



The Navajo Nation
Yideeskáadi Nitsáhákees

DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

August 30, 2023

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

RE: CAU-71-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CAP-08-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake), to Include Additional Projects for this Delegate Region

Dear Speaker Curley,

I am pleased to sign into law Resolution CAU-71-23 approving the amendments to the Fiscal Recovery Funds Delegate Regional Plan for Honorable Casey Allen Johnson's Delegate Region for a total of \$8,302,337.00 out of a potential allocated amount of \$8,802,340.00.

My Administration supports the plans of these Chapters we have worked very hard to put together their Regional Plans and are working 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 we will work together to overcome it. As you know, my Administration has been working to put in place quicker and more flexible Navajo Nation systems. I look forward to working with you and the entire Council to improve Navajo Nation systems so that we are supporting our communities and taking advantage of this historic funding.

I do want us to be cognizant that the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This date 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 a proposed timeline.

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;
 AMENDING CAP-08-23 AND THE NAVAJO NATION FISCAL RECOVERY FUND
 DELEGATE REGION PROJECT PLAN FOR HONORABLE CASEY ALLEN JOHNSON'S
 DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS,
 LEUPP, TOLANI LAKE)

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).
- D. Navajo Nation Council Resolution No. CAP-08-23, attached as Exhibit 1 (without project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION TWO. FINDINGS

- A. 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. The Navajo Nation Council Resolution No. CAP-08-23, 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 CASEY ALLEN JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE), was signed into law by the President of the Navajo Nation on May 5, 2023. **Exhibit 1.**
- D. CAP-08-23, 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 Hon. Casey Allen Johnson has requested to amend CAP-08-23 to delete the *Tolani Lake Chapter House Wiring Project* (under NNDOJ Review No. HK0367) from the Delegate Region Projects Plan covering the Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake Chapters. The removal of this project will revert \$70,000.00 back to Hon. Casey Allen Johnson's Delegate Region's Project Plan's **Un-Allocated Amount.**
- F. In addition to the removal of the *Tolani Lake Chapter House Wiring Project*, Hon. Casey Allen Johnson has requested that additional projects be added to the Delegate Region Projects Plan covering the Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake Chapters originally approved by CAP-08-23. The additional projects, which have all been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the deleted project, are set forth in **Exhibit 2.** After the deletion and addition of projects, the Hon. Casey Allen Johnson's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- G. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Casey Allen Johnson's Delegate Region Chapters and communities to approve and adopt the removal of one-project and add additional projects as part of the Navajo Nation Fiscal Recovery Fund

Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) as set forth in Exhibit 2.

SECTION THREE. AMENDING CAP-08-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CASEY ALLEN JOHNSON'S DELEGATE REGION (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI LAKE)

- A. The Navajo Nation hereby approves the removal of one-project (the *Tolani Lake Chapter House Wiring Project* under NNDOJ Review No. HK0367) listed in CAP-08-23 for Hon. Casey Allen Johnson's Delegate Region Projects Plan as **stricken** in Exhibit 2. The removal of these projects from Hon. Casey Allen Johnson's Delegate Projects Plan will revert \$70,000.00 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. Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) 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 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 16 in Favor, and 00 Opposed, on this 25th day of August 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

8/29/23

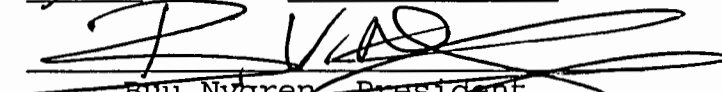
DATE

Motion: Honorable Seth Damon
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 30 day of August, 2023.


Buu Nygren, President
Navajo Nation

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

Buu Nygren, President
Navajo Nation

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

Buu Nygren, President
Navajo Nation



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-08-23 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 Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake)*

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-08-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Johnson's Delegate Region in the amount of \$8,252,337.

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 CASEY ALLEN JOHNSON'S DELEGATE REGION
 (CHAPTERS: CAMERON, COALMINE CANYON, BIRDSPRINGS, LEUPP, TOLANI
 LAKE)

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

Allen Johnson'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. Casey Allen Johnson's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. CASEY ALLEN JOHNSON'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Casey Allen Johnson's Delegate Region (Chapters: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake) 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

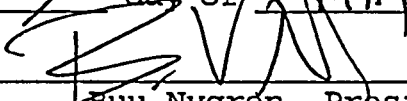
DATE

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

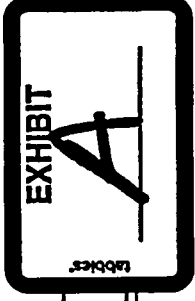
NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Casey Allen Johnson

