

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

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIN-44-23 AND NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

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. CJY-67-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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. Naabik'íyáti' Committee Resolution No. NABIO-38-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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.

- F. Naabik'íyáti' Committee Resolution No. NABIN-44-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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. 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. CJY-67-23, 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 GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR) was signed into law by the President of the Navajo Nation on August 4, 2023. Exhibit 1.
- D. CJY-67-23, 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 Naabik'íyáti' Committee Resolution No. NABIO-38-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the Chairperson of the Naabik'íyáti' Committee on October 24, 2023.
- H. NABIO-38-23, 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.
- I. The Naabik'íyáti' Committee Resolution No. NABIN-44-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO

PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the Chairperson of the Naabik'íyáti' Committee on November 14, 2023. Exhibit 2.

J. NABIN-44-23, 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.

K. The Hon. George H. Tolth has requested to amend CJY-67-23 to remove the *Pueblo Pintado Chapter Waterline to Fire Station Project* (under NNDOJ Review No. HK0536) from his Delegate Region Projects Plan enacted under CJY-67-23, which appropriated \$1,129,325.00 for this project. The removal of this project will revert \$1,129,325.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.

L. The Hon. George H. Tolth has requested to amend NABIN-44-23 to remove the *Baca-Prewitt Chapter Community Bathroom Upgrade Project* (under NNDOJ Review No. HK0662) from his Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated \$120,000.00 for this project. The removal of this project will revert \$120,000.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.

M. The Hon. George H. Tolth has requested to amend NABIN-44-23 to decrease the project's funding amount for the *Casamero Lake Chapter Bathroom Additions and Renovations Project* (under NNDOJ Review No. HK644) by \$99,708.00 from his Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated \$600,000.00 for this project. The decrease of the project's funding amount will adjust the project's funding amount to \$500,292.00 and will revert \$99,708.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.

N. The Hon. George H. Tolth has requested to amend NABIN-44-23 to decrease the project's funding amount for the *Casamero Lake Chapter House-Wiring/Meter Box Installation Project* (under NNDOJ Review No. HK654) by \$55,000.00 from his Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated \$300,000.00 for this project. The decrease of the project's funding amount will adjust the project's funding amount to \$245,000.00 and will revert \$55,000.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.

- O. All projects listed in the Hon. George H. Tolth's Delegate Region Projects Plan, attached as Exhibit 3, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. George H. Tolth's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- P. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. George H. Tolth's Delegate Region Chapters and communities to approve and adopt the removal of two-projects, decrease the project funding amounts of two-projects and add projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) as set forth in Exhibit 3.

SECTION THREE. AMENDING NABIN-44-23 AND NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

- A. The Navajo Nation hereby approves the removal of the *Pueblo Pintado Chapter Waterline to Fire Station Project* (under NNDOJ Review No. HK0536) from Hon. George H. Tolth's Delegate Region Projects Plan enacted under CJY-67-23, which appropriated \$1,129,325.00 for this project and is stricken in Exhibit 3. The removal of this project will revert \$1,129,325.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.
- B. The Navajo Nation hereby approves the removal of the *Baca-Prewitt Chapter Community Bathroom Upgrade Project* (under NNDOJ Review No. HK0662) from Hon. George H. Tolth's Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated \$120,000.00 for this project and is stricken in Exhibit 3. The removal of this project will revert \$120,000.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.
- C. The Navajo Nation hereby approves the decrease to the project's funding amount for the *Casamero Lake Chapter Bathroom Additions and Renovations Project* (under NNDOJ Review No. HK644) by \$99,708.00 in Hon. George H. Tolth's Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated \$600,000.00 for this project and this decrease is listed in Exhibit 3. The

decrease of the project's funding amount will adjust the project's funding amount to \$500,292.00 and will revert \$99,708.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.

