



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáądi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

August 4, 2023

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

RE: *CJY-56-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CD-69-22 and the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Cherilyn Yazzie's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs)*

Dear Speaker Curley,

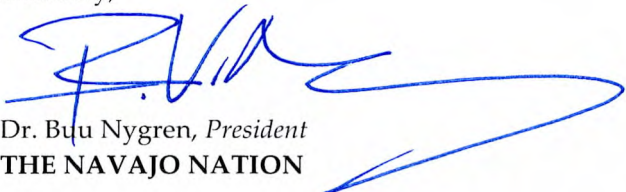
I am pleased to sign into law this resolution CJY-56-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Yazzie's Delegate Region in the amount of \$3,160,468.

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;
 AMENDING CD-69-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND
 DELEGATE REGION PROJECT PLAN FOR HONORABLE CHERILYN YAZZIE'S
 DELEGATE REGION (CHAPTERS: DILKON, INDIAN WELLS, TEESTO,
 WHITECONE, GREASEWOOD SPRINGS)

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. CD-69-22, attached as Exhibit 1 (without project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Cherilyn Yazzie's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) 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. The 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. CD-69-22, 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 ELMER P. BEGAY'S DELEGATE REGION (CHAPTERS: DILKON, INDIAN WELLS, TEESTO, WHITECONE, GREASEWOOD SPRINGS), was signed into law by the President of the Navajo Nation on January 6, 2023. Exhibit 1.
- D. CD-69-22, 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. Cherilyn Yazzie has requested to amend CD-69-22 to remove the *Teesto Chapter Feasibility Studies for All Washes in Teesto Service Area* project (under NNDOJ Review No. HK0245) and to remove the *Teesto Chapter ADA Bathroom Additions for 10-Families* project (under NNDOJ Review No. HK0299) from the Delegate Region Projects Plan that covers the Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs Chapters. The removal of these projects will revert \$373,291.00 back to Hon. Cherilyn Yazzie's Delegate Region Project Plan's Un-Allocated Amount.
- F. Further, the Hon. Cherilyn Yazzie has requested to amend CD-69-22 to replace the *Teesto Chapter Heavy Equipment Purchase John Deere 724P* project (under NNDOJ Review No. HK0244) with a new NNDOJ Eligibility Determination for the project now under *Teesto Chapter New John Deere 724P* (NNDOJ Review No. HK0534) project and to replace the *Teesto Chapter 2021 John Deere 324G with 2021 JRB48Forks* project (NNDOJ Review No. HK0247) with a new NNDOJ Eligibility Determination for the project now under *Teesto Chapter John Deere 324G with JRB 48FORKS* project (under NNDOJ Review No. HK0533) within the Delegate Region Projects Plan covering the Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs Chapters. The replacement of these projects will add \$256,783.99 to Hon. Cherilyn Yazzie's Delegate Region's Project Plan's Allocated Amount.

- G. Further, the Hon. Cherilyn Yazzie has requested that additional projects be added to the Delegate Region Projects Plan covering the Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs Chapters originally approved by CD-69-22. The additional projects, which have all been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the removed and replaced projects, are set forth in Exhibit 2. After the deletion, replacement and addition of the project(s), the Hon. Cherilyn Yazzie's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Cherilyn Yazzie's Delegate Region Chapters and communities to approve and adopt the removal of two-projects, the replacement of two-projects and the addition of additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Cherilyn Yazzie's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) as set forth in Exhibit 2.

SECTION THREE. AMENDING CD-69-22, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CHERILYN YAZZIE'S DELEGATE REGION (CHAPTERS: DILKON, INDIAN WELLS, TEESTO, WHITECONE, GREASEWOOD SPRINGS)

