

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

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CMY-38-23 AND CAP-10-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HELENA NEZ BEGAY'S DELEGATE REGION (CHAPTERS: COPPERMINE, K'AIBII'TO, LECHEE, TONALEA/RED LAKE, BODAWAY/GAP), TO REMOVE A PROJECT AND INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'íyáti' Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A).
- B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23, mandates that Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.
- C. Navajo Nation Council Resolution No. CAP-10-23, attached as Exhibit 1 (without project exhibits) included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Helena Nez Begay's Delegate Region (Chapter: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- D. Navajo Nation Council Resolution No. CMY-38-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Helena Nez Begay's Delegate Region (Chapter: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. Navajo Nation Council Resolution No. CAU-74-23, which amended CJN-29-22 and CJY-41-21, included and incorporated herein by reference, delegated the Naabik'íyáti' Committee as the final

approval authority for Delegate Region Project Plans funded through Navajo Nation's Fiscal Recovery Funds.

SECTION TWO. FINDINGS

- A. 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, as amended by CAU-74-23, Section Three, now states, in part and among other things, that
1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).
 2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
 3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation

Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).

4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
 5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. The Navajo Nation Council Resolution CAP-10-23, 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 HELENA NEZ BEGAY'S DELEGATE REGION (CHAPTERS: COPPERMINE, K'AIBII'TO, LECHEE, TONALEA/RED LAKE, BODAWAY/GAP), was signed into law by the President of the Navajo Nation on May 5, 2023. **Exhibit 1.**
- D. CAP-10-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) (17) and 2 N.N.C. §§ 1005(C) (10), (11), and (12).
- E. The Navajo Nation Council Resolution No. CMY-38-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-10-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HELENA NEZ BEGAY'S DELEGATE REGION (CHAPTERS: COPPERMINE, K'AIBII'TO, LECHEE, TONALEA/RED LAKE, BODAWAY/GAP), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on June 8, 2023.
- F. CMY-38-23, Section Four, states that:

1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- G. The Navajo Nation Council Resolution No. CAU-74-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the President of the Navajo Nation on September 6, 2023.
- H. CJN-29-22, as amended by CAU-74-23, Section Three, now states, in part and among other things, that
1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).
- I. The Hon. Helena Nez Begay has requested to amend CAP-10-23 to **remove** the *Kaibeto Chapter Temporary Employment (2-Years)* project (under NNDOJ Review No. HK0343) from the Delegate Region Projects Plan that covers the Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap Chapters. The removal of this project will **revert \$478,974.50** back to Hon. Helena Nez Begay's Delegate Region Project Plan's **Un-Allocated Amount**.
- J. Further, the Hon. Helena Nez Begay has requested that additional projects be added to her Delegate Region Projects Plan. The additional projects, which have been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the removed project, are set forth in **Exhibit 2**. After the deletion and addition of projects, Hon. Helena Nez Begay's Delegate Region Projects Plan does **not** exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).

- K. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Helena Nez Begay's Delegate Region Chapters and communities to approve and adopt the removal of one-project and the addition of additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Helena Nez Begay's Delegate Region (Chapters: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) as set forth in Exhibit 2.

SECTION THREE. AMENDING CMY-38-23 AND CAP-10-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE HELENA NEZ BEGAY'S DELEGATE REGION (CHAPTERS: COPPERMINE, K'AIBII'TO, LECHEE, TONALEA/RED LAKE, BODAWAY/GAP), TO REMOVE A PROJECT AND INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

- A. The Navajo Nation hereby approves the removal of one-project (the *Kaibeto Chapter Temporary Employment (2-Years)* project under NNDOJ Review No. HK0343) listed in CAP-10-23 for Hon. Helena Nez Begay's Delegate Region Projects Plan as stricken in Exhibit 2. The removal of this project from Hon. Helena Nez Begay's Delegate Region Projects Plan will revert \$478,974.50 back to her 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. Helena Nez Begay's Delegate Region (Chapters: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) set forth in Exhibit 2.
- C. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- D. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

SECTION FOUR. AMENDMENTS

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

SECTION FIVE. EFFECTIVE DATE

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

SECTION SIX. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Tse Bonito, New Mexico, at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 28th day of December 2023.