- D. The Navajo Nation hereby approves the decrease to the project's funding amount for the *Casamero Lake Chapter House-Wiring/Meter Box Installation Project* (under NNDOJ Review No. HK654) by \$55,000.00 in Hon. George H. Tolth's Delegate Region Projects Plan enacted under NABIN-44-23, which appropriated \$300,000.00 for this project and this decrease is listed in Exhibit 3. The decrease of the project's funding amount will adjust the project's funding amount to \$245,000.00 and will revert \$55,000.00 back to Hon. George H. Tolth's Delegate Region Project Plan's Un-Allocated Amount.
- E. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) set forth in Exhibit 3.
- F. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- G. 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'íyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the Naabik'íyáti' 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'íyáti' 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 13 in Favor, and 00 Opposed, on this 8th day of February 2024.



Honorable Shaandiin Parrish, Chairwoman Pro Tem
Naabik'íyáti' Committee

2/15/24

Date

Motion: Honorable Vince R. James
Second: Honorable George H. Tolth

Chairwoman Pro Tem Shaandiin Parrish not voting

Exhibit 1



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-67-23 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 George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreón, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor)*

Dear Speaker Curley,

I am pleased to sign into law this resolution CJY-67-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Tolth's Delegate Region in the amount of \$4,730,125.11.

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 GEORGE H. TOLTH'S DELEGATE REGION
(CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE,
BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

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. The Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.
- B. CJN-29-22, Section Three, states, in part and among other things, that

1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation See CJN-29-22, Section Three (B).
 2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
 3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).
 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
 5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. All projects listed in the Hon. George H. Tolth's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon.

George H. Tolth'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. George H. Tolth's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. GEORGE H. TOLTH'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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 20 in Favor, and 00 Opposed, on this 20th day of July 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

7/27/23

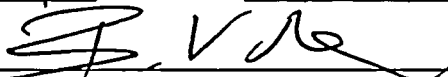
DATE

Motion: Honorable Vince R. James
Second: Honorable Norman M. Begay

Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 4 day of August, 2023.



Buu Nygren, President
Navajo Nation

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

Buu Nygren, President
Navajo Nation

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

Buu Nygren, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. George H. Tolth

CHAPTERS: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor

| FUNDING RECIPIENT | SUBRECIPIENT | EXPENDITURE PLAN / PROJECT | ADMIN OVERSIGHT | FRF CATEGORY | DOJ REVIEW # | AMOUNT |
|-----------------------------------|-----------------------|--|------------------------------------|--------------|---------------|------------------------|
| Division of Community Development | None Identified | Torreon/Star Lake Chapter Septic Repair/Replacement & Clean-Out Project | NN Environmental Protection Agency | 5.5 | HK0474 | \$ 630,000.00 |
| Division of Community Development | None Identified | Torreon/Star Lake Chapter Electric House-Wiring/Re-Wiring Project | Division of Community Development | 2.18 | HK0475 | \$ 470,000.00 |
| Division of Community Development | None Identified | Littlewater Chapter Community Housing Assistance Project | Division of Community Development | 2.18 | HK0499 | \$ 590,800.11 |
| Division of Community Development | *Baca/Prewitt Chapter | Baca/Prewitt Chapter Water-Heater Upgrade Project | Division of Community Development | 1.4 | HK0519 | \$ 10,000.00 |
| Division of Community Development | *Baca/Prewitt Chapter | Baca/Prewitt Chapter Purchase of New 2025 International HV613 Dump Truck | Division of Community Development | 6.1 | HK0520 | \$ 200,000.00 |
| Division of Community Development | *Ojo Encino Chapter | Ojo Encino Chapter Community Waste-Water Construction Project | NN Environmental Protection Agency | 5.5 | HK0521 | \$ 250,000.00 |
| Division of Community Development | *Ojo Encino Chapter | Ojo Encino Chapter Renovation Project | Division of Community Development | 2.22 | HK0529 | \$ 326,253.00 |
| Division of Community Development | *Ojo Encino Chapter | Ojo Encino Chapter Septic Clean-Out and Repair Project | NN Environmental Protection Agency | 5.5 | HK0530 | \$ 102,000.00 |
| Division of Community Development | *Ojo Encino Chapter | Ojo Encino Chapter Bathroom Additions Project | Division of Community Development | 1.14 | HK0531 | \$ 421,747.00 |
| Division of Community Development | None Identified | Pueblo Pintado Chapter Waterline to Fire Station Project | NN Department of Water Resources | 6.1 | HK0536 | \$ 1,129,325.00 |
| | | | | | TOTAL: | \$ 4,130,125.11 |

