

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- Second Year, 2024

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABID-58-23 AND CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'íyáti' Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. §700(A).
- B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23, mandates that Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.
- C. Navajo Nation Council Resolution No. CAP-15-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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). See Exhibit 1 (without project exhibits).
- D. Navajo Nation Council Resolution No. CAU-74-23, which amended CJN-29-22 and CJY-41-21, included and incorporated herein by reference, delegated the Naabik'íyáti' Committee as the final approval authority for Delegate Region Project Plans funded through Navajo Nation's Fiscal Recovery Funds.
- E. Navajo Nation Council Resolution No. CO-80-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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).

- F. Naabik'íyáti' Committee Resolution No. NABID-58-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) be adopted and approved by resolution of the Naabik'íyáti' Committee pursuant to two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. See Exhibit 2 (without project exhibits).

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, as amended by CAU-74-23, Section Three, now 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 two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, 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-15-23, 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 GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), was signed into law by the President of the Navajo Nation on May 4, 2023. Exhibit 1.
- D. CAP-15-23, 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. CAU-74-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION

COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the President of the Navajo Nation on September 6, 2023.

- F. CJN-29-22, as amended by CAU-74-23, Section Three, now 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 two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).
- G. The Navajo Nation Council Resolution No. CO-80-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on November 3, 2023.
- H. The Naabik'íyáti' Committee Resolution No. NABID-58-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the Chairperson of the Naabik'íyáti' Committee on January 5, 2024. Exhibit 2.
- I. NABID-58-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted and approved by resolution of the Naabik'íyáti' Committee.
- J. The Delegate Region Projects Plan for Hon. Germaine Simonson requires an amendment to remedy an inadvertent error enacted

- under NABID-58-23, which approved a project previously enacted under CAP-15-23. The *Pinon Chapter Septic & Leach Field Repair or Replacement Project* (under NNDOJ Review No. HK0283), after its *original* authorization under CAP-15-23 on May 4, 2023, received a project budget in the amount of \$260,468.00 under Business Unit No. K2115198; subsequently, after the enactment of NABID-58-23, the same project received another project budget for the same amount under Business Unit No. K2115486. The remedy required here is to identify the entry of the original project budget appropriated under CAP-15-23 in the amount of \$260,468.00 under Business Unit No. K2115198 as the official project budget for No. HK0283, and to act further to remove the subsequent project budget appropriated under NABID-58-23 in the same amount under Business Unit No. K2115486, which will revert \$260,468.00 back to Hon. Germaine Simonson's Delegate Region Project Plan's Un-Allocated Amount.
- K. The Delegate Region Projects Plan for Hon. Germaine Simonson requires an amendment to remedy an inadvertent error enacted under NABID-58-23, which approved a project previously enacted under CAP-15-23. The *Whippoorwill Chapter Hire of Personnel (Technical Staff/Skilled Construction Workers)* (under NNDOJ Review No. HK0447), after its *original* authorization under CAP-15-23 on May 4, 2023, received a project budget in the amount of \$630,517.00 under Business Unit No. K2115206; subsequently, after the enactment of NABID-58-23, the same project received another project budget for the same amount under Business Unit No. K2115487. The remedy required here is to identify the entry of the original project budget appropriated under CAP-15-23 in the amount of \$630,517.00 under Business Unit No. K2115206 as the official project budget for No. HK0447, and to act further to remove the subsequent project budget appropriated under NABID-58-23 in the same amount under Business Unit No. K2115487, which will revert \$630,517.00 back to Hon. Germaine Simonson's Delegate Region Project Plan's Un-Allocated Amount.
- L. All projects listed in the Hon. Germaine Simonson's Delegate Region Projects Plan, attached as Exhibit 3, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Germaine Simonson's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- M. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Germaine Simonson's Delegate Region Chapters and communities to approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's

Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) as set forth in Exhibit 3.

