health risk. Thus, any effort by Chapters to provide any Essential Government Functions like those contemplated in the Emergency Navajo Nation Chapter Plan, requires standardization on trainings and implementation in an effort to minimize the risk of exposure to the participants and to the community members they serve.

Notwithstanding the above, all CSC, AMS, and governance-certified Chapter employees shall communicate any "underlying health conditions" as defined under the Public Health Orders which will excuse you from performing any Essential Governmental Functions. Such employees will need to provide in writing and send notice to Sonlatsa Jim-Martin.

All CSC, AMS, and governance-certified Chapter employees shall use all safety measures while at the Chapter facility including wearing gloves, masks, sanitizing surfaces regularly, social distancing of 6-feet, and gathering with no more than 5-people. Once again, all Chapters are to remain closed for regular business with the public due to the spread of the COVID19. For any questions or clarifications of this memorandum, please email Sonlatsa Jim-Martin, Department Director for ASC, at [sjim-martin@nndcd.org](mailto:sjim-martin@nndcd.org). Thank you and please be safe.

CONCURRED TO BY:

  
Dr. Pearl Yellowman, Division Director

cc: SPPS Staff, ASC Offices, ASC  
Health Incident Command Center, NDOH  
110 Chapter Officials  
24<sup>th</sup> Navajo Nation Council Delegates  
FILE



# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



## MEMORANDUM

**TO:** Division Directors, Department and Program Managers  
Executive and Legislative Branches

**FROM:** Tonia W. Becenti  
Tonia W. Becenti, Human Resources Director  
Department of Personnel Management

**DATE:** April 8, 2020

**RE:** Special Duty Pay Procedures

As a result of COVID-19, a Special Duty Pay Procedures is being issued by the Department of Personnel Management. The Division of Human Resources Division Director, has approved release of procedures. Attached for your information and use is the Special Duty Pay Procedures, they are to provide guidance for determining pay for eligible employees who are working on behalf of the Navajo Nation's response to the pandemic

Should you have any questions, please contact the Department of Personnel management at 928-871-6330.

**xc:** Dr. Perphelia Fowler, Division of Human Resources Director  
Paulson Chaco, Chief of Staff, OPVP  
LaShawna Tso, Chief of Staff, Office of the Speaker  
File



**PROCEDURES  
EXECUTIVE AND LEGISLATIVE BRANCHES  
DEPARTMENT OF PERSONNEL MANAGEMENT**

|                  |  |                                |
|------------------|--|--------------------------------|
| SECTION:         | SALARY AND WAGE ADMINISTRATION   | NO. 20-VII-005                 |
| SUBJECT:         | SPECIAL DUTY PAY PROCEDURES  | RELEASE DATE:<br>4/08/2020     |
| CROSS REFERENCE: | Navajo Nation Personnel Policies Manual § VII(L) and NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK | REVISION DATE:                 |
| REVIEW:          | DEPARTMENT OF JUSTICE  | DOJ REVIEW DATE:<br>04/08/2020 |

**PURPOSE**

Pursuant to the Executive Order No. 001-20, the Navajo Nation Office of the President and Vice President (OPVP) declared a State of Emergency due to the confirmation of the COVID-19 Virus in areas surrounding the Navajo Nation and closed the Navajo Nation government offices. President Nez extended the closure of the Executive Branch by Executive Order No. 002-20.

Some employees continue to work during the COVID-19 pandemic because of the essential nature of their position to allow the government to continue to operate and provide services to the Navajo People. This includes personnel that are working the front lines of the Navajo Nation government's pandemic response and those employees who are designated by the Division Director or OPVP as "Essential Employees" as directed by Executive Order No. 002-20. As such, they are "on call" for purposes of Section VII(L) of the Personnel Policies Manual.

**APPLICABILITY**

Pursuant to the authority set out in Section VII(L) of the Personnel Policies Manual, and subject to available funds, full-time and part-time employees who are on call during the COVID-19 Pandemic are eligible for Special Duty Pay. Employees may receive Special Duty Pay while holding a position designated by the Division Director or by the Office of the President and Vice-President to be eligible for such pay. Such positions first must be designated as "Essential Personnel" under Executive Order No. 002-20. The Division Director or OPVP may then apply additional criteria to deem such Essential Personnel eligible for Special Duty Pay, including whether such employees are required by their duties to be physically in their office or in the field directly responding to the pandemic.

## **DEFINITIONS**

**Special Duty Pay:** For purposes of these procedures, "Special Duty Pay" means additional pay for being on call and performing essential government services during the COVID-19 pandemic.

**Hours Worked:** The time an employee spends on the work premises or at a designated work place performing services of benefit to the Navajo Nation, including documented work performed while telecommuting.

## **PROCEDURES**

Subject to available funds, Special Duty Pay will be paid for all hours worked from the date of the issuance of the Executive Order No. 001-02, until the Navajo Nation government is re-opened by Executive Order of the President.

Special Duty Pay will not be paid when the employee is on Leave Without Pay, including because of a suspension arising out of disciplinary action, unless that disciplinary action is reversed by the Office of Hearings and Appeals or the Navajo Supreme Court.

For non-exempt employees, as defined by the Navajo Nation Personnel Policies Manual, Special Duty Pay shall be calculated as one-and one-half times the employee's usual hourly pay rate, as stated on the employee's current Personnel Action Form.

For Exempt Employees, the Division Director or OPVP may approve a lump sum payment in an amount within their discretion, subject to available funds.

**NAVAJO NATION  
OFFICE OF THE CONTROLLER  
PAYROLL BACKPAY REQUEST FORM**

*FORM  
FOR  
EXEMPT*

EMPLOYEE NAME: \_\_\_\_\_ SSN: \_\_\_\_\_ AB#: \_\_\_\_\_

DEPT. NO.: \_\_\_\_\_ TYPE OF REQUEST: \_\_\_\_\_

|                  |       |      |       |      |       |      |       |
|------------------|-------|------|-------|------|-------|------|-------|
| REQUEST FOR PPE: | _____ | PPE: | _____ | PPE: | _____ | PPE: | _____ |
| REGULAR HRS:     | _____ |      | _____ |      | _____ |      | _____ |
| HOL. PAY HRS:    | _____ |      | _____ |      | _____ |      | _____ |
| A/LEAVE HRS:     | _____ |      | _____ |      | _____ |      | _____ |
| S/LEAVE HRS:     | _____ |      | _____ |      | _____ |      | _____ |
| COMP. TIME:      | _____ |      | _____ |      | _____ |      | _____ |
| ADMIN/LEAVE HRS: | _____ |      | _____ |      | _____ |      | _____ |
| TOTAL HOURS:     | _____ |      | _____ |      | _____ |      | _____ |

GRAND TOTAL HOURS: \_\_\_\_\_

**RATE ADJUSTMENT:**

|                   |                    |
|-------------------|--------------------|
| NEW RATE: _____   | A/L PAYOFF: _____  |
| OLD RATE: _____   | ACCOUNT NO.: _____ |
| DIFF RETRO: _____ | HOURLY RATE: _____ |

**JUSTIFICATION or DESCRIPTION:**

APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
Type Authorized Approver's Name Signature

**FOR PAYROLL OFFICE USE ONLY  
CHECK OFF LIST FOR INPUT**

|                      |                           |                    |
|----------------------|---------------------------|--------------------|
| _____ REGULAR HOURS  | _____ DEDUCTIONS ADJUSTED | _____ A/L ADJUSTED |
| _____ TAX MULTIPLIER | _____ BENEFITS ADJUSTED   | _____ S/L ADJUSTED |

VERIFIED BY: \_\_\_\_\_ APPROVED FOR: \_\_\_\_\_ HOURS@ \_\_\_\_\_ RATE



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 470-2

Date & Time Received: 6/22/23 at 10:54

Date & Time of Response: 7/6/23 at 1103 am

Entity Requesting FRF: Smith Lake Chapter

Title of Project: Long Term Security - Services for Unhoused Persons 2.16/New Constructed Homes

Administrative Oversight: DCD

Amount of Funding Requested: \$350,000

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

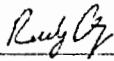
U.S. Department of Treasury Reporting Expenditure Category:
2.15, Long-term Housing Security: Affordable Housing

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

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

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

Name of DOJ Reviewer: Rudy Anaya, Tax and Finance Unit

Signature of DOJ Reviewer: 

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

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



## **SMITH LAKE CHAPTER The Navajo Nation**

**Box 60 • Smith Lake, New Mexico 87365 • Phone: 505.786.2141 • Fax: 505.786.2143 • Email:  
[smithlake@navajochapters.org](mailto:smithlake@navajochapters.org)**

*Dr. Buu Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven Arviso, Council Delegate*

### **INITIAL ELIGIBILITY DETERMINATION**

#### **Long term security-Services for Unhoused Persons 2.16 New Constructed Homes**

#### **Additional Information:**

- 1. What is the criteria to be approved for a new home/how will recipients be selected? Please be specific, and include any family size and income limitations, as well as any other specific needs of the intended recipients.**

The client has to be a registered voter, social security, documentation from other Agencies verifying individual housing needs. The selected recipient selection is based on being a high-risk client's illness under medical care, elderly limited physical mobility, veterans, clients living in old houses built in 1960s beyond repair. The Chapter does a home assessment and Chapter Coordinator determines if client is listed on new home list. The Chapter will work with Senior Center and Head Start Center data as who needs help with their housing needs to verify selection.

The housing choice with the Smith Lake Chapter based on the community members has various family size and very low-income families, the elderly, and the disabled to afford decent, safe, and decent housing. Because many families' member who needs a place to stay, it is not common for generations to live in a single household, many in a two-bedroom home.