Honorable Crystalyne Curley, Chairwoman
Naabik'íyáti' Committee

1/5/24

Date

Motion: Honorable Vince R. James

Second: Honorable Andy Nez

Chairwoman Crystalyne Curley not voting

Exhibit 1



The Navajo Nation
Yideeskáądi Nitsáhákees

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

May 4, 2023

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

RE: CAP-10-23 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 Helena Nez Begay's Delegate region (Chapter: Coppermine, K'aibii'to, Lechee, Tonalea/Red Lake, Bodaway/Gap)

Dear Speaker Curley,

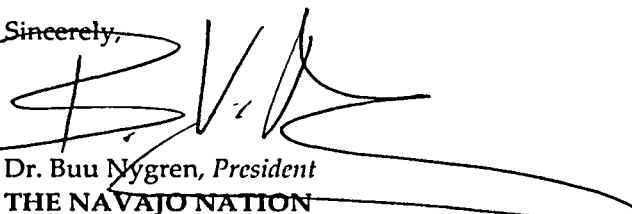
I am pleased to sign into law this resolution CAP-10-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Begay's Delegate Region in the amount of \$4,781,904.50.

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 HELENA NEZ BEGAY'S DELEGATE REGION
 (CHAPTERS: COPPERMINE, K'AIBII'TO, LECHEE, TONALEA/RED LAKE,
 BODAWAY/GAP)

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

Helena Nez 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. Helena Nez Begay's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Helena Nez Begay's Delegate Region (Chapters: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. HELENA NEZ BEGAY'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Helena Nez Begay's Delegate Region (Chapters: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) 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).

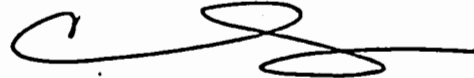
SECTION SIX. SAVING CLAUSE

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

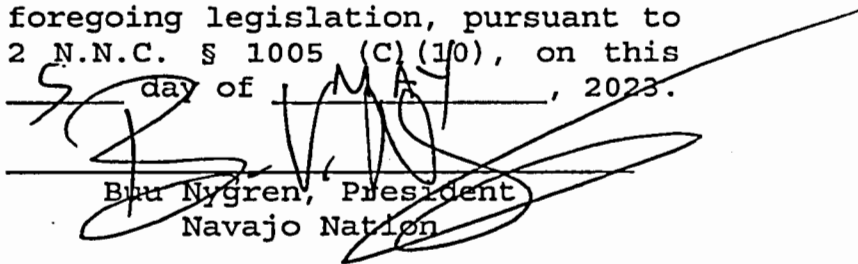
DATE

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 Helena Nez Begay

CHAPTERS: Coppermine, K'aibii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	*Bodaway/Gap Chapter	Bodaway/Pap Chapter Affordable Housing	Division of Community Development	2.15	HK0266	\$ 1,760,468.00
Division of Community Development	*LeChee Chapter	LeChee Chapter Warehouse	Division of Community Development	6.1	HK0273	\$ 230,500.00
Division of Community Development	None Identified	Coppermine Chapter Community Cemetery	Division of Community Development	6.1	HK0275	\$ 120,000.00
Division of Community Development	None Identified	Coppermine Chapter Heavy-Duty Dump Truck and Flatbed Trailer	Division of Community Development	6.1	HK0278	\$ 160,000.00
Division of Community Development	None Identified	Coppermine Chapter 1.5 Personal Protective Equipment	Division of Community Development	1.5	HK0279	\$ 44,468.00
Division of Community Development	None Identified	Coppermine Chapter 2:13 Economic Impact Assistance - Other	Division of Community Development	2.22	HK0280	\$ 36,000.00
Division of Community Development	None Identified	Coppermine Chapter PPE Storage Warehouse	Division of Community Development	6.1	HK0281	\$ 1,400,000.00
Division of Community Development	None Identified	Kaibeto Chapter Gooseneck Trailer	Division of Community Development	6.1	HK0340	\$ 45,000.00
Division of Community Development	None Identified	Kaibeto Chapter Warehouse Upgrade	Division of Community Development	6.1	HK0342	\$ 426,494.00
Division of Community Development	None Identified	Kaibeto Chapter Temporary Employment (2-Years)	Division of Community Development	2.16	HK0343	\$ 478,974.50
					TOTAL:	\$ 4,701,904.50