CHAPTERS: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	None Identified	Cameron Chapter South Tappan Powerline Extension Project	Division of Community Development	2.18	HK0337	\$ 1,760,468.00
Division of Community Development	*Birdsprings Chapter	Birdsprings Chapter Warehouse Upgrade	Division of Community Development	6.1	HK0364	\$ 190,000.00
Division of Community Development	*Birdsprings Chapter	Birdsprings Chapter Dome Repair and Modification	Division of Community Development	1.4	HK0365	\$ 291,961.00
Division of Community Development	*Birdsprings Chapter	Birdsprings Chapter Home Renovation for Community Members	Division of Community Development	2.18	HK0366-2	\$ 1,278,504.00
Division of Community Development	None Identified	Tolani Lake Chapter House Wiring Project	Division of Community Development	2.18	HK0367	\$ 70,000.00
Division of Community Development	None Identified	Tolani Lake Chapter 1.5 PPE (Storage) Warehouse	Division of Community Development	6.1	HK0368	\$ 1,055,000.00
Division of Community Development	None Identified	Tolani Lake Chapter Dump Truck and Trailer Purchase	Division of Community Development	6.1	HK0369	\$ 135,468.00
Division of Community Development	None Identified	Coalmine Chapter Warehouse Project	Division of Community Development	6.1	HK0387	\$ 450,000.00
Division of Community Development	None Identified	Coalmine Chapter Septic Sewage Tank Clean-Outs	Division of Community Development	5.5	HK0388	\$ 50,000.00
Division of Community Development	None Identified	Coalmine Chapter Bathroom Additions	Division of Community Development	1.14	HK0389	\$ 1,260,468.00
TOTAL:						\$ 6,541,869.00

*Per C.J.N-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."



NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Casey Allen Johnson

CHAPTERS: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 6,541,869.00
Division of Community Development	*Leupp Chapter	Leupp Chapter Heavy Equipment and Fleet Vehicle Purchase	Division of Community Development	6.1	HK0398	\$ 1,156,600.00
Division of Community Development	*Leupp Chapter	Leupp Chapter Warehouse	Division of Community Development	1.14	HK0399	\$ 185,000.00
Division of Community Development	*Leupp Chapter	Leupp Chapter Senior Center Renovation	Division of Community Development	2.22	HK0400	\$ 81,000.00
Division of Community Development	*Leupp Chapter	Leupp Chapter House Renovation Project	Division of Community Development	2.22	HK0401	\$ 287,868.00
		UN-ALLOCATED AMOUNT				\$ 550,003.00
					TOTAL:	\$ 8,802,340.00

*Per C.J.N-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."

Exhibit 2

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Casey Allen Johnson

CHAPTERS: Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake

Exhibit 2

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CAP-08-23 on May 5, 2023				\$ 8,252,337.00
Division-of-Community Development	None-Identified	Tolani-Lake-Chapter-House-Wiring Project	Division-of-Community Development	2-18	HK0367	-\$ 70,000.00
Division of Community Development	*Leupp Chapter	Leupp Chapter Purchase of PPE Project	Division of Community Development	1.14	HK0523	\$ 50,000.00
Division of Community Development	None Identified	Tolani Lake Chapter Multipurpose Building's Upgrade to Electrical and HVAC Project	Division of Community Development	1.4	HK0598	\$ 70,000.00
		UN-ALLOCATED AMOUNT				\$ 500,003.00
					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 #: HK0598

Date & Time Received: 6/22/23 at 11:54

Date & Time of Response: 7/6/23 at 13:20

Entity Requesting FRF: Tolani Lake Chapter

Title of Project: Multipurpose Building Electrical & HVAC Upgrade

Administrative Oversight: DCD

Amount of Funding Requested: \$70,000.00

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

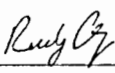
U.S. Department of Treasury Reporting Expenditure Category: 1.4, Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)

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: _____
Note that we have modified the requested expenditure code from 6.1 (Provision of Government Services) to 1.4 (Prevention in Congregate Settings). 1.4 is a more favorable category because it is not limited to the amount of the Nation's lost revenue.