*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 NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR), 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. CJY-67-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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. Naabik'iyáti' Committee Resolution No. NABIO-38-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapter: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) be adopted and approved by resolution of the Naabik'iyáti'

Committee pursuant to two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

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, 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 NNFRRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by 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. CJY-67-23, 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 GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR) was signed into law by the President of the Navajo Nation on August 4, 2023.
- D. CJY-67-23, 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 Naabik'íyáti' Committee Resolution No. NABIO-38-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the Chairperson of the Naabik'íyáti' Committee on October 24, 2023.
- H. NABIO-38-23, 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.
- I. All additional projects listed in the Hon. George H. Tolth's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. George H. Tolth's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- J. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. George H. Tolth'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. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) as set forth in Exhibit A.

SECTION THREE. AMENDING NABIO-38-23 AND CJY-67-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE GEORGE H. TOLTH'S DELEGATE REGION (CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR), 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. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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'íyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the Naabik'íyáti' 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 Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 11 in Favor, and 00 Opposed, on this 9th day of November 2023.



Honorable Casey Allen Johnson, Chairman Pro Tem
Naabik'iyáti' Committee

11/14/23
Date

Motion: Honorable Shawna Ann Claw
Second: Honorable Norman M. Begay

Chairman Pro Tem Casey Allen Johnson not voting

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. George H. Tolth

CHAPTERS: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor

| FUNDING RECIPIENT | SUBRECIPIENT | EXPENDITURE PLAN / PROJECT | ADMIN OVERSIGHT | FRF CATEGORY | DOJ REVIEW # | AMOUNT |
|-----------------------------------|------------------------|---|-----------------------------------|--------------|--------------|------------------------|
| | | TOTAL AMOUNT APPROPRIATED IN C-JY-67-23 on August 4, 2023 | | | | \$ 4,730,125.11 |
| | | TOTAL AMOUNT APPROPRIATED IN NABIO-38-23 on October 24, 2023 | | | | \$ 514,947.00 |
| Division of Community Development | *Baca-Prewitt Chapter | Baca-Prewitt Chapter Small Homes Project | Division of Community Development | 2.15 | HK0624 | \$ 300,000.00 |
| Division of Community Development | *Casamero Lake Chapter | Casamero Lake Chapter Bathroom Additions and Renovations Project | Division of Community Development | 1.14 | HK0644 | \$ 600,000.00 |
| Division of Community Development | None Identified | Whitehorse Lake Chapter Replacement of Indoor Bathroom Plumbing Project | Division of Community Development | 1.14 | HK0645 | \$ 90,000.00 |
| Division of Community Development | *Casamero Lake Chapter | Casamero Lake Chapter Senior Citizen Building Renovation | Division of Community Development | 2.22 | HK0653 | \$ 25,000.00 |
| Division of Community Development | *Casamero Lake Chapter | Casamero Lake Chapter House-Wiring/Meter Box Installation Project | Division of Community Development | 2.18 | HK0654 | \$ 300,000.00 |
| Division of Community Development | *Littlewater Chapter | Littlewater Chapter Temporary Employment Project | Division of Community Development | 2.18 | HK0655 | \$ 509,493.39 |
| Division of Community Development | *Casamero Lake Chapter | Casamero Lake Chapter Purchase of Gooseneck Trailer Project | Division of Community Development | 6.1 | HK0659 | \$ 125,000.00 |
| Division of Community Development | *Baca-Prewitt Chapter | Baca-Prewitt Chapter Community Bathroom Upgrade Project | Division of Community Development | 1.14 | HK0662 | \$ 120,000.00 |
| TOTAL: | | | | | | \$ 7,314,565.50 |

