



**The Navajo Nation** **DR. BUU NYGREN** **PRESIDENT**  
**Yideeskáadi Nitsáhákees** **RICHELLE MONTOYA** **VICE PRESIDENT**

August 4, 2023

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

RE: *CJY-55-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CAP-19-23 and CD-68-22, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Andy Nez, Ph.D.'s Delegate Region (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill), to Include Additional Projects for this Delegate Region*

Dear Speaker Curley,

I am pleased to sign into law this resolution CJY-55-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Yazzie's Delegate Region in the amount of \$3,453,000.

My Administration supports the plans of these Chapters who have worked very hard to put together their Regional Plans and is working very 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 inform my office of the roadblock and we will work to overcome those roadblocks.

I do want to take the moment to express my concern that any amendments to the Regional Plans must be approved by the Council. In addition, the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This deadline 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 the proposed timeline. We should be designing systems that are flexible, accountable, and transparent. We do not currently have that system and I look forward to working with you and the entire Council to improve the Navajo Nation systems, so we are supporting our communities to take advantage of this historic funding.

Now let's get to work!

Sincerely,

A blue ink signature of Dr. Buu Nygren, consisting of stylized initials and a long horizontal stroke.

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 CAP-19-23 and CD-68-22, THE NAVAJO NATION FISCAL RECOVERY  
FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE ANDY NEZ, PH.D.'S  
DELEGATE REGION (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE,  
SAWMILL), 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. CD-68-22, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Andy Nez, Ph.D.'s Delegate Region (Chapter: Crystal, Fort Defiance, Red Lake, Sawmill) 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. CAP-19-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Andy Nez, Ph.D.'s Delegate Region (Chapter: Crystal, Fort Defiance, Red Lake, Sawmill) 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. The 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 NNFRF 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. CD-68-22, 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 WILSON C. STEWART, JR.'S DELEGATE REGION (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE, SAWMILL), was signed into law by the President of the Navajo Nation on January 6, 2023.
- D. CD-68-22, 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. CAP-19-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CD-68-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE ANDY NEZ, PH.D.'S DELEGATE REGION (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE, SAWMILL), was signed into law by the President of the Navajo Nation on May 5, 2023.
- F. CAP-19-23, Section Four, states that:
2. 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. Andy Nez, Ph.D.'s Delegate Region Projects Plan, attached as **Exhibit A**, have been

deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Andy Nez, Ph.D.'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. Andy Nez, Ph.D.'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. Andy Nez, Ph.D.'s Delegate Region (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill) as set forth in Exhibit A.

**SECTION THREE. AMENDING CAP-19-23 AND CD-68-22, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE ANDY NEZ, PH.D.'S DELEGATE REGION (CHAPTERS: CRYSTAL, FORT DEFIANCE, RED LAKE, SAWMILL), 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 Hon. Andy Nez, Ph.D.'s Delegate Region (Chapters: Crystal, Fort Defiance, Red Lake, Sawmill) 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 21 in Favor, and 00 Opposed, on this 18<sup>th</sup> day of July 2023.



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

7/27/23

DATE


Motion: Honorable George H. Tolth

Second: Honorable Rickie Nez

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 4 day of April, 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 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**

**Exhibit A**

COUNCIL DELEGATE: Hon. Andy Nez, Ph.D.