*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 DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK 0704

Date & Time Received: 11/29/23 at 08:48

Date & Time of Response: 12/12/23 at 17:00

Entity Requesting FRF: Kaibeto Chapter

Title of Project: Housing, 2.16 Housing Support: Services for Unhoused Persons

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$478,974.50

Eligibility Determination:

- FRF eligible
 FRF ineligible
 Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: _____
2.16, Long-term Housing Security: Services for Unhoused Persons

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: _____

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: MacArthur Stant

Digitally signed by MacArthur Stant
Date: 2023.12.12 11:21:38 -07'00'

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 **NON-GOVERNANCE CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Kaibeto Chapter Date prepared: 11/28/2023

Chapter's Kaibeto Chapter phone/email: 928-673-5850/kaibeto@navajochapters.org
 mailing address: P. O. Box 1781, Kaibeto, Arizona 86053 website (if any): _____

This Form prepared by: Ella Dodson-Slick, Community Services Coordinator phone/email: 928-673-5850/edodson-slick@nnchapters.org
same as above

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: Housing, 2.16 Housing Support: Services for Unhoused persons

Chapter President: Tom Franklin, Jr. phone & email: 928-640-3345/tfranklin@naataanii.org

Chapter Vice-President: Yolanda Ellis-Bileen phone & email: 928-206-1647/yebileen@naataanii.org

Chapter Secretary: Linda Israel phone & email: 928-429-0824/lisrael@navajochapters.org

Chapter Treasurer: same as above phone & email: _____

Chapter Manager or CSC: Ella Dodson-Slick phone & email: 928-205-8525/edodson-slick@nnchapters.org

DCD/Chapter ASO: Jaron Charley phone & email: 928-871-6203

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): unknown at this time

document attached

Amount of FRF requested: 478,974.50 FRF funding period: 10/01/2023 to 9/30/2026

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:

The Kaibeto Chapter is requesting \$478,974.50 for New Homes to purchase mobile trailers to assist Navajo families throughout the Kaibeto community. Providing stable homes for those in need will help eliminate the spread of the COVID-19 among families living in multi-generational homes and provide new homes for homeless families and individuals, which will provide sanitary infrastructure (water/wastewater & electricity/solar) to help combat the COVID-19 pandemic.

document attached

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

This project will benefit the needs of the Navajo families, communities & the Navajo people by providing stable homes for those in need. The Kaibeto Chapter strives to provide affordable homes for individuals with limited economic opportunities. During this COVID-19 pandemic, stable homes will improve the living conditions for families living in multi-generational homes.

document attached

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

Assessment: 5/31/2023
 Design for homes: 7/01/2023 to 11/30/2023
 Construction: 10/01/2023 to 9/30/2026

document attached

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

The Kaibeto Chapter

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:

The homeowners will be responsible for maintenance after the construction is completed

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:

This project title falls under the April 2022 Guidance Expenditure Categories 2.16 - Housing support; Services for unhoused persons.

Providing new homes for Navajo people/families in need will help to address homelessness by offering housing support and improving access to secure, affordable housing.

document attached

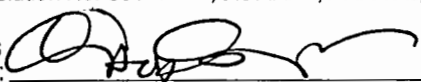
Part 3. Additional documents.

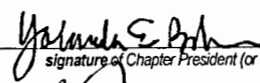
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

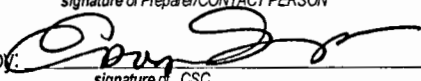
Chapter Resolution attached

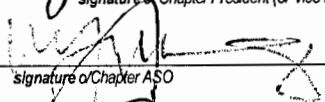
Part 4. Affirmation by Funding Recipient.

