

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

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-54-23 AND CMY-41-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE LOMARDO ASERET'S DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK, TSÉ SI' ÁNI, NAHATA DZIIL)

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. CMY-41-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Lomardo Aseret's Delegate Region (Chapters: Klagetoh, Wide Ruins, Houck, Tsé Si' áni, Nahata Dziil) 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. CJY-54-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Lomardo Aseret's Delegate Region (Chapters: Klagetoh, Wide Ruins, Houck, Tsé Si' áni, Nahata Dziil) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. Navajo Nation Council Resolution No. 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.

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. CMY-41-23, 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 LOMARDO ASERET'S DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK, TSÉ SI' ÁNI, NAHATA DZIIL), was signed into law by the President of the Navajo Nation on June 8, 2023.
- D. CMY-41-23, 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. CJY-54-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CMY-41-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE LOMARDO ASERET'S DELEGATE REGION (CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK, TSÉ SI' ÁNI, NAHATA DZIIL), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on August 4, 2023.
- F. CJY-54-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by

resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

- G. 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.
- H. 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).
- I. All projects listed in the Hon. Lomardo Aseret's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Lomardo Aseret'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. Lomardo Aseret'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. Lomardo Aseret's Delegate Region (Chapters: Klagetoh, Wide Ruins, Houck, Tsé Si' Áni, Nahata Dziil) as set forth in Exhibit A.

SECTION THREE. AMENDING CJY-54-23 AND CMY-41-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE LOMARDO ASERET'S DELEGATE REGION (CHAPTERS: CHAPTERS: KLAGETOH, WIDE RUINS, HOUCK, TSÉ SI' ÁNI, NAHATA DZIIL)

- A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Lomardo Aseret's Delegate Region (Chapters: Klagetoh, Wide Ruins, Houck, Tsé Si' ǫni, Nahata Dziil) 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 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'iyáti' Committee

2/15/24

Date

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

Chairwoman Pro Tem Shaandiin Parrish not voting

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. Lomardo Aseret

CHAPTERS: Klagetoh, Wide Ruins, Houck, Lupton, Nahata Dziłi

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED IN CMY-41-23 on June 8, 2023				\$ 6,265,173.00
		TOTAL AMOUNT APPROPRIATED IN CJY-54-23 on August 4, 2023				\$ 720,294.00
Division of Community Development	*Tse Si Ani Chapter	Tse Si Ani Chapter Cemetery Road Project	Division of Transportation	6.1	HK0705	\$ 300,000.00
Division of Community Development	*Tse Si Ani Chapter	Tse Si Ani Chapter House-Wiring Project	Division of Community Development	2.18	HK0711	\$ 600,000.00
Division of Community Development	*Tse Si Ani Chapter	Tse Si Ani Chapter Home Improvements/Renovations Project	Division of Community Development	2.18	HK0712	\$ 800,000.00
		UN-ALLOCATED AMOUNT				\$ 116,873.00
					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."



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 0705

Date & Time Received: 12/01/23 at 16:47

Date & Time of Response: Dec. 11, 2023 at 1400

Entity Requesting FRF: Tse Si Ani Chapter

Title of Project: Cemetery Road Project

Administrative Oversight: NN Dept of Transportation

Amount of Funding Requested: \$300,000.00

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category:
6.1 Provision of Government Services

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

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Tse Si Ani Chapter Date prepared: 11/17/23

Chapter's mailing address: PO Box 403 Lupton, AZ 86508 phone & email: lupton@navajochapters.org
website (if any): _____

This Form prepared by: Yvonne Murphy phone/email: 928-688-2128
Tse Si Ani Chapter President 602-376-9600
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Cemetery Road Project

Chapter President: Yvonne Murphy phone & email: 602-376-9600
Chapter Vice-President: Margaret Yazzie phone & email: 505-979-0400
Chapter Secretary: Marlene Apachee phone & email: 928-245-2840
Chapter Treasurer: Same As Above phone & email: Same As Above
Chapter Manager or CSC: Shawn Goodluck phone & email: 928-688-2128
DCD/Chapter ASO: Derrick Echuhawk phone & email: 928-871-7182

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

Amount of FRF requested: \$300,000 FRF funding period: December 1, 2023 to December 31, 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:

This road project will provide an all-weather community cemetery access road for members of the Navajo Nation and Navajo veterans. Project will include pre-planning, planning, design, and construction phases that includes surveys, clearances, advertisement, hiring, grading, clearing, leveling, culvert installation, purchasing of road construction materials, and other related road construction costs involved. document attached

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

COVID-19 is still a prevalent pandemic that continues to plague the lives of Navajo families and communities. The community suffered the loss of loved ones to COVID-19 leaving them to find places to bury their loved ones. By providing an all-weather road to the cemetery will provide families a peace of mind and comfort their loved one will be nearby and can visit their loved ones throughout the year. document attached

(c) 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 project will begin as soon as funds are encumbered no later that December 2024 and funds will be expended by December 31, 2026.

