



**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 0755

**Date & Time Received:** 02/29/24 at 15:18

**Date & Time of Response:** 3/11/24 at 17:00

**Entity Requesting FRF:** Shiprock Community Development Corporation

**Title of Project:** Tse' Bi Tai Recreation Park

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$1,300,000.00

**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:** \_\_\_\_\_

2.22, Strong Healthy Communities: Neighborhood Features that Promote Health and Safety

**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: \_\_\_\_\_  
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Name of DOJ Reviewer: Veronica Blackhat, AAG - Natural Resources 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 EXTERNAL ENTITIES

**Part 1. Identification of parties.**

External Entity requesting FRF: Shiprock Community Development Corporation Date prepared: 10/20/23

External Entity's mailing address: PO Box 309 Shiprock, NM 87420 phone/email: betty@shiprockcdc.org website (if any): \_\_\_\_\_

This Form prepared by: Betty Ojaye phone/email: 505-860-1545  
President, Shiprock CDC  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Tse' Bi Tai Recreation Park

External Entity's CEO (or equivalent): Betty Ojaye, President phone & email: 505-860-1545 betty@shiprockcdc.org

Board President: Betty Ojaye, President phone & email: 505-860-1545 betty@shiprockcdc.org

Board Treasurer or Financial Officer: Lander Morris, Treasurer phone & email: 505-360-3175 lander@shiprockcdc.org

Funding Recipient will be working with: Navajo Nation Parks & Recreation-Div. of Natural Resources on the Project and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.  
indicate name of Director of assisting Division and Division; if none, indicate "NN President and OPVP"

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Surveyors, Architectural & Engineering, Construction  document attached

Amount of FRF requested: \$1,300,000.00 FRF funding period: 12/01/23 - 9/15/26  
indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

Design and construct an outdoor recreation park in Shiprock, NW of U.S. Rt. 491 and U.S. Rt. 64 intersection and San Juan River. Project scope involves updating the existing Shiprock River Vision Master Plan with amenities. This project promotes a healthier community to prevent stress, depression, obesity, heart disease and other illnesses. We learned from the COVID experience that plenty of outdoor spaces between people pose a lower risk of viruses and diseases.  document attached

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

A park will make Shiprock a healthier and more vibrant community. Among the root causes of problems in our community are lack of safe outdoor facilities to promote health and well-being for a population of 9,217 and median age of 35.5. As a response to COVID, the CDC suggested outdoor activities which offer benefits, such as Vitamin D, and outdoor activities providing emotional boosts for children and families to prevent stress, depression, obesity, heart disease and other illnesses.  document attached

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

**APPENDIX A**

Jan-March 2024: Community Input, Planning & Design; April-May 2024: Bid & Award; June 2024: Begin Construction; September 2026: Complete Project & Open for Public Use

document attached

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

The project will be awarded to and managed by Shiprock Community Development Corporation (SCDC), a 501 C (3) non-profit entity, EIN # 85-0433102. This award to an external agency will expedite the project for completion. An experienced Project Manager will oversee the project and the project implementation will be coordinated with the Navajo Nation Parks & Recreation Dept.

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:

Shiprock CDC will be responsible for the operations and maintenance of the park. SCDC will allocate funds annually toward the upkeep of the park.

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:

The Expenditure Category for the Tse' Bitai Recreation Park is under Category 2.22: Strong Healthy Communities: Neighborhood Features that Promote Health and Safety. The proposed Recreation Park will renew the health, safety, and well-being of its citizens by offering outdoor activities to lower the risks of stress, depression, obesity, heart disease, viruses, and other illnesses. The project will provide a safe and healthy outlet for youth that will be both constructive and uplifting for them. In addition, this project will help reduce or ward off juvenile delinquency and other dangerous activities that our at-risk youth might be involved in.

document attached

**Part 3. Additional documents.**

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

Bubble Diagram – Draft Site and Concept Plan  
Legal Site Survey – Requested  
Clearances – Requested (Biological & Cultural)  
Estimated Cost Estimate

Board 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:

External Entity's Preparer: Betty Ojays  
signature of Preparer/CONTACT PERSON

Approved by: [Signature]  
signature of Board Chair/Person or President (or Vice President)

Approved by: Betty Ojays, President  
signature of External Entity's CEO (or equivalent)

Approved to submit for Review:

[Signature] 02/21/2024  
signature of Director of Accounting Division

-OR- Approved to submit for Review:

[Signature]  
signature of NN President




**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

**PART I. PROGRAM INFORMATION:**  
 Business Unit No.: NEW Program Name/Title: Tse' Bi Tah - Recreation Park

**PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:**  
 Shiprock CDC is an external entity as a non-profit 501 (C) 3 organization incorporated on June 7, 1995 by the Navajo Business Regulatory Department, File No. 100248. The purpose, mission, and goals are to develop strong relationships to sustain an economically, environmentally, and culturally healthy community.

PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
<b>1. Goal Statement:</b> To procure consultant to update the existing Shiprock Baseball Field Survey Program Performance Measure/Objective: Obtain an updated survey of the proposed site							1	
<b>2. Goal Statement:</b> Bid and contract for Design Build to develop construction documents Program Performance Measure/Objective: Obtain 100% construction documents that will guide the construction phases of the project							1	
<b>3. Goal Statement:</b> Complete the Tse Bi Tah Recreation Park for Public Use Program Performance Measure/Objective: Safety Inspection, Opening, and Celebration of Project							1	
<b>4. Goal Statement:</b>  Program Performance Measure/Objective:								
<b>5. Goal Statement:</b>  Program Performance Measure/Objective:								

**PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.**

Jaron Charley Department Director _____ Program Manager's Printed Name  _____ Program Manager's Signature and Date 2-21-24	Arlin Mitchell, Division Director _____ Division Director/Branch Chief's Printed Name  _____ Division Director/Branch Chief's Signature and Date
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**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Tse' Bi Tah - Recreation Park</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)
8780	Entitles 8785 - Entity Grants Tse' Bi Tah Recreation Park	1,300,000	1,300,000
<b>TOTAL</b>		1,300,000	1,300,000

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

<b>PART I.</b> Business Unit No.: <u>NEW</u> Project Title: <u>Tse' Bi Tah Recreation Park</u> Project Description: <u>To design and construct an outdoor recreation park for Shiprock Community.</u>														<b>PART II. Project Information</b> Project Type: <u>Construction</u> Planned Start Date: <u>12/1/2023</u> Planned End Date: <u>9/15/2026</u> Project Manager: <u>DCD</u>																						
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification																																				
<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	<b>PART IV.</b> Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.													Expected Completion Date if project exceeds 8 FY Qtrs.																						
	<b>FY 2024</b>												<b>FY 2026</b>												<b>9/15/2026</b>											
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.														
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M						
Jan-March 2024 Community Input Planning & Design				X	X	X																														
April-May 2024 Bid & Award							X	X																												
Jun-24 Begin Construction									X	X	X	X	X	X	X	X	X	X	X	X	X	X	X													
Sep-26 Complete Project Open for Public Use																											X									
<b>PART V.</b>	\$			\$			\$			\$			\$			\$			\$			<b>PROJECT TOTAL</b>														
Expected Quarterly Expenditures							1,300,000.00															\$1,300,000.00														

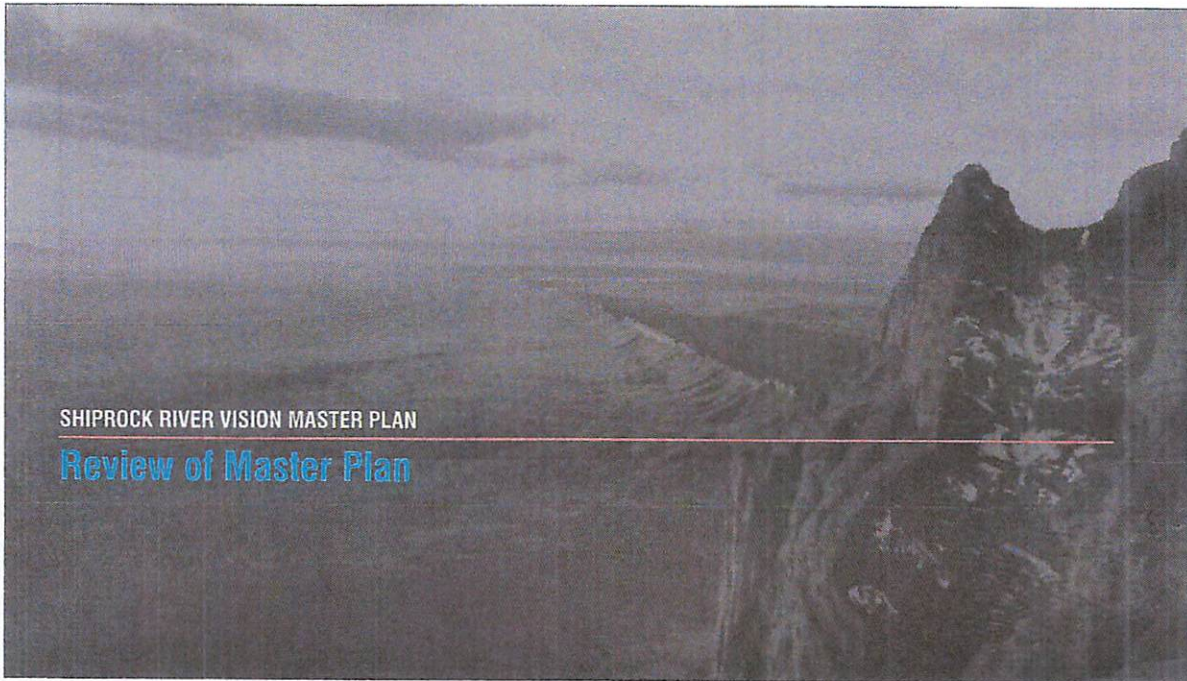
FOR OMB USE ONLY:    Resolution No: \_\_\_\_\_    FMIS Set Up Date: \_\_\_\_\_    Company No: \_\_\_\_\_    OMB Analyst: \_\_\_\_\_



## TSE' BITAI RECREATION PARK

<b>Contractual Services</b>	<b>Program Performance Measure</b>	<b>Cost</b>
Surveys	Site, Biological, Cultural Resource	\$25,000
	<b>Subtotal:</b>	<b>\$25,000</b>
Demolition	Site Clearance/Demo	\$40,000
Planning & Design	Architectural & Engineering	\$235,000
Construction	Construction	\$1,000,000
	<b>Subtotal:</b>	<b>\$1,275,000</b>
	<b>TOTAL PROJECT COST:</b>	<b>\$1,300,000</b>

