

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

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-50-23 AND CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), TO REMOVE A PROJECT AND INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

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-12-23, attached as Exhibit 1 (without project exhibits) included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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-50-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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. CAP-12-23, 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 NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), was signed into law by the President of the Navajo Nation on May 5, 2023. **Exhibit 1.**
- D. CAP-12-23, 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-50-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), 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-50-23, 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. The Hon. Norman M. Begay has requested to amend CAP-12-23 to **remove the Ramah Navajo Chapter Collection/Transfer Station project (under NNDOJ Review No. HK0348) from the Delegate Region Projects Plan that covers the Alamo, Ramah, Tohajiilee Chapters. The removal of this project will revert \$2,000,000.00 back to Hon. Norman M. Begay's Delegate Region Project Plan's Un-Allocated Amount.**
- J. Further, the Hon. Norman M. Begay has requested that additional projects be added to his Delegate Region Projects Plan. The additional projects, which have been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the removed project, are set forth in **Exhibit 2**. After the deletion and addition of projects, Hon. Norman M. Begay's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- K. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Norman M. Begay's Delegate Region Chapters and communities to approve and adopt

the removal of one-project and the addition of additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) as set forth in Exhibit 2.

SECTION THREE. AMENDING CJY-50-23 AND CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), TO REMOVE A PROJECT AND INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

- A. The Navajo Nation hereby approves the removal of one-project (the *Ramah Navajo Chapter Collection/Transfer Station* project under NNDOJ Review No. HK0348) listed in CAP-12-23 for Hon. Norman M. Begay's Delegate Region Projects Plan as **stricken** in Exhibit 2. The removal of this project from Hon. Norman N. Begay's Delegate Region Projects Plan will **revert \$2,000,000.00** back to his Delegate Region's Project Plan's **Un-Allocated Amount**.
- B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) set forth in Exhibit 2.
- C. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- D. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

SECTION FOUR. AMENDMENTS

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted and approved by resolution of the Naabik'íyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

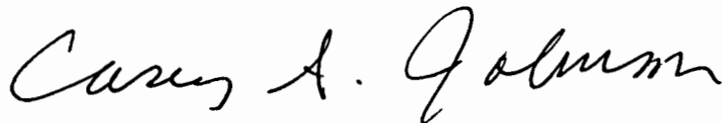
This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

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 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'íyáti' Committee

11/14/23
Date

Motion: Honorable Shawna Ann Claw

Second: Honorable Norman M. Begay

Chairman Pro Tem Casey Allen Johnson not voting

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-12-23 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 Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee)

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-12-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Begay's Delegate Region in the amount of \$2,000,000.

My Administration supports the plans of these Chapters who have worked very hard to put together their Regional Plans and is working very closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice President and inform my office of the roadblock and we will work to overcome those roadblocks.

I do want to take the moment to express my concern that any amendments to the Regional Plans must be approved by the Council. In addition, the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This deadline is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on the proposed timeline. We should be designing systems that are flexible, accountable, and transparent. We do not currently have that system and I look forward to working with you and the entire Council to improve the Navajo Nation systems, so we are supporting our communities to take advantage of this historic funding.

Now let's get to work!

Sincerely,



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 NORMAN M. BEGAY'S DELEGATE REGION
 (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE)

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

Norman M. Begay'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. Norman M. Begay's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. NORMAN M. BEGAY'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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

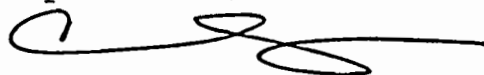
This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

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

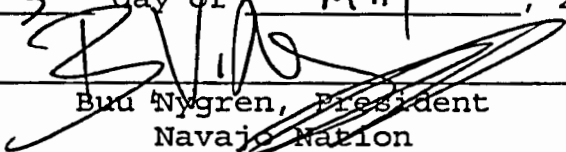
DATE

Motion: Honorable Helena Nez Begay
Second: Honorable Shaandiin Parrish

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 5 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

Exhibit 2

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Hon. Norman M. Begay

CHAPTERS: Alamo, Ramah, Tohajilee

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CAP-12-23 on May 5, 2023				\$ 2,000,000.00
		TOTAL AMOUNT APPROPRIATED in CJY-50-23 on August 4, 2023				\$ 2,500,000.00
Division of Community Development	None Identified	(Remove) Ramah Navajo Chapter Collection/Transfer Station	Division of Community Development	4-14	HK0348	-\$ 2,000,000.00
Division of Community Development	None Identified	Ramah Navajo Chapter Rocky Ridge Water Well Project	NN Department of Water Resources	5.13	HK0510	\$ 2,934,113.00
Division of Community Development	None Identified	Alamo Chapter Water System	NN Department of Water Resources	5.11	HK0583	\$ 3,048,166.00
		UNALLOCATED AMOUNT				\$ 320,061.00
					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 0510