The Chapter Administration accepts and review housing applications. The recipients will have to provide their homesite leases, plat survey, archeological, and environmental clarences.

2. Please explain how the cost estimates was determined and how BITCO was selected as the contractor.

The Chapter Administration did not specifically not select as our contractor. Bitco is an alternative and they gave the Chapter the courtesy of drafting the cost estimates. The Chapter will further look into a company that will provide more new homes for our community. The cost will matter and the size of the homes for our recipients.

3. Please describe how the estimated size and cost per home compares to homes in the area.

The homes in the Smith Lake area are 8 ft. height 26X30 in general a substandard housing. The housing assistance programs within the Navajo Nation builds for people in need of housing as a basic homestyle with kitchen, living room and the one or two-bedroom houses. It depends on the number of people in the household. The estimated cost would be an average cost of 40,000 to 50,000.

Currently the cost of housing material has double due to the pandemic it is more for the same type of homes built by the other housing programs. The estimated cost of a simple basic home would be 80,000 to 90,000. Which the Chapter request with ARPA fundings will only buy two homes.

4. If known, please explain whether the home construction projects would qualify for any federally funded housing programs, including but not limited to the national Housing Trust Fund, Indian Housing Block Grant Program, the Indian Community Development Block Grant program, or the BIA Housing Improvement Program.



No, federally funded program that provides housing assistance through new construction to the needy Navajo families living in substandard housing and have no other resource for housing assistance.

The funding we proposed is for the ARPA funds. Which to serve at least 5 or 6 applicants from the Smith Lake community.

THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NON-GOVERNANCE CERTIFIED CHAPTERS

**Part 1. Identification of parties.**

Non-Governance Certified Chapter requesting FRF: Smith Lake Chapter Date prepared: 11/28/2022

Chapter's Smith Lake Chapter phone/email: (505) 786-2141  
mailing address: PO Box 60, Smith Lake, NM 87365 website (if any): smithlake.navajochapters.org

This Form prepared by: June Chavez phone/email: (505) 786-2141  
Community Services Coordinator jchavez@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Long Term Security - Services for Unhoused Persons 2.16/ New Constructed Homes

Chapter President: Anselm Morgan phone & email: sky\_horse007@yahoo.com  
Chapter Vice-President: Heather Yazzie-Kinlecheeny phone & email: hyazziekinlecheeny@naataanii.org  
Chapter Secretary: Tyson Ramone phone & email: tyson.ramone@navajochapters.org  
Chapter Treasurer: Tyson Ramone phone & email: tyson.ramone@navajochapters.org  
Chapter Manager or CSC: June Chavez phone & email: jchavez@nnchapters.org  
DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

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

Amount of FRF requested: 350,000.00 FRF funding period: 07/15/2022 - 09/30/2026  
indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

The Smith Lake Chapter is requesting for \$350,000.00 to address the housing need in the community. The Long Term Housing Security: Services for unhoused persons (2.16) will assist Navajo Families in need will help eliminate the spread of COVID-19 among families living in multi-generational houses and provide new homes for homeless families. Burnouts which will provide sanitary infrastructure (water/ww and electricity) to help combat/mitigate COVID-19 during the pandemic.

document attached

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

The Long Term Security services for unhoused persons (2.16) will benefit Smith Lake Chapter community members in need of stable homes to provide a healthy and safe environment. Providing assistance with new constructed homes to the needy Navajo families in Smith Lake area. To ensure decent housing to the Navajo families facing pandemic challenges in our community.

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

**APPENDIX A**

Program(s) or Project(s) by December 31, 2026:

Housing projects will be completed by September 30, 2026. Smith Lake Chapter is tiering the housing (modular) projects into small manageable portions to ensure completion within the funding time frame. Progress will be reported to the Chapter Administration and Officials on a quarterly basis.

document attached

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

Smith Lake Chapter will be working in conjunction with BITCO Corporation construction supervisors and property managers at all priorities to ensure the safe implementation of all Housing (modular) projects. The site supervisors will report to BITCO Corporation CEO Jasmine Bitsui on a weekly basis.

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:

BITCO Corporation will be responsible for operation and maintenance costs for the Housing (Modular) project once completed. Smith Lake Chapter will fund these costs through ARPA funds CJN-29-22 and any other sources of funding Smith Lake Chapter receives in the future.

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:

Long Term Housing Security: Services for Unhoused Persons

BITCO Corporation will be completing the Housing (Modular) projects at each residential site. The completed house (modular) will have much needed internal and external home renovations, ensuring longevity and safety of each home. The completion of these houses (modular) projects will provide Smith Lake community members a complete home.

document attached

**Part 3. Additional documents.**

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

Chapter Resolution  
Client listing

Chapter 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:

Chapter's Preparer:

*Jessie Cherry*  
Signature of Preparer/CONTACT PERSON

Approved by:

*[Signature]*  
Signature of Chapter President (or Vice-President)

Approved by:

*Jessie Cherry*  
Signature of CSC

Approved by:

*[Signature]*  
Signature of Chapter SO

Approved to submit for Review:

*[Signature]* MNRFO  
Signature of DCO Director

FY 2023

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

Page 1 of 3  
BUDGET FORM 1

| PART I. Business Unit No.: <u>K - (New)</u>  |                              | Program Title: <u>Smith Lake Chapter (New Home)</u> |   | Division/Branch: <u>DCD/IASC</u>               |                |                                  |                     |                         |
|--|------------------------------|---|---|--|----------------|----------------------------------|---------------------|-------------------------|
| Prepared By: <u>June Chavez, CSC</u>   |                              | Phone No.: <u>505-786-2141</u>                      |   | Email Address: <u>jchavez@nnc Chapters.org</u> |                |                                  |                     |                         |
| PART II. FUNDING SOURCE(S)   |                              | Fiscal Year Term                                    | Amount  | % of Total                                     |                |                                  |                     |                         |
| MIN ARPA Funding - C-IN-29-22  |                              | <u>6/15/2022 - 6/30/2026</u>                        | 350,000.00  | 100%   |                |                                  |                     |                         |
| PART III. BUDGET SUMMARY   |                              |   |   |  | Fund Type Code | (A) NHC Approved Original Budget | (B) Proposed Budget | (C) Difference or Total |
| 2001   | Personnel Expenses           |   |   |  |                |                                  |                     |                         |
| 3000   | Travel Expenses              |   |   |  |                |                                  |                     |                         |
| 3500   | Meeting Expenses             |   |   |  |                |                                  |                     |                         |
| 4000   | Supplies                     |   |   |  |                |                                  |                     |                         |
| 5000   | Lease and Rental             |   |   |  |                |                                  |                     |                         |
| 5500   | Communications and Utilities |   |   |  |                |                                  |                     |                         |
| 6000   | Repairs and Maintenance      |   |   |  | 6              | 350,000                          |                     | 350,000                 |
| 6500   | Contractual Services         |   |   |  |                |                                  |                     |                         |
| 7000   | Special Transactions         |   |   |  |                |                                  |                     |                         |
| 8000   | Public Assistance            |   |   |  |                |                                  |                     |                         |
| 9000   | Capital Outlay               |   |   |  |                |                                  |                     |                         |
| 9500   | Matching Funds               |   |   |  |                |                                  |                     |                         |
| 9500   | Indirect Cost                |   |   |  |                |                                  |                     |                         |
| TOTAL  |                              |   |   |  |                | 50,000                           | 350,000.00          | 350,000                 |
| PART IV. POSITIONS AND VEHICLES  |                              |   |   |  | (D)            | (E)                              |                     |                         |
| Total # of Positions Budgeted  |                              |   |   |  | 0              | 0                                |                     |                         |
| Total # of Vehicles Budgeted   |                              |   |   |  | 0              | 0                                |                     |                         |
| TOTAL  |                              |   |   |  | 0              | 0                                |                     |                         |
| PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE. |                              |   |   |  |                |                                  |                     |                         |
| SUBMITTED BY: <u>Sonlata Jim Martin</u>  |                              |   | APPROVED BY: <u>Pearl Yellowman</u>                   |  |                |                                  |                     |                         |
| Program Manager's Printed Name   |                              |   | Division Director / Branch Chief's Printed Name       |  |                |                                  |                     |                         |
| <u>Sonlata Jim Martin</u>  |                              |   | <u>Pearl Yellowman</u>                                |  |                |                                  |                     |                         |
| Program Manager's Signature and Date   |                              |   | Division Director / Branch Chief's Signature and Date |  |                |                                  |                     |                         |
| <u>Sonlata Jim Martin</u>  |                              |   | <u>Pearl Yellowman</u>                                |  |                |                                  |                     |                         |
|  |                              |   |   |  |                |                                  |                     |                         |

|  |                                     |   |  |        |         |   |         |        |
|--|-------------------------------------|---|--|--------|---------|---|---------|--------|
| <b>PART I. PROGRAM INFORMATION:</b>  | Business Unit No.: <u>K - (New)</u> | Program Name/Title: <u>Smith Lake Chapter (New Homes)</u> |  |        |         |   |         |        |
| <b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>  |                                     |   |  |        |         |   |         |        |
| <b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>   | 1st QTR                             |   | 2nd QTR  |        | 3rd QTR |   | 4th QTR |        |
|  | Goal                                | Actual  | Goal   | Actual | Goal    | Actual  | Goal    | Actual |
| 1. Goal Statement:<br>Provide housing to community members in need of a home<br>Program Performance Measure/Objective:<br>Assist by building homes for those in need |                                     |   | 1  |        | 1       |   |         | 1      |
| 2. Goal Statement:<br>Program Performance Measure/Objective:   |                                     |   |  |        |         |   |         |        |
| 3. Goal Statement:<br>Program Performance Measure/Objective:   |                                     |   |  |        |         |   |         |        |
| 4. Goal Statement:<br>Program Performance Measure/Objective:   |                                     |   |  |        |         |   |         |        |
| 5. Goal Statement:<br>Program Performance Measure/Objective:   |                                     |   |  |        |         |   |         |        |
| <b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>  |                                     |   |  |        |         |   |         |        |
|  |                                     |   | Soniatsa Jim-Martin                                |        |         | Pearl Yellowman   |         |        |
| Program Manager's Printed Name:<br><i>Soniatsa Jim-Martin</i>  |                                     |   | Program Manager's Printed Name:<br>Pearl Yellowman |        |         | Division Director/Branch Chief's Printed Name:<br>Pearl Yellowman       |         |        |
| Program Manager's Signature and Date:<br><i>Soniatsa Jim-Martin</i>  |                                     |   | Program Manager's Signature and Date:<br>12.2.22   |        |         | Division Director/Branch Chief's Signature and Date:<br>Pearl Yellowman |         |        |

