

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

January 6, 2023

Hon. Otto Tso
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CD-61-22, *An Action Relating to Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Vince R. James' Delegate Region (Chapters: Jeddito, Cornfields, Ganado, Kinlichee, Steamboat)*

Dear Speaker Tso,

The Nez/Lizer Administration supports the Chapters' endeavors to work collaboratively with their respective Council Delegate in completing the process to access funding made available with the \$211,256,148 allocated for regional expenditure plans under CJN-29-22.

The process to secure funding also involves collaborative efforts between the Chapters, the Division of Community Development, Navajo Nation Fiscal Recovery Fund (NNFRF) Office and the Navajo Nation Department of Justice (NNDOJ). Per BFS-31-21, each proposed expenditure must obtain NNDOJ verification that each proposed project is an eligible expense within ARPA/NNFRF regulations. Each of the projects within CD-61-22 has met all the requirements.

The ARPA/NNFRF process is still evolving since the inception of this funding. Within the United States Treasury and the Navajo Nation, processes have been updated at various times. An example is the Treasury guidelines referenced within Navajo Nation Council resolutions CJY-41-21 and CJN-29-22; the Treasury guidelines exhibit was updated by the United States Treasury on September 20, 2022. Accordingly, the legal guidance provided by NNDOJ and Office of Legislative Counsel is modified to comply with the Treasury guidelines.

One such modification of legal guidance involved the processing of regional expenditure plans. Originally, the guidance was that all projects had to equal \$8,802,340 to be considered as completed and ready for legislative action. This guidance was modified in December 2022 to allow partial funding of the \$8,802,340 allocations so that proposed ARPA/NNFRF projects ready for legislative action could be processed by Office of Legislative Counsel. Because of the time constraints for the 24th Navajo Nation Council to act on proposed legislation, programs did not have sufficient time to provide written verification to Chapters regarding the change in legal guidance.

THE NAVAJO NATION




JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CD-61-22 into law.

Sincerely,


Jonathan Nez, *President*
THE NAVAJO NATION


Myron Lizer, *Vice President*
THE NAVAJO NATION

**RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022**

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 VINCE R. JAMES' DELEGATE REGION
(CHAPTERS: JEDDITO, CORNFIELDS, GANADO, KINLICHEE, STEAMBOAT)**

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. Vince R. James' Delegate Region Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Vince R. James' 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. Vince R. James' Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Vince R. James' Delegate Region (Chapters: Jeddito, Cornfields, Ganado, Kinlichee, Steamboat) as set forth in **Exhibit A**.

SECTION THREE. APPROVAL OF HON. VINCE R. JAMES' DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Vince R. James' Delegate Region (Chapters: Jeddito, Cornfields, Ganado, Kinlichee, Steamboat) 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

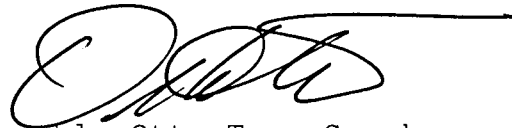
This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164 (A)(17), and 2 N.N.C. §§ 1005 (C)(10), (11), and (12).

SECTION FIVE. 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 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 20 in Favor, and 00 Opposed, on this 29th day of December 2022.



Honorable Otto Tso, Speaker
24th Navajo Nation Council

12.30.2022

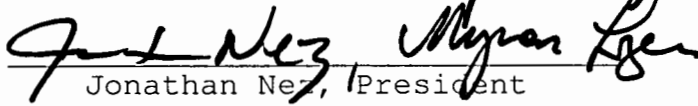
DATE

Motion: Honorable Paul Begay
Second: Honorable Edmund Yazzie

Speaker Otto Tso 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 6th day of January, 2023


Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, 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 _____, 2022.

Jonathan Nez, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Vince R. James

CHAPTERS: Jeddito, Cornfields, Ganado, Kinlichee, Steamboat

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	NONE IDENTIFIED	Jeddito Chapter House Wiring	Division of Community Development	2.18	HK0215	\$ 350,000.00
Division of Community Development	NONE IDENTIFIED	Jeddito Chapter Bathroom Additions	Division of Community Development	1.14	HK0216	\$ 400,000.00
Division of Community Development	NONE IDENTIFIED	Jeddito Chapter House Renovation	Division of Community Development	2.22	HK0217	\$ 260,000.00
Division of Community Development	NONE IDENTIFIED	Jeddito Chapter Cemetery Construction and Renovation	Rodger Paul, Chapter President	6.1	HK0218	\$ 185,000.00
Division of Community Development	NONE IDENTIFIED	Jeddito Chapter Housing Renovations	Division of Community Development	2.18	HK0226	\$ 595,000.00
Division of Community Development	*Steamboat Chapter	Steamboat Chapter Warehouse Project	Division of Community Development	1.14	HK0219	\$ 220,000.00
Division of Community Development	*Steamboat Chapter	Steamboat Chapter Scattered Water Line II	Department of Water Resources	5.15	HK0220	\$ 1,480,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter PPE/Food Supply Storage Building	Division of Community Development	1.14	HK0221	\$ 150,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter Heating Source Assistance Program	Division of Community Development	2.2	HK0223	\$ 95,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter Navajo Station Phase IV Powerline Extension	Division of Community Development	2.18	HK0224	\$ 225,000.00
					TOTAL:	\$ 3,960,000.00

*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 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Vince R. James

CHAPTERS: Jeddito, Cornfields, Ganado, Kinlichee, Steamboat

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 3,960,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter Septic Tank Operation and Maintenance Cost	Division of Community Development	5.5	HK00225	\$ 95,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter Cemetery Fencing	Division of Community Development	6.1	HK0228	\$ 75,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter Technology Upgrade	Division of Community Development	3.5	HK0229	\$ 35,000.00
Division of Community Development	*Cornfields Chapter	Cornfields Chapter Food Assistance Program	Division of Community Development	2.1	HK0231	\$ 65,000.00
Division of Community Development	*KinDahLichii Chapter	KinDahLichii Chapter Renovation	Division of Community Development	1.4	HK0253	\$ 498,000.00
Division of Community Development	*KinDahLichii Chapter	KinDahLichii Chapter Bathroom Additions	Division of Community Development	1.14	HK0256	\$ 682,000.00
Division of Community Development	*Ganado Chapter	Ganado Chapter Waterline Extension Project	Department of Water Resources	5.13	HK0306	\$ 1,700,000.00
		UN-ALLOCATED AMOUNT				\$ 1,692,340.00
					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

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HK0256

Date & Time Received: 12/05/22 9:08

Date & Time of Response: 7 December, 2022; 9:21 am

Entity Requesting FRF: Kin Dah Lichii Chapter

Title of Project: Bathroom Additions

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$682,000

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: 1:14 (Other Public

Health Services)

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 | |

Name of DOJ Reviewer: Adjua Adjei-Danso



Signature of DOJ Reviewer: _____

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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 GOVERNANCE-CERTIFIED CHAPTERS

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Kin Dah Lichii Chapter Date prepared: 10/3/22

Chapter's mailing address: PO Box 860 St. Micheals, AZ phone & email: 9287553821 website (if any): kinlichee@navajochapters.org

This Form prepared by: Maybelle Kelewood phone/email: 9287553821
maybelle.kelewood@nnchapters.org Chapter Manager
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Bathroom Additions

Chapter President: [Signature] phone & email: 928-329-9712 (mobile)

Chapter Vice-President: [Signature] phone & email: Call 928-797-5192

Chapter Secretary: [Signature] phone & email: 928-206-1950

Chapter Treasurer: [Signature] phone & email: 928-206-1950

Chapter Manager or CSC: [Signature] phone & email: 928-755-382-1

DCD/Chapter ASO: _____ phone & email: _____

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Antelope Fabrication, LLC

document attached

Amount of FRF requested: \$682,000 FRF funding period: 1/1/2023 - 1/1/2024
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 Kiin Dah Lichii community constients have been requesting for bathroom additions for the last two years. A lot of families have moved back from border town area and have move in with their families where it got crowned to accommodate two families living under one roof. Therefore, some families are requesting for additional bathroom facilities which will benefit families living together. In addition, there are families that have a handicap individual and the mobile home are not made for wheelchairs. The funds will be used to purchase fabricated bathroom to add or the stand alone bathroom additions.

document attached

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

Two families living together is a high risk situation for COVID-19. If there's additional bathroom facilities as an add onto the existing homes or mobile home will be a preventive measures for the families. The fabricated bathroom additions will be readily available once completed whereas the chapter has to hire PEP and buy building supplies which a long process.

document attached

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

KIN DAH LICHII" CHAPTER

Mr. Larry Curtis
PRESIDENT

Mr. Alfred James
VICE PRESIDENT

Mr. Mike Teosie
SECRETARY/TREASURER



Mr. Vinco R. James
COUNCIL DELEGATE

Mr. Edward David
GRAZING OFFICIAL

Maybelle Kelewood
CHAPTER MANAGER

VACANT
Administrative Assistant

KDLC 09-058-2022

RESOLUTION OF THE KINDAHLICHII CHAPTER

RESPECTFULLY REQUESTING THE NAVAJO NATION DIVISION OF COMMUNITY DEVELOPMENT, OFFICE OF THE NAVAJO PRESIDENT, VICE PRESIDENT, OFFICE OF THE SPEAKER AND THE NAVAJO NATION COUNCIL FOR ALLOCATION OF AMERICAN RELIEF PROTECTION ACT FUNDS FOR INFRASTRUCTURE DEVELOPMENT AND TO ADDRESS OTHER KINDAHLICHII CHAPTERS COMMUNITY UNMET/UNFUNDED NEEDS (EXHIBIT B)

WHEREAS.

1. Kindahlichii Chapter is government certified pursuant to 26 NNC, Section 102(B) which permits the Kindahlichii Chapter to exercise local governance authorities contained within the 26 NNC, Section 103; and
2. The Kindahlichii Chapter pursuant to 26 N.N.C., Section 1(B) is vested with the authority to review all matters affecting the community and to make appropriate decisions when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Navajo Nation continues to experience the on going COVID-19 epidemic and has not fully recovered. It is for the reason for recovery efforts from the pandemic the United State President authorized American Relief Funds; and
4. The American Relief Protection Act funds are recommended to be used for Infrastructure Development for which KinDahLichii Chapter identified powerline and water line extensions to continue. Bathroom additions to home which do not have electricity or running water.
5. The KinDahLichii Chapter identified some priority projects for which it is seeking funds;
1. Head start Building construction cost, 2. Paving the Chapter Parking Lot, 3. Purchase warehouse.
6. The Head Start was built in 1963 and has been cited for deficiencies as not meeting the environmental health safety standards requiring constant or continuous repairs.
7. The Kin Dah Lichii Chapter community has many projects and there should be kept as part of the equal distribution at \$1.7 million as earmarked for Kin Dah Lichee Chapter.
8. The American Relief Protection Act should be directed to benefit the Kin Dah Lichee Chapter community members.

NOW THEREFOR BE IT RESOLVED THAT:

Kin Dah Lichii requests the Navajo Nation Division of Community Development, Office of the President and Vice President, Office of the Speaker and the Navajo Nation Council to allocate

STATUS OF bathroom additions

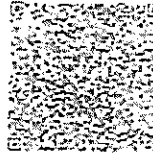
BUDGETED IN 2023 - \$682,000

**Requesting ARPA to funds the full amount
for bathroom additions**

_____ - 2022

Antelope Fabrication LLC

2224 W. Spring Lake Rd
 Phoenix, AZ 85028 US
 antelopefabrication@gmail.com
 www.antelope.com



Chapter Prod. Larry Curtis
 Kinchee Chapter House
 P.O. Box 882
 St. Michaels, Arizona 86511
 United States

Chapter Prod. Larry Curtis
 Kinchee Chapter House
 AZ Hwy 254 Box 882 Red House Dr
 Ganado, Arizona 86506
 United States

1277
 09/28/2022
 Net 30
 36787000

Attachable SSP	Attachable Bathroom Addition	10	24,995.00	249,950.00
Stand Alone SSP	Stand alone self-contained portable unit	10	25,999.00	259,990.00
Generator Firman 3200/2900w Remote Start	3200/2900w Remote Start Inverter Portable Generator	10	599.00	5,990.00
Shipping	Shipping Fee Bathroom UNIT	20	1,800.00	
				619,970.00
				0.00
				26,000.00
				569,970.00
				\$555,970.00

Pay Online

XB

= 125,000