*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 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. George H. Tolth

CHAPTERS: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor

| FUNDING RECIPIENT | SUBRECIPIENT | EXPENDITURE PLAN / PROJECT | ADMIN OVERSIGHT | FRF CATEGORY | DOJ REVIEW # | AMOUNT |
|-------------------|--------------|--------------------------------|-----------------|--------------|---------------|------------------------|
| | | TOTAL AMOUNT from PAGE 01..... | | | | \$ 7,314,565.50 |
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| | | | | | | |
| | | UN-ALLOCATED AMOUNT | | | | \$ 1,487,774.50 |
| | | | | | TOTAL: | \$ 8,802,340.00 |

*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."

Exhibit 3

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit 3

COUNCIL DELEGATE: Hon. George H. Tolth

CHAPTERS: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor

| FUNDING RECIPIENT | SUBRECIPIENT | EXPENDITURE PLAN / PROJECT | ADMIN OVERSIGHT | FRF CATEGORY | DOJ REVIEW # | AMOUNT |
|-----------------------------------|-----------------------|---|-----------------------------------|--------------|---------------|------------------------|
| | | TOTAL AMOUNT APPROPRIATED IN CJKY-67-23 on August 4, 2023 | | | | \$ 4,730,125.11 |
| | | TOTAL AMOUNT APPROPRIATED IN NABIO-38-23 on October 24, 2023 | | | | \$ 514,947.00 |
| | | TOTAL AMOUNT APPROPRIATED IN NABIN-44-23 on November 14, 2023 | | | | \$ 2,069,493.39 |
| Division of Community Development | *None Identified | Whitehorse Lake Chapter Powerline Extensions Project | Division of Community Development | 2.18 | HK0666-2 | \$ 200,000.00 |
| Division of Community Development | *None Identified | Whitehorse Lake Chapter House-Wiring Project | Division of Community Development | 2.18 | HK0658 | \$ 120,000.00 |
| Division of Community Development | *None Identified | Whitehorse Lake Chapter Rincon-Marquise Cemetery Renovation Project | Division of Community Development | 6.1 | HK0663 | \$ 101,000.00 |
| Division of Community Development | *None Identified | Whitehorse Lake Chapter ROW for Road 7004 Project | Division of Transportation | 2.22 | HK0664 | \$ 100,000.00 |
| Division of Community Development | *None Identified | Whitehorse Lake Chapter Home Renovations (26-Families) Project | Division of Community Development | 2.18 | HK0678 | \$ 145,000.00 |
| Division of Community Development | *None Identified | Whitehorse Lake Chapter Rincon-Marquez Home Renovations Project | Division of Community Development | 1.4 | HK0667 | \$ 264,292.00 |
| Division of Community Development | *Baca-Prewitt Chapter | (REMOVE) Baca-Prewitt Chapter-Community-Bathroom Upgrade-Project (Appropriated under NABIN-44-23) | Division-of-Community Development | 4-14 | HK0662 | -\$ 120,000.00 |
| | | | | | TOTAL: | \$ 8,124,857.50 |