CHAPTERS: Crystal, Fort Defiance, Red Lake, Sawmill

| FUNDING RECIPIENT                 | SUBRECIPIENT           | EXPENDITURE PLAN / PROJECT   | ADMIN OVERSIGHT                    | FRF CATEGORY | DOJ REVIEW #  | AMOUNT          |
|-----------------------------------|------------------------|--|------------------------------------|--------------|---------------|-----------------|
|                                   |                        | TOTAL AMOUNT APPROPRIATED in CD-68-22 on January 6, 2023                       |                                    |              |               | \$ 2,280,047.00 |
|                                   |                        | TOTAL AMOUNT REVERTED in CAP-19-23 on May 5, 2023                              |                                    |              |               | -\$ 500,000.00  |
|                                   |                        | TOTAL AMOUNT APPROPRIATED in CAP-19-23 on May 5, 2023                          |                                    |              |               | \$ 1,033,662.00 |
| Division of Community Development | None Identified        | Crystal Chapter Purchase of 20' Goose-neck Trailer                             | Division of Community Development  | 6.1          | HK0524        | \$ 23,000.00    |
| Division of Community Development | *Fort Defiance Chapter | Fort Defiance Chapter Warehouse Project  | Division of Community Development  | 6.1          | HK0525        | \$ 1,070,301.00 |
| Division of Community Development | *Fort Defiance Chapter | Fort Defiance Chapter (Scattered) Waterline Extension Project                  | Department of Water Resources      | 5.11         | HK0526        | \$ 200,000.00   |
| Division of Community Development | None Identified        | Red Lake Chapter House Complex Project   | Division of Community Development  | 6.1          | HK0527        | \$ 1,187,699.00 |
| Division of Community Development | None Identified        | Red Lake Chapter (Rural) Residential Septic Tank & Waterline Extension Project | NN Environmental Protection Agency | 5.5          | HK0528        | \$ 617,000.00   |
| Division of Community Development | None Identified        | Sawmill Chapter Purchase of Motor Grader                                       | Division of Community Development  | 6.1          | HK0600        | \$ 200,000.00   |
| Division of Community Development | None Identified        | Crystal Chapter Rural Addressing Project                                       | Division of Community Development  | 1.14         | HK0405        | \$ 155,000.00   |
|                                   |                        |  |                                    |              | <b>TOTAL:</b> | \$ 6,266,709.00 |

\*Per CJN-29-22, Section Three (E), 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."







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 0528

Date & Time Received: 06/04/23 at 13:55

Date & Time of Response: 6/8/23 at 18:30; Modified 7/13/23 13:45

Entity Requesting FRF: Red Lake Chapter

Title of Project: Rural Residential Septic Tanks Install, Replacement & Waterline Extensions

Administrative Oversight: Environmental Protection Agency

Amount of Funding Requested: \$617,000.00

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:
5.5 Clean Water: Other Sewer Infrastructure



**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: Red Lake #18 Chapter Date prepared: 10/18/2021

Chapter's meeting address: PO Box 130 Navajo, NM 87328 phone/fax: (505)777-2810  
website (if any): redlake18 @navajochapter.org

This Form prepared by: Kathleen Shurley phone/fax: kshurley@nnc Chapters.org  
Community Services Coordinator (505)777-2814  
CONTACT PERSON'S name and title CONTACT PERSON'S job

Title and type of Project: Rural Residential Septic Tanks Install, Replacement & Waterline Extensions

Chapter President: Arvai T. McCabe phone & email: (505)930-0911/arvaitsmccabe@yahoo.com  
Chapter Vice-President: Roger L. James phone & email: (928)255-8124/rjames@nsnaini.org  
Chapter Secretary: Loberta Redhouse phone & email: (505)587-1117/redhouse@navajochapters.org  
Chapter Treasurer: Loberta Redhouse phone & email: (505)587-1117/redhouse@navajochapters.org  
Chapter Manager or CSC: Kathleen Shurley phone & email: (928)208-0685/kshurley@nnc Chapters.org  
DCD/Chapter ASO: Derek Echohawk phone & email: (928)871-7515/pdbegay@nndod.org, ddochohawk@nndod.org

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

Amount of FRF requested: \$617,000.00 FRF funding period: October 01, 2022 - December 31, 2025  
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 Red Lake Chapter has approximately 700 registered members that live both in the rural areas of the chapter and the community of Navajo, NM. Many rural residents are on the septic tank system for their sanitary/sewage needs and others continue to lack safe, potable water. There are approximately (19) community members who are in need of septic tank replacement and (02) community members for installation of waterline extension to their rural homes.

document attached

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

Improve the health and safety for those community members who are in need of a new septic tank system or waterline extension to accommodate additional family members who return home due to the pandemic.