document attached

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

Tse Si Ani Chapter

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

Tse Si Ani Chapter will be responsible for overseeing the operations. Maintenance will be maintained upon agreement with NNDOT and the chapter.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

This project is covered under Expenditure Category 3.4 Public Sector Capacity: Effectdive Service Delivery. Under the Treasury's final rule Tse Si Ani Chapter is permitted to use these funds to address economic impacts of COVID-19 by providing adequate access/roadway to the community cemetery and delivery of effective services.

document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/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:
signature of Preparer/CONTACT PERSON

Approved by:
signature of Chapter President (or Vice-President)

Approved by: _____
signature of Chapter Manager or CSC

Approved by:
signature of IICD Chapter ASO

Approved to submit for Review: _____
signature of IICD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Tse Si Ani Chapter Cemetery Road Project</u>		Division/Branch: <u>Division of Community Development</u>	
Prepared By: <u>Yvonne S. Murphy, TSA President</u>		Phone No.: <u>928-688-2128</u>		Email Address: <u>pintosprings96@gmail.com</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
NMFRR Funds		12/1/23	300,000.00	100%	
		12/31/26			
PART III. BUDGET SUMMARY					
Fund Type Code	NHC Approved Original Budget	Proposed Budget	Difference or Total		
2001 Personnel Expenses			0.00		
3000 Travel Expenses			0.00		
3500 Meeting Expenses			0.00		
4000 Supplies			0.00		
5000 Lease and Rental			0.00		
5500 Communications and Utilities			0.00		
6000 Repairs and Maintenance			0.00		
6500 Contractual Services	0	300,000	300,000.00		
7000 Special Transactions			0.00		
8000 Public Assistance			0.00		
9000 Capital Outlay			0.00		
9500 Matching Funds			0.00		
9500 Indirect Cost			0.00		
TOTAL			\$0.00	300,000.00	300,000.00
PART IV. POSITIONS AND VEHICLES					
			(D)	(E)	
Total # of Positions Budgeted:					
Total # of Vehicles Budgeted:					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>JAVON CHARLEY, Program Manager</u> APPROVED BY: <u>Arvin Mitchell, Director</u>					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name		
<u>11-28-23</u>			<u>[Signature]</u>		
Program Manager's Signature and Date			Division Director / Branch Chief's Signature and Date		

**THE NAVAJO NATION
 PROGRAM PERFORMANCE MEASURES**

FY 2024

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW Program Name/Title: Tse S/Ani Chapter Cemetery Road Project

PART II. PROGRAM PERFORMANCE CRITERIA:

1st QTR	2nd QTR	3rd QTR	4th QTR
Goal	Goal	Goal	Goal

1. Program Performance Measure:

To provide an adequate roadway to the community cemetery for the community and veterans.

1	1	1	1
---	---	---	---

2. Program Performance Measure:

Prepare, begin, and complete all necessary steps for cemetery road project by the end of the funding period.

1	1	1	1
---	---	---	---

3. Program Performance Measure:

--	--	--	--

4. Program Performance Measure:

--	--	--	--

5. Program Performance Measure:

--	--	--	--

PART III. CONCURRENCE/APPROVAL:

Jaron Charney, Program Manager
 Program Manager's Printed Name

11-29-23
 Program Manager's Signature and Date

Arbin Mitchell, Director
 Division Director/Branch Chief's Printed Name

[Signature]
 Division Director/Branch Chief's Signature and Date

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Tse Si Ani Chapter Cemetery Road Project</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)
8000 68500	Public Assistance Chapter Community Cemetery Project to include pre-planning, planning, design and construction to provide an adequate all-weather road to the community cemetery.	300,00	300,000
TOTAL		.	300,000

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: NEW												PART II. Project Information									
Project Title: Use Si Ani Chapter Cemetery Road Project												Project Type: Cemetery Road Project									
Project Description: To provide adequate access to community cemetery for enrolled members of the NN and veterans												Planned Start Date: Dec. 01, 2023									
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification												Planned End Date: Dec. 31, 2028									
Project Manager: Chapter Manager/Chap President																					
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.												Expected Completion Data if project exceeds 8 FY Qtrs.									
PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																					
												24		25		26					
Begin preliminary plans for road construction												1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.		4th Qtr.	
Advertise for RFPs for Construction Contractor												O N D x		J F M x		A M A		J A S		J D M	
Hire Construction Contractor following TSA FMS Procurement policy.																					
Surveys, clearances, and other related contractual services for the planning, design and construction of road.																					
Begin construction of roadway.																					
Complete road construction																					
PART V.																					
Expected Quarterly Expenditures												\$ 20,000.00		\$ 80,000.00		\$ 80,000.00		\$ 120,000.00		\$ 0.00	
PROJECT TOTAL												\$ 20,000.00		\$ 80,000.00		\$ 80,000.00		\$ 120,000.00		\$ 0.00	

FOR OMB USE ONLY: Resubmission No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____