Appendix G: Final Community Meeting #4



Review of Draft Master Plan  
SHIPROCK RIVER VISION MASTER PLAN

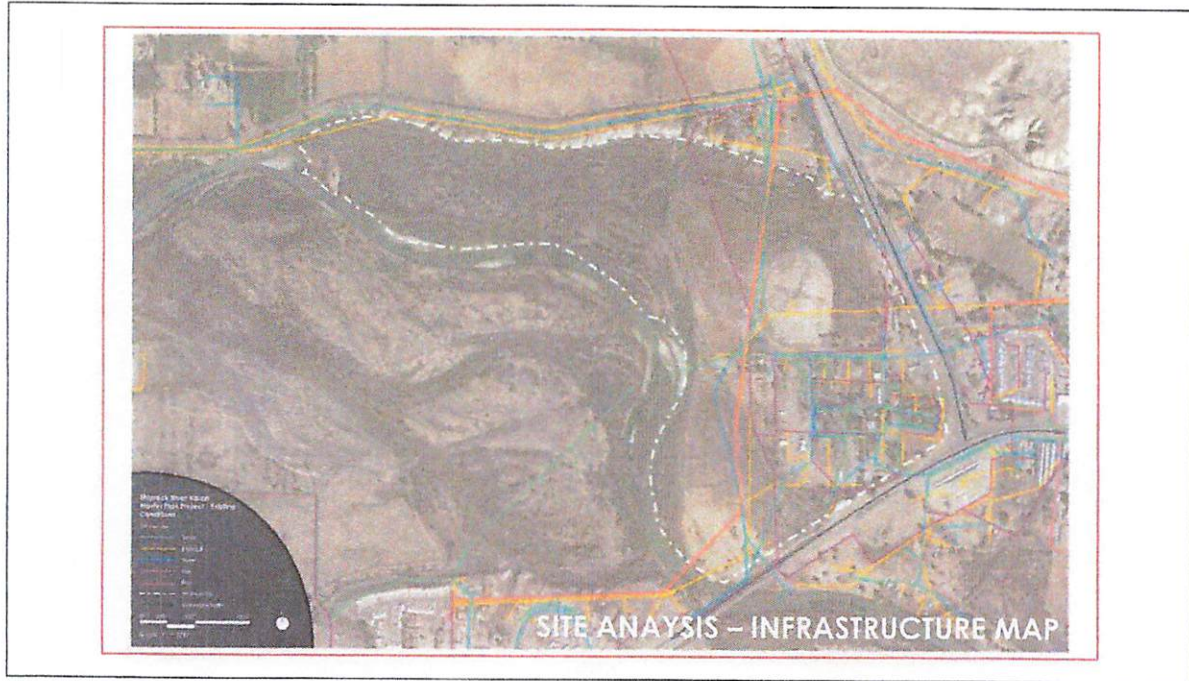
### Master Plan

- A vision of the site when developed in the future
- **Mission:**  
*"To develop a Shiprock Riverview Master Plan for a healthy Diné community with a vibrant economy"*
- **Vision:**  
*"To be the Northern Gateway to the Diné Nation"*

Shiprock River Vision Master Plan  
The New Shiprock Riverview: The Northern Gateway to the Navajo Nation  
Draft Master Plan

Proposed Park Site

Appendix G: Final Community Meeting #4



Review of Final Site Analysis and Land Use Plan  
**SHIPROCK RIVER VISION MASTER PLAN**

### Updated Existing Conditions

- Existing Land Uses, Roads, Flooding, Watersheds, and Updated Legal Descriptions/Land Surveys

*Proposed Park site*





## Community Vision, Mission & Cultural Values

The Shiprock community created a collective project name, vision, mission, and cultural values to help guide the future development of the master plan. The collaborative approach reflects the Navajo teachings of K'é, incorporating the people, community, culture, and regional characteristics of the Shiprock Community.

### PROJECT NAME "Shiprock River Vision"

**VISION**  
"To be the Northern Gateway to the Diné Nation"

**MISSION**  
"To develop a Shiprock River Vision Master Plan for a healthy Diné community with a vibrant economy".

### CULTURAL VALUES

- Tsé Bit'ta'í - Shiprock
- K'é – We are related through kinship, including the natural environment, the trees, mother earth, father sky and as five fingered people
- Navajo Principles and Teachings of Hozhó
- Four Corners + Four Directions
- Gateway to Diné History, Culture and Tradition
- Diné Knowledge, Education and Teachings through Culture
- Dedicate Plant Life for Each Generation to Memorialize Impactful Events
- Agriculture & Livestock
- Navajo Nation Fair
- Yei Bi Chei Dances
- Diné Language
- Navajo Code Talkers
- Gold King Mine and Uranium Mine Stories
- Diné Sacred Mountains
- Youth, Education and Sports
- Build Community for Future Generations
- Diné Teachings of Community First
- Community Pride
- We Are Resilient



## **Resolution of the Board of Directors of the SHIPROCK COMMUNITY DEVELOPMENT CORPORATION**

Approving the Request Form and Expenditure Plan for External Entities and Requesting Funds in the Amount of \$1,300,000.00 from the American Rescue Plan Act, Pursuant to CJN-29-22 Navajo Nation Fiscal Recovery Funds to Plan, Design, and Construct the Tse' Bi Tai Recreation Park