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

| PART I. PROGRAM INFORMATION: |  | Smith Lake Chapter                    | Business Unit No.:                 | K - (New) |
|------------------------------|--|---------------------------------------|------------------------------------|-----------|
| Program Name/Title:          |  | <i>(New Homes)</i>                    |                                    |           |
| PART II. DETAILED BUDGET:    |  |                                       |                                    |           |
| (A)                          | (B)  | (C)                                   | (D)                                |           |
| Object Code (LOD 6)          | Object Code Description and Justification (LOD 7)  | Total by DETAILED Object Code (LOD 6) | Total by MAJOR Object Code (LOD 4) |           |
| 6                            | 9000 - Capital Outlay<br>Purchase modular homes for unhouseed Smith Lake Community Members | 350,000                               | 350,000                            |           |
| <b>TOTAL</b>                 |  | 350,000                               | 350,000                            |           |





## SMITH LAKE CHAPTER

**The Navajo Nation**

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Dr. Buu Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-03/2023-005

#### ACCEPTING AND APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS AND EXPENDITURE PLANS

##### WHEREAS:

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. The Smith Lake Chapter membership recognizes the requested amendments from the Navajo Nation Department of Justice (DOJ) and Navajo Nation Fiscal Recovery Fund Office (NNFRF) to the previously approved ARPA Resolution No. SLC-10/2022-001 REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORITY CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER & TELECOMMUNICATIONS FOR NAVAJO PEOPLE. On October 21<sup>st</sup>, 2022, this resolution passed by a vote of 17 in favor, 0 opposed, and 2 abstained.
3. Smith Lake Chapter was allocated \$1,467,056.67 under the Navajo Nation Council Legislation CJN-29-22 for Chapter and Regional Projects; and
4. Smith Lake Chapter established and prioritized four (4) Delegate Regional Expenditure Plans in accordance with the NNFRFO and the Division of Community Development (DCD) policies; and
5. The Smith Lake Chapter membership discussed and agreed to propose the following community-centered projects and budgets:
  - A. Assistance for Community Members in Need - \$467,056.67
  - B. Home Renovation Assistance - \$350,000.00
  - C. Long Term Security – Services for Unhoused Persons - \$350,000.00
  - D. Public Sector Workforce – Other - \$300,000.00
6. Smith Lake Chapter recognized the need for these projects to improve the quality of life for its residents while combating and recovering from the COVID-19 pandemic; and
7. Smith Lake Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

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

1. The Smith Lake Chapter, hereby, accepts and approves the utilization of the American Rescue Plan Act (ARPA) Delegate Regional Chapter Funding allocation to the Smith Lake Chapter in the amount of \$1,567,056.67 for four (4) community-centered projects and expenditure plans.







**SMITH LAKE CHAPTER**

**The Navajo Nation**

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*Dr. Buu Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER  
SLC-03/2023-005**

**ACCEPTING & APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS & EXPENDITURE  
PLANS**

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained on the 21<sup>st</sup> day of March 2023 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Edmund Henry

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer





## SMITH LAKE CHAPTER

The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Jonathan Nez, NN President*

*Myron Liser, NN Vice President*

*Edmund Yazzie, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

#### REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

14. We need a bold solution to allow critical infrastructure projects that benefit the Navajo people to move forward and meet funding deadlines, while still respecting the rights and concerns of the Grazing Permittees; and
15. The most effective solution to this problem is to enact legislation that allows the Navajo Nation to approve TAAs and/or ROW consents in a timely manner to benefit Navajo people and chapters; and
16. A potential legislative solution for the Resources and Development Committee (RDC) to consider by enactment of legislation is a situation, where Grazing Permittees cannot be found or are unwilling to give consents under the following conditions:
  - A. The project must provide a public benefit to the Navajo people, such as water and power supply and distribution, service line extensions, or economic/community development; and
  - B. The Project Sponsor(s) shall document their efforts to reach out to the Grazing Permittee(s) prior to construction to give them the opportunity to ask questions and voice their concerns, how contact/notification was made, why consent was not obtained, and what effort was made to mediate peacemaking efforts; and
  - C. Reasonable efforts typically consist, at the minimum, of at least three (3) attempt to contact permittees by phone, email, mail and/or person; and
  - D. The Grazing Permittee shall have thirty (30) days to respond to the project sponsor and, in the absence of such a response, they shall be deemed to have waived any objection to the project.
  - E. A Grazing Permittee not having an updated tally count or who is otherwise out of compliance with the grazing lease cannot raise objection; and
  - F. There shall be at least one (1) peacemaking session with an elected official to allow the Grazing Permittee to state his/her grounds for the objection or to reach an agreement; and
  - G. If an infrastructure project traverses more than one (1) grazing permit, obtaining consent from 50% or more of the grazing permittees affected by the overall project shall be deemed sufficient for project approval. Consent for every single grazing permit shall not be required. If an infrastructure project traverses only one (1) grazing permit, consent from the grazing permittee(s) shall not be required; and
  - H. The Project Sponsor(s), Chapter officials and their designees shall be authorized to obtain consent signatures; and
  - I. This option/waiver is only for infrastructure projects, such as water, wastewater, electric, telecommunications, that benefit the Navajo people, and shall apply regardless of project funding source; and
  - J. This policy shall not apply to projects such as oil and gas or other projects that do not benefit the Navajo people.
  - K. This streamline policy shall "sunset" on December 31<sup>st</sup>, 2026, unless extended by RDC.
17. This option would provide the following benefits:
  - A. Expedite delivery of basic and life-essential services to the Navajo people; and
  - B. Meet stringent funding deadlines to avoid loss of funding; and
  - C. Streamline administrative processes for a specific time to achieve completion of necessary and essential basic infrastructure to the Navajo people; and
  - D. Create jobs for Navajo people by getting projects into construction; and
  - E. Respecting rights of Grazing Permittee(s) by employing appropriate communication and attempts to obtain consent for the delivery of basic infrastructure to existing homesteads, with the understanding that certain waivers may result due to non-consent.

*Anselm Morgan, President*

*Heather Yazzie-Kinalacheony, Vice President*  
*Anthony Begay, Land Board (Smith Lake & Mariano Lake)*

*Tyson Ramone, Secretary/Treasurer*





**SMITH LAKE CHAPTER**

**The Navajo Nation**  
P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143  
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*Jonathan Nas, NN President*

*Myron Liber, NN Vice President*

*Edmund Yazzie, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER  
SLC-10/2022-001**

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)  
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE  
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET  
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO  
PEOPLE**

**NOW THEREFORE BE IT RESOLVED THAT:**

- 1. The Smith Lake Chapter membership hereby requests that the Navajo Nation 24<sup>th</sup> Council Resources & Development Committee (RDC) approve and enact legislation to authorize consent for infrastructure projects funded by ARPA-NNFRF & other funding sources that will benefit and meet the basic necessities of water, power, and telecommunications for Navajo people.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 17 in favor, 0 opposed, and 2 abstained on the 21<sup>st</sup> day of October 2022 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny  
Seconded by: Esther House

\_\_\_\_\_  
Heather Yazzie Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramona, Secretary/Treasurer

\_\_\_\_\_  
Anselm Morgan, President

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President  
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

\_\_\_\_\_  
Tyson Ramona, Secretary/Treasurer





*Building the World into a Better Space*

317 Commercial St NE | Albuquerque NM | 87102  
{O}+1.505.768.1000 {F}-1.866.255.0665

Bitco Corporation is a Navajo 100% owned commercial contractor licensed in Arizona, New Mexico, California with a Civil Engineering License. Please the statement of Bitco's qualifications for the sake of General Construction Services, Project Management and Professional Services. In these uncertain economic times our company finds projects offer gainful employment, and business opportunities for the Navajo laborers & subcontractors on and off the reservation. We find it as our social responsibility to provide our people with opportunity. Furthermore, Bitco has a firm commitment to identify cutting edge technology construction and professional services.

Seeking other Native owned business Bitco's Pro-Native subcontractor labor plan extends beyond a cursory review of the Native Business Source Lists, PTAC lists, through our working relationships, and Native business network.

**Maximizing Native labor participation.** Bitco maximizes all efforts to hire Native labor by taking a leading role in the enforcement of Navajo preference by our subcontractors, grass roots efforts into the community to find small businesses.

**Turnkey experience assures quality controls** Bitco will meet customers' target's of time/schedule, budget and specifics building parameters; we provide higher quality, lower costs, shorter schedules, and great customer service.

**Bitco's strength is over 30 years of experience** We ensure customers receive the highest quality facility with a Navajo cultural signature.