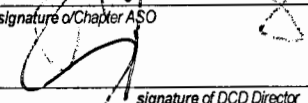
Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

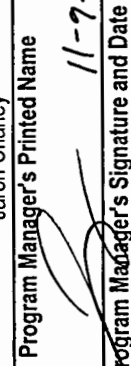
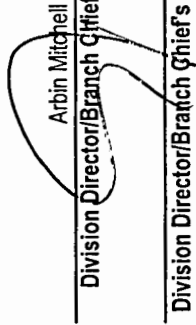
Chapter's Preparer:  signature of Preparer/CONTACT PERSON

Approved by:  signature of Chapter President (or Vice-President)

Approved by:  signature of CSC

Approved by:  signature of Chapter ASO

Approved to submit for Review:  signature of DCD Director

PART I. PROGRAM INFORMATION:	Business Unit No.:	New	Program Name/Title:	Kaibeto Chapter - New Homes			
				1st QTR	2nd QTR	3rd QTR	4th QTR
				Goal	Goal	Goal	Goal
PART II. PROGRAM PERFORMANCE CRITERIA:							
RESOLUTION # KB1QTR 11/19-23-03 STABLE HOUSING WILL IMPROVE THE LIVING CONDITIONS FOR FAMILIES LIVING IN							
1. Program Performance Measure:							
WHICH WILL PROVIDE SANITARY INFRASTRUCTURE TO HELP COMBAT THE COVID-19							
PROVIDING STABLE HOUSING FOR THOSE IN NEED WILL HELP ELIMINATE COVID-19							
2. Program Performance Measure:							
3. Program Performance Measure:							
4. Program Performance Measure:							
5. Program Performance Measure:							
PART III. CONCURRENCE/APPROVAL:							
Program Manager's Printed Name Jaron Charley				Division Director/Branch Chief's Printed Name Arbin Mitchell			
Program Manager's Signature and Date  11-7-23				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.:	New
Kaibeto Chapter - New Homes			
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)
8500	INFRASTRUCTURE		478,974.50
8510	14 COMMUNITY MEMBERS X \$34,212.46 PER HOME PLUS INSIDE PUMBLING, ELECTRICAL / SOLAR AS POWER	478,974.50	
TOTAL		478,974.50	478,974.50



K'ai'Bii'Tó Chapter

KB1QTR 11/19-23-03

Resolution

P. O. Box 1761 * Kaibeto, Arizona 86053

Phone#: (928) 673-5850

Fax#: (928) 673-5853

SUPPORT AND APPROVE THE CHANGES OF EXPENDITURE PLAN FROM TEMPORARY EMPLOYMENT TO HOUSING EXPENDITURE.

WHEREAS:

1. The K'ai'Bii'Tó Chapter is certified by N.N.C. pursuant to 2 N.N.C. Section 4001 and 4028 (a) as established Navajo Nation Chapter to serve as Local Governing entity to promote matters affecting its Community and pursuant to N.N.C. Section 4002 and it may enact Local Community Ordinance on issues involving its local Constituency, subject to an approval of appropriate N.N.C. oversight Committees; and
2. Pursuant to 26 N.N.C. 1001 (A), the K'ai'Bii'Tó Chapter is vested with the authority to review all matters affecting the community and to make the appropriate corrections when necessary and to make recommendations to the Navajo Nation, State, Federal and other local agencies for appropriate actions; and
3. K'ai'Bii'Tó Chapter strives for the betterment of its people by providing and assisting them with opportunity for improvement in the areas of livelihood, health, safety, and education; and
4. The American Rescue Plan Act of 2021 was approved by U.S. Congress on March 05, 2021 and was signed by the U.S. President Joe Biden and March 11, 2021; and
5. The Navajo Nation was awarded \$1.9 Billion for funding for funding for individuals, businesses, and state, local and tribal governments; further, the funding provides additional relief to address the continued negative impact of COVID-19; and
6. The K'ai'Bii'Tó Chapter supports and approves the changes of expenditure plan from Temporary Employment to Housing Expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The K'ai'Bii'Tó Chapter Supports and Approves the Changes of Expenditure Plan from Temporary Employment to Housing Expenditures.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the K'ai'Bii'Tó Chapter at a duly called meeting held at K'ai'Bii'Tó Chapter, Coconino County, Arizona, at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained, this 7th day of **November 2023**.

MOTION: Modesta Bigman

Tom Franklin

Tom Franklin, Jr., President

Linda Israel
Linda Israel, Secretary/Treasurer

SECONDED: Clyde Sampson

Yolanda Ellis-Bileen

Yolanda Ellis-Bileen, Vice-President

Neal John, Grazing Representative

HOUSING INFORMATION _____

Location of the house to be located and constructed. (Give address and detailed directions to this house).