### **WHEREAS:**

- 1) The Shiprock Community Development Corporation (SCDC) is a non-profit corporation of the Navajo Nation with a mission to develop strong relationships to sustain an economically, environmentally, and culturally healthy community; and
- 2) The SCDC, IRS EIN # 85-0433102, is in good standing with the Internal Revenue Service and the Navajo Nation Business Regulatory Department; and
- 3) The SCDC is a partner to the Shiprock Community having been involved in the River Vision Master Plan process and engaging community members in "Shiprock Heart and Soul" meetings to make the town of Shiprock a better place to live by restoring pride and honoring community history and culture so that the future of our community is more vibrant and healthier economically, environmentally, and culturally; and
- 4) The Navajo Nation Council approved CJN-29-22, in response to the COVID-19 Pandemic in the best interest of the people: An Action Relating to the Naabik'iyati' Committee and Navajo Nation Council allocation \$1,070,298,867.00 of Navajo Nation Fiscal Recovery Funds; and
- 5) The total amount allocated under Navajo Nation Council Delegate Eugenia Charles-Newton's region is \$8,802,340; of that amount \$1,300,000.00 is requested to plan, design, and construct the Tse'Bi ai Community Park as a COVID response to support Strong Healthy Communities: Neighborhood Features that Promote Health and Safety, Category 2.22.

### **NOW THEREFORE BE IT RESOLVED THAT:**

- 1) The Shiprock Community Development Corporation hereby approves the Request Form and Expenditure Plan for External Entities, attached as Appendix A and Appendix B.
- 2) The Shiprock Community Development Corporation requests funds in the amount of \$1,300,000.00 from the American Rescue Plan Act, Pursuant to CJN-29-22 Navajo Nation Fiscal Recovery Funds to Plan, Design, and Construct the Tse' Bi Tai Recreation Park.

- 3) The Shiprock Community Development Corporation ensures accountability for American Rescue Act Funds (ARPA) with the end goal of providing a stronger and healthier community which is a deterrent to illnesses and other dangerous activities.

**CERTIFICATION**

I hereby certify that the foregoing resolution was adopted at a meeting of the Board of Directors on November 1, 2023 in Shiprock, New Mexico at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed, and 0 abstained.


Motion: *Randolph Sells*      Second: *John Tohtsoni, Jr.*      Vote: *6-0-0*

Shiprock Community Development Board of Directors:

  
\_\_\_\_\_  
Betty Ojaye, President

  
\_\_\_\_\_  
Elvin Keeswood, Vice President

  
\_\_\_\_\_  
Kyle Jim, Secretary

  
\_\_\_\_\_  
Lander Morris, Treasurer



# NAVAJO NATION CORPORATION CODE

## CERTIFICATE OF GOOD STANDING

*To all to Whom these Presents Shall Come, Greetings:*

I, the Director of the Business Regulatory Department, DO HEREBY CERTIFY that

SHIPROCK COMMUNITY DEVELOPMENT CORPORATION

File Number: 100246

a Corporation organized under the laws of the Navajo Nation Corporation Act, did incorporate on June 7<sup>th</sup>, 1995.

I FURTHER CERTIFY that this corporation has filed all affidavits and annual reports and has paid all annual filing fees required to date and, therefore, is in good standing within the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Navajo Nation Corporation Code. Done at Window Rock, Arizona, the Capital of the Navajo Nation, this 30<sup>th</sup> day of December, 2022 A.D.

*Al. N. W. Smith*  
Director, Business Regulatory  
Division of Economic Development  
Notah C. Silversmith

**FILED**

JUN 07, 1995

## ARTICLES OF INCORPORATION

OF

## SHIPROCK COMMUNITY DEVELOPMENT CORPORATION

Navajo Nation Corporation Act  
BY: SPAG  
Dept. Director

The undersigned natural persons, a majority of whom are citizens of the United States and enrolled members of the Navajo Nation, acting as incorporators of a corporation under the Navajo Nation Corporation Code, hereby adopt the following Articles of Incorporation:

## ARTICLE I

The name of the corporation is Shiprock Community Development Corporation and its period of duration is perpetual.

## ARTICLE II

The place in the Navajo Nation where the principal office of the Corporation is to be located is:

Northern Navajo Agency Programs Administration Complex  
Southwest Corner of U.S. Rt. 64 & Navajo Rt. 103, Lane 1  
Shiprock, Navajo Nation, NM 87420

## ARTICLE III

A. The purposes for which the corporation is formed are exclusively charitable and educational and consist of the following:

- (1) To improve the community physically, socially, and economically by the coordinated efforts of its citizens, thus promoting the general welfare while lessening the burdens of government.
- (2) To develop low-cost decent, safe and sanitary housing for low-income residents of the Shiprock community including those whose incomes are below federal poverty guidelines and who would not otherwise be able to find or afford a suitable dwelling, and to assist in the humane relocation of displaced families.
- (3) To provide information and technical assistance to the residents of Shiprock community including those whose incomes are below federal poverty guidelines or below the median income for the community, concerning the methods and resources available for the rehabilitation of dilapidated residential housing, so that the physical condition of such housing might be improved to provide decent, safe and sanitary dwellings for low- and moderate-income residents of Shiprock. The corporation is also formed for the educational purposes of instructing the low- and moderate-



income residents of Shiprock in certain "self-help" methods of housing rehabilitation, which will improve or develop the capabilities of the community.