- A. The Navajo Nation hereby approves the removal of two-projects (the *Teesto Chapter Feasibility Studies for All Washes in Teesto Service Area* project under NNDOJ Review No. HK0245 and the *Teesto Chapter ADA Bathroom Additions for 10-Families* project under NNDOJ Review No. HK0299) listed in CD-69-22 for Hon. Cherilyn Yazzie's Delegate Region Projects Plan as stricken in Exhibit 2. The removal of these projects from Hon. Cherilyn Yazzie's Delegate Projects Plan will revert \$373,291.00 back to her Delegate Region's Project Plan's Un-Allocated Amount.
- B. The Navajo Nation hereby approves the replacement of two-projects (the *Teesto Chapter Heavy Equipment Purchase John Deere 724P* project under NNDOJ Review No. HK0244 and the *Teesto Chapter 2021 John Deere 324G with 2021 JRB48Forks* project under NNDOJ Review No. HK0247) listed in CD-69-22 for Hon. Cherilyn Yazzie's Delegate Region Projects Plan as stricken and replaced in Exhibit 2 with new NNDOJ Eligibility Determinations for the two-projects under *Teesto Chapter New John Deere 724P* (under NNDOJ Review No. HK0534) project and the *Teesto Chapter John Deere 324G with JRB 48FORKS* project (under NNDOJ Review No. HK0533). The replacement of these two-projects from Hon.

Cherilyn Yazzie's Delegate Projects Plan will add \$256,783.99 to her Delegate Region's Project Plan's **Allocated** Amount.

- C. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Cherilyn Yazzie's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) set forth in **Exhibit 2**.
- D. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- E. 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 July 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

7/27/23

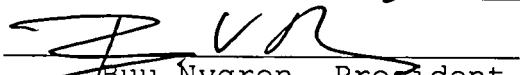
DATE

Motion: Honorable George H. Tolth
Second: Honorable Rickie Nez

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 4 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

Exhibit 1

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-69-22, An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Elmer P. Begay's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs)

Dear Speaker Tso,

The Nez/Lizer Administration appreciates 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 (NNDJOJ). Per BFS-31-21, each proposed expenditure must obtain NNDJOJ verification that each proposed project is an eligible expense within ARPA/NNFRF regulations. Each of the projects within CD-69-22 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 NNDJOJ 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.

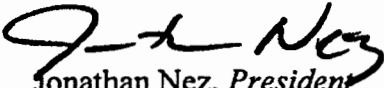
THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CD-69-22 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 ELMER P. BEGAY'S DELEGATE REGION
(CHAPTERS: DILKON, INDIAN WELLS, TEESTO, WHITECONE, GREASEWOOD
SPRINGS)

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. Elmer P. Begay's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Elmer P. Begay's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- D. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Elmer P. Begay's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Elmer P. Begay's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. ELMER P. BEGAY'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Elmer P. Begay's Delegate Region (Chapters: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs) 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 21 in Favor, and 00 Opposed, on this 29th day of December 2022.



Honorable Otto Tso, Speaker
24th Navajo Nation Council

12.30.2022

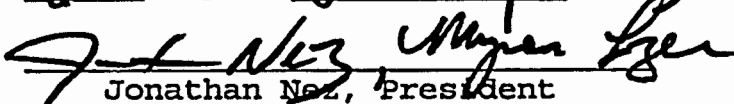
DATE

Motion: Honorable Jamie Henio
Second: Honorable Eugene Tso

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 10th day of January, 2023.

