



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáądi Nitsáhákees **RICHELLE MONTROYA** **VICE PRESIDENT**

August 4, 2023

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

RE: *CJY-63-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CD-62-22 and the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)*

Dear Speaker Curley,

I am pleased to sign into law this resolution CJY-63-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan in the amount of \$3,118,598.

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,



Dr. Buu Nygren, President
THE NAVAJO NATION

RESOLUTION OF THE
 NAVAJO NATION COUNCIL
 25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
 AMENDING CD-62-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND
 DELEGATE REGION PROJECT PLAN FOR HONORABLE CRYSTALYNE CURLEY'S
 DELEGATE REGION (CHAPTERS: TACHEE/BLEU GAP, MANY FARMS, NAZLINI,
 TSELANI/COTTONWOOD, LOW MOUNTAIN)

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-62-22, attached as **Exhibit 1** (without project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Crystalyne Curley's Delegate Region (Chapter: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) 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 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-62-22, 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 KEE ALLEN BEGAY, JR.'S DELEGATE REGION (CHAPTERS: TACHEE/BLEUE GAP, MANY FARMS, NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN), was signed into law by the President of the Navajo Nation on January 9, 2023. **Exhibit 1.**
- D. CD-62-22, 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 Hon. Crystalyne Curley has requested to amend CD-62-22 to delete the *Nazlini Chapter Bathroom Additions* project (NNDOJ Review No. HK0232) and to delete the *Nazlini Chapter House Wiring* project (NNDOJ Review No. HK0233) from the Delegate Region Projects Plan covering the Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain Chapters. The removal of these projects will revert \$265,000.00 back to Hon. Crystalyne Curley's Delegate Region's Project Plan's Un-Allocated Amount.
- F. In addition to the removal of the *Nazlini Chapter Bathroom Additions* project and the removal of the *Nazlini Chapter House Wiring* project, Hon. Crystalyne Curley has requested that additional projects be added to the Delegate Region Projects Plan covering the Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain Chapters originally approved by CD-62-22. The additional projects, which have all been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the deleted projects, are set forth in **Exhibit 2**. After the deletion and addition of the project(s), the Hon. Crystalyne Curley's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- G. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Crystalyne Curley's

Delegate Region Chapters and communities to approve and adopt the removal of two-projects and add additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) as set forth in Exhibit 2.

SECTION THREE. AMENDING CD-62-22, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CRYSTALYNE CURLEY'S DELEGATE REGION (CHAPTERS: TACHEE/BLUE GAP, MANY FARMS, NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN)

- A. The Navajo Nation hereby approves the removal of two projects (the *Nazlini Chapter Bathroom Additions* project under NNDOJ Review No. HK0232 and the *Nazlini Chapter House Wiring* project under NNDOJ Review No. HK0233) listed in CD-62-22 for Hon. Crystalyne Curley's Delegate Region Projects Plan as stricken in Exhibit 2. The removal of these projects from Hon. Crystalyne Curley's Delegate Projects Plan will revert \$265,000.00 back to her Delegate Region's Project Plan's Un-Allocated Amount.
- B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) set forth in Exhibit 2.
- C. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- D. 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 25th 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 19 in Favor, and 00 Opposed, on this 19th day of July 2023.



Honorable Eugenia Charles-Newton, Speaker Pro Tem
25th Navajo Nation Council

7/27/23

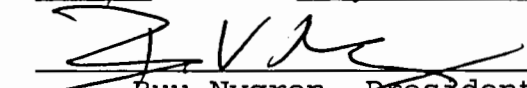
DATE

Motion: Honorable George H. Tolth
Second: Honorable Herman M. Daniels, Jr.

Speaker Pro Tem Eugenia Charles-Newton 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

Exhibit 1

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



January 6, 2023



Hon. Otto Tso
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CD-62-22, *An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)*

Dear Speaker Tso,

The Nez/Lizer Administration appreciates the Chapters' endeavors to work collaboratively with their respective Council Delegate in completing the process to access funding made available with the \$211,256,148 allocated for regional expenditure plans under CJN-29-22.