*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 3

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Hon. George H. Tolth

CHAPTERS: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor

| FUNDING RECIPIENT | SUBRECIPIENT | EXPENDITURE PLAN / PROJECT | ADMIN OVERSIGHT | FRF CATEGORY | DOJ REVIEW # | AMOUNT |
|-----------------------------------|------------------------|---|-----------------------------------|--------------|---------------|------------------------|
| | | TOTAL AMOUNT from Page 01..... | | | | |
| Division of Community Development | *Baca-Prewitt Chapter | Baca-Prewitt Chapter Electrical Upgrade Project | Division of Community Development | 2.18 | HK0661 | \$ 8,124,857.50 |
| Division of Community Development | *Baca-Prewitt Chapter | Baca-Prewitt Chapter Home Renovation (Pro-Paneling Roof) Project | Division of Community Development | 2.18 | HK0670 | \$ 20,292.50 |
| Division of Community Development | None Identified | (REMOVE) Pueblo Pintado Chapter Waterline-to Fire-Station-Project (Appropriated under CJY-67-23) | NN-Department-of Water Resources | 6-1 | HK0636 | -\$ 1,129,325.00 |
| Division of Community Development | *Casamero Lake Chapter | Casamero Lake Chapter HVAC Improvement Project | Division of Community Development | 1.14 | HK0660 | \$ 80,000.00 |
| Division of Community Development | *Casamero Lake Chapter | (DECREASE) Casamero Lake Chapter Bathroom Additions and Renovations Project (Appropriated under NABIN-44-23) | Division of Community Development | 1.14 | HK0644 | -\$ 99,708.00 |
| Division of Community Development | *Casamero Lake Chapter | (DECREASE) Casamero Lake Chapter House-Wiring / Meter Box Installation Project (Appropriated under NABIN-44-23) | Division of Community Development | 2.18 | HK0654 | -\$ 55,000.00 |
| Division of Community Development | None Identified | Counselor Chapter Purchase of Motor Grader Project | Division of Community Development | 6.1 | HK0731 | \$ 413,930.00 |
| Division of Community Development | None Identified | Counselor Chapter Bathroom Additions Project | Division of Community Development | 1.14 | HK0708 | \$ 381,927.00 |
| Division of Community Development | None Identified | Counselor Chapter Cedar Hill Poweline Extension Project | Division of Community Development | 2.18 | HK0651 | \$ 295,366.00 |
| | | | | | TOTAL: | \$ 8,152,340.00 |

*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 #: HK0731

Date & Time Received: 01/02/24 at 10:54

Date & Time of Response: 01/10/24 at 17:00

Entity Requesting FRF: Counselor Chapter

Title of Project: Motor Grader Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$413,930.00

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category:

6.1: Provision of Government Services

LEGISLATIVE COUNSEL
24 JAN 26 AM 9:28

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: MacArthur Stant

Signature of DOJ Reviewer: MacArthur Stant

Digitally signed by MacArthur Stant
Date: 2024.01.10 10:08:44 -0700

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@nndo.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: Counselor Chapter date prepared: 11/1/2023
Chapter's P.O. Box 93 Counselor, NM 87018 phone/email: (575) 568-4311/counselor@navajochapters.org
mailing address: website (if any): counselor.navajochapters.org
this Form prepared by: Samuel Sage, CSC phone/email: (505) 360-5865
Samuel Sage, CSC CONTACT PERSON'S name and title (575) 568-4311 CONTACT PERSON'S info

Title and type of Project: Motor Grader

Chapter President: Darnien Augustine phone & email: (505) 360-3870
Chapter Vice-President: Harry Domingo, Sr. phone & email: (505) 330-4314
Chapter Secretary: Danny Augustine phone & email: (505) 648-4236
Chapter Treasurer: Danny Augustine phone & email: (505) 648-4236
Chapter Manager or CSC: Samuel Sage phone & email: (505) 360-5865
OCD/Chapter ASO: Myrtis Begay phone & email: msbegay@nndcd.org

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

document attached

Amount of FRF requested: \$413,930.00 FRF funding period: September 30, 2022-December 31, 2026
Indicate Project starting and ending/headline 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:

Counselor Chapter will use the funds to purchase a new Motor Grader. The equipment will be used to blade the dirt roads in the community, bus routes and main routes that are used by Emergency vehicles (ambulances and Fire vehicles). Equipment will be used when Navajo Department Transportation can blade the roads after inclement weather. This purchase will allow ease of minds for community members less worrying and stress while they care for their loved ones.

document attached

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

Counselor Chapter will be able to provide services for their community members using the motor grader. On the Navajo Nation heavy equipment is difficult to find especially after inclement weather.

document attached

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

APPENDIX A

Program(s) or Project(s) by December 31, 2028:

This purchase of Motor Grader will be successful completion to provide services to the community members
The funds will be obligated the funds no later than December 31, 2024 and will fully expend the funds no later
than December 31, 2028. Challenges would be Navajo Nation review timeline. document attached

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

NNDCD will be the oversight of the sub-recipient agreement with Counselor Chapter to ensure the Motor Grader is
purchase in a timely manner. 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:

Counselor Chapter will be responsible for the maintenance, upkeep and security of the Motor Grader.