Date & Time Received: 05/24/23 at 11:09

Date & Time of Response: 6/5/23 at 940 am

Entity Requesting FRF: Ramah Navajo Chapter

Title of Project: Ramah Rocky Ridge Water Well Project - ARPA 5.13 Drinking Water: Source

Administrative Oversight: DWR

Amount of Funding Requested: \$2,934,113.00

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category:
5.13 Drinking Water: Source

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: _____

DOJ is reissuing this initial eligibility determination in order to correct an error with the identified Administrative Oversight entity.

We recommend that the Administrative Oversight entity for this expenditure plan be the Navajo Nation Department of Water Resources rather than the Division of Community of Development.

Name of DOJ Reviewer: Rudy Anaya, Tax and Finance Unit

Signature of DOJ Reviewer: 

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: Ramah Navajo Chapter Date prepared: 11/10/2022

Chapter's mailing address: HC 61 Box 13
Ramah, New Mexico 87321-9601 phone/email: (505) 775-7140 / 7142
website (if any): www.ramahnavajo.org

This Form prepared by: David Jose - Chapter President phone/email: (505) 593-3621 DavidJose@ramahnavajo.org
Gilbert Maria - Chapter Community Development Department Director phone/email: (505) 870-0418 GilbertMaria@ramahnavajo.org
CONTACT PERSON'S name and title *CONTACT PERSON'S info*

Title and type of Project: Ramah Rocky Ridge Water Well Project - ARPA 5.13 Drinking Water: Source

Chapter President: David Jose phone & email: (505) 593-3621/ 876-9521 DavidJose@ramahnavajo.org
Chapter Vice-President: Chancey Martinez phone & email: (505) 870-4818 cmartinez@navajochapters.org
Chapter Secretary: Dixie Begay phone & email: (505) 876-9524 dixiebegay@ramahnavajo.org
Chapter Treasurer: Dixie Begay phone & email: (505) 876-9524 dixiebegay@ramahnavajo.org
Chapter Manager or CSC: Brenda Yazzie phone & email: (505) 876-9517 BYazzie@ramahnavajo.org
DCD/Chapter ASO: Guarena Adeky phone & email: (505) 905-1050 gadeky@nndcd.org

Most types of Subcontractors or Subrecipients that will be paid with FRF (if known): Engineering firm and construction contractors

Amount of FRF requested: \$2,934,113 FRF funding period: Start Date: January 2023; End Date: December 2024 document attached
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 Project will construct a critically needed new water well at the Chapter's Detention Center site to serve Ramah's Rocky Ridge Water System. The system currently only has one water source, a shallow well that does not produce enough water to meet the community's needs, and critically needs an additional/backup water source. The existing well recently was out of service. Drinking water and fire protection is needed for existing homes and existing/planned Chapter facilities, which include a new police station/additional homes. The new well will provide reliable, safe and clean water used to help minimize/fight the COVID pandemic our community has been dealing with for years.

document attached

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

The new well will benefit Chapter members in many ways. The additional water provided to the area will allow for needed development currently on hold due to lack of water service and fire protection to be completed. The water system will be provided with a critically needed backup source and be able to provide enough water to meet demand. The clean water will improve public health and dramatically increase economic growth/quality of life of residents.

document attached

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

APPENDIX A

Program(s) or Project(s) by December 31, 2026:

Procurement for design services is planned to start as soon as funds are secured. An engineering firm is planned to be under contract by January 2023, allowing procurement for construction services after design is done to commence by May of 2023. Construction is expected to be completed by June of 2024, allowing all funds to be fully expended by December of 2024.

document attached

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

Jason John, Director, Navajo Department of Water Resources

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:

Ramah Navajo Utility Authority (RNA) is currently responsible for the operation and maintenance of the Chapter's water systems, including any improvements such as the proposed project. RNA is fully in support of the project and agrees to operate and maintain the new well using operational funds water users pay for their water service.

document attached

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

5.13 - Drinking Water: Source

This project will design and construct a new water well to provide drinking water and provide fire protection for the Rocky Ridge water system, which serves the northern portion of the Chapter.

document attached

Part 3. Additional documents.