(4) To own and operate on an at-cost basis housing units for residents of Shiprock including those whose incomes are below federal poverty guidelines or below the median income for the community and who would not otherwise be able to afford a suitable place to live. Additionally, to provide at-cost management services for these low- and moderate-income units, designed to maintain the physical condition and social environment of these units, thus combatting the deterioration of the community.

(5) To create opportunities for community members who are unemployed, underemployed, or whose income is below federal poverty guidelines to manage and operate business enterprises in economically depressed areas and to assist these people in developing entrepreneurial, management and self-sufficiency skills necessary for the successful operation of business enterprises.

(6) To provide grants, loans, guarantees or other arrangements to individuals or organizations working to develop the community, and to enter into lawful agreements to secure and enforce the performance and payment obligations of such financial assistance.

(7) To organize citizens and groups to combat crime through effective cooperation with law enforcement and other governmental organizations.

This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person.

#### ARTICLE IV

The initial registered agent shall be:

Duane Yazzie  
Northern Navajo Agency Programs Administration Complex  
Southwest Corner of U.S. Rt. 64 & Navajo Rt. 103, Lane 1  
Shiprock, Navajo Nation, NM 87420

#### ARTICLE V

The incorporators of the corporation are:

Duane Yazzie, Cindy Bates, Phillip A. Nez,  
and Bernadette Todacheene

Their address is:

Northern Navajo Agency Programs Administration Complex  
Southwest Corner of U.S. Rt. 64 & Navajo Rt. 103, Lane 1  
Shiprock, Navajo Nation, NM 87420

#### ARTICLE VI

Provisions for the regulation of the internal affairs of the Corporation shall be set forth in the bylaws of the Corporation. The authorized number and qualifications of members of the corporation, the classes of membership, if any, and the property, voting and other rights and privileges of the members shall be as set forth in the bylaws and the liability for dues and assessments and the method of collection, if any, shall be as set forth therein.

#### ARTICLE VII

A. This corporation is not organized nor shall it be operated for pecuniary profit and no part of this corporation's income or assets shall ever inure to the benefit of, or be distributable to any director, officer or member of this corporation or to the benefit of any private individual, except that the corporation shall be authorized to pay reasonable compensation for services rendered. The property of this corporation is irrevocably dedicated to charitable and public purposes.

B. On the dissolution or winding up of this corporation, its assets remaining, after payment of, or provision for payment of, all debts and liabilities of this corporation, shall be distributed to a nonprofit corporation incorporated under Chapter Three (3) of the Navajo Nation Corporation Code and which is organized and operated exclusively for charitable and/or public purposes and that has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

#### ARTICLE VIII

A. This corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (i) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding provision of any future United States Internal Revenue Law, or (ii) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding provision of any future United States Internal Revenue Law.


B. No substantial part of the activities of this corporation shall be the carrying on of propaganda or attempting to influence legislation, nor shall this corporation participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for political office.

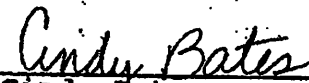
#### ARTICLE IX

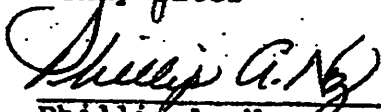
The corporation shall abide by all criminal, civil and regulatory laws of the Navajo Nation.

#### ARTICLE X

The affairs of the Corporation shall be managed by its Board of Directors. The initial Board of Directors shall consist of:

  
Duane Yazzie

  
Cindy Bates

  
Phillip A. Nez

  
Bernadette Todacheene

Their address is:

Northern Navajo Agency Programs Administration Complex  
Southwest Corner of U.S. Rt. 64 & Navajo Rt. 103, Lane 1  
Shiprock, Navajo Nation, NM 87420

They shall serve until the first annual election of directors or until their successors are elected and qualify. The number of directors may be fixed or changed from time to time by amendment of the bylaws of this Corporation in the manner set forth in the bylaws.

WE DECLARE that we are the persons who executed the above articles of incorporation, and that this instrument is our act and deed.

Duane Yazzie  
Duane Yazzie

Cindy Bates  
Cindy Bates

Phillip A. Nez  
Phillip A. Nez

Bernadette Todacheene  
Bernadette Todacheene

ACKNOWLEDGEMENT OF THE REGISTERED AGENT

I, DUANE H. YAZZIE, having been designated to act as Registered Agent, hereby consent to act in that capacity until removed or until a resignation is submitted in accordance with the Navajo Nation Corporation Act.

24 MAY 95  
Date

Duane Yazzie  
Duane Yazzie

Subscribed and sworn to before me on May 24, 1995.

Elsie Shonshai  
Notary Public

My commission expires: 4-06-98

**COPY**

Navajo Nation  
Division of Economic Development  
Post Office Box 663  
Window Rock, AZ 86515



Business Regulatory Dept  
(928) 871-7365  
871-6714  
Fax: (928) 871-7381

Website: www.navajobusiness.com

**NAVAJO NATION CORPORATION CODE**

**FILED**

**AUG 20 2019**

APPLICATION FOR AMENDMENT  
TO  
ARTICLES OF INCORPORATION

Navajo Nation Corporation Act.