The process to secure funding also involves collaborative efforts between the Chapters, the Division of Community Development, Navajo Nation Fiscal Recovery Fund (NNFRF) Office and the Navajo Nation Department of Justice (NNDOJ). Per BFS-31-21, each proposed expenditure must obtain NNDOJ verification that each proposed project is an eligible expense within ARPA/NNFRF regulations. Each of the projects within CD-62-22 has met all the requirements.

The ARPA/NNFRF process is still evolving since the inception of this funding. Within the United States Treasury and the Navajo Nation, processes have been updated at various times. An example is the Treasury guidelines referenced within Navajo Nation Council resolutions CJY-41-21 and CJN-29-22; the Treasury guidelines exhibit was updated by the United States Treasury on September 20, 2022. Accordingly, the legal guidance provided by NNDOJ and Office of Legislative Counsel is modified to comply with the Treasury guidelines.

One such modification of legal guidance involved the processing of regional expenditure plans. Originally, the guidance was that all projects had to equal \$8,802,340 to be considered as completed and ready for legislative action. This guidance was modified in December 2022 to allow partial funding of the \$8,802,340 allocations so that proposed ARPA/NNFRF projects ready for legislative action could be processed by Office of Legislative Counsel. Because of the time constraints for the 24th Navajo Nation Council to act on proposed legislation, programs did not have sufficient time to provide written verification to Chapters regarding the change in legal guidance.

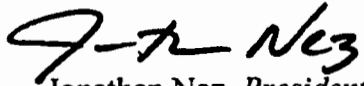
THE NAVAJO NATION

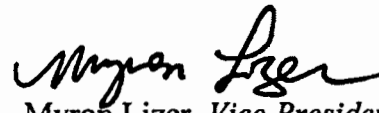


JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CD-62-22 into law.

Sincerely,


Jonathan Nez, *President*
THE NAVAJO NATION


Myron Lizer, *Vice President*
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

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 KEE ALLEN BEGAY, JR.'S DELEGATE REGION
(CHAPTERS: TACHEE/ BLUE GAP, MANY FARMS, NAZLINI, TSELANI/
COTTONWOOD, LOW MOUNTAIN)

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).

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 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. All projects listed in the Hon. Kee Allen Begay, Jr.'s Delegate Region Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Kee Allen Begay, Jr.'s Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- D. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Kee Allen Begay, Jr.'s Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) as set forth in **Exhibit A**.

SECTION THREE. APPROVAL OF HON. KEE ALLEN BEGAY, JR.'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) 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 FIVE. 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 24th 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 29th day of December 2022.



Honorable Otto Tso, Speaker
24th Navajo Nation Council

12/30/2022

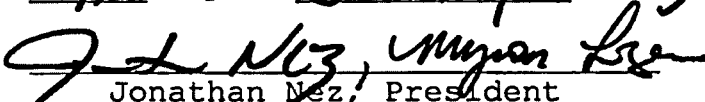
DATE

Motion: Honorable Vince James
Second: Honorable Daniel E. Tso

Speaker Otto Tso 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 9th day of January, 2023.


Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, 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 _____, 2022.

Jonathan Nez, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Leach Field Project	Division of Community Development	5.3	HK0226	\$ 120,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Bathroom Additions	Division of Community Development	1.14	HK0232	\$ 160,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Housing Wiring	Division of Community Development	2.18	HK0233	\$ 105,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Consulting Services	Division of Community Development	7.1	HK0234	\$ 150,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Warehouse Project	Division of Community Development	6.1	HK0235	\$ 400,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Administration Bldg	Division of Community Development	6.1	HK0237	\$ 350,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Cemetery Project	Division of Community Development	6.1	HK0238	\$ 150,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Water Conservation Project	Division of Community Development	2.22	HK0239	\$ 590,468.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Housing Support: Bathroom Additions	Division of Community Development	1.14	HK0305	\$ 400,000.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Local Rural Addressing - E911	Katherine O. Arthur, Chapter President	2.22	HK0307	\$ 100,000.00
					TOTAL:	\$ 2,525,468.00