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

A Chapter resolution approving this project is attached. The Chapter approved using the land needed for the project.

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: Seamus Main
Signature of Preparer/CONTACT PERSON

Approved by: [Signature]
Signature of Chapter President (or Vice-President)

Approved by: [Signature]
Signature of CSC

Approved by: [Signature]
Signature of Chapter ASC

Approved to submit for Review: [Signature], NMFBO
Signature of OCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>new</u>		Program Title: <u>Water</u>		Division/Branch: <u>Ramah Chapter</u>	
Prepared By: <u>David Jose</u>		Phone No.: <u>505-593-3621</u>		Email Address: <u>David.Jose@ramahnavajo.org</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
ARPA INFRE		1:23-12/31/24	2,934,113.00	100%	
PART III. BUDGET SUMMARY					
Fund Type Code	Original Budget	Proposed Budget	Difference or Total		
2001 Personnel Expenses					
3000 Travel Expenses					
3500 Meeting Expenses					
4000 Supplies					
5000 Lease and Rental					
5500 Communications and Utilities					
6000 Repairs and Maintenance					
6500 Contractual Services	6	300,000	300,000		
7000 Special Transactions					
8000 Public Assistance	7/6	2,634,113	2,634,113		
9000 Capital Outlay					
9500 Matching Funds					
9500 Indirect Cost					
TOTAL		50,00	2,934,113.00	2,934,113	
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:		APPROVED BY:		4/12/2023	
James Adakai, DCD Deputy Director		CALVIN CASHILLO, Division Director		Division Director / Branch Chief's Printed Name	
Program Manager's Printed Name		2-21-22		4/12/2023	
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date			

PART I. PROGRAM INFORMATION:
 Business Unit No.: New Program Name/Title: Ramah Navajo / Water Well Construction

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: Provide drinking water to the community Program Performance Measure/Objective: Construct a needed water well								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 Adakai, Deputy Director Calvin Castillo, Director
 Program Manager's Printed Name Division Director/Branch Chief's Printed Name

5-23-23 05/23/2023
 Program Manager's Signature and Date Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:
 Program Name/Title: Ramah Chapter Water Well Project Business Unit No.: K - (New)

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)	(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
6000 Assistance	This project consists of constructing a new drinking water well for the Ramah Chapter to serve the Rocky Ridge Water System.	2,634,113	\$ 2,634,113
6500 Contractual Services	Project management, construction, observation and construction administration will be provided throughout the life of the project.	300,000	\$ 300,000
TOTAL		\$ 2,934,113	\$ 2,934,113

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: <u>new</u>	PART II. Project Information																				
Project Title: <u>Ramah Rocky Ridge Water Well Project - ARPA 5.13 Drinking Water. Source</u>	Project Type: <u>water/wastewater</u>																				
Project Description: <u>New water well for Ramah's Rocky Ridge Water system</u>	Planned Start Date: <u>1/1/2023</u>																				
	Planned End Date: <u>12/31/2024</u>																				
	Project Manager: <u>Souder Miller & Associates</u>																				
Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification																					
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.																			
		FY 2023						FY 2024						Date <u>12/31/24</u>							
		1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.								
Construction of Well		O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	PROJECT TOTAL \$2,994,113.00	
			x		x	x		x	x	x		x	x	x		x	x	x			
PART V. Expected Quarterly Expenditures		\$				\$				\$				\$					\$	534,113.00	
			400,000.00		400,000.00		400,000.00		400,000.00		400,000.00		400,000.00		400,000.00		400,000.00		\$	\$	

FOR OMB USE ONLY: Resolution No. _____

FMIS Set Up Date: _____

Company No: _____

OMB Analyst: _____

*David Jose
President*

RAMAH NAVAJO CHAPTER
*HC 61, Box 13
Ramah, New Mexico 87321-9601
(505) 240-8000*

*Jamie Henio
Council Delegate
Navajo Nation Council*

*Stanley K. Martinez
Vice-President*

Tribal Office



*Dixie M. Begay
Secretary/Treasurer*

*Rodger Martinez
Member
Eastern Navajo Land Board*

RESOLUTION OF THE RAMAH NAVAJO CHAPTER

NO. 082207

Approving to Design and Construct a New Water Well and Related Connecting Pipeline to Convey Drinking Water and Provide Fire Protection for the Rocky Ridge Water System, Which Serves the Northern Portion of the Chapter Community; and the Water System is Managed, Operated and Maintained under the Auspices of the Ramah Navajo Utility Authority (RNUA).