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:

Phase I—Identify community members for septic tank replacement and waterline extension. 12/31/2022  
Phase II - Solicit a vendor/contractor to perform the installation and extensions 12/31/2023  
Phase III—Begin construction/installation of new septic systems and extension of waterlines 12/31/2025

document attached

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

Chapter officials, administrative staff, Council Delegate, and Navajo Nation Division of Community Development—CPMD.

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 operation and maintenance of septic tanks will be the responsibility of individual homeowners and the extension of the water line will be Navajo Tribal Utility Authority up to the meter (beyond the meter is the responsibility of the homeowner).

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:

5.5 Clean Water: Other Sewer Infrastructures  
5.11 Drinking Water: Transmission and Distribution

The Chapter will select a local contractor to purchase materials, supplies and equipment to install both septic tanks, drain fields, PVC waterline, interior plumbing fixtures, water meter installation, etc. The cost to replace (19) septic tank systems and the extend waterlines for (02) community members is reflected in the estimates.

document attached

**Part 3. Additional documents.**

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

Cost Estimates (2021)  
List of Potential Community Members  
Support Letters

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] 10/20/21 Approved by: [Signature]  
Signature of Preparer/CONTACT PERSON Signature of Chapter President for Fiscal Recovery  
Approved by: [Signature] 10/20/21 Approved by: [Signature]  
Signature of CDC Signature of Chapter ASO  
Approved to submit for Review: [Signature] 6.2.23  
Signature of DCO Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

| PART I. Business Unit No.: <u>NEW</u>  |  | Program Title: <u>Red Lake - Septic Tank Replacement &amp; Waterline Ext.</u> |            | Division/Branch: <u>Div. of Comm. Dev./Executive</u> |  |   |                 |                     |
|--|--|---|------------|--|--|---|-----------------|---------------------|
| Prepared By: <u>Kathleen Shurley</u>   |  | Phone No.: <u>505-777-2810</u>  |            | Email Address: <u>kshurley@nncchapters.org</u>       |  |   |                 |                     |
| PART II. FUNDING SOURCE(S)   |  | Fiscal Year /Term   | Amount     | % of Total   | PART III. BUDGET SUMMARY               |   |                 |                     |
| NIN ARPA FUNDS   |  | 10/1/22-9/30/25   | 617,000.00 | 100%   | Fund Type Code                         | Original Budget                                       | Proposed Budget | 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              | 6   | 0               | 617,000.00          |
|  |  |   |            |  | 7000 Special Transactions              |   |                 |                     |
|  |  |   |            |  | 8000 Public Assistance                 |   |                 |                     |
|  |  |   |            |  | 9000 Capital Outlay                    |   |                 |                     |
|  |  |   |            |  | 9500 Matching Funds                    |   |                 |                     |
|  |  |   |            |  | 9500 Indirect Cost                     |   |                 |                     |
|  |  |   |            |  | <b>TOTAL</b>                           |   | \$0.00          | 617,000.00          |
|  |  |   |            |  | <b>PART IV. POSITIONS AND VEHICLES</b> |   |                 |                     |
|  |  |   |            |  | <b>(D)</b>                             |   | <b>(E)</b>      |                     |
|  |  |   |            |  | Total # of Positions Budgeted:         |   | 0               | 0                   |
|  |  |   |            |  | Total # of Vehicles Budgeted:          |   | 0               | 0                   |
|  |  |   |            |  | <b>TOTAL:</b>                          |   | \$617,000.00    | 100%                |
| PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE. |  |   |            |  |  |   |                 |                     |
| SUBMITTED BY:  |  | James Adakai, Deputy Director   |            | APPROVED BY:   |  | Cavin Castillo, Executive Director                    |                 |                     |
|  |  | Program Manager's Printed Name  |            |  |  | Division Director / Branch Chief's Printed Name       |                 |                     |
|  |  | 06/02/2023  |            |  |  | 6-2-23  |                 |                     |
|  |  | 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.: <u>NEW</u>        |  | Program Name/Title: <u>Red Lake - Septic Tank Replacement &amp; Waterline Ext.</u> |    |
| <b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>                         |  |                                      |  |  |    |
| RESOLUTION NO. <u>RLC-02-23-04</u>  |  |                                      |  |  |    |
| <b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>  |  |                                      |  |  |    |
|   |  |                                      |  |  |    |
| 1. Goal Statement:  |  |                                      |  |  |    |
| <u>To assist (19) community members with septic tank replacement and (2) for waterline ext.</u> |  |                                      |  |  |    |
| Program Performance Measure/Objective:  |  |                                      |  |  |    |
| <u>Hire a contractor to initiate the Septic Tank Replacement and Waterline Ext. Project.</u>    |  |                                      |  |  | 21 |
| 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 Ashbel, Deputy Director        |  | Calvin Castillo, Executive Director  |    |
|   |  | Program Manager's Printed Name       |  | Division Director/Branch Chief's Printed Name                                      |    |
|   |  | 06/02/2023                           |  | 6.2.23   |    |
|   |  | 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>Red Lake - Septic Tank Replacement &amp; Waterline Ext.</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) |
| 6500   | Contractual Service   |                                       | 617,000.00                         |
| 6510   | Professional Contract Service for septic tank installation, replacement and waterline extension for community members with needed services. | 617,000.00                            |                                    |
| <b>TOTAL</b>   |   | <b>617,000.00</b>                     | <b>617,000.00</b>                  |