SECTION THREE. AMENDING NABID-58-23 AND CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL)

- A. The Navajo Nation hereby approves the amendment to identify the entry of the original project budget for the *Pinon Chapter Septic & Leach Field Repair or Replacement Project* (under NNDOJ Review No. HK0283), originally appropriated under CAP-15-23 in the amount of \$260,468.00 under Business Unit No. K2115198, as the official project budget for No. HK0283 in Hon. Germaine Simonson's Delegate Region Projects Plan, and to further act to remove the subsequent project budget appropriated under NABID-58-23 in the same amount under Business Unit No. K2115486 for the same project. The amendment is identified in Exhibit 3 and will revert \$260,468.00 back to Hon. Germaine Simonson's Delegate Region Project Plan's Un-Allocated Amount.
- B. The Navajo Nation hereby approves the amendment to identify the entry of the original project budget for the *Whippoorwill Chapter Hire of Personnel (Technical Staff/Skilled Construction Workers)* (under NNDOJ Review No. HK0447), originally appropriated under CAP-15-23 in the amount of \$630,517.00 under Business Unit No. K2115206, as the official project budget for No. HK0447 in Hon. Germaine Simonson's Delegate Region Projects Plan, and to further act to remove the subsequent project budget appropriated under NABID-58-23 in the same amount under Business Unit No. K2115487 for the same project. The amendment is identified in Exhibit 3 and will revert \$630,517.00 back to Hon. Germaine Simonson's Delegate Region Project Plan's Un-Allocated Amount.
- C. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) set forth in Exhibit 3.
- D. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- E. 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

Exhibit 1



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

May 4, 2023



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

RE: CAP-15-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Regional Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill)

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-15-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Simonson's Delegate Region in the amount of \$4,140,047.47.

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;
 APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
 PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION
 (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA,
 WHIPPOORWILL)

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. Germaine Simonson's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon.

Germaine Simonson'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. Germaine Simonson's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. GERMAINE SIMONSON'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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 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 21 in Favor, and 00 Opposed, on this 18th day of April 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

4/27/23

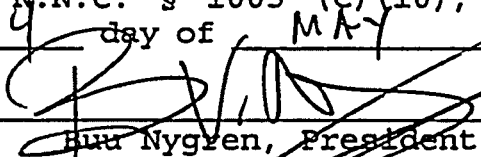
DATE

Motion: Honorable Rickie Nez
Second: Honorable Vince R. James

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 9 day of MAY, 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

COUNCIL DELEGATE: Delegate Germaine Simonson

Exhibit A

CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	* Pinon Chapter	Pinon Chapter Housing for Community	Division of Community Development	2.15	HK0282-2	\$ 1,000,000.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Septic & Leach Field Repair or Replacement Project	Division of Community Development	5.3	HK0283	\$ 260,468.00
Division of Community Development	None Identified	Forest Lake Chapter Bathroom Additions Project	Division of Community Development	1.14	HK0391	\$ 679,120.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Housing Renovation and Repair for Pinon Community	Division of Community Development	2.18	HK0284-2	\$ 500,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Home Renovation Project	Division of Community Development	2.18	HK0427	\$ 160,439.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Septic Services Project	Division of Community Development	5.5	HK0426	\$ 78,750.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Elderly Bathroom Modification Project	Division of Community Development	1.14	HK0429	\$ 60,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter New Home Waterline Project	Division of Community Development	5.11	HK0430	\$ 48,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter New House Construction	Division of Community Development	2.15	HK0431	\$ 722,753.47
		CONTINUES on Page 2.....				
					TOTAL:	\$ 3,509,530.47

*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."

Exhibit 2

RESOLUTION OF THE
 NAABIK'ÍYÁTI' STANDING COMMITTEE
 25th NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

BE IT ENACTED:



SECTION ONE. AUTHORITY

- A. The Naabik'iyáti' Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A).
- B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23, mandates that Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by two-thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.
- C. Navajo Nation Council Resolution No. CAP-15-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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).
- D. Navajo Nation Council Resolution No. CAU-74-23, which amended CJN-29-22 and CJY-41-21, included and incorporated herein by reference, delegated the Naabik'iyáti' Committee as the final approval authority for Delegate Region Project Plans funded through Navajo Nation's Fiscal Recovery Funds.
- E. Navajo Nation Council Resolution No. CO-80-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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, as amended by CAU-74-23, Section Three, now 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 two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, 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-15-23, 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 GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), was signed into law by the President of the Navajo Nation on May 4, 2023.
- D. CAP-15-23, 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. CAU-74-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the President of the Navajo Nation on September 6, 2023.
- F. CJN-29-22, as amended by CAU-74-23, Section Three, now 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 two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).