*[Signature]*  
Department Manager

Pursuant to the provisions of Chapter 19, Section 3329, the Navajo Nation Corporation Code, the undersigned Corporation adopts the attached Articles of Amendment to its Articles of Incorporation:

I. The name of the Corporation is: Shiprock Community Development Corporation.

II. The amendment(s) so adopted by the Board of Directors or voting members are:

*Members:* Betty Ojaye Adopted by: Patricia A. Ray  
Joe Smart Beverly Maxwell  
Kyle Jim Nelson Toledo  
Cecilia Belone

III. The date of the adoption of the amendment is:

March 3, 2017

IV. The amendments were duly adopted by act of the members or the Board of Directors: Attach a resolution.

minutes attached

Dated : 6/22/19

By: Betty Ojaye  
Title: President

By: Beverly Maxwell  
Title: Secretary - Treasurer

NOTE: FOR PROFIT CORPORATIONS, COMPLY WITH ARTICLE VII, SECTIONS 3156 TO 3162, NAVAJO CORPORATION CODE (NO APPLICATION FORM AVAILABLE).

**SHIPROCK COMMUNITY DEVELOPMENT CORPORATION**

**PO Box 309**

**Shiprock, New Mexico 87420**

**BOARD OF DIRECTORS**

**Betty Ojaye, President**

**Term: March 2017 to March 2020**

**PO Box 3241**

**Shiprock, NM 87420**

[Bojaye\\_campus@yahoo.com](mailto:Bojaye_campus@yahoo.com)

**505-860-1545**

**Joe Smart, Vice President**

**Term: March 2017-March 2020**

**PO Box 372**

**Shiprock, NM 87420**

[Ricojoe\\_49@yahoo.com](mailto:Ricojoe_49@yahoo.com)

**505-379-7121**

**Beverly Maxwell, Secretary/Treasurer**

**Term: January 2017 to January 2020**

**PO Box 2293**

**Shiprock, NM 87420**

[beverlymaxwell@hotmail.com](mailto:beverlymaxwell@hotmail.com)

**505—592-7466**

**Kyle Jim, Director**

**Term: March 2017 to March 2020**

**PO Box 2133**

**Shiprock, NM 87420**

[kyleamericorps@gmail.com](mailto:kyleamericorps@gmail.com)

**505-360-9633**

**Patricia Ray, Executive Director**

**Term: Jan. 2017 to July 2018**

**Candelight Housing #9**

**Shiprock, NM 87420**

[Pay.ray57@yahoo.com](mailto:Pay.ray57@yahoo.com)

**505-258-3081**

**Board Minutes**  
*March 3, 2017*  
**SHIPROCK COMMUNITY DEVELOPMENT CORPORATION**  
**BOARD OF DIRECTORS**

**2017 Special Election Meeting**  
**7:30AM / Shiprock Chapter**

**Call to Order and Declaration of Quorum**

Secretary-Treasurer, Patricia A. Ray called the meeting to order at 8:24a.m. The meeting was held at the Shiprock Chapter conference room in Shiprock. Present were Beverly Maxwell, Director, and Patricia A. Ray Secretary-Treasurer. The Special Elections meeting was called when Mr. Nelson Toledo, Mr. Leon Spencer and Ms. Cecelia Belone tendered their resignations recently. The remaining two SCDC Board members did not recognize Cecelia Belone's resignation, therefore her status on the SCDC Board remains until her position on the Board is replaced with a qualified Director. Cecelia Belone concurred, and provided her proxy vote to the Secretary-Treasurer, Patricia A. Ray on January 31, 2017. (*Reference: SCDC Bylaws / Proxy Votes, Article V Section 8, amended April 21, 2016*). The Secretary-Treasurer, Patricia A. Ray called a quorum.

**Election of Directors**

Three candidates from within the Shiprock community were present to fill three board vacancies on the SCDC Board. The candidates are: Betty Ojaye, Joe Smart, and Kyle Jim.

The SCDC Board recognized the resignation received from Nelson Toledo, and it was accepted. VOTES: 1<sup>st</sup> by Beverly Maxwell and 2<sup>nd</sup> by Patricia A. Ray. The matter is final.

The SCDC Board recognizes the board candidate Betty Ojaye for Director. Beverly Maxwell placed her nomination for Betty Ojaye. The nomination was 2<sup>nd</sup> by Patricia A. Ray, to also include Cecelia Belone's proxy vote. TOTAL UNANIMOUS VOTES: Beverly Maxwell and Patricia A. Ray and Cecelia Belone's proxy vote. Betty Ojaye is now a Director to serve on the SCDC Board. The matter is final.

The SCDC Board recognized the resignation received by Cecelia Balone, and it was accepted. VOTES: 1<sup>st</sup> by Beverly Maxwell and 2<sup>nd</sup> by Patricia A. Ray. Total unanimous votes: Beverly Maxwell, Patricia A. Ray and Betty Ojaye. The matter is final.

The SCDC Board recognized the resignation received by Leon Spencer, and it was accepted. VOTES: 1<sup>st</sup> by Beverly Maxwell, and 2<sup>nd</sup> by Betty Ojaye. Total unanimous votes: Beverly, Maxwell, Patricia A. Ray and Betty Ojaye. The matter is final.

The SCDC Board recognizes the board candidate Joe Smart for Director. Betty Ojaye placed her nomination for Joe Smart. The nomination was 2<sup>nd</sup> by Patricia A. Ray. TOTAL UNANIMOUS VOTES: Beverly Maxwell, Patricia A. Ray and Betty Ojaye. Joe Smart is now a Director to serve on the SCDC Board. The matter is final.