Any inquires or clarification contact:



Jeremiah Bitsui  
CEO/President  
c) 310.749.2975



{P}+1.505.768.1000

{F}+1.866.255.0665

[www.bitcocorp.com](http://www.bitcocorp.com)

317 Commercial Street NE | Albuquerque, NM 87102

**Bitco Statement of Qualifications** as a Navajo General Contractor licensed in Arizona, New Mexico, and California. Historically, our core business has been building modular and commercial structures for the Navajo Nation. We have a long standing history of working for the Navajo Nation with over 45 facilities working for such clients as: Navajo Head Start, Senior Centers, Behavioral Health, Community Development, Chapter Houses, Department of Corrections and Navajo Nation Gaming Enterprises. Our scope of work includes Design-Build construction services specifically for pre-engineered modular buildings. Our goal is to provide a well-designed functional, durable building system that will last generations beyond. Bitco is dedicated to effective communication with the Owner to manage projects from preliminary design to final acceptance. Our "fast track" design-build expertise on the Navajo Nation allows for an expedited construction process from design, construction, permitting, inspections, and final acceptance. This expedited service delivery motivated a niche in providing cutting edge construction solutions to the advantage of our people.

Our company has been focused on the well being and standard of living for our Nation. Therefore, to improve the lives of other Navajos we remain broad based in our strategies & solutions. In the foundational years of our business we focused on work that related to our prior expertise which was just Project Management, Modular Construction, and Civil Construction. More recently we've begun to focus on broad based needs ranging from more permanent pre-built (modular construction), soil stabilization (for dirt roads, pond liners, ditch liners, housing bricks), General Construction Services, and Smart City Infrastructure.

Last yet not least is Bitco's smart community building solutions, with this division we have pre-engineered building systems and other solutions for immediate housing, remote off-grid utility systems, and wireless fiber Internet. The need this opportunity derived from was the challenging housing need for the Navajo Nation, being that small communities and families are spread through 35,000 square miles of land. Infrastructure such as roadways, electricity, gas lines, water, and sewage & waste disposal all add to the challenge. Scalability is a viable factor in traditional infrastructure planning for communities', running a mile of wet & dry utility for one family is excessive however there's still a need.



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[www.bitcocorp.com](http://www.bitcocorp.com)

317 Commercial Street NE | Albuquerque, NM 87102

## CEO Resume



**Jeremiah Bitsui**

**Chief Executive Officer and Bitco Owner**

**Years of Experience:** Bitco Owner/CEO 14 Years, Film/TV 15 years,  
Soft Skill Developmental Training Workshops 6 years

**Education:** Santa Monica College, Associates of Arts 2002, University of Phoenix, Bachelors of Science Degree, Business Administration

Founded Bitco in 2008 with his late father Edison Bitsui after working along side him in construction for 10 years prior. As a father and son team Bitco completed over \$50 million in construction and road projects. Jeremiah has worked actively in construction management and through every facet of the business from leading demolition crews to executive management. Jeremiah takes an active role in the management and administrative aspect of construction and all phases of planning and project implementation. At a high level of construction and project management he has helped building a casino, a detention facility, and jewelry manufacturing facility. Most recently he has brought a new technology to advance uranium remediation & cleanup on the Navajo Nation. Amid the 2020 pandemic he has brought pre-engineered solutions to front lines to aid the risk in highly vulnerable areas. His skills include high level executive negotiations, team-facilitation, client programming, modular cost evaluation, leadership and course design for training programs. On a personal note Jeremiah is a Husband and Father of two while maintaining his personal work in film/TV. In his past he has devoted time to federal and state government programs such as School-to-Work, Drug Elimination, Tobacco Prevention, High Risk Youth Advocacy & Employment and Training intervention.



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[www.bitcocorp.com](http://www.bitcocorp.com)

317 Commercial Street NE | Albuquerque, NM 87102

## RECENT PROJECT HIGHLIGHTS

### Recently Completed Project Highlights



#### **Navajo Arts and Crafts Enterprise Production and Warehouse Facility**

State of the art jewelry and crafts production facility with hazardous material drains and waste catch. The two story warehouse serves both product warehouse, and shipping & loading for distribution.

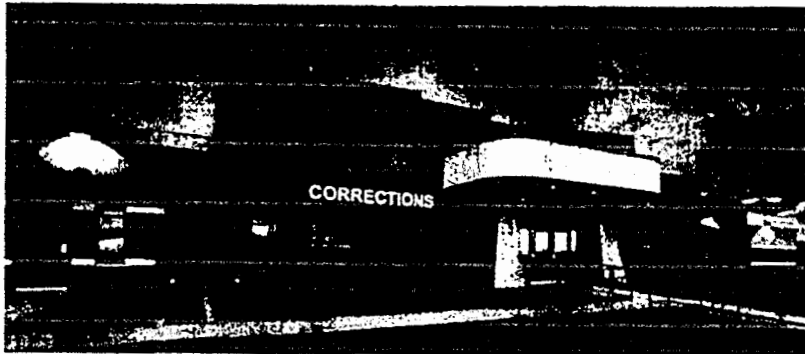
**Budget and Square Footage:** \$3.5 million 11,130 square feet

**Type of Construction:** Modular and CMU hybrid

**Design/Build dates:** July 2016- July 2017

**Client:** Navajo Arts and Crafts Enterprises

**Contact:** Available upon request



#### **Kayenta Multipurpose Judicial Complex**

Complete 80 bed correctional facility with police substation with armory, the project was Bitco's largest project to date.

**Budget and Square Footage:** \$35 million 100,000 sq ft

**Type of Construction:** Modular and CMU hybrid

**Construction Management at Risk Project dates:** July 2011 - July 2015

**Client:** Navajo Nation Department of Corrections

**Contact:** Available upon request



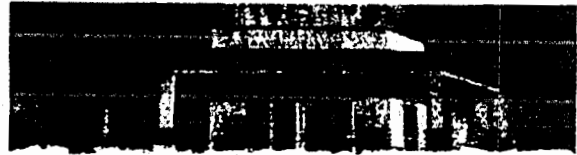
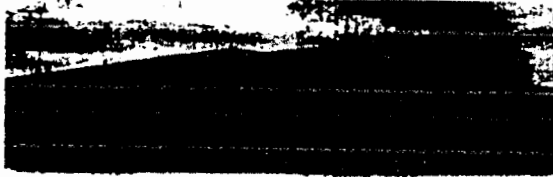
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### **Kaibeto Behavioral Health Building**

As general contractor, BITCO performed the Permanent Modular Steel Construction, transport, erection, site preparation, concrete slab foundation, utility infrastructure and final connections, site improvements, inspections and final agency approval certificates in Window Rock, AZ. BITCO also managed the design services for the Navajo Nation, including space programming, schematics, value engineering to budget, construction drawings & documents, permits, certificate of occupancy.

The project scope Included the building, parking, and associated site work.

**Type:** New Design-Build to Budget  
**Self-performed:** 40%

**Size:** 8,940 SF  
**Contract:** \$3,481,000

**Design Dates:** Jul 2013-Oct 2013  
**Construction Dates:** Oct 2013-Jun 2014

**Owner:** Navajo Nation  
**Location:** P.O. Box 2425  
Window Rock, AZ 86515

**Key Issues:** Sometimes working with the NTUA can be a hassle and result in project slowdown. BITCO met with them early to ensure faster interaction.

#### **Navajo Nation Reference:**

Mike Salabiye  
(928) 797-2887  
m.salabiye@nndoh.org

### **Flowing Water Casino**

As construction manager at risk (CMAR), BITCO utilized it's expertise in speciality modular construction and site set-up. In this case the design and time restrictions called for renovating 12 relocatable used modular buildings. The final product equated to a brand newly renovated 8,640 square-foot facility features bingo and 120 gaming machines. To-date Flowing Water is the most profitable of all Navajo Nation Gaming Enterprise casinos.

**Type:** Construction Management at Risk  
**Self-performed:** 60%

**Size:** 8,640 SF  
**Contract:** \$3.1 million

**Design Dates:** Mar 2010-August 2010  
**Construction Dates:** Jun 2010-Aug 2010

**Owner:** Navajo Nation Gaming Enterprise  
**Location:** 1801 W Rte 66 #100,  
Flagstaff, AZ 86001

**Value Engineering:** The owner decided to purchase a modular building compared to site construction because its lack of periodic maintenance was attractive to them for both response time and cost reasons.

**Key Issues:** BITCO was aware of the lack of service to the two remote facilities, as the weather can be a factor during winter conditions. The closest maintenance staff was in Window Rock, Arizona and it could take a couple of days for them to respond to a service order.