- G. The Navajo Nation Council Resolution No. CO-80-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on November 3, 2023.
- H. All additional projects listed in the Hon. Germaine Simonson's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Germaine Simonson's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- I. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Germaine Simonson'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. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) as set forth in Exhibit A.

SECTION THREE. AMENDING CO-80-23 AND CAP-15-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GERMAINE SIMONSON'S DELEGATE REGION (CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA, WHIPPOORWILL), 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. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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 and approved by resolution of the Naabik'iyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the Naabik'iyáti' Committee members in attendance.

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 Naabik'iyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Tse Bonito, New Mexico, at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 28th day of December 2023.



Honorable Crystalyne Curley, Chairwoman
Naabik'iyáti' Committee

1/5/24

Date

Motion: Honorable Cherilyn Yazzie

Second: Honorable Shawna Ann Claw

Chairwoman Crystalyne Curley not voting

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. Germaine Simonson

CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED IN CAP-15-23 on May 4, 2023				\$ 4,140,047.47
		TOTAL AMOUNT APPROPRIATED IN CO-80-23 on November 3, 2023				\$ 60,000.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Septic & Leach Field Repair or Replacement Project	NN Environmental Protection Agency	5.3	HK0283	\$ 260,468.00
Division of Community Development	None Identified	Black Mesa Chapter Housing Project	Division of Community Development	2.16	HK0619-2	\$ 1,760,468.00
Division of Community Development	None Identified	Hardrock Chapter Senior Center Upgrade Project	Division of Community Development	2.22	HK0685	\$ 160,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Hire of Personnel (Tech/Construction) Project	Division of Community Development	2.37	HK0447	\$ 630,517.00
Division of Community Development	None Identified	Hardrock Chapter Bathroom Additions/Renovations Project	Division of Community Development	1.14	HK0703	\$ 1,400,458.00
		UN-ALLOCATED AMOUNT				\$ 390,381.53
					TOTAL:	\$ 8,802,340.00

*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 3

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit 3

COUNCIL DELEGATE: Hon. Germaine Simonson

CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED IN CAP-15-23 on May 4, 2023				\$ 4,140,047.47
		TOTAL AMOUNT APPROPRIATED IN CO-80-23 on November 3, 2023				\$ 60,000.00
		TOTAL AMOUNT APPROPRIATED IN NABID-58-23 on January 5, 2024				\$ 4,211,911.00
		(Amendment) Remove Project Budget under Business Unit No. K2115486 enacted under NABID-58-23 for Pinon Chapter Septic & Leach Field Repair or Replacement Project			HK0283	-\$ 260,468.00
		(Amendment) Remove Project Budget under Business Unit No. K2115487 enacted under NABID-58-23 for Whippoorwill Chapter Hire of Personnel (Tech Construction) Project			HK0447	-\$ 630,517.00
Division of Community Development	None Identified	Forest Lake Chapter Housing Project	Division of Community Development	2.16	HK0637	\$ 930,000.00
		UN-ALLOCATED AMOUNT				\$ 351,366.53
					TOTAL:	\$ 8,802,340.00

*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."



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 637

Date & Time Received: 03/11/24 at 14:37

Date & Time of Response: April 3, 2024 at 10:30

Entity Requesting FRF: Forest Lake Chapter

Title of Project: Forest Lake Housing Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$930,000

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:
Section 2.16, Long-term Housing Security: Services for Unhoused Persons

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: Lorenzo Curley

Signature of DOJ Reviewer: *Lorenzo Curley*

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

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 637

Date & Time Received: 7/20/23 at 11:33

Date & Time of Response: August 28, 2023 at 15:00 hrs

Entity Requesting FRF: Forest Lake Chapter

Title of Project: Forest Lake Housing Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$930,000

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: 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 type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: We need additional information to determine if the proposed housing assistance is an eligible use. To assist us, please provide answers to the following questions in as much detail as possible and include any other relevant information:

1. What is the criteria to be approved for a new home/how were the four recipients be selected? How will the Chapter prioritize projects if there are more persons in need than funds available? Please be specific, and include any family size and income limitations or other criteria used to establish and prioritize needs.