The SCDC Board recognizes the board candidate Kyle Jim for Director. Beverly Maxwell placed her nomination for Kyle Jim. The nomination was 2<sup>nd</sup> by Betty Ojaye. TOTAL UNANIMOUS VOTES: Beverly Maxwell, Patricia A. Ray, Betty Ojaye and Joe Smart. Kyle Jim is now a Director to serve on the SCDC Board. The matter is final.

**Election of Officers**

**President of the SCDC Board** - Beverly Maxwell placed her nomination for Betty Ojaye. The nomination was 2<sup>nd</sup> by Kyle Jim. TOTAL UNANIMOUS VOTES: Beverly Maxwell, Patricia A. Ray, Betty Ojaye, Joe Smart and Kyle Jim. Betty Ojaye is now the President of the SCDC Board. The matter is final.

**Vice-President of the SCDC Board** – Betty Ojaye placed her nomination for Joe Smart. The nomination was 2<sup>nd</sup> by Pat Ray. TOTAL UNANIMOUS VOTES: Beverly Maxwell, Patricia A. Ray, Betty Ojaye, Joe Smart and Kyle Jim. Joe Smart is now the Vice-President of the SCDC Board. The matter is final.

**Secretary-Treasurer** – Patricia A. Ray will remain as the Secretary-Treasurer for the SCDC. She was elected as such, at the 2017 Annual Meeting held on January 17, 2017 at the Shiprock Chapter.

The following individuals are directors and/or officers for a one year and 10 month term (March 2017 to January 2019 – Next Annual Meeting)

1. Betty Ojaye, President
2. Joe Smart, Vice-President
3. Patricia Ray, Secretary-Treasurer
4. Beverly Maxwell, Director
5. Kyle Jim, Director

**Other Business**

A work-session for all SCDC Board members was called. Betty Ojaye recommended the following dates to meet at Navajo Prep at her conference room from March 14 – 16, 2017. The primary purpose of the planning session is to meet with Chief Justice Robert Yazzie, who represents the SCDC in the civil suit against JL Gray Company. Judge Woodie scheduled another hearing for April 07, 2017 at the Shiprock District Courts. The new and reorganized Board of the SCDC would like to provide guidance and direction to Justice Yazzie regarding the pre-trial conference established by the Shiprock Courts. Betty Ojaye will draft an e-mail letter to Justice Yazzie requesting that he meet with the new SCDC Board on the dates recommended.

**Adjournment**

The Special Election Meeting was adjourned at 9:45am by unanimous vote of the SCDC Board of Directors.

\* \* \*

\_\_\_\_\_  
Patricia A. Ray, Secretary-Treasurer

\_\_\_\_\_  
Date



**AMENDED  
ARTICLES OF INCORPORATION  
OF  
SHIPROCK COMMUNITY DEVELOPMENT CORPORATION**

The undersigned natural persons, a majority of whom are citizens of the United States and enrolled members of the Navajo Nation, acting as incorporators of a corporation under the Navajo Nation Corporation Code, hereby adopt the following Articles of Incorporation.

**ARTICLE I**

The name of the corporation is Shiprock Community Development Corporation (hereinafter Corporation) and its period of duration is perpetual.

**ARTICLE II**

The principal office location of the Corporation is:  
Mesa Farm Rd, Navajo Route 364, Plot 282-A  
Shiprock, NM 87420

**ARTICLE III**

The purpose of the Corporation is to help renew the well-being and prosperity of the Shiprock community by honoring the richness of its culture and history through collective actions. The goal of the Corporation is to develop strong relationships to sustain an economically, environmentally, and culturally healthy community.

The operations and functions of the Corporation shall encompass the following activities:

1. To improve the economic development of the local community by developing partnerships and assisting with coordinated efforts
2. To support the development of safe and affordable housing for residents of the Shiprock community, including low-income housing
3. To promote and create opportunities for community members to manage and operate successful small businesses
4. To provide technical assistance and training to support and improve the community including revitalization projects and re-development of obsolete land uses
5. To initiate and support planning for historic cultural preservation, community beautification, demolition and clean-up projects

**ARTICLE IV**

The registered agent is:

Kyle Jim, Highway 64, Dineh Housing, N-22  
PO Box 2133, Shiprock, NM 87420

## ARTICLE V

The incorporators of the Corporation are:

Betty Ojaye, PO Box 3241, Shiprock, NM 87420  
Joe Smart, PO Box 372, Shiprock, NM 87420  
Fannie L. Atcitty, PO Box 3320, Shiprock, NM 87420  
Kyle Jim, PO Box 2133, Shiprock, NM 87420

## ARTICLE VI

Provisions for the regulation of the internal affairs of the Corporation shall be set forth in the bylaws of the Organization, including the authorized number and qualifications of members of the Corporation and voting and other rights and privileges of the members.

## ARTICLE VII

This corporation is not organized nor shall it be operated for pecuniary profit and no part of this corporation's income or assets shall ever be inure to the benefit of, or be distributable to any director, officer or member of this corporation or to the benefit of any private individual, except that the corporation shall be authorized to pay reasonable compensation for services rendered. The property of this corporation is irrevocably dedicated to charitable and public purposes.

## ARTICLE VIII

### Prohibited Activities

This corporation is organized exclusively for charitable purposes within the meaning of Section 501 (c ) (3) of the Internal Revenue Code. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted under Section 501 (c ) (3) of the Internal Revenue Code.

