

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- Second Year, 2024

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE OTTO TSO'S DELEGATE REGION (CHAPTER: TO' NANEES DIZI)

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. 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. 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 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.

- D. 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'iyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).
- E. All projects listed in the Hon. Otto Tso's Delegate Region Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Otto Tso's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- F. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Otto Tso's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) as set forth in **Exhibit A**.

SECTION THREE. APPROVAL OF HON. OTTO TSO'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Otto Tso's Delegate Region (Chapter: To' Nanees Dizi) 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 and approved by resolution of the Naabik'íyáti' 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 14 in Favor, and 00 Opposed, on this 18th day of January 2024.


Honorable Seth Damon, Chairman Pro Tem
Naabik'íyáti' Committee

Jan 22, 2024
Date

Motion: Honorable Shaandiin Parrish
Second: Honorable Vince R. James

Chairman Pro Tem Seth Damon not voting

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. Otto Tso

CHAPTERS: To' Nanees Dizi

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	None Identified	Tuba City Domestic Violence Shelter Facility (Construction) Project	Division of Community Development	1.11	HK0698	\$ 200,000.00
Division of Community Development	None Identified	Tuba City Domestic Violence Shelter Facility (Design) Project	Division of Community Development	1.11	HK0699	\$ 300,000.00
Division of Community Development	*To' Nanees Dizi Chapter	To' Nanees Dizi Chapter Transfer Station Project	Division of Community Development	1.14	HK0726	\$ 294,848.00
		UN-ALLOCATED AMOUNT				\$ 8,007,492.00
					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 #: HK 0726

Date & Time Received: 12/21/23 at 14:49

Date & Time of Response: 01/03/24 at 17:00

Entity Requesting FRF: To'Nanees'Dizi Local Government (Tuba City Chapter)

Title of Project: Tuba City Chapter - Transfer Station

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$294,848.00

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category:
1.14, Other Public Health 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: Erika Pirotte

Signature of DOJ Reviewer: Erika R. Pirotte

Digitally signed by Erika R. Pirotte
Date: 2024.01.03 12:14:46 -0700

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: To'Nanees'Dizi Local Government

Date prepared: 08/30/23

Chapter's mailing address: PO Box 727
Tuba City, AZ 86004

phone & email: 928-283-3284/3285

website (if any): _____

This Form prepared by: Durann Begay

phone/email: 928-283-3285, durann.b@tcchapter.org

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: Tuba City Chapter - Transfer Station

Chapter President: Gerald Keetso phone & email: gokeetso@outlook.com

Chapter Vice-President: Myra Begay phone & email: myrabegay@ymail.com

Chapter Secretary: Helen Webster phone & email: h_webster2005@yahoo.com

Chapter Treasurer: _____ phone & email: _____

Chapter Manager or CSC: Durann Begay phone & email: 928-283-3285, durann.b@tcchapter.org

DCD/Chapter ASO: Milford Maloney phone & email: 928-283-3341, mmaloney@nndcd.org

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

document attached

Amount of FRF requested: \$294,848.00 FRF funding period: 01/02/2024 to 12/31/2024

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:

Transfer Station Equipment Allocation: The allocated funds will be utilized for the acquisition of 28 pieces of equipment. These equipment are essential for the containment and transportation of solid waste from the TC Transfer Station to the Flagstaff Landfill on a daily basis. The procurement of these new pieces of equipment is imperative as the existing ones are approaching the end of its useful life. The Transfer Station serves the local community but also serves the surrounding Chapters. The efficient management of solid waste plays a crucial role in ensuring public health and safety, serving as a vital safety mitigation measure for the entire community.

document attached

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

Project benefits local and surrounding communities by holding and transporting solid waste.

document attached

APPENDIX A

(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

Estimated timeline to procure equipments -
By end of 03/31/2024 receive updated Quotes from Vendors
By end of 06/30/2024, procure equipments from Vendor(s)
By end of 07/31/2024, Close out and pay Invoices to Vendor(s)
By end of 12/31/2024, Complete project; new equipment will be in place and ready to be utilized document attached

(d) Identify who will be responsible for implementing the Program or Project
Harold Nez, Public Works 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:
Harold Nez, Public Works Manager
 document attached

(f) State which of the 65 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:

1.12 Other Health Services HEALTH:
This project of procuring Transfer Station bins (equipment) will hold and transport solid waste from the Transfer Station to the Flagstaff Landfill. The Transfer Station provides solid waste collection services from the local and surrounding communities. Currently, the bins on hand are deteriorating with daily usage, however the Chapter does repairs on these bins but due to daily usage - the current bins are at or near its useful life. This new equipment purchase will greatly benefit in holding and transporting solid waste which reduces illegal dumping in local communities. Illegal dumping poses a health hazard/risks to humans, livestock and local wildlife. In addition, illegal dumping poses a major threat to our local water systems, underground water and air quality. By transporting solid waste to a landfill, we (Tuba City Chapter) are doing our part in being responsible with properly disposal document attached

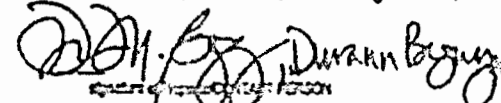
Part 3. Additional documents.

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

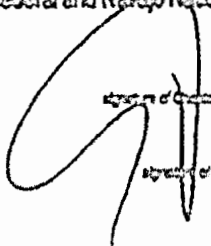
Tuba City Transfer Station Proposal.

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:  Durann Begay
Signature of responsible person

Approved to submit for Review


Signature of DCD or ASSTFCO Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

2024

I. Business Unit No.: <u>NEW</u>		Program Title: <u>Tuba City Chapter / Transfer</u>		Station	
Prepared By: <u>Durann Begay, Executive Manager</u>		Phone No.: <u>928-283-3284/3285</u>		Email Address: <u>durann.b@tcchapter.org</u>	
Division/Branch: <u>Executive / DCD</u>					
II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	
<u>NMRF-ARRA</u>		<u>11/21/14-12/31/24</u>	<u>294,848.00</u>	<u>100%</u>	
PART III. BUDGET SUMMARY					
Fund Type Code	NHC Approved Original Budget	Proposed Budget	Difference or Total		
2001 Personnel Expenses			0.00		
3000 Travel Expenses			0.00		
3500 Meeting Expenses			0.00		
4000 Supplies			0.00		
5000 Lease and Rental			0.00		
5500 Communications and Utilities			0.00		
6000 Repairs and Maintenance			0.00		
6500 Contractual Services			0.00		
7000 Special Transactions			0.00		
8000 Public Assistance		<u>294,848</u>	<u>294,848.00</u>		
9000 Capital Outlay			0.00		
9500 Matching Funds			0.00		
9500 Indirect Cost			0.00		
TOTAL	\$0.00	294,848.00	294,848.00		
PART IV. POSITIONS AND VEHICLES					
Total # of Positions Budgeted:		(D)	(E)		
Total # of Vehicles Budgeted:					
V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
APPROVED BY: <u>Jaron Charley, Program Manager</u>		APPROVED BY: <u>Arbin Mitchell, Director</u>			
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name			
<u>11-29-24</u>		<u>11-29-24</u>			
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date			

THE NAVAJO NATION
 PROGRAM PERFORMANCE MEASURES

FY 2024

PART I. PROGRAM INFORMATION:	Taba City Chapter / Transfer Station			
Business Unit No.: <u>NEW</u>	Program Name/Title:			
PART II. PROGRAM PERFORMANCE CRITERIA: 1. Program Performance Measure: Improve Transfer Station services for the public. Purchase twenty-eight (28) pieces of Equipment to replace old, dilapidated, worn-out Transfer Station equipment. 2. Program Performance Measure: _____ 3. Program Performance Measure: _____ 4. Program Performance Measure: _____ 5. Program Performance Measure: _____	1st QTR	2nd QTR	3rd QTR	4th QTR
	Goal	Goal	Goal	Goal
	Goal	Goal	Goal	Goal
	Goal	Goal	Goal	Goal
	Goal	Goal	Goal	Goal
PART III. CONCURRENCE/APPROVAL: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">Jeron Charley, Program Manager Program Manager's Printed Name _____ Program Manager's Signature and Date <u>11-6-22</u></p> </div> <div style="width: 45%;"> <p style="text-align: center;">John Mitchell, Division Director Division Director/Branch Chief's Printed Name _____ Division Director/Branch Chief's Signature and Date</p> </div> </div