#### **Navajo Nation Reference:**

Mary West  
(505) 879-2736  
mwest@nнге.org



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*List of Past Commercial Navajo Projects*

*ARIZONA* Navajo Nation Arts & Crafts Production Facility  
*NEW MEXICO* Flowing Water Casino  
*ARIZONA* Kayenta Multi-Purpose Judicial Complex  
*ARIZONA* Kaibeto – Behavioral Health Services  
*ARIZONA* Ft. Defiance – Behavioral Health Services  
*NEW MEXICO* Crownpoint Veterans Center  
*NEW MEXICO* Littlewater Head Start  
*NEW MEXICO* Flowing Water Casino  
*ARIZONA* Ft. Defiance Behavioral Health Center  
*NEW MEXICO* Alamo Senior Center  
*NEW MEXICO* Nahodeegishi Senior Citizens Center (Crownpoint)  
*NEW MEXICO* Tohatchi Head Start  
*ARIZONA* Lupton Multi Purpose Chapter Building  
*NEW MEXICO* Manuelito Senior Citizens Center  
*NEW MEXICO* Herfano Senior Citizens Center  
*NEW MEXICO* Kayenta Courthouse

*Listed Past Road Improvement (Stablization) Projects*

Navajo Nation Department of Transportation -- Blue Canyon  
Navajo Nation Department of Transportation — White Clay



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*List of Professional References*

**PAST CLIENTS:**

*Navajo Dept. of Corrections:* Delores Greyeyes (928) 871-7555

*Navajo Arts & Crafts:* Elijah Muskett (928) 871-4090

*Navajo Gaming Enterprise:* Mary West (505) 879-2736

*Navajo Behavioral Health:* Mike Salibye (505) 722-2442

**PAST PARTNERS:**

*ESB Design Build:* Erica Misuraca (520) 682-9024

*AUI INC:* Sam Baca (505) 242-4848

**PAST SUBCONTRACTORS:**

*6 Ten:* Steven Tenorio (505) 480-8888

*Chuck Howe:* (928) 310-6898

*Apex Modular:* Joe Green (469) 715-7693



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**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 0469-2

**Date & Time Received:** 6/6/2023 at 14:06

**Date & Time of Response:** 7/4/23 at 7:46

**Entity Requesting FRF:** Smith Lake Chapter

**Title of Project:** Public Sector Workforce

**Administrative Oversight:** DCD

**Amount of Funding Requested:** \$300,000

**Eligibility Determination:**

- FRF eligible  
 FRF ineligible  
 Additional information requested

**FRF Eligibility Category:**

- (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:** 2.15  
Long-term Housing Security: Affordable Housing)

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

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

Other Comments: Under federal law and guidance, FRF can be used for public sector capacity.

The additional information submitted does not indicate the requirements under this category have been met. Namely, the documents do not indicate that the Project will provide additional funds for employees who experienced pay cuts or were furloughed, or to provide worker retention incentives. For example, to use FRF to retain workers, recipients must be able to substantiate that the employees were likely to leave in the absence of a retention incentive and cannot be more than 25% of the base pay for an individual employee.

However, given the five new employees will work exclusively on affordable housing the Project is eligible under Expenditure Category 2.15 Expenditure (Long-term Housing Security: Affordable Housing).

Name of DOJ Reviewer: Rudy Anaya, Tax and Finance Unit

Signature of DOJ Reviewer: 

**Disclaimers:**

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. Please email your resubmission to [arpa@nndoj.org](mailto: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.



## SMITH LAKE CHAPTER The Navajo Nation

Box 60 • Smith Lake, New Mexico 87365 • Phone: 505.786.2141 • Fax: 505.786.2143 • Email:  
[smithlake@navajochapters.org](mailto:smithlake@navajochapters.org)

*Dr. Buu Nygren, NN President*

*Richelle Montoya, NN Vice President  
Council Delegate*

*Steven Arviso,*

### Public Sector Workforce Additional Information

1. To cover payroll and certain benefits for public safety, public health, health care, human services, and similar employees responding to COVID-19.
2. To rehire government employees to pre-pandemic levels (proof required)
3. To provide additional funding for employees who experienced pay cuts or to retain employees.

Please explain how the project fits in one of these categories; alternate please consider whether if staff is needed for a particular project, for example housing. The cost of staff should be included in that project. Finally, please consider whether this project might qualify as a government service given staff hired will serve the community.

It fits into category 3 due to the community people in need of housing renovations and hiring staff under Smith Lake Chapter. The Chapter has requested the amount of \$300.000 towards public sector workforce to help the community home renovation project.

During COVID-19, the Smith Lake community suffered acutely, as much of it was without basic infrastructure like for example housing. The community suffered sharply from the pandemic. The crisis has the Smith Lake Chapter operating in a context of radical uncertainty, and faced with difficult trade-offs given the health, housing, economic and social challenges.

Many community members are associated with poor housing conditions plays a role in the spread of the virus; it is that our community people are determined by the pre-existing

health conditions (e.g., high blood pressure, obesity, and diabetes), which themselves tend to be correlated to income in quality.

These include elderly, those with chronic or long-term illnesses, the poor and low-income families, the homeless, unemployment, youth, students and children at risk, people with disabilities.

The COVID-19 crisis is prompting employers to extend working opportunities where possible, leading to Smith Lake community in housing renovation infrastructures that could bring some long-term benefits. Those unable to work, either because they are working on the front line and exposed to infection, or because their workplaces have closed and lost their jobs.

The Chapter Administration has discretion to which public employment project(s) (PEP) to pursue to all Navajo Nation and applicable federal laws. The Chapter will determine the length of each housing renovation projects and when to begin. All projects will be within the Public Sector Workforce approved budget through ARPA funds. The Chapter will make proper accounting and book keeping entries for all PEP allocations and expenditures. The wages will be determined by the Chapter the hourly, FICA, Medicare, Federal Tax Withholding, Unemployment and workman's compensation. The purpose the policy is a guideline from the Chapter. It reduces unemployment rate at both the Chapter and Navajo Nation: (see proof attached).

- Higher average pay
- Flexible work hours
- Helping renovating community homes
- Availability of staff training

The housing renovation, which is for repairing, renovating, or replacing existing housing and for providing housing assistance. Smith Lake Chapter initiative, is to promote the stability and security of community families.

Showing how the Chapter responses or local actions address specific concerns will help communities believe that their wellbeing is valued and their needs addressed.

Examples of responses to community members' concerns have included introducing home renovation guarantees to allow safer environment. As a Smith Lake member the Chapter will move to establish a brighter future which will provide enrichment and hope.



## SMITH LAKE CHAPTER

| Salaries:                | 1st year  | 2nd year  | Total               |
|--------------------------|-----------|-----------|---------------------|
| Laborer x 4              | 133120.00 | 70656.00  | 203776.00           |
| Heavy Equipment Operator | 45760.00  | 24332.00  | 70092.00            |
| Sub Total                | 178880.00 | 94988.00  | 273868.00           |
| Fringe Benefits (9.54%)  | 17065.15  | 9066.85   | 26132.00            |
| Total Salary/Fringe      | 178880.00 | 94988.00  | 273868.00           |
|                          | 195945.15 | 104054.85 | <u>\$300,000.00</u> |

26132  
273868  
300000

**Smith Lake**  
**Chapter**  
**Public Sector**  
**Workforce**

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NON-GOVERNANCE CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Non-Governance Certified Chapter requesting FRF: Smith Lake Chapter Date prepared: 11/28/2022

Chapter's mailing address: Po Box 60 Smith Lake NM 87365 phone/email: (505) 786.2141  
website (if any): smithlake@navajochapters.org

This Form prepared by: June Chavez phone/email: (505) 786.2141  
Community Service Coordinator jchavez@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Public sector workforce: Other 3.3

Chapter President: Anslem Morgan phone & email: sky007@gmail.com  
Chapter Vice-President: Heather yazzie kinlecheeny phone & email: heatheryazziekinlecheeny@nataani.org  
Chapter Secretary: Tyson Ramone phone & email: tyson.ramone@navajochapters.org  
Chapter Treasurer: Tyson Ramone phone & email: tyson.ramone@navajochapters.org  
Chapter Manager or CSC: June Chavez phone & email: jchavez@nnchapters  
DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

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

Amount of FRF requested: 300,000.00 FRF funding period: 7/15/2022 - 9/30/2026  
indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

**Smith Lake Community: Manpower is the most important condition of work. Smith Lake Chapter have public employee workers committed to their employment and their pay a minimum wage. Smith Lake Chapter looks at trends in wages, the economic and labor market, and the impact that the pandemic has on wage. This project includes mitigating the negative impact of the crisis. The workers are playing a crucial role in combating the effects of the COVID-19 pandemic on working with a safe environment.**

document attached

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

**This project will provide more incentive for workers in the Smith Lake area for the planned renovation and housing construction projects. Preventing hazards, abestos, and insulating materials, which is a risk to Smith Lake residents' houses and may contribute to exposure to COVID-19 when families need to leave their homes. A copy of the client listing is attached.**

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:

The renovation project will be completed by workers by September 30, 2026. When ARPA funds become available to spend, Smith Lake Chapter is tiering the projects into manageable portions to ensure completion within the funding time frame. The progress will be reported by the administration on a quarterly basis. The labor force will continuously report progress to the Chapter administration.  document attached

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

Smith Lake Chapter Administration will be responsible for the PEP worker force. The PEP workers will work in conjunction with the Chapter to ensure the safe implementation of work projects. The workers will report progress to Smith Lake Chapter on a weekly basis.

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:

Smith Lake will be responsible for the management of the workforce and will be responsible for payroll and payroll taxes.

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:

**3.3 Public Sector Workforce: Other**

Smith Lake Chapter workers will be completing projects at each of community member owning a house located within Smith Lake area. As the workers will work on different projects such as housing assistance - external and internal renovation, ensuring a longevity and safety environment. The completion of this project will provide renovating houses to over estimate 600 families living in Smith Lake area.

document attached

**Part 3. Additional documents.**

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

Chapter Resolution  
Client List

Chapter 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:

Chapter's Preparer:

*John Chavez*  
Signature of Preparer/CONTACT PERSON

*John Chavez*  
Signature of CSC

Approved by:

*Antony*  
Signature of Chapter President (or Vice-President)

*Adrian*  
Signature of Chapter ASO

Approved by:

Approved by:

Approved to submit for Review.