Whereas:

1. Pursuant to Navajo Tribal Council Resolution CJ-20-55, the Ramah Navajo Chapter is a certified Chapter of the Navajo Nation and the Chapter is uniquely situated as satellite community of the Navajo Nation; and
2. Pursuant to 21 Navajo Nation Code §51-60, §§ 1.A; there is established the RNUA within the Ramah Navajo Chapter; and
3. By Resolution RNC-82-15, the Ramah Navajo Chapter established the RNUA and its Articles of Establishment and Bylaws to provide utility services to the community; By Resolution RNC-0786223, the Ramah Navajo Chapter established the Plan of Operation for RNUA; and By Resolution ACS-151-86, the Advisory Committee of the Navajo Tribal Council incorporated and adopted the Articles of Establishment and Bylaws and the Plan of Operation for RNUA; and
4. By Resolution CAP-34-98, the Navajo Nation Council enacted the Navajo Nation Local Governance Act codified as 26 Navajo Nation Code (N.N.C.), establishing a new title exclusively for political subdivisions of the Navajo Nation to address the governmental function of chapters that improves the governmental structure and provides the opportunity for local chapters to make decisions over local matters; and allowing communities to excel and flourish, enable Navajo leaders to lead toward a prosperous future and improve the strength and sovereignty of the Navajo Nation, including custom and tradition; and
5. By Resolution 041614, the Ramah Navajo Chapter adopts and endorses the RNUA's Finance, Property, Personnel, Procurement and Utility Policies and Procedures, with By-Laws, presented as amendments and superseding all prior management and operation policy and procedures, via a public hearing on April 15, 2016 at the Ramah Navajo Chapter House; and
6. By Resolution CJN-29-22, the 24th Navajo Nation Council approves Leg. 0086-22, as amended, regarding the NNFRF (ARPA) Expenditure Plan to include Chapter and Regional Projects Expenditure Plan which allow the Council Delegates to select for their regions under the NNFRF Expenditure Plan. Navajo Nation Council approved Resolution CJN-29-22 then was signed into law on July 15, 2022 by the OPVP; and

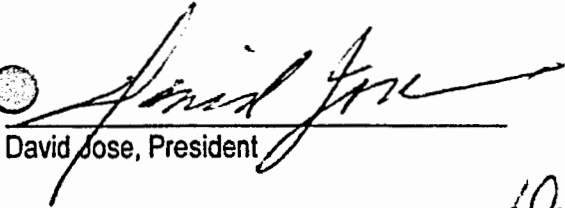
7. The existing shallow well serving the Rocky Ridge Water System is too old and no longer reliable nor cost effective such that it went out of commission recently which required costly repair and constant maintenance and operation by RNUA with limited resources. It is quite obvious a new well will serve the purpose for immediate backup and further meet the demand for abundant, reliable, safe and clean water supply to address the current infamous COVID-19 pandemic and other construction ready infrastructure developments, (i.e.), Judicial District Court Complex, Public Safety Building, and apartments adjacent to Ramah Navajo Detention Center; and
8. It is in the best interest of the Ramah Navajo Chapter and community members that supply of water (Life) must meet the ever-increasing demand not only in emergencies but under any normal circumstances in the future and generations to come. Now is most appropriate time with the NN FRF (ARPA) or funds for development of new wells.

NOW, THEREFORE, BE IT RESOLVED THAT:

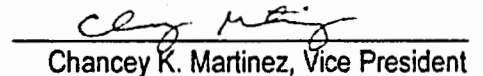
The Ramah Navajo Chapter hereby approves to design and construct a new water well and related connecting pipeline to convey drinking water and provide fire protection for the Rocky Ridge Water System, which serves the northern portion of the Chapter Community. Attached hereto is NN FRF Request Form (A) and Expenditure Plan (B).

CERTIFICATION

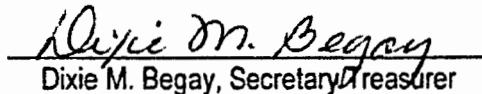
We hereby certify that the foregoing resolution was duly considered by the Ramah Navajo Chapter at a duly called meeting in Mt. View, Navajo Nation (New Mexico), at which a quorum was present and that the same was passed by a vote of 06 in favor, 0 opposed, 08 abstained on this 23rd day of August, 2022.



David Jose, President



Chancey K. Martinez, Vice President



Dixie M. Begay, Secretary/Treasurer

Substitute Motioned by: Monica Yazzie
Seconded by: Ruby Frank