Arval T. McCabe  
PRESIDENT  
Roger L James  
VICE-PRESIDENT  
Loberta Redhouse  
SECRETARY/TREASURER  
Dr. Andy Nez  
COUNCIL DELEGATE

Kathleen Shurley  
CHAPTER COORDINATOR

Florina Howard  
GRAZING COMMITTEE  
MEMBER



## RED LAKE CHAPTER

### RESOLUTION OF RED LAKE CHAPTER

Res. No. RLC-05-23-20

### AMENDING THE FUNDING REQUEST FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR CHAPTER PROJECTS IN THE NEW REVISED AMOUNT OF \$ 1,954,699.00.

#### WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A), the Red 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), Red Lake Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Red Lake Chapter affirms that the Chapter "will only use the 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".
4. The Navajo Nation Fiscal Recovery Funding Office, Navajo Division of Community Development and the Navajo Department of Justice are jointly responsible for reviewing and determining the eligibility for chapter projects for ARPA funding; and
5. The initial amount approved for ARPA funding in the amount of \$4,271,000.00 was revised to reflect the new amount of \$1,954,699.00 due to updated ARPA chapter projects; and
6. The Red Lake Chapter has identified three (3) projects for the American Rescue Plan Act fund in the amount of \$ 1,954,699.00, as follows:
  - a. Rural Residential Septic Tanks Install, Replacement & Waterline Extension - \$ 617,000.00
  - b. New Chapter House Complex - \$1,187,699.00
  - c. Utility Infrastructure Upgrade Preliminary Engineering Study - \$ 150,000.00
7. The Red Lake Chapter requests the Navajo Nation Fiscal Recovery Funds Office, Navajo Division of Community Development and the Navajo Department of Justice to consider the three (3) projects for the Red Lake Chapter Community.

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

1. The Red Lake Chapter hereby approves and request funding from the American Rescue Plan Act (ARPA) funding for chapter projects in the new revised amount of \$ 1,954,699.00.
2. The Red Lake Chapter has determined that the three (3) chapter projects are construction ready and meet the requirements pursuant to BFS-31-21.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by Red Lake Chapter at a duly called meeting at Red Lake, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a Vote of 27 in Favor, ~~00~~ Opposed, and 01 Abstained on this 17<sup>th</sup> day of May 2023.