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: Tolani Lake Chapter Date prepared: 05/17/2023

Chapter's mailing address: HC 61 Box 3001 Winslow, AZ 86047 phone/email: 928-688-3285/tolanilake@navajochapters.org website (if any): _____

This Form prepared by: Tom Yazzie phone/email: 928-688-3285/tomyazzie@nncchapters.org
Tom Yazzie, Community Service Coordinator 928-688-3285/tomyazzie@nncchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Multipurpose Building Electrical & HVAC Upgrade

Chapter President: Leland Dayzie phone & email: 928-978-4503/lkdayzie@naataanii.org

Chapter Vice-President: Anna Begay phone & email: 928-853-8945/sinagua93.ab@gmail.com

Chapter Secretary: Gabriella Mèhl phone & email: 928-587-6179/gsmehl@yahoo.com

Chapter Treasurer: Gabriel Mehli phone & email: 928-587-6179/gsmehl@yahoo.com

Chapter Manager or CSC: Tom Yazzie phone & email: 928-688-3285/tomyazzie@nncchapters.org

DCD/Chapter ASO: Milford Maloney phone & email: 928-283-3343/mmaloney@nncdcd.org

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

Amount of FRF requested: \$70,000 FRF funding period: 01/01/2023 - 09/30/2026
Indicate Project starting and ending deadline date

Part 2: Expenditure Plan details.

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

Tolani Lake Chapter (TLC) plans to utilize the ARPA funds for electrical & HVAC upgrade on its Community Multipurpose building that is located on the TLC chapter tract. This building serves as a community event/activity center for TLC community and other surrounding chapters. The building is being used for as a governmental training center, emergency responses facility, health related events, sporting, native cultural & school related events, provides governmental service offices and other community involve events.

document attached

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

The beneficiaries of the Project would be Tolani Lake Chapter community membership, Youth programs, Health facilitators, Navajo Nation Government and other governmental agencies to battle and exercise preventive measure against COVID-19/ pandemic.

document attached

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

APPENDIX A

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

Obtain three (3) contractual bids from local Electrical Contractors in summer 2023, Encumber all funds from ARPA fund as soon as DOJ approves the project. The total completion of this project is should September 2026.

document attached

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

Navajo Nation Division of Community Development-Calvin Castillo, Division Director; Shayla Draper, Estimator /Planner and James Adakai, Deputy Director will be the oversee staff to monitor the project for progression and completion of project.

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:

Tolani Lake Chapter will be responsible for all operations and maintenance cost of the installed electrical wiring & HVAC system.

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:

6.1 Provision of Government Service.

The Tolani Lake Chapter is requesting to utilize Fiscal Recovery Funds for completion of this project. This project will be monitored and coordinated with Navajo Nation Division of Community Development (NN-DCD). The community center is being used by various Navajo Nation division, departments and programs for wide range of events and activities. The office space in the "Center" houses tribal department & programs as well as other governmental agencies.

document attached

Part 3. Additional documents.

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

Tolani Lake Chapter Resolution # TL-05-15E-23
Appendix A - Request Form & Expenditure Plan
Appendix B - Budget Forms (1,2,4 & 6)
Appendix J - Project Budget Schedule

Chapter Resolution attached

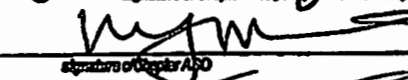
Part 4. Affirmation by Funding Recipient.

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

Chapter's Preparer: 

Approved by: 

Approved by: 

Approved by: 

Approved to submit for Review: 

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: _____		New		Program Title: Multipurpose Building HVAC & Electrical Upgrade		Division/Branch: NN-DCD	
Prepared By: Tom Yazzie, CSC		Phone No.: (928) 686-3285/3265		Email Address: tom.yazzie@nnchapters.org			
PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY		
NN Fiscal Recovery Funds		11/1-2/25	70,000.00	100%	Fund Type Code	NNC Approved Original Budget	(B) Proposed Budget
							(C) 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	0	70,000
					7000 Special Transactions		
					8000 Public Assistance		
					9000 Capital Outlay		
					9500 Matching Funds		
					9500 Indirect Cost		
					TOTAL	\$0.00	70,000.00
					PART IV. POSITIONS AND VEHICLES		
					Total # of Positions Budgeted:		(E)
					Total # of Vehicles Budgeted:		
					0	0	0
					0	0	0
					PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.		
SUBMITTED BY: James Adakavi, Deputy Director		APPROVED BY: Calum Castello, Executive Director		Division Director / Branch Chief's Printed Name			
Program Manager's Printed Name		5-19-23		Division Director / Branch Chief's Signature and Date			
Program Manager's Signature and Date		5/19/23		Division Director / Branch Chief's Signature and Date			