*Lisa Johnson, MFRFO*  
Signature of DCD Director



PART I. PROGRAM INFORMATION:  
 Business Unit No.: K - (New) Program Name/Title: Smith Lake Chapter  
*Public Service Workforce*

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:

|   | 1st QTR |        | 2nd QTR |        | 3rd QTR |        | 4th QTR |        |
|---|---------|--------|---------|--------|---------|--------|---------|--------|
|   | Goal    | Actual | Goal    | Actual | Goal    | Actual | Goal    | Actual |
| 1. Goal Statement:<br>Provide employment to area construction workers   |         |        |         |        |         |        |         |        |
| Program Performance Measure/Objective:<br>Hire individuals who know construction to work on projects for AROA |         |        | 5       |        | 5       |        | 5       |        |
| 2. Goal Statement:<br>Program Performance Measure/Objective:  |         |        |         |        |         |        |         |        |
| 3. Goal Statement:<br>Program Performance Measure/Objective:  |         |        |         |        |         |        |         |        |
| 4. Goal Statement:<br>Program Performance Measure/Objective:  |         |        |         |        |         |        |         |        |
| 5. Goal Statement:<br>Program Performance Measure/Objective:  |         |        |         |        |         |        |         |        |

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Program Manager's Printed Name: Sonlatsa Jim-Martin      Pead Yellowman  
*Sonlatsa Jim*      Division Director/Branch Chief's Printed Name  
 Program Manager's Signature and Date: 12.2.22      Division Director/Branch Chief's Signature and Date



**THE NAVAJO NATION  
 PROJECT BUDGET SCHEDULE**

**PART I.** Business Unit No.: 135  
 Project Title: Public Sector/Other Smith Lake Chaple  
 Project Description: Wages and manpower for projects

**PART II.** Project Information  
 Project Type: Construction  
 Planned Start Date: FY 2022  
 Planned End Date: FY 2026  
 Project Manager: \_\_\_\_\_

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

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

| Expected Completion Date if project exceeds 8 FY Qtrs. | FY 2022  |   |            |   |            |   |            |   | FY 2026    |     |            |   |            |   |            |   | PROJECT TOTAL |   |   |
|--|----------|---|------------|---|------------|---|------------|---|------------|-----|------------|---|------------|---|------------|---|---------------|---|---|
|  | 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 |
| Recruitment  |          |   |            |   |            |   |            |   |            |     |            |   |            |   |            |   |               |   |   |
| Orientation  |          |   |            |   |            |   |            |   |            |     |            |   |            |   |            |   |               |   |   |
| Training   |          |   |            |   |            |   |            |   |            |     |            |   |            |   |            |   |               |   |   |
| Pay Rate   |          |   |            |   |            |   |            |   |            |     |            |   |            |   |            |   |               |   |   |
| Employment   |          |   |            |   |            |   |            |   |            |     |            |   |            |   |            |   |               |   |   |
| <b>PART V.</b> Expected Quarterly Expenditures         | \$       |   | \$         |   | \$         |   | \$         |   | \$         |     | \$         |   | \$         |   | \$         |   | \$            |   |   |
|  |          |   | 100,000.00 |   | 100,000.00 |   | 100,000.00 |   | 100,000.00 |     | 100,000.00 |   | 100,000.00 |   | 100,000.00 |   | \$300,000.00  |   |   |

**FOR OMB USE ONLY:** Resolution No. \_\_\_\_\_ FMIS Set Up Date: \_\_\_\_\_ Company No. \_\_\_\_\_ OMB Analyst: \_\_\_\_\_





**SMITH LAKE CHAPTER**  
**The Navajo Nation**  
P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143  
Email: smithlake@navajochapters.org

*Dr. Ewa Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER**  
**SLC-03/2023-005**

**ACCEPTING AND APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS AND EXPENDITURE  
PLANS**

**WHEREAS:**

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. The Smith Lake Chapter membership recognizes the requested amendments from the Navajo Nation Department of Justice (DOJ) and Navajo Nation Fiscal Recovery Fund Office (NNFRF) to the previously approved ARPA Resolution No. SLC-10/2022-001 REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER & TELECOMMUNICATIONS FOR NAVAJO PEOPLE. On October 21<sup>st</sup>, 2022, this resolution passed by a vote of 17 in favor, 0 opposed, and 2 abstained.
3. Smith Lake Chapter was allocated \$1,467,056.67 under the Navajo Nation Council Legislation CJN-29-22 for Chapter and Regional Projects; and
4. Smith Lake Chapter established and prioritized four (4) Delegate Regional Expenditure Plans in accordance with the NNFRFO and the Division of Community Development (DCD) policies; and
5. The Smith Lake Chapter membership discussed and agreed to propose the following community-centered projects and budgets:
  - A. Assistance for Community Members in Need - \$467,056.67
  - B. Home Renovation Assistance - \$350,000.00
  - C. Long Term Security – Services for Unhoused Persons - \$350,000.00
  - D. Public Sector Workforce – Other - \$300,000.00
6. Smith Lake Chapter recognized the need for these projects to improve the quality of life for its residents while combating and recovering from the COVID-19 pandemic; and
7. Smith Lake Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Smith Lake Chapter, hereby, accepts and approves the utilization of the American Rescue Plan Act (ARPA) Delegate Regional Chapter Funding allocation to the Smith Lake Chapter in the amount of \$1,567,056.67 for four (4) community-centered projects and expenditure plans.





**SMITH LAKE CHAPTER**

**The Navajo Nation**

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Dr. Burt Nygren, NN President*

*Richella Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER  
SLC-03/2023-005**

**ACCEPTING & APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS & EXPENDITURE  
PLANS**

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained on the 21<sup>st</sup> day of March 2023 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Edmund Henry

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer





## SMITH LAKE CHAPTER

The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Jonathan Nez, NN President*

*Myron Lizer, NN Vice President*

*Edmond Yazsis, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

#### REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

14. We need a bold solution to allow critical infrastructure projects that benefit the Navajo people to move forward and meet funding deadlines, while still respecting the rights and concerns of the Grazing Permittees; and
15. The most effective solution to this problem is to enact legislation that allows the Navajo Nation to approve TAA's and/or ROW consents in a timely manner to benefit Navajo people and chapters; and
16. A potential legislative solution for the Resources and Development Committee (RDC) to consider by enactment of legislation is a situation, where Grazing Permittees cannot be found or are unwilling to give consents under the following conditions:
  - A. The project must provide a public benefit to the Navajo people, such as water and power supply and distribution, service line extensions, or economic/community development; and
  - B. The Project Sponsor(s) shall document their efforts to reach out to the Grazing Permittee(s) prior to construction to give them the opportunity to ask questions and voice their concerns, how contact/notification was made, why consent was not obtained, and what effort was made to mediate peacemaking efforts; and
  - C. Reasonable efforts typically consist, at the minimum, of at least three (3) attempt to contact permittees by phone, email, mail and/or person; and
  - D. The Grazing Permittee shall have thirty (30) days to respond to the project sponsor and, in the absence of such a response, they shall be deemed to have waived any objection to the project.
  - E. A Grazing Permittee not having an updated tally count or who is otherwise out of compliance with the grazing lease cannot raise objection; and
  - F. There shall be at least one (1) peacemaking session with an elected official to allow the Grazing Permittee to state his/her grounds for the objection or to reach an agreement; and
  - G. If an infrastructure project traverses more than one (1) grazing permit, obtaining consent from 50% or more of the grazing permittees affected by the overall project shall be deemed sufficient for project approval. Consent for every single grazing permit shall not be required. If an infrastructure project traverses only one (1) grazing permit, consent from the grazing permittee(s) shall not be required; and
  - H. The Project Sponsor(s), Chapter officials and their designees shall be authorized to obtain consent signatures; and
  - I. This option/waiver is only for infrastructure projects, such as water, wastewater, electric, telecommunications, that benefit the Navajo people, and shall apply regardless of project funding source; and
  - J. This policy shall not apply to projects such as oil and gas or other projects that do not benefit the Navajo people.
  - K. This streamline policy shall "sunset" on December 31<sup>st</sup>, 2026, unless extended by RDC.
17. This option would provide the following benefits:
  - A. Expedite delivery of basic and life-essential services to the Navajo people; and
  - B. Meet stringent funding deadlines to avoid loss of funding; and
  - C. Streamline administrative processes for a specific time to achieve completion of necessary and essential basic infrastructure to the Navajo people; and
  - D. Create jobs for Navajo people by getting projects into construction; and
  - E. Respecting rights of Grazing Permittee(s) by employing appropriate communication and attempts to obtain consent for the delivery of basic infrastructure to existing homesteads, with the understanding that certain waivers may result due to non-consent.

*Anselm Morgan, President*

*Heather Yamsie-Kinlacbeey, Vice President*  
*Anthony Begay, Land Board (Smith Lake & Maricao Lake)*

*Tyson Ramona, Secretary/Treasurer*





## SMITH LAKE CHAPTER

The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

Jonathan Nes, NN President

Myron Liver, NN Vice President

Edmund Yazzie, Council Delegate

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)  
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE  
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET  
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO  
PEOPLE**

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Smith Lake Chapter membership hereby requests that the Navajo Nation 24<sup>th</sup> Council Resources & Development Committee (RDC) approve and enact legislation to authorize consent for infrastructure projects funded by ARPA-NNFRF & other funding sources that will benefit and meet the basic necessities of water, power, and telecommunications for Navajo people.

#### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 17 in favor, 0 opposed, and 2 abstained on the 21<sup>st</sup> day of October 2022 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer

Motioned by: JD Kinlacheeny

Seconded by: Esther House

\_\_\_\_\_  
Anselm Morgan, President

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President  
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer





**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 0471-2

**Date & Time Received:** 5/24/23 at 09:13

**Date & Time of Response:** 06/06/23 at 17:00

**Entity Requesting FRF:** Smith Lake Chapter

**Title of Project:** Assistance for Community Members in Need

**Administrative Oversight:** Division of Community

**Amount of Funding Requested:** \$467,056.67

**Eligibility Determination:**

- FRF eligible  
 FRF ineligible  
 Additional information requested

**FRF Eligibility Category:**

- (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:** 2.2 Housing Assistance: Rent, Mortgage, and Utility Aid

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

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

**Other Comments:** \_\_\_\_\_

Review is conditional on Smith Chapter establishing a maximum amount each individual can receive and establishing clear eligibility criteria. For example the Chapter might consider that only elders, veterans, those with high health risks or those with household income below \$15,000 or less are eligible. The application form should be modified such that applicants have to attest to which eligibility category they fall under and the applicants should be required to submit supporting documentation to show outstanding bills.