MOTIONED: *Kaden Begaye*

SECONDED: *Dondi Begay*

*Arval T. McCabe*  
Arval T. McCabe, Chapter President

Arval T. McCabe  
PRESIDENT

Roger L. James  
VICE-PRESIDENT

Loberta Redhouse  
SECRETARY/TREASURER

Wilson Stewart, Jr.  
COUNCIL DELEGATE



Kathleen Shurley  
CHAPTER COORDINATOR

Florina Howard  
GRAZING COMMITTEE  
MEMBER

## Red Lake Chapter

RLC-04-21-12

### RESOLUTION OF RED LAKE CHAPTER # 18

**Red Lake Chapter Community Requests Technical Assistance from the Fort Defiance Office of Environmental Health and Engineering (OEHE) Office to Conduct Community Members Assessment with Septic Tank Problems. Families Returning Are From Neighboring Communities During the COVID-19 Pandemic, Numbers of Household Members Have Increased and Has Overloaded the Capacities of Their Septic Systems. Backup and Overflow of Wastewater Increased and the Risk of Potential Health Hazards for Household Members. Moreover, it Has Also Caused the Septic Systems to Fail.**

#### WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A) the Red 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) Red Lake Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions, and
3. The Red Lake Chapter Community understands that human contact with sewage is a serious public health hazard and contaminated sewage can cause health problems such as diarrhea, nausea, cramps, dysentery and hepatitis. Exposure to sewer gases can also cause discomfort and illness; and
4. The Red Lake Chapter Community Requests Technical Assistance from the Fort Defiance OEHE office to Assess at-risk areas, connecting to an adequate septic tank system for disposing of domestic sewage from private residences, where access to a public sewer system is unfeasible or too expensive; and
5. The Red Lake Chapter Community requests that the Fort Defiance OEHE office in identify failing systems which should include those that you can see and smell and those seeping effluent, or waste liquids, into groundwater supplies before the soil can properly remove disease-causing pathogens.

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

1. The Red Lake Chapter understands that the assistance being provided by the Fort Defiance OEHE office is only to assist with the assessment of the residential septic tank issues for community members identified in Exhibit "A" attached to this document. The assessment will help the chapter better address the needs for those community members needing help with septic tanks to reduce public health risks.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by Red Lake Chapter at a duly called meeting at Red Lake, Navajo Nation, New Mexico at which a quorum was present and that the same was passed by a vote of 08 in favor, -0- opposed, and 08 abstained on this 21st day of April, 2021.

  
Arval T. McCabe, Chapter President

MOTIONED: Loberta Redhouse

SECONDED: Richard Tsosie

| Name            | Phone# | Address                        | GPS |
|-----------------|--------|--------------------------------|-----|
| Septic Services |        |                                |     |
| 1               | 505-   | PO Box Window Rock AZ 86515    |     |
| 2               | 928-   | po box Navajo NM 87328         |     |
| 3               | 505-   | po box Navajo NM 87328         |     |
| 4               | 928-   | PO Box Navajo NM 87328         |     |
| 5               | 505    | PO Box Navajo nm 87328         |     |
| 6               | 928-   | PO Box Ft Defiance AZ          |     |
| 7               | 505    | PO Box Fort Defiance AZ 86504  |     |
| 8               | 928-   | PO Box Navajo NM 87328         |     |
| 9               | 505-   | PO Box Navajo, NM 87328        |     |
| 10              | 505-   | PO Box Navajo NM 87328         |     |
| 11              | 505-   | PO Box Fort Defiance, AZ 86504 |     |
| 12              | 505-   | PO Box Navajo NM 87328         |     |
| 13              | 505-   | PO Box Navajo NM 87328         |     |
| 14              | 505-   | PO Box Navajo NM 87328         |     |
| 15              | 928    | PO Box Window Rock Az 86515    |     |
| 16              | 928-   | PO Box Fort Defiance AZ 86504  |     |
| 17              | 505-   |                                |     |
| 18              | 928-   |                                |     |

|                      |      |        |                         |  |
|----------------------|------|--------|-------------------------|--|
| 19                   | 505- |        |                         |  |
| 20                   | 602- |        |                         |  |
| Water Line Extension |      |        |                         |  |
| 1                    | 505  | PO Box | Fort Defiance AZ 86504  |  |
| 2                    | 505  | PO Box | Navajo NM 87328         |  |
| 3                    | 928- | PO Box | Navajo NM 87328         |  |
| 4                    | 928  | PO Box | Fort Defiance, AZ 86504 |  |
| Power Line Extension |      |        |                         |  |