THE NAVAJO NATION
 PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:	Business Unit No.: <u>New</u>	Program Name/Title: <u>Multipurpose Building HVAC & Electrical Upgrade</u>																									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:																											
PART III. PROGRAM PERFORMANCE CRITERIA:																											
1. Goal Statement: Complete Multipurpose Building Electrical Upgrade Program Performance Measure/Objective: Complete Electrical Wiring & Upgraded to electrical code / specification	1	1	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual								
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Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual																				
2. Goal Statement: Complete Multipurpose Building HVAC Upgrade Program Performance Measure/Objective: Complete installation of HVAC units	1	1	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual								
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5. Goal Statement: Program Performance Measure/Objective:			<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual								
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Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual																				
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.																											
		<u>Shirley Alakani, Deputy Director</u> Program Manager's Printed Name																									
	5-19-23 Program Manager's Signature and Date	<u>Calvin Castillo, Executive Director</u> Division Director/Branch Chief's Printed Name																									
		[Signature] Division Director/Branch Chief's Signature and Date	5/19/23																								

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title:	Multipurpose Building HVAC & Electrical Upgrade	Business Unit No.:	New
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)
6500	8600 Constructural Service Multipurpose Building Electrical & HVAC Upgrade 6960 - Subcontracted Service: Tolani Lake Chapter Multipurpose Building Electrical / HVAC upgrade.		70,000
TOTAL			70,000

TOLANI LAKE CHAPTER



RESOLUTION OF TOLANI LAKE CHAPTER WESTERN NAVAJO AGENCY

APPROVE PROCUREMENT TO UTILIZE \$70,000 OF FISCAL RECOVERY FUNDS FOR TOLANI LAKE
MULTIPURPOSE BUILDING'S ELECTRICAL AND HVAC UPGRADES.

RESOLUTION NUMBER: TL-05-15E-23

WHEREAS

1. Pursuant to 26 N.N.C., Section 3 (A) the Tolani Lake Chapter is a recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B) the Tolani Lake Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate actions; and
3. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA); and
4. The Tolani Lake Chapter within its Fiscal Recover Fund plan is in support the Division of Community Development to assist with utilizing the ARPA funds for chapter project, project monitoring, project contracting, and all fiscal management: and
5. Pursuant to Resolution CJN -29-22, The Navajo Nation Council allocated \$1,760,468 for five (5) within District 5 and District 3 in response to the battle the impact of the COVID-19 pandemic and;
6. The Tolani Lake Chapter's Community Center is in dire need of an electrical upgrade along with HVAC system upgrade. The Community Center is currently a red tagged facility pending electrical upgrade before the facility is feasible for operation.

*Leland
Dayzie
President*

*HC-61 Box 3001
Winslow, AZ 86047*

*Casey Allen Johnson
Council Delegate*

*Anna M. Begay
Vice President*

*Phone: (928) 686-3285
Fax: (928) 686-3287*

*Leslie Williams
Grazing Official*

*Gabriella Mehl
Secretary Treasurer*

7. The Electrical and HVAC upgrade project will be contracted through the Navajo Nation Division of Community Development. And, that all fiscal matters and monitoring of the project be coordinated with Tolani Lake Chapter.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Tolani Lake Chapter (TLC) hereby approves the encumbrances of the Fiscal Recovery Funds in amount of \$70,000 for TLC Community Center (Multipurpose Building). Reference Exhibit "A" + Resolution Number TL-05-15E-23 and Exhibit "B" + Navajo Nation Budget Form 1 through 6, Appendix A, B, J and Project Budget Schedule as attachments.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Tolani Lake at a duly called meeting in Tolani Lake, Navajo Nation, Arizona at which a quorum of Chapter members was present and that the same was by Margaret Tom and seconded by Lloyd McCabe and passed by a vote of 11 in favor, 0 opposed and 5 abstained this 15th day of May 15, 2023.


Leland Dayzle, President


Anna M. Begay, Vice President

Gabriella Mehl, Secretary/Treasurer

Leslie Williams, Grazing Official

*Leland
Dayzle
President*

*HC-61 Box 3001
Winslow, AZ, 86047*

*Casey Allen Johnson
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*Leslie Williams
Grazing Official*

*Gabriella Mehl
Secretary Treasurer*

NAVAJO NATION

219

8/25/2023

Navajo Nation Council Special Session

02:16:05 PM

Amd# to Amd#

New Business: CONSENT AGENDA

PASSED

MOT Damon, S

Legislation 0201-23 & 0205-23

SEC Parrish, S

Yeas : 16

Nays : 0

Excused : 5

Not Voting : 2

Yea : 16

Arviso, S

Charles-Newton, E

James, V

Slater, C

Aseret, L

Crotty, A

Johnson, C

Tolth, G

Begay, H

Damon, S

Notah, N

Tso, O

Begay, N

Daniels, H

Parrish, S

Yanito, C

Nay : 0

Excused : 5

Claw, S

Nez, R

Simpson, D

Yazzie, C

Nez, A

Not Voting : 2

Simonson, G

Jesus, B

Presiding Speaker: Curley, C