*Per C.J.N-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 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani, Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 2,525,468.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter HVAC Systems	Division of Community Development	1.4	HK0308	\$ 150,000.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Broadband/Cellular Tower	Division of Community Development	1.14	HK0309	\$ 750,000.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Cellular Service Tower	Division of Community Development	1.14	HK0332	\$ 750,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Elderly Bathroom Makeover/Modification Project	Division of Community Development	1.14	HK0333	\$ 81,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Cellular Tower Project	Division of Community Development	1.14	HK0334	\$ 700,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter New Homes Waterline Extension Project	Division of Community Development	5.13	HK0336	\$ 48,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Drainage/Septic System Project	Division of Community Development	5.5	HK0312	\$ 140,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter New Homes Electric and Powerline Extension	Division of Community Development	2.18	HK0335	\$ 60,000.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Warehouse Building	Division of Community Development	6.1	HK0341	\$ 450,000.00
					TOTAL:	\$ 5,654,468.00

*Per C/JN-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."

Exhibit 2

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit 2

COUNCIL DELEGATE: Hon. Crystalyne Curley

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development		TOTAL AMOUNT APPROPRIATED in CD-62-22 on January 9, 2023				\$ 5,948,733.00
Division of Community Development	*Nazlini-Chapter	Nazlini-Chapter-Bathroom-Additions	Division of Community Development	4-14	HK0232	-\$ 160,000.00
Division of Community Development	*Nazlini-Chapter	Nazlini-Chapter-House-Wiring	Division of Community Development	2-18	HK0233	-\$ 105,000.00
Division of Community Development	None Identified	Low Mountain Chapter Hire of Personnel for Home Renovations Project	Division of Community Development	2.18	HK0310-2	\$ 122,191.30
Division of Community Development	None Identified	Low Mountain Chapter New Home Construction Project	Division of Community Development	2.15	HK0311-2	\$ 420,000.00
Division of Community Development	None Identified	Blue Gap/Tachee Chapter Administration Building Renovation Project	Division of Community Development	2.22	HK0339	\$ 266,203.00
Division of Community Development	None Identified	Low Mountain Chapter Home Renovations Construction Project	Division of Community Development	2.18	HK0432	\$ 92,067.70
Division of Community Development	None Identified	Low Mountain Chapter Septic Services Project	Division of Community Development	5.5	HK0433	\$ 67,200.00
Division of Community Development	None Identified	Low Mountain Chapter Heating/Cooling System Project	Division of Community Development	1.4	HK0441	\$ 30,000.00
Division of Community Development	None Identified	Many Farms Chapter Housing Assistance - Rehabilitation & Demolition Project	Division of Community Development	2.18	HK0304-2	\$ 360,468.00
					TOTAL:	\$ 7,041,863.00

*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 0432

Date & Time Received: 3/30/23 at 15:10

Date & Time of Response: 4/5/23 at 11:20

Entity Requesting FRF: Low Mountain Chapter

Title of Project: Low Mountain Chapter Home Renovation Construction Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$92,068 \$ 92,067⁷⁰

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: _____
2.18, Housing Support: Other Housing Assistance

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: _____

Name of DOJ Reviewer: Rodgerick Begay

Signature of DOJ Reviewer: *Rodgerick Begay*

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.

**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: Low Mountain Chapter Date prepared: 10/26/2022

Chapter's mailing address: PO Box 4416 phone/email: (928) 728 - 3700 / lowmountain@navajochapters.org
Blue Gap, AZ. 86520 website (if any): http://lowmountain.nndes.org

This Form prepared by: Marelta Denny, Project Manager. phone/email: (605) 979 - 3001 / marelta@denny@yahoo.com
Roger George, Chapter Vice President. phone/email: (928) 401 - 1935 / rgeorge@naataanli.org
CONTACT PERSON'S name and title CONTACT PERSON'S job

Title and type of Project: Low Mountain Chapter Home Renovation Construction Project

Chapter President: Ben L. Gonnie phone & email: (928) 313 - 8726 / m83563963@gmail.com

Chapter Vice-President: Roger B. George phone & email: (928) 401 - 1935 / rgeorge@naataanli.org

Chapter Secretary: Rose A. Charley phone & email: (928) 386 - 3511 / girllyazzie1947@hotmail.com

Chapter Treasurer: Rose A. Charley phone & email: (928) 386 - 3511 / girllyazzie1947@hotmail.com

Chapter Manager or CSC: Ella Nelson, AMS / Acting CSC phone & email: (928) 814 - 7122 / enelson@navajochapters.org

DCD/Chapter ASO: Robert Jumbo, ASO - ASC / DCD phone & email: rjumbo@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Local skilled manpower employees e.g.