_____ document attached

(f) State which of the 65 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:

This project is covered under Expenditure Category 6.1 Provision of Government Services. Counselor Chapter
will utilize this equipment to blade the main dirt roads after inclement weather. Along with this services, they will be able to
to help their community members by clearing areas for them to estimate their residence as safe as possible.

_____ document attached

Part 3. Additional documents.

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

Resolution and other documents as they are available.

_____ 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. C-24-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's Preparer: *[Signature]* Approved by: *[Signature]*
Signature of Preparer Signature of Chapter President
Approved by: *[Signature]* Approved by: *[Signature]*
Signature of CSR Signature of Chapter ASB
Approved to submit for Review: *[Signature]*
Signature of DCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

| | | | | | |
|--|------------|---|-----------------------------------|---|---------------------|
| PART I. Business Unit No.: <u>NEW</u> | | Counselor Chapter - Motor Grader | | Division/Branch: <u>EXECUTIVE/DCD</u> | |
| Prepared By: <u>Samuel Sage</u> | | Phone No.: <u>(575) 568-4311</u> | | Email Address: <u>counselor@navajochapters.org</u> | |
| Program Title: <u>NEW</u> | | PART III. BUDGET SUMMARY | | Fund Type Code | |
| Fiscal Year /Term | Amount | % of Total | NNC Approved Original Budget | Proposed Budget | Difference or Total |
| 9/30/22-12/31/26 | 413,930.00 | 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 | | |
| | | | 9000 Capital Outlay | 413,930.00 | 413,930.00 |
| | | | 9500 Matching Funds | | |
| | | | 9500 Indirect Cost | | |
| | | | TOTAL | 50.00 | 413,930.00 |
| PART IV. POSITIONS AND VEHICLES | | | (D) | | |
| TOTAL: \$413,930.00 | | | 0 | | |
| Total # of Positions Budgeted: | | | 0 | | |
| Total # of Vehicles Budgeted: | | | 0 | | |
| PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE. | | | | | |
| SUBMITTED BY: <u>Jaron Charley, Department Manager</u> | | APPROVED BY: <u>Arkin Mitchell, Division Director</u> | | Division Director / Branch Chief's Printed Name | |
| Program Manager's Printed Name | | Program Manager's Printed Name | | Division Director / Branch Chief's Signature and Date | |
| <u>12-11-13</u> | | <u>12-11-13</u> | | <u>Arkin Mitchell</u> | |

| | | | | | | | | | | | | | |
|---|--|----------------------------------|--------|---------|--------|---------|--------|---------|--------|---|--------|------|--------|
| PART I. PROGRAM INFORMATION: | | Counselor Chapter - Motor Grader | | | | | | | | | | | |
| Business Unit No.: | NEW | Program Name/Title: | | | | | | | | | | | |
| PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: | | | | | | | | | | | | | |
| To purchase motor grader for Counselor community. | | | | | | | | | | | | | |
| PART III. PROGRAM PERFORMANCE CRITERIA: | | | | | | | | | | | | | |
| 1. Goal Statement: | To purchase a motor grader. | 1st QTR | | 2nd QTR | | 3rd QTR | | 4th QTR | | | | | |
| | Program Performance Measure/Objective: Purchase of motor grader completed | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |
| | | | | | | | | | | | | | |
| 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. | | | | | | | | | | | | | |
| | | | | | | | | | | Arbin Mitchell, Division Director | | | |
| | | | | | | | | | | Division Director/Branch Chief's Printed Name | | | |
| | | | | | | | | | | Division Director/Branch Chief's Signature and Date | | | |
| | | | | | | | | | | Jaron Charley, Department Manager | | | |
| | | | | | | | | | | Program Manager's Printed Name | | | |
| | | | | | | | | | | 12-11-23 | | | |
| | | | | | | | | | | Program Manager's Signature and Date | | | |