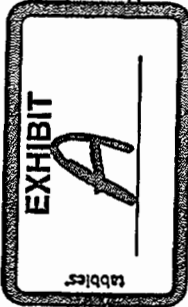

Jonathan Nez, President
Navajo Nation

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 Elmer P. Begay

CHAPTERS: Dilcon, Indian Wells, Teesto, Whitecone, Greasewood Springs

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	NONE IDENTIFIED	White Cone Chapter Community Cemetery Clearance Needs	Division of Community Development	6.1	HK0227	\$ 1,000.00
Division of Community Development	*Greasewood Springs Chapter	Greasewood Springs Chapter Reservoir/Aquifer Recharge Project	Division of Community Development	2.22	HK0240	\$ 200,000.00
Division of Community Development	*Teesto Chapter	Teesto Chapter Heavy Equipment Purchase (John Deere 724P)	Division of Community Development	6.1	HK0244	\$ 317,445.81
Division of Community Development	*Teesto Chapter	Teesto Chapter Feasibility Studies for All Washes in Teesto Service Area	Division of Community Development	2.22	HK0245	\$ 300,000.00
Division of Community Development	*Teesto Chapter	Teesto Chapter 2021 John Deere 324G with 2021 JRB 48FORKS	Elmer Clark, Teesto Chapter President	6.1	HK0247	\$ 53,828.20
Division of Community Development	NONE IDENTIFIED	Indian Wells Chapter Housing Renovations	Division of Community Development	2.18	HK0250	\$ 1,760,468.00
Division of Community Development	*Dilkon Chapter	Dilkon Chapter Home Rehabilitation Project	Division of Community Development	2.18	HK0252	\$ 1,760,467.00
Division of Community Development	NONE IDENTIFIED	White Cone Chapter House Repair & Improvement	Division of Community Development	2.18	HK0296	\$ 1,759,468.00
Division of Community Development	*Teesto Chapter	Teesto Chapter ADA Bathroom Additions for 10-Families	Division of Community Development	1.14	HK0299	\$ 73,291.00
		UN-ALLOCATED AMOUNT				\$ 2,576,371.99
					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."

Exhibit 2

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Hon. Cheryl Yazzie

CHAPTERS: Dilkon, Indian Wells, Teesto, Whitecone, Greasewood Springs

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CD-69-22 on January 6, 2023				\$ 6,225,968.01
Division of Community Development	*Teesto Chapter	(Remove) Teesto Chapter Feasibility Studies for All Washes in Teesto Service Area	Division of Community Development	2-22	HK0245	-\$ 300,000.00
Division of Community Development	*Teesto Chapter	(Remove) Teesto Chapter ADA Bathroom Additions for 10 Families	Division of Community Development	4-14	HK0299	-\$ 73,291.00
Division of Community Development	*Teesto Chapter	(Replace) Teesto Chapter Heavy Equipment Purchase (John Deere 724P)	Division of Community Development	6-1	HK0244	-\$ 317,445.81
Division of Community Development	*Teesto Chapter	(Replace) Teesto Chapter 2021 John Deere 324G with 2021 JRB 48FORKS	Division of Community Development	6-1	HK0247	-\$ 53,828.20
Division of Community Development	*Teesto Chapter	Teesto Chapter New John Deere 724P	Division of Community Development	6.1	HK0534	\$ 541,746.00
Division of Community Development	*Teesto Chapter	Teesto Chapter John Deere 324G with JRB 48FORKS - Forklift	Division of Community Development	6.1	HK0533	\$ 86,312.00
Division of Community Development	*Greasewood Springs Chapter	Greasewood Springs Chapter Home Repair/Renovation Project	Division of Community Development	2.18	HK0242-2	\$ 1,400,000.00
Division of Community Development	*Teesto Chapter	Teesto Chapter Housing Repair and Weatherization Project	Division of Community Development	2.18	HK0532	\$ 1,132,410.00
		UNALLOCATED AMOUNT				\$ 160,469.00
					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 #: HK0533

Date & Time Received: 06/07/23 at 09:14

Date & Time of Response: 06/16/23 at 17:00

Entity Requesting FRF: Teesto Chapter

Title of Project: John Deere 324G with JRB 48FORKS - Forklift

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$86,312.00

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category:

6.1: Provision of Government Services

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):

- Missing Form
- Supporting documentation missing
- Project will not be completed by 12/31/2026
- Ineligible purpose
- Submitter failed to timely submit CARES reports
- Additional information submitted is insufficient to make a proper determination

- Expenditure Plan incomplete
- Funds will not be obligated by 12/31/2024
- Incorrect Signatory
- Inconsistent with applicable NN or federal laws

Other Comments: _____

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: MacArthur Stant

Digitally signed by MacArthur Stant
Date: 2023.06.16 10:30:19 -06'00'

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 GOVERNANCE-CERTIFIED CHAPTERS

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: TEESTO CHAPTER Date prepared: 05/22/23

Chapter's mailing address: Teesto Chapter PO Box 7385 phone & email: (928)657-8042 website (if any): teesto@navajochapters.org