*Arval T. McCabe*

Arval T. McCabe, Chapter Preseident

*4/26/2021*

Date

**TABLE I.**  
**Cost Estimated of Recommended Facilities**  
**RED LAKE CHAPTER RESOLUTION**  
**4/28/2021**

| Item  | Quantity | Unit | Unit Cost   | Total Cost       |
|---|----------|------|-------------|------------------|
| <b>WATER SUPPLY FACILITIES</b>                        |          |      |             |                  |
| ROW Survey & Plan Prep                                | 2,400    | LF   | \$0.42      | \$1,008          |
| Archaeological Survey                                 | 104      | AC   | \$307.00    | \$31,928         |
| Endangered Species Survey                             | 1        | LS   | \$4,305.00  | \$4,305          |
| Stormwater Prevention Plan                            | 1        | LS   | \$6,370.00  | \$6,370          |
| 2" PVC Waterline                                      | 2,400    | LF   | \$9.85      | \$23,640         |
| Right of Way Clearing                                 | 2,400    | LF   | \$2.00      | \$4,800          |
| Pressure Testing                                      | 2,400    | LF   | \$0.70      | \$1,680          |
| Waterline Disinfection                                | 2,400    | LF   | \$0.35      | \$840            |
| 1" House Service                                      | 4        | EA   | \$1,760.00  | \$7,040          |
| NECA Mgmt. & Crew Support                             | 1        | LS   | \$39,238.32 | \$39,238         |
| <b>TOTAL - WATER SUPPLY FACILITIES</b>                |          |      |             | <b>\$120,849</b> |
| <b>SEWAGE DISPOSAL FACILITIES</b>                     |          |      |             |                  |
| Septic Tank (1,000 gal)                               | 20       | EA   | \$2,294.00  | \$45,880         |
| Drainfield (Infiltrator)                              | 7,500    | LF   | \$15.10     | \$113,250        |
| Individual Lagoon                                     | 5        | EA   | \$12,360.00 | \$61,800         |
| Septic Tank Pumping                                   | 20       | EA   | \$310.00    | \$6,200          |
| NECA Mgmt. and Crew Support                           | 1        | LS   | \$91,514.35 | \$91,514         |
| <b>TOTAL - SEWAGE DISPOSAL FACILITIES</b>             |          |      |             | <b>\$318,644</b> |
| <b>INTERIOR PLUMBING FACILITIES</b>                   |          |      |             |                  |
| Interior Plumbing                                     | 3        | EA   | \$5,215.00  | \$15,645         |
| <b>TOTAL - INTERIOR PLUMBING FACILITIES</b>           |          |      |             | <b>\$15,645</b>  |
| <b>COST SUMMARY</b>                                   |          |      |             |                  |
| <b>TOTAL - WATER SUPPLY FACILITIES</b>                |          |      |             | <b>\$120,849</b> |
| <b>TOTAL - SEWAGE DISPOSAL FACILITIES</b>             |          |      |             | <b>\$318,644</b> |
| <b>TOTAL - INTERIOR PLUMBING FACILITIES</b>           |          |      |             | <b>\$15,645</b>  |
| <b>Construction SUBTOTAL</b>                          |          |      |             | <b>\$455,139</b> |
| <b>CONTINGENCIES</b>                                  |          |      |             |                  |
| +10% Contingencies                                    |          |      |             | \$45,514         |
| <b>SUBTOTAL</b>                                       |          |      |             | <b>\$500,653</b> |
| <b>FEES AND TAXES</b>                                 |          |      |             |                  |
| +15% Support Services                                 |          |      |             | \$75,098         |
| +Navajo Nation Tax (6% of Construction Subtotal Only) |          |      |             | \$27,308         |
| +Regulatory Reviews (3% of Construction Subtotal)     |          |      |             | \$13,654         |
| <b>SUBTOTAL</b>                                       |          |      |             | <b>\$116,060</b> |
| <b>TOTAL PROJECT COST</b>                             |          |      |             | <b>\$616,713</b> |
| <b>TOTAL PROJECT COST (ROUNDED)</b>                   |          |      |             | <b>\$617,000</b> |