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: MacArthur Stant

Digitally signed by MacArthur Stant  
Date: 2023.06.06 12:45:45 -0600

**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 NNDNJ Initial Eligibility Determination is based on the documents provided, which NNDNJ 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 NNDNJ. **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.**

**Smith Lake  
Chapter  
Community  
Assistance**

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

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Smith Lake Chapter Indicate Department, Program, Office, Division, or Branch Date prepared: 11/28/2022

NN Government Unit's mailing address: Smith Lake Chapter PO Box 60, Smith Lake, NM 87365 phone/email: (505) 786-2141 website (if any): smithlake.navajochapters.org

Form prepared by: June Chavez Community Services Coordinator CONTACT PERSON'S name, title and Department, Program, Office, etc. phone/email: (505) 786-2141 jchavez@nnchapters.org CONTACT PERSON'S info

Title & type of Project: Assistance for Community Members in need

NN Government Unit's Director or Manager: Sonlatsa Jim-Martin phone & email: 928-871-6221 sjim-martin@nndcd.org

Division Director (if any): Pearl Yellowman phone & email: 928-259-0291 pyellowman@nndcd.org

Branch Chief: \_\_\_\_\_ phone & email: \_\_\_\_\_

Funding Recipient will be working with: ARPA Funds CJN-29-22 Indicate Branch and/or Division on the Project and the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
Nat Gas Co, COEC, water companies, cellular companies, local propane companies, mortgage companies, G-Unit, Rental Companies  document attached

Amount of FRF requested: 467056.67 FRF funding period: 01/01/2023 - 09/30/2026 Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

Smith Lake Community: Navajo Nation families in Smith Lake community request for utility assistance to households experiencing financial hardship due to the COVID-19 outbreak and health crisis. The funding will be available for utility assistance and other expenses related to housing costs (i.e., water, natural gas, propane, electricity, woods, pellets, mortgage, rent, and telephone) incurred due to the COVID-19 outbreak. Whereas one or more Navajo families have either experienced a decrease in household income, incurred significant costs or experience other such as job loss, closure of employment and wage reduction due to requirement to be quarantined based on a diagnosis of COVID-19. This assistance will also benefit individuals/families in a lease agreement with a landlord.  document attached

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

There is a population of 900 community members residing within Smith Lake area off road 371. Smith Lake Chapter supports community members in this kind of tough economic situation. Smith Lake Chapter is hopeful utility assistance will help Navajo students, individuals, and families. Community families will have access to water to drink & bath; electricity for warmth; and gas for cooking & heating.  document attached



**APPENDIX A**

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

Utility public assistance program will be completed by September 2026 as ARPA funds disbursed in January 2022. Smith Lake Chapter will pay for the community members utility bills with water, natural gas, propane, electricity, woods, pellets, mortgage, rent, and telephone incurred due to COVID-19

document attached

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

Smith Lake Chapter will be responsible to manage community members utility payment and reach out to various utility companies within New Mexico who serves the individuals. The Chapter method of utility program is a set up an intake application, utility invoice, for payment. The companies will be CDEC, NTUA, PNM Gas, Grants, Thoreau, Gallup propane companies. Also, cell phone companies.

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:

Smith Lake Chapter will be responsible for the utility program for community members within Smith Lake area with a population of 900 Navajo families. The program will provide basic utility access during COVID-19 pandemic widespread across the Navajo Nation.

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:

**2.2 Household Assistance: Rent, Mortgage, and Utility Aid**

Smith Lake Chapter will be responsible for the utility program for community members within Smith Lake area with a population of 900 Navajo families. The program will provide basic utility access during COVID-19 pandemic widespread across Navajo Nation.

document attached

**Part 3. Additional documents.**

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

**1. Chapter Resolution**

**Part 4. Affirmation by Funding Recipient.**

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

NN Government Unit  
Preparer: *James Chavez* Approved by: *Sondata Jiri*  
signature of Preparer/CONTACT PERSON signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit  
for Review: \_\_\_\_\_ Print Name, Title,  
Branch or Division: *Lisa Jymn, NMFGE*  
signature of Branch Chief or Division Director print name and indicate title or position

\_\_\_\_\_ indicate Branch or Division



THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

|  |    |                                      |         |   |         |
|--|----|--------------------------------------|---------|---|---------|
| PART I. PROGRAM INFORMATION:   |    | Business Unit No.: <u>.K - (New)</u> |         | Program Name/Title: <u>Smith Lake Chapter</u>       |         |
| PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:                       |    |                                      |         |   |         |
| PART III. PROGRAM PERFORMANCE CRITERIA:  |    |                                      |         |   |         |
|  |    |                                      |         |   |         |
| 1. Goal Statement:   |    | 1st QTR                              | 2nd QTR | 3rd QTR   | 4th QTR |
| Assist families with mortgage/rental payments  |    | Goal                                 | Actual  | Goal  | Actual  |
| Program Performance Measure/Objective:   |    |                                      |         |   |         |
| Provide funding for 100 renters/homeowners   | 50 |                                      |         | 25  | 25      |
| 2. Goal Statement:   |    |                                      |         |   |         |
| Assist families with cell phone/telephone payments                                     |    |                                      |         |   |         |
| Program Performance Measure/Objective:   |    |                                      |         |   |         |
| Provide funding for 100 community members with phone assistance                        | 50 |                                      |         | 25  | 25      |
| 3. Goal Statement:   |    |                                      |         |   |         |
| Assist Families with fuel assistance (wood/pellets, propane)                           |    |                                      |         |   |         |
| Program Performance Measure/Objective:   |    |                                      |         |   |         |
| Provide funding for 100 community members with fuel assistance                         | 50 |                                      |         | 25  | 25      |
| 4. Goal Statement:   |    |                                      |         |   |         |
| Program Performance Measure/Objective:   |    |                                      |         |   |         |
| 5. Goal Statement:   |    |                                      |         |   |         |
| Program Performance Measure/Objective:   |    |                                      |         |   |         |
| PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. |    |                                      |         |   |         |
|  |    | Soniatsa Jim-Martin                  |         | Pearl Yellowman                                     |         |
|  |    | Program Manager's Printed Name       |         | Division Director/Branch Chief's Printed Name       |         |
|  |    | <i>Soniatsa Jim</i>                  |         | <i>Pearl Yellowman</i>                              |         |
|  |    | Program Manager's Signature and Date |         | Division Director/Branch Chief's Signature and Date |         |
|  |    |                                      |         |   |         |

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

| <b>PART I. PROGRAM INFORMATION:</b><br>Program Name/Title: <u>Smith Lake Chapter</u> Business Unit No.: <u>K - (New)</u> |  |                                       |                                    |
|--|--|---------------------------------------|------------------------------------|
| <b>PART II. DETAILED BUDGET:</b>   |  |                                       |                                    |
| (A)  | (B)  | (C)                                   | (D)                                |
| Object Code (LOD 6)  | Object Code Description and Justification (LOD 7)  | Total by DETAILED Object Code (LOD 6) | Total by MAJOR Object Code (LOD 4) |
| 6  | 8000 Public Assistance<br>8020 - Social Assistance<br>Provide assistance for mortgage, fuel assistance, utility assistance for the community of Smith Lake Chapter | 467,057<br>467,056.51                 | 467,057<br>467,056.51              |
| <b>TOTAL</b>   |  | 467,056.51                            | 467,056.51                         |



**SMITH LAKE CHAPTER**  
**The Navajo Nation**  
P.O. Box 60 Smith Lake, New Mexico 87363

Phone: 505.786.2141 Fax: 505.786.2143  
Email: smithlake@navajochapters.org

*Dr. Ben Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER**  
**SLC-03/2023-005**

**ACCEPTING AND APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS AND EXPENDITURE  
PLANS**

**WHEREAS:**

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. The Smith Lake Chapter membership recognizes the requested amendments from the Navajo Nation Department of Justice (DOJ) and Navajo Nation Fiscal Recovery Fund Office (NNFRF) to the previously approved ARPA Resolution No. SLC-10/2022-001 REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER & TELECOMMUNICATIONS FOR NAVAJO PEOPLE. On October 21<sup>st</sup>, 2022, this resolution passed by a vote of 17 in favor, 0 opposed, and 2 abstained.
3. Smith Lake Chapter was allocated \$1,467,056.67 under the Navajo Nation Council Legislation CJN-29-22 for Chapter and Regional Projects; and
4. Smith Lake Chapter established and prioritized four (4) Delegate Regional Expenditure Plans in accordance with the NNFRFO and the Division of Community Development (DCD) policies; and
5. The Smith Lake Chapter membership discussed and agreed to propose the following community-centered projects and budgets:
  - A. Assistance for Community Members in Need - \$467,056.67
  - B. Home Renovation Assistance - \$350,000.00
  - C. Long Term Security – Services for Unhoused Persons - \$350,000.00
  - D. Public Sector Workforce – Other - \$300,000.00
6. Smith Lake Chapter recognized the need for these projects to improve the quality of life for its residents while combating and recovering from the COVID-19 pandemic; and
7. Smith Lake Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Smith Lake Chapter, hereby, accepts and approves the utilization of the American Rescue Plan Act (ARPA) Delegate Regional Chapter Funding allocation to the Smith Lake Chapter in the amount of \$1,567,056.67 for four (4) community-centered projects and expenditure plans.