2. 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 and Indian Housing Block Grant. (Eligibility for one of these programs is a favorable factor in determining whether a housing project is eligible as a use of the Nation's Fiscal Recovery Funds.)

3. The documents indicate that the individuals need new housing due to overcrowding. How will the project help with overcrowding?

4. The funding request for the project is based on an estimate received from White Mesa Homes, LLC. Will the Chapter comply with the procurement rules, conflicts of interest rules, and other requirements associated with the receipt of Fiscal Recovery Funds?

Name of DOJ Reviewer: Lorenzo Curley

Signature of DOJ Reviewer: *Lorenzo Curley*

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: Forest Lake Chapter Date prepared: 3/4/2024

Chapter's mailing address: P.O. Box 441 Pinon, Az 86510 phone/email: 928-677-3252 website (if any): forestlake@navajochap

This Form prepared by: Ella M. Benally phone/email: embenally@nnchapte
Ella M. Benally, CSC 928-677-3252
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Forest Lake Housing Project

Chapter President: May Gilene Begay phone & email: mgbegay@naataanii.org

Chapter Vice-President: Rapheal Boy phone & email: rboy@yahoo.com

Chapter Secretary: Brenda White phone & email: brendawhite304@yahoo.co

Chapter Treasurer: Brenda White phone & email: brendawhite304@yahoo.co

Chapter Manager or CSC: Ella M. Benally phone & email: embenally@nnchapters.org

DCD/Chapter ASO: Edgerton Gene phone & email: egene@dcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): IDIQ firm will help with RFPs to s
 document attached

Amount of FRF requested: \$930,000. FRF funding period: 10/1/2022 to 12/30/2026
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 new homes will address the lacked adequate housing for four families of the Forest Lake community (FLC) with burn out and unhoued. These individuals come from overcrowded homes with poor ventilation that will not be suffice to safeguard from the spread of COVID or any other epidemic/pandemic should it reach the Navajo Nation again. The new homes will be constructed to meet building construction code to make new homes safe to isolate or quarantine with healthy circulation of air. More importantly, the with availability of pipe in water and indoor plumbing in the new homes, it will promote good hygiene to prevent spread of germs, bacteria and virus. This action prevents spread of COVID. All recipients reside in Forest Lake community.

document attached

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

The project will benefit the community members that are in need of safe homes that is free of poor ventilation, lack ramp, ample room for sleeping, and proper air circulation. The new homes will benefit the people that they no longer have to go outside at night and inclement weather for restroom as the new homes will come equipped with indoor plumbing and pipe in water..

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 timeline of this project will be from 10/1/2023 to 12/31/2026.

document attached

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

The DCD, IDIQ Firm and Chapter officials/staff will take the responsibility for assuring the project is being implemented in accordance.

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 homeowners will meet with the vendor to receive mandated orientation of the maintenance and operations of their new home, if appliances is included, all new homeowners will also be required to attend orientation from the vendor of how to care and operate their appliances. The Chapter will further prepare a homeowner commitment that will be signed by each homeowner and will assure their commitments once they sign the letter. within the first two years, Chapter Vice President will be contacted

(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:

3.11. Housing Support: Affordable Housing

document attached

Part 3. Additional documents.


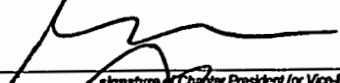
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

1. Potential Housing Applicants labeled as Exhibit A

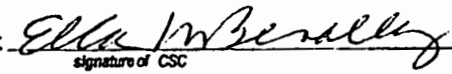

Chapter Resolution attached

Part 4. Affirmation by Funding Recipient.