This Form prepared by: Clara Tsosie, Chapter Manager phone/email: (928)657-8042
c_tsosie@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: John Deere 324G with JRB 48FORKS - Forklift

Chapter President: Elmer Clark phone & email: 928-606-4136 & clark_elmer@yahoo.com

Chapter Vice-President: Leroy Thomas phone & email: 928-589-7154

Chapter Secretary: Sophia Francis phone & email: 928-313-0529 & sophiafrancis@navajochapters.org

Chapter Treasurer: Sophia Francis phone & email: 928-313-0529 & sophiafrancis@navajochapters.org

Chapter Manager or CSC: Clara Tsosie phone & email: 928-657-8045 & c_tsosie@nnchapters.org

DCD/Chapter ASO: Toni Mina, ASO phone & email: 928-654-3934 & tmina@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Purchase a John Deere 324G with Attachment - New JRB 48FORKS document attached

Amount of FRF requested: \$86,312.00 FRF funding period: 05/22/2023 - 12/31/2026
indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

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

Purchase John Deere 324G with JRB 48FORKS. Purchase the equipment to be utilized for bulk unloading and loading for community needs such as food, PPE's and all necessary items for a recovery plan.

document attached

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

How the purchase of the equipment is going to benefit the Teesto community is to unload and load these bulk orders.

document attached

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

The purchase will be made through RDO Equipment Company with Buzz Ivcek, Sales Professional. Purchase will be made about December 31, 2024.

document attached

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

Clara Tsosie, Chapter Manager

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:

Teesto Chapter will be responsible for operation & maintenance costs. The funds that will be the Chapter annual budget.

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:

6.10 Teesto Chapter would utilize this equipment to distribute food and other bulk orders for this recovery plan.

document attached

Part 3. Additional documents.

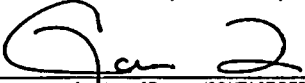
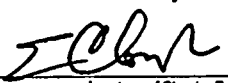
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

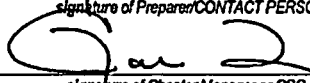

- 1. Budget Forms
- 2. Cost estimate
- 3. Chapter Resolution


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: 
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)

Approved by:  Approved by: 
signature of Chapter Manager or CSC signature of DCD/Chapter ASO



Approved to submit for Review: 
signature of DCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>TEESTO CHAPTER Forklift</u>		Division/Branch: <u>NNDCD</u>				
Prepared By: <u>Clara Tsosie</u>		Phone No.: <u>928-657-8042</u>		Email Address: <u>teeslo@navajochapters.org</u>				
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			
6-1 Purchase John Deere 324G-w/ Attachments Forks 48 <u>NMFR</u>		05/22/23 - 12/31/26	86,312.00	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			
					7000 Special Transactions			
					8000 Public Assistance			
					9000 Capital Outlay	6	\$ 86,312.00	
					9500 Matching Funds			
					9500 Indirect Cost			
					TOTAL		\$0.00	\$ 86,312.00
								0
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.		PART IV. POSITIONS AND VEHICLES		(E)				
		Total # of Positions Budgeted:		0				
		Total # of Vehicles Budgeted:		0				
		TOTAL: \$86,312.00		100%				

APPROVED BY: James Adakai, Acting Program Manager Calvin Castillo, Executive Director

Program Manager's Printed Name: James Adakai
 Division Director / Branch Chief's Printed Name: Calvin Castillo
 Program Manager's Signature and Date: [Signature] 6-5-23
 Division Director / Branch Chief's Signature and Date: [Signature] 6-5-23

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>NEW</u>		Program Name/Title: _____		Teesto Chapter: <u>Folk (FF)</u>			
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: <u>TEESTO CHAPTER RESOLUTION NO.: TEE-MAR-14-2023</u>									
PART III. PROGRAM PERFORMANCE CRITERIA:									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:		To provide services to our community for any large loads and unloading.							
Program Performance Measure/Objective:		To services the Teesto Community Center for any essential services.							
2. Goal Statement:		1		1		1		1	
Program Performance Measure/Objective:									
3. Goal Statement:									
Program Performance Measure/Objective:									
4. Goal Statement:									
Program Performance Measure/Objective:									
5. Goal Statement:									
Program Performance Measure/Objective:									
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
James Adakai, Acting Program Manager				Calvin Castillo, Executive Director					
Program Manager's Printed Name				Division Director/Branch Chief's Printed Name					
									