Previous on-the-job trained Public Employment Program Rehires with skilled Supervisor document attached

Amount of FRF requested: \$92,067.70 FRF funding period: 5/1/25 - 12/31/26
Indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

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

Low Mountain Chapter Home Renovation Projects: The need to renovate [31] existing homes, within the Chapter community coincides with the [3] new unit-housing construction project. Between the two projects, home renovation considered more a crucial need than new unit homes. This has been more the case a good number of years. Therefore, this project should and needs to be funded with ARPA funds to assist local community members. Coincidental is the ARPA funds will be used to purchase materials/supplies for renovating or improving an existing home, hiring local manpower for the task. Practical renovated homes good for cleanliness and COVID-19 mitigation efforts. document attached

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

Most all the preliminary preparedness are adequate, assessment, needs viewed and studied as a whole, the 32 homes in disrepair, homesite leases, home ownerships being needy, living conditions assessed and determined the homes need to be restored. Material listing and potential self-help clients in progress Project beneficial for local Navajo community four areas and less reliance on Navajo Nation. document attached

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

Program(s) or Project(s) by December 31, 2025:

Completion date estimation, December 31, 2025, Navajo Nation Chapter Official Election and staff turnover maybe a challenge.

document attached

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

CSC and AMS, Project Manager and Project Coordinator to coordinate with Chapter officials. Recommend Planner/Consultant on board hire

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:

Project recipients (ownership) Chapter officials and Administrative staff advisory team.

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:

3.12 Housing Support: Other Housing Assistance.

document attached

Part 3. Additional documents.

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

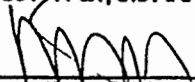
- 1. Sample Assessment By Administrative Staff Acting CSC/AMS With Temp Project Manager.
- 2. Client Listing/Recipients.

Chapter Resolution attached

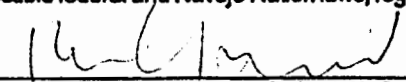
Part 4. Affirmation by Funding Recipient.

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 ASO

12/12/2022

Approved to submit for Review:


signature of DCO Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Home Renovation</u>		Division: <u>Divisary Branch</u>		DCD/Executive		
Prepared By: <u>WAREITA DENNY, Project Manager</u>		Phone No.: <u>982-725-3700</u>		Email Address: <u>lowmountain@navajochapters.org</u>				
PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			
AN ARPA FUNDS		<u>5.01.2023</u> <u>12.31.2023</u>	<u>92,067.70</u>	<u>100%</u>	Fund Type Code	Original Budget	Proposed Budget	Difference of 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>6</u>	<u>92,067.70</u>	<u>92,027.70</u>
					9000 Capital Outlay			
					9500 Matching Funds			
					9500 Indirect Cost			
					TOTAL		92,067.70	92,027.70
					PART IV. POSITIONS AND VEHICLES			
					(D)		(E)	
					Total # of Positions Budgeted:		<u>0</u>	<u>0</u>
					Total # of Vehicles Budgeted:		<u>0</u>	<u>0</u>
					TOTAL:		\$92,067.70	100%

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

SUBMITTED BY: Sonlata Jim-Martin 12/12/2022
 Program Manager's Printed Name
 Program Manager's Signature and Date

APPROVED BY: Dr. Pearl Yellowman
 Division Director / Branch Chief's Printed Name
Pearl Yellowman 12.13.22
 Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:
 Business Unit No.: NEW Program Name/Title: LOW MOUNTAIN CHAPTER - Home Renovation

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: Assist with Home Renovation for community members. Program Performance Measure/Objective: Assist 31 community members with home renovation.					15			16
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.
 Program Manager's Printed Name: Sonesta Jim-Martin Date: 12/12/2022
 Program Manager's Signature and Date: *Sonesta Jim-Martin*
 Division Director/Branch Chief's Printed Name: Dr. Pearl Yellowman
 Division Director/Branch Chief's Signature and Date: *Pearl Yellowman 12.13.22*