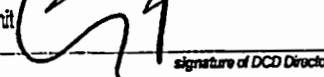
Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's Preparer:  Approved by: 

signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)

Approved by:  Approved by: 

signature of CSC signature of Chapter SG

Approved to submit for Review: 

signature of DCD Director

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>New</u>		Program Title: <u>Forest Lake</u>		Division/Branch: <u>DCD/EXECUTIVE</u>				
Prepared By: <u>Ella M. Benzly</u>		Phone No.: <u>928-677-3252</u>		Email Address: <u>embenzly@nncchaplers.org</u>				
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
ANN Fiscal Recovery Funds	10/1/22-09/31/28	930,000.00	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	930,000	930,000
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	930,000.00	930,000
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
TOTAL:				\$930,000.00	100%			
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>James Adakai, Deputy Director</u>			APPROVED BY: <u>Calvin Castiza, Executive Director</u>					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name					
<u>[Signature]</u>			<u>[Signature]</u>					
Program Manager's Signature and Date			Division Director / Branch Chief's Signature and Date					

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:								
Business Unit No.: <u> </u> <u>New</u>			Program Name/Title: <u>Forest Lake</u>					
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:								
<i>To assist and build homes for community members in need within Forest Lake chapter</i>								
PART III. PROGRAM PERFORMANCE CRITERIA:								
	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:								
Procurement of 4 Log Cabin Homes								
Program Performance Measure/Objective:								
Assist 4 community membership with new homes	1		1		1		1	
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.								
James Adakel, Deputy Director				Cedric Cepeda, Executive Director				
Program Manager's Printed Name				Division Director/Branch Chief's Printed Name				
<i>[Signature]</i> 6-22-23				<i>[Signature]</i> 6-22-23				
Program Manager's Signature and Date				Division Director/Branch Chief's Signature and Date				

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Forest Lake</u>		Business Unit No.: <u>New</u>	
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)
	Housing: 8725 To purchase 4 log cabin homes @ 230,000.00 ea. = 930,000.00	930,000	930,000
TOTAL		930,000	930,000

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>New</u> Project Title: <u>Forest Lake Housing Project</u> Project Description: <u>The new structures will improve the quality of life for all those members with adequate space in their new home. The current overcrowded and substandard homes are occupied by multi-generational families who all lack homes</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification	PART II. Project Information Project Type: <u>Forest Lake Housing Project</u> Planned Start Date: <u>10/1/2022</u> Planned End Date: <u>12/30/2028</u> Project Manager: <u>Chapter Officials/Staff</u>																													
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																Expected Completion Date if project exceeds 8 FY Qtrs. Date: <u>12/30/2028</u>													
	FY 2023								FY 2028																					
	1st Qtr.		2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.		2nd Qtr.			3rd Qtr.			4th Qtr.										
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
Assessment							x	x																						
Purchase Homes											x	x																		
Construction													x	x	x	x	x	x	x	x	x	x	x							
Homeownership training																								x						
PART V.																				PROJECT TOTAL										
Expected Quarterly Expenditures																				\$930,000.00										
																				232,500.00 232,500.00 232,500.00 232,600.00										

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



**JONATHAN NEZ
PRESIDENT**

Forest Lake Chapter
Jimmy Yellowhair, Council Delegate
May Gilene Begay, President
Raphael Boy, Vice President
Brenda White, Secretary Treasurer
Irene Begay, Grazing Representative
Ella M. Benally, Community Service Coordinator

**MYRON LIZER
VICE-PRESIDENT**

RESOLUTION OF THE FOREST LAKE CHAPTER

Resolution No. FLC-22-12-002

Requesting the Navajo Nation Department of Justice (DOJ), Division of Community Development (DCD) and Office of the Fiscal Recovery Funds to accept and approve ARPA funds for new homes of the unhoused residents of the Forest Lake Chapter who are in dire need of a home as Forest Lake Housing Project

WHEREAS:

1. The Navajo Nation Council Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B-1&2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consistent with Navajo Laws including custom and tradition and to make decisions over local matters; and
3. The 24th Navajo Nation Council passed Legislation CJN-29-22, Navajo Nation Council allocating \$1,070,298,867 of the Navajo Nation Fiscal Recovery Funds and approved the Fiscal Recovery Fund Expenditure Plans on June 30, 2022; and
4. The Forest Lake Chapter identified individuals/families in dire need of a home to establish stable and healthy life with remaining in one home and cease living temporarily with relatives or friends or at times seek shelter in an inadequate shelter to seek shelter; and
5. Establishing a permanent home improves personal health, hygiene, permanency for the children and organized life. Permanent home allows for securing post office address, and enhance plans for seeking employment or education; and
6. Individuals who are unhoused are highly transient and potentials to transmit infectious disease, bacteria and other germs that could infect other individuals/household members they come in contact. Thus, permanency of residencies is the solution to stop spread of contagious disease.

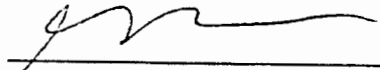
NOW, THEREFORE IT BE RESOLVED THAT:

Forest Chapter hereby requests the Navajo Nation Department of Justice (DOJ), Division of Community Development (DCD) and Office of the Fiscal Recovery Funds to accept and approve ARPA funds for new homes of the unhoused residents of the Forest Lake Chapter who are in dire need of a home

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Forest Lake Chapter at a duly called meeting in Forest Lake, Navajo Nation, and Arizona, at which a quorum of chapter members was present and that the same was passed by a vote of 29 in favor, 00 opposed, and 00 abstained on this 15th day of December 2022.

Motioned by: Stanley Mike



May Gilene Begay, Chapter President

Seconded by: Eloise Interpreter

Jimmy Yellowhair, NN Council Delegate



**Forest Lake Chapter
Housing Assistance**

Highway N-41 * Post Office Box 441
Pinon, Arizona 86510

Phone: (928) 677-3252/3347 * Fax: (928) 677-3320
Email: forestlake@navajochapters.org

FY'23

TYPE OF ASSISTANCE APPLYING FOR:

- Repairs
- Weatherization
- Archaeological
- Other: _____

Name: _____ Date: _____

Please attach the following **CURRENT** documents with the Forest Lake Chapter Housing Assistance application.

Please note: Chapter Administration Staff may ask for additional documents

- 1. Housing Assistance Application
- 2. Map of Property: Directions to your home from the Chapter House
- 3. Evidence of Land Ownership: (excludes stove assistance)
* APPROVED Home Site/Residential Lease in your own name. All Home Site Lease require an Archaeological Clearance Report.
- 4. Copy of Social Security Card for all household members
- 5. Copy of Certificate of Indian Blood (CIB) for all household members
- 6. Copy of Navajo Nation Voter Registration receipt or card for Head of Household and spouse
- 7. Referrals from outside entities (i.e.: IHS, Social Security, Veterans Affairs, etc.)
- 8. Three (3) Quotations from different Vendors (i.e.: Home Depot, Ace Hardware, True Value, etc.)
- 9. Before and after photos of home you are seeking assistance for.
- 10. NTUA Statement (Required.).

RETURN COMPLETE APPLICATION AND DOCUMENTS TO FOREST LAKE CHAPTER ADMINISTRATION OFFICE.

Obtaining a Navajo Nation Voter Verification: Navajo Nation Election Administration can verify requested voter registration by fax: Navajo Nation Elections Administration, Fax # (928) 871-7344. NN Elections Administration will not verify Voter Registration request made by telephone. Please inform them to send a copy by fax to (928) 677-3320. For more information please write to: Navajo Nation Elections Administration, Post Office Box 3449, Window Rock, Arizona 86515, or call (928) 871-6367 or 1-800-775-8683.

PLEASE CONTACT FOREST LAKE CHAPTER FOR MORE INFORMATION (928) 677-3252.