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

| PART I. PROGRAM INFORMATION: | | | |
|------------------------------|--|--|------------------------------------|
| Program Name/Title: _____ | | Counselor Chapter - Motor Grader _____ | 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) |
| 5000 | CAPITAL OUTLAY 9160 VEHICLES 9164 - Specialized Vehicles | 413,930 | 413,930 |
| TOTAL | | 413,930 | 413,930 |

4RIVERS

EQUIPMENT

Montpelier VT • Canyon WV • Toledo OH • Erie PA • Erie CO • El Paso TX • Huntington IN • Don Callie CO
 Fresno CA • Greeley CO • Tulsa OK • Holly CO • Lamar CO • Tule Lake CA • Proby Ford CO • Searcy AR
 www.4riversequipment.com

Quotation

To: Navajo Nation Counselor Chapter
 PO BOX 93
 Counselor, NM 87018

Date: 4.26.2023 REV. 11.9.2023

FOB: Chapter House

Delivery Date: 30-75 Days ARO

(Quotation Void after 90- Days)

Attention: Mr. Sam Sage and Mr. George Toth

One New 2024 John Deere 772G All Wheel (6WD) Motor Grader Equipped with:
 9.0L Engine (548 cu. in.) displacement (275 VHP) Final Tier 4 Emissions, 200 Amp Alternator, *Antler Rock Controls (traditional)*, *Steering Wheel*, Hydraulic Pump Disconnect, *JD Link Ultimate Life Time service*, 14"x 24"x 7/8" MB (6"CEX 5/8"), Single Input w/Slip Clutch Gearbox, 14.0-24 16PR G2 Tires with 3pc Rims, EH Low Cab with Fixed Lower Front and Side Opening Windows, Power Shift Plus Transmission 8FWD 8REV Gears, Transmission solenoid valve guard, Premium Heated Air Suspension Seat with Arm Rests, 97"x 37.6" Front Mounted Dozer Blade, Rear Ripper/Scarifier Combo w/9Extra SCFR Shanks w/teeth, Lighting Package 10 Halogen with LED Brake and Tail, Converter 10/15Amp 24v To 12v, Mirrors External, Lower Front Intermittent Wiper/Washer, Radio AM/FM/WB W/Aux, Rear Camera, Rear Retractable Sunshade, LH Beacon Strobe for safety, Fire Extinguisher, SMV Sign, Engine Coolant Heater, Ether Aid less canister, Standard Fuel filter/lines, 3-Year/3000 Hour Machine Care Plan with Travel (PM Agreement), Plus All Other Standard Equipment.

| | |
|---|---------------------|
| NN Counselor Chapter Price using NN Governmental Discounts: | \$390,500.00 |
| Navajo Nation Tax 6%: | \$23,430.00 |
| Grand Total with discounts, delivery and NN taxes: | \$413,930.00 |

Optional Deducts: If deducting please deduct from grand total amount:

| | |
|---|-------------|
| Standard Transmission in lieu of Powershift plus Transmission Deduct: | \$1,690.70 |
| Front Push Block in lieu of Front Mounted Dozer Blade Deduct: | \$4,559.00 |
| Less the 3-Year/3000 Hour Machine Care Plan with Travel Deduct: | \$20,783.45 |

Machine Warranty:

12-Months Full Machine Factory Warranty, plus an additional 72-Months/4000 hours whichever occurs first of Powertrain plus Hydraulics extended warranty. FOB a 4Rivers Equipment Facility. Total coverage is 84-months/4000 hours total coverage.

Operator Training:

Free of charge for training on operations and maintenance of the machine at time of delivery.

By: David Valdez

Accepted By:

Order Accepted By: 4 Rivers Equipment, LLC.