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:		Business Unit No.:	
Name/Title: <u>LOW MOUNTAIN CHAPTER - Home Renovation</u>		<u>New</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Description and Justification (LOD 7)		Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8550	Repairs and Maintenance 8725 - Supplies: Purchase Buidng Supplies to renovate 31-Homes @ \$92,067.70.	92,067.70	92,067.70
TOTAL		92,067.70	92,067.70

**RESOLUTION OF THE (LMC)
LOW MOUNTAIN CHAPTER
NAVAJO NATION GOVERNMENT**

SUPPORTING RESOLUTION REQUESTING THE NAVAJO NATION TO FUND THE LOW MOUNTAIN CHAPTER IN THE AMOUNT OF \$92,067.70 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST AND EXPENDITURE PLANS AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT (ARPA) FOR THE LOW MOUNTAIN CHAPTER HOME RENOVATION CONSTRUCTION PROJECT PURCHASE BUILDING SUPPLIES FOR 31 HOMES.

WHEREAS:

1. Pursuant to Title 26 N.N.C., § 3 (A) and as listed pursuant to Title 11 N.N.C., Part 1 § 10 the LMC is a duly recognized certified Chapter of the Navajo Nation government and as such may preserve or promote community interests; AND,
2. Pursuant to Title 26 N.N.C., § 1 (B) the LMC is a duly certified Chapter of the Navajo Nation Government and recognized as a local tribal entity vested with the authority to review all matters affecting the community and to make appropriate recommendations to the Navajo Nation concerning matters that are in the best interest of the community; AND,
3. Since 1980 forward to this day October '2022, FY 2022-23 First Quarter, home repairs or renovation of existing homes have always been a greater need in aggregate numbers than the need for new home constructions, not only within the Low Mountain Chapter community and readily has not changed within the last four (4) decades and I assume other Navajo Nation Chapters may confidently be agreeable with this status quo of dilapidated existing homes of the Navajo people; AND,
4. The need to renovate 32 existing homes, within the Chapter community coincides with the 15 new unit housing construction project. Between the two projects, home renovation considered more a crucial need than new unit homes. This has been more the case a good number of years. Therefore, this project should and needs to be funded with ARPA funds to assist more people. Coincidental is the ARPA funds will be used for renovating or improving an existing home, hiring local manpower for the task. Practical renovated homes good for cleanliness and Covid-19 mitigation efforts; AND,
5. whether we know it or not, living conditions within our communities have been cited as "comparable to 3rd world" (5/5/2004, Gallup independent). It is impossible to succinctly describe the many factors that have contributed to the challenges that our community people face today, but the following facts about the most pressing issues of economic, health and housing gives a hint of what life is like for many of our Chapter memberships. The lack of better homes heightens the dangers posed by this still present COVID-19 and therefore our community housing crisis can be a public health crisis. Due to the pandemic, the LMC may have some of the worser social and economic outcomes, we are more likely to be negatively affected by funding cuts and policy changes. Our Chapter may have one of the more critical problems facing our community is HOUSING. Our Chapter Vice President always reiterates, "we are the forgotten people like the Bennet Freeze." We cannot determine the outcome of trying to tackle our housing crisis. We can just hope for the best with these ARPA funding Proposals.

NOW, THEREFORE BE IT RESOLVED, THAT:

1. Supporting Resolution Requesting The Navajo Nation To Fund The Low Mountain Chapter In The Amount Of \$58,568.00 From The Navajo Nation Fiscal Recovery Funds Request And Expenditure Plans As Authorized By The American Rescue Plan Act (ARPA) For The Low Mountain Chapter Home Renovation Construction Project purchase building supplies for 32 homes.

- 2. Low Mountain 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.

Motion By: John Pekin

Second By: Sullivan John

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

We hereby certify that the foregoing Chapter resolution was duly considered by the Low Mountain Chapter at a duly-called Chapter meeting at Low Mountain Chapter, Low Mountain (Navajo Nation), Arizona, at which a quorum was present and that the same was passed by a vote of 11 in favor, 0 opposed, 2 abstained on this 10th day of Nov., 2022.

[Signature]
Ben L. Gonnie, Chapter President

[Signature]
Roger B. George, Chapter Vice President

[Signature]
Rose Ann Charley, Chapter Secretary/Treasurer