****DRAW MAP ON THIS PAGE****

Are you living in Overcrowded Conditions? ____ No ____ Yes

Number of families within the household. _____ Children: _____ Adults: _____

Is the condition of the home in a dilapidated state? ____ No ____ Yes

Is electricity available? ____ No ____ Yes If yes, provide name of electric company: _____

Type of Sewer system: ____ City Sewer ____ Septic Tank ____ Chemical Toilet ____ Out house

Water Source: ____ City Water ____ Private Well ____ Community Water Tank ____ Other

(Please describe): _____

No. of Bedrooms _____.

House Size: _____ (Square Feet) [LENGTH _____ ft/in] [WIDTH _____ ft/in]

LAND INFORMATION _____

Do you have a Homesite Lease on which you wish to locate or build this home? _____ Yes _____ No

If no, can you provide the name of the person's name on the Homesite Lease. _____

Other status of Homesite Lease: _____

GENERAL INFORMATION _____

Have you or anyone in your household ever received Housing Improvement Program assistance?

Yes _____ No _____

If yes, give amount received \$ _____; the year it was received: 19____; and the location of the house

Do you live in a house built with Housing and Urban Development (HUD) funds? Yes _____ No _____

Is the HUD project still under operation of an Indian Housing Authority? Yes _____ No _____

Are you seeking Down Payment Assistance? Yes _____ No _____

If yes, have you applied with USDA Rural Development or other lending institution? Please provide a copy of the letter.

Are you requesting assistance for a new housing unit, have you applied for assistance from:

Indian Housing Authority? If yes, provide date of application: _____

Tribal Credit Program? If yes, provide date of application _____

Other? From who: _____ If yes, provide date of application _____

APPLICATION CERTIFICATION

(Read this certification carefully before you sign and date your application. Sign in ink).

I certify that all the answers given are true, complete and correct to the best of my knowledge and belief, and they are made in good faith. This certification is made with the knowledge that the information will be used to determine eligibility to receive housing assistance, and that false or misleading statements may constitute a violation of 18 U.S.C. 1001.

This application contains material covered by the Privacy Act. No record will be communicated to anyone or any agency unless requested in writing, by the applicant, or unless an officer or employee of the housing program or other Federal agency requires it in the performance of their duties.

Applicant's Signature: _____ Date: _____

PRIVACY ACT STATEMENT

25 CFR 265 and 25 U.S.C. 13 authorize the collection of this information. The primary use of this information is to determine eligibility for assistance under the ARPA Expenditures Funds. The records contained therein may only be disclosed in accordance with the routine uses and may not otherwise be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of the individual to whom the record pertains. If the ARPA uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes. Executive Order 9397 authorizes the collection of your Social Security number. Furnishing the information is voluntary but failure to do so may result in disapproval of your application.

PAPERWORK REDUCTION ACT STATEMENT

This information is being collected to select eligible families or individuals to participate in the ARPA Expenditures funds. Response to this request is required to obtain a benefit in accordance with 25 CFR 256. You are not required to respond to this collection of information unless it displays a currently valid OMB control number. This information will be used to determine the eligibility and the ranking of the applicant. Public reporting burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form.

NAVAJO NATION

273

Naa'bik'iyati' Committee Regular Meeting

12/28/2023
10:23:49 AM

Amd# to Amd#	New Business: Item A. (MOTION)	PASSED
MOT James, V	CONSENT AGENDA - (7) #'s:	
SEC Nez, A	0256-23,0261-23,0263-23,0270-23	
	0271-23,0266-23,0252-23	

Yeas : 18	Nays : 0	Excused : 3	Not Voting : 2
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Yea : 18

Aseret, L	Crotty, A	Nez, R	Slater, C
Begay, H	Damon, S	Notah, N	Tolth, G
Begay, N	James, V	Simonson, G	Yanito, C
Charles-Newton, E	Johnson, C	Simpson, D	Yazzie, C
Claw, S	Nez, A		

Nay : 0

Excused : 3

Tso, O	Daniels, H	Jesus, B
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Not Voting : 2

Arviso, S	Parrish, S
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Presiding Speaker: Curley, C