No substantial part of the activities of this corporation shall be the carrying on of propaganda or attempting to influence legislation, nor shall this corporation participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for political office.

## ARTICLE IX

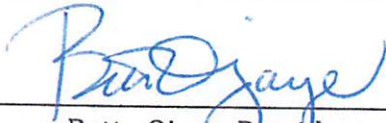
### Dissolution

Upon the dissolution of the Organization, after paying or making provisions for the payment of all the legal liabilities of the Organization, assets shall be distributed to a non-profit corporation incorporated under Chapter Three (3) of the Navajo Nation Corporation Code and which is organized and operated exclusively for charitable and/or public purposes and that has established its tax exempt status under Section 501 (c ) (3) of the Internal Revenue Code.

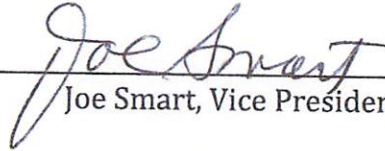
## ARTICLE X

The Corporation shall abide by all criminal, civil and regulatory laws of the Navajo Nation.

We declare that we are the persons who amended the above Articles of Incorporation, and that this instrument is our act and deed: Adopted and approved on July 23, 2020.



Betty Ojaye, President



Joe Smart, Vice President



Fannie L. Atcitty, Secretary/Treasurer

8/17/2020

Date:

Navajo Nation  
Division of Economic Development  
Post Office Box 663  
Window Rock, AZ 86515



Business Regulatory Dept  
(928) 871-7365  
871-6714  
Fax: (928) 871-7381

**NAVAJO NATION CORPORATION CODE**

**CHANGE OF REGISTERED AGENT**

Exact Name of Corporation: Shiprock Community Development Corporation

Name and Address of Former Registered Agent:  
Duane H. Yazzie

Name and Exact Street Address of New Registered Agent:  
Duane H. Yazzie  
(Name)

Northern Navajo Agency Programs Administration Complex, Southwest Corner of US Rt. 64 + Navajo Rt. 103, Lane 1, Shiprock, Navajo Nation, NM 87420  
(Address)

NOTE: If no street address is available then you must attach a map showing the Registered Agent's exact location:

Date of when change shall take effect: June 25, 2019

Registered Agent change was authorized by: Shiprock Community Development Board of Directors

(Change should be authorized by resolution duly adopted by its Board of Directors or should be authorized by an Officer of the Corporation duly empowered to make such change).

**ACKNOWLEDGEMENT OF NEW REGISTERED AGENT**

I, Kyle Jim, having been designated to act as Registered Agent, hereby consent to act in that capacity until removed or until a resignation is submitted in accordance with the Navajo Corporation Code.

[Signature]  
(Signature of Registered Agent)

6/25/2019  
(Date)

**Resolution of the Board of Directors of the  
SHIPROCK COMMUNITY DEVELOPMENT CORPORATION**

Approving Kyle Jim, as the new Registered Agent for Shiprock Community Development Corporation and  
removing Duane H. Yazzie as the former Registered Agent

**WHEREAS:**

1. The Shiprock Community Development Corporation (the "Corporation") is a non-profit corporation of the Navajo Nation; and
2. The Corporation is a non-profit housing provider for low-income to median and market rate apartments; the Corporation acquires funding to improve the economic, social, human rights, crime control or related purposes in the community; and
3. The Navajo Nation Business Regulatory Department requires a current a registered agent for the Corporation; the registered agent, Duane H. Yazzie is no longer serving on the Board.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Corporation hereby approves Kyle Jim, Director, as the new registered agent for the Corporation and removes Duane H. Yazzie, former Registered Agent for the Corporation.

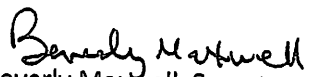
**CERTIFICATION**

I hereby certify that the foregoing resolution was adopted at a meeting of the Board of Directors at a duly called meeting on June 25, 2019 in Shiprock, New Mexico at which a quorum was present and that same was passed by a vote of 4 in favor, 1 opposed, and 0 abstained this 25th day of June 2019.

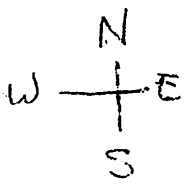
Shiprock Community Development Board of Directors:

  
Betty Ojaye, President

  
Joe Smart, Vice President

  
Beverly Maxwell, Secretary/Treasurer

  
Kyle Jim, Director

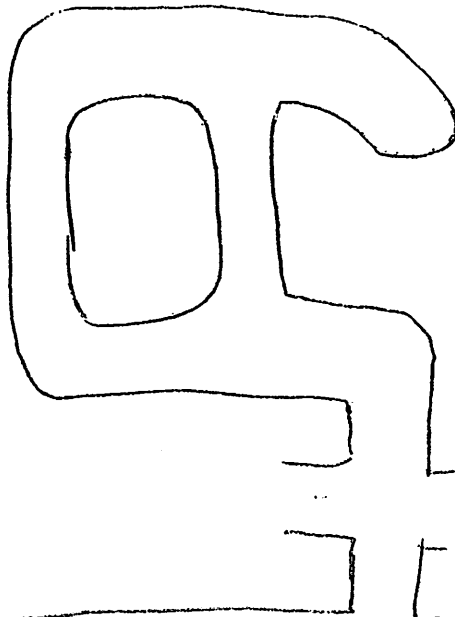


Shiprock, NM

HWY 64 Dineh Housing N-22



HWY  
491



← HWY 64 →