**SMITH LAKE CHAPTER**

**The Navajo Nation**

P.O. Box 60 Smith Lake, New Mexico 87565

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Dr. Burt Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER  
SLC-03/2023-005**

**ACCEPTING & APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS & EXPENDITURE  
PLANS**

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained on the 21<sup>st</sup> day of March 2023 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Edmund Henry

\_\_\_\_\_  
Heather Yazzie Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer





## SMITH LAKE CHAPTER

The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Jonathan Nez, NN President*

*Myron Lizer, NN Vice President*

*Edmund Yazzie, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)  
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE  
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET  
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO  
PEOPLE**

**WHEREAS:**

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. Many Navajo chapters are in dire need of housing, water, electricity, broadband, and other infrastructure to meet the necessities to develop projects that are directly connected to rural homes across the Navajo Nation; and
3. The 24<sup>th</sup> Navajo Nation Council has appropriated over one (1) billion dollars in American Rescue Plan Act (ARPA) – Navajo Nation Fiscal Recovery Funds (NNFRF) and Sihasin Funds for the construction of infrastructure projects; and
4. These NNFRF/ARPA funds have strict deadlines under the U.S. Treasury's Final Rule and must be fully expended by December 31<sup>st</sup>, 2026, and encumbered by December 31<sup>st</sup>, 2024, with all ARPA-NNFRF funds fully spent by June 30<sup>th</sup>, 2026; and
5. Other funding sources, such as Bureau of Reclamation, New Mexico Capital Outlay, and Tribal Infrastructure Funds, and other local, state, and federal funding are planned to be used in conjunction with ARPA-NNFRF and Sihasin Funds for projects and have similarly strict funding deadlines. Any funds not encumbered and spent by these deadlines will be lost; and
6. The single largest delay in the execution of infrastructure projects is typically acquisition of Right-Of-Way (ROW)/Tribal Authorization Access (TAA); and
7. Acquiring ROW/TAA in an efficient and simplified manner for the time-sensitive ARPA-NNFRF funded projects is of the utmost urgency and necessity – these projects include buried water and sewer lines, overhead electric and telecommunication lines, and equipment, such as pumps, wells, towers, and tanks that do not significantly impact grazing permitted area; and
8. The biggest source of delays and risks in the ROW/TAA process on tribal lands is typically obtaining consent from the Grazing Permittee(s); and
9. Under the current Navajo Nation policy, a single Grazing Permittee can deny ROW/TAA for a project on tribal lands where they have a grazing permit. Grazing Permittees have expanded this use privilege of grazing lease to effectively absolute veto power over a project that may be needed and supported by the entire community. Even if a Grazing Permittee eventually gives consent, it can delay the project leading to loss of funding; and
10. Optional paragraph for BBN9 Chapters, including Smith Lake, Casamero Lake, Thoreau and Baea Chapters: As an example, BBN9 is a major federally funded waterline project that will provide renewable water supply to Coyote Canyon, Tse'ii'ahi, Nahodishgish, Crownpoint, Becenti, Lake Valley, White Rock and Littlewater. A few individual Grazing Permittees are allowed to stop BBN9 waterline by not giving consent. Thousands of Navajo homes, businesses, and communities will be denied good source of water; and
11. Livestock grazing is an important part of Navajo tradition, culture, and livelihood. The rights and concerns of Grazing Permittees are important and needed to be respected, while balancing this against development; and
12. Unlike oil and gas or mining projects, public benefit utilities, such as underground water, sewer lines, overhead powerlines, and communication lines, do not permanently affect grazeable land because the lands are still available for grazing after construction is completed. In fact, the lands are required to be re-seeded after construction; and
13. Supporting equipment needed to operate water systems, such as pumps, wells, and tanks, do not significantly impact grazing because these facilities utilize minimal land (typically ½ acre or less) and would have negligible impacts on grazing lease stocking rate established in the grazing lease agreement for the identified range unit; and

**Anselm Morgan, President**

**Heather Yazzie-Kinlacheeny, Vice President**  
**Anthony Begay, Land Board (Smith Lake & Mariano Lake)**

**Tyson Ramone, Secretary/Treasurer**







## SMITH LAKE CHAPTER

**The Navajo Nation**

P.O. Box 60 Smith Lake, New Mexico 87365

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*Jonathan Nez, NN President*

*Myron Lizer, NN Vice President*

*Edmund Yazzie, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

#### REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

14. We need a bold solution to allow critical infrastructure projects that benefit the Navajo people to move forward and meet funding deadlines, while still respecting the rights and concerns of the Grazing Permittees; and
15. The most effective solution to this problem is to enact legislation that allows the Navajo Nation to approve TAAs and/or ROW consents in a timely manner to benefit Navajo people and chapters; and
16. A potential legislative solution for the Resources and Development Committee (RDC) to consider by enactment of legislation is a situation, where Grazing Permittees cannot be found or are unwilling to give consents under the following conditions:
  - A. The project must provide a public benefit to the Navajo people, such as water and power supply and distribution, service line extensions, or economic/community development; and
  - B. The Project Sponsor(s) shall document their efforts to reach out to the Grazing Permittee(s) prior to construction to give them the opportunity to ask questions and voice their concerns, how contact/notification was made, why consent was not obtained, and what effort was made to mediate peacemaking efforts; and
  - C. Reasonable efforts typically consist, at the minimum, of at least three (3) attempt to contact permittees by phone, email, mail and/or person; and
  - D. The Grazing Permittee shall have thirty (30) days to respond to the project sponsor and, in the absence of such a response, they shall be deemed to have waived any objection to the project.
  - E. A Grazing Permittee not having an updated tally count or who is otherwise out of compliance with the grazing lease cannot raise objection; and
  - F. There shall be at least one (1) peacemaking session with an elected official to allow the Grazing Permittee to state his/her grounds for the objection or to reach an agreement; and
  - G. If an infrastructure project traverses more than one (1) grazing permit, obtaining consent from 50% or more of the grazing permittees affected by the overall project shall be deemed sufficient for project approval. Consent for every single grazing permit shall not be required. If an infrastructure project traverses only one (1) grazing permit, consent from the grazing permittee(s) shall not be required; and
  - H. The Project Sponsor(s), Chapter officials and their designees shall be authorized to obtain consent signatures; and
  - I. This option/waiver is only for infrastructure projects, such as water, wastewater, electric, telecommunications, that benefit the Navajo people, and shall apply regardless of project funding source; and
  - J. This policy shall not apply to projects such as oil and gas or other projects that do not benefit the Navajo people.
  - K. This streamline policy shall "sunset" on December 31<sup>st</sup>, 2026, unless extended by RDC.
17. This option would provide the following benefits:
  - A. Expedite delivery of basic and life-essential services to the Navajo people; and
  - B. Meet stringent funding deadlines to avoid loss of funding; and
  - C. Streamline administrative processes for a specific time to achieve completion of necessary and essential basic infrastructure to the Navajo people; and
  - D. Create jobs for Navajo people by getting projects into construction; and
  - E. Respecting rights of Grazing Permittee(s) by employing appropriate communication and attempts to obtain consent for the delivery of basic infrastructure to existing homesteads, with the understanding that certain waivers may result due to non-consent.

**Anselm Morgan, President**

**Heather Yazzie-Kinlacheeny, Vice President**  
**Anthony Begay, Land Board (Smith Lake & Mariano Lake)**

**Tyson Ramone, Secretary/Treasurer**





# SMITH LAKE CHAPTER

## The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Jonathan Nez, NN President*

*Myron Lizer, NN Vice President*

*Edmund Yazzie, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)  
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE  
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET  
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO  
PEOPLE**

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Smith Lake Chapter membership hereby requests that the Navajo Nation 24<sup>th</sup> Council Resources & Development Committee (RDC) approve and enact legislation to authorize consent for infrastructure projects funded by ARPA-NNFRF & other funding sources that will benefit and meet the basic necessities of water, power, and telecommunications for Navajo people.
2. Smith Lake Chapter ("Chapter") affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable Federal and Navajo Nation laws, regulations, and policies.

#### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 17 in favor, 0 opposed, and 2 abstained on the 21<sup>st</sup> day of October 2022 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Esther House

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer

\_\_\_\_\_  
Anselm Morgan, President

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President  
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer



**NAVAJO NATION**

221

Navajo Nation Council Special Session

8/25/2023  
02:27:23 PM

|   |   |
|---|---|
| <p>Amd# to Amd#</p> <p>MOT Crotty, A</p> <p>SEC Aseret, L</p> | <p>New Business: Item B.</p> <p>Legislation 0159-23: Amending</p> <p>CMY-39-23 and CAP-11-23, the</p> <p>Nation Fiscal Recovery Fund. . .</p> |
|---|---|

**PASSED**

**Yeas : 16**

**Nays : 0**

**Excused : 5**

**Not Voting : 2**

**Yea : 16**

|           |                   |            |           |
|-----------|-------------------|------------|-----------|
| Arviso, S | Charles-Newton, E | James, V   | Slater, C |
| Aseret, L | Crotty, A         | Johnson, C | Tolth, G  |
| Begay, H  | Damon, S          | Notah, N   | Tso, O    |
| Begay, N  | Daniels, H        | Parrish, S | Yanito, C |

**Nay : 0**

**Excused : 5**

|         |        |            |           |
|---------|--------|------------|-----------|
| Claw, S | Nez, R | Simpson, D | Yazzie, C |
| Nez, A  |        |            |           |

**Not Voting : 2**

|             |          |
|-------------|----------|
| Simonson, G | Jesus, B |
|-------------|----------|

**Presiding Speaker: Curley, C**