Forest Lake Chapter
 Housing Assistance
 Highway N-41 * Post Office Box 441
 Pinon, Arizona 86510

Phone: (928) 677-3252/3347 * Fax: (928) 677-3320
 Email: forestlake@navajochapters.org

PERSONAL & FAMILY DATA:

NAME: (First) (Middle) (Last)			CENSUS #:	SOCIAL SECURITY#	DATE OF BIRTH:
ADDRESS:		CITY, STATE, ZIP CODE		TELEPHONE:	
EMPLOYER'S NAME:	ADDRESS:	CITY, STATE, ZIP CODE:	TELEPHONE:		

SPOUSE'S NAME: (First) (Middle) (Last)			CENSUS #:	SOCIAL SECURITY#	DATE OF BIRTH:
ADDRESS:		CITY, STATE, ZIP CODE		TELEPHONE:	
EMPLOYER'S NAME:	ADDRESS:	CITY, STATE, ZIP CODE:	TELEPHONE:		

PLEASE LIST ALL HOUSEHOLD MEMBERS: Beginning with the oldest.

NAME:	DATE OF BIRTH:	RELATIONSHIP TO APPLICANT:	CENSUS #:

HOUSING INFORMATION:

DESCRIBE WORK THAT NEEDS TO BE DONE:						
IS ELECTRICITY AVAILABLE:		WATER SOURCE:			# OF BEDROOMS:	
YES	NO	Private Well	Water Tank	Haul	Other: _____	
HOUSE SIZE:		FACILITIES IN HOME:			IS THIS YOUR PRIMARY DWELLING:	
Square Feet		Flush Toilet:	YES	NO	YES	NO
Length (ft./in.)		Bathub:	YES	NO		
Width (ft./in.)		Sink/Lavatory:	YES	NO		

I certify that the information provided is correct to the best of my knowledge.

Signature of Applicant _____

Date _____

APPROVAL: Name & Title	DATE:	CHECK #:	VENDOR NAME:	AMOUNT:
				\$

RETURNED RECEIPT YES, DATE: _____

PLEASE DRAW A MAP TO YOUR HOME FROM FOREST LAKE CHAPTER HOUSE.

Forest Lake Log Cabin Home:

1. What are the criteria to be approved for a new home/how were the four recipients be selected? How will the Chapter prioritize projects if there are more persons in need than funds available? Please be specific, and include any family size and income limitations or other criteria used to establish and prioritize needs.
 - a. Applicant shall submit a complete Chapter housing Assistance Application to the administration office
2. 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 and Indian Housing Block Grant. (Eligibility for one of these programs is a favorable factor in determining whether a housing project is eligible as a use of the Nation's Fiscal Recovery Funds.)
 - b. Applicant shall submit required documents including a copy of the home site lease to the chapter administration for consideration.
3. The documents indicate that the individuals need new housing due to overcrowding. How will the project help with overcrowding?
 - a. Currently, the potential homeowners do not have adequate housing, the Forest Lake Chapter will provide stable home to those in need to prevent the spread of COVID-19/
4. The funding request for the project is based on an estimate received from White Mesa Homes, LLC. Will the Chapter comply with the procurement rules, conflicts of interest rules, and other requirements associated with the receipt of Fiscal Recovery Funds?
 - a. The White Mesa Homes, LLC provided only an estimate for an adequate housing for this project. The Forest Lake Chapter will not deviate but will comply with the Procurement Policies and requirements including the conflict-of-interest rules.

NAVAJO NATION

356

4/25/2024

Naa'bik'iyati' Committee Regular Meeting

04:57:11 PM

Amd# to Amd#

New Business: Item A.

PASSED

MOT Crotty, A

CONSENT AGENDA

SEC Tso, O

#0079-24, 0081-24, 0080-24

[2/3 Present & Voting]

Yeas : 15

Nays : 0

Excused : 3

Not Voting : 5

Yea : 15

Arviso, S

Crotty, A

Simpson, D

Yanito, C

Begay, N

Daniels, H

Slater, C

Yazzie, C

Charles-Newton, E

James, V

Tolth, G

Yazzie, L

Claw, S

Nez, A

Tso, O

Nay : 0

Excused : 3

Nez, R

Notah, N

Jesus, B

Not Voting : 5

Aseret, L

Johnson, C

Parrish, S

Simonson, G

Begay, H

Presiding Speaker: Curley, C