6-5-23				6-5-23					
Program Manager's Signature and Date				Division Director/Branch Chief's Signature and Date					

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION: Program Name/Title: _____ 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)
9000 6	CAPITAL OUTLAY 9140 EQUIPMENT 9142 EQUIPMENT: PURCHASE NEW JOHN DEERE 324G WITH ATTACHMENT -NEW JRB 48FORKS PURCHASE TO BE MADE BY DECEMBER 2023.	86312.00	86312.00
TOTAL		86312.00	86312.00

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: <u>NEW</u>		PART II. Project Information	
Project Title: <u>TEESTO CHAPTER APPRA PROJECT PER CJY-41-21 Forklift</u>		Project Type: <u>9142 EQUIPMENT</u>	
Project Description: <u>PURCHASE NEW JOHN DEERE 324G WITH ATTACHMENTS- FORKS48</u>		Planned Start Date: <u>5/22/2023</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		Planned End Date: <u>12/31/2026</u>	
		Project Manager: <u>Clara Tsosie</u>	

PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.

9140 Equipment: Purchase new JOHN DEERE 324G with attachment

	FY 2024								FY 2025			Date										
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Jul	Aug	Sep											
	O N D XX XX XX	J F M XX XX XX	A M J A M M	J A S J J A	O N D O N D	J F M J F M	A M J A M A	S A O S A S	Jul	Aug	Sep		O N D J F M									

PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.

PART V. Expected Quarterly Expenditures	\$.	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
	86,312.00																						PROJECT TOTAL
																							\$86,312.00



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
5500 East Penstock Avenue
Flagstaff AZ, 86004
Phone: (928) 526-0639 - Fax: (928) 526-2498

Proposal for:
TEESTO CHAPTER OF THE NAV
PO BOX 7385
WINSLOW, AZ, 860477166
NAVAJO

Investment Proposal Date: 5/8/2023
Pricing Valid Until: 5/22/2023
Deal Number: 1619003
Customer Account#: 8042005
Sales Professional: Buzz Ivcek
Phone: (928) 526-0639
Fax: (928) 526-2498
Email: Blvicek@rdoequipment.com

Comments

POSSIBLE 3-5% PRICE INCREASE WITHIN THE NEXT 3-6 MONTHS.

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2023 JOHN DEERE 324G	\$78,800.00
			Customer Discount SOURCEWELL 30%	(\$21,598.50)
			Item Subtotal:	\$57,201.50
1	82997 X486666	0	Attachment - New 2021 ARROW MATERIAL HANDLING PRODUCTS FORKS48	\$960.00
			Equipment Subtotal:	\$58,161.50

Purchase Order Totals

Balance:	\$58,161.50
AZ STATE TAX:	\$3,489.69
AZ COUNTY TAX:	\$0.00
AZ CITY TAX:	\$0.00
Sales Tax Total:	\$3,489.69
Sub Total:	\$61,651.19
Cash with Order:	\$0.00
Balance Due:	\$61,651.19

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2023 JOHN DEERE 324G	00C2T 324G SKID STEER 0722 Open ROPS. Manual QT. SL. 25c: 1301 Engine - Turbocharged 8050 Cold Start Package 8060 Engine Air Precleaner 1501 English Operator's Manual and Decals 170K JDLink™ 2315 12 X 16.5 NHS, CAMSO SKS 0950 E-H (ISO Pattern) Joystick Controls 6001 Mechanical Suspension Seat (Vinyl) 4000 2-Inch Seat Belt 8380 Footrest with Floormat 9041 72 in. Construction Bucket (17.8 cu. ft.) with Edge
1	82997	2021 ARROW MATERIAL HANDLING PRODUCTS FORKS48	1.5X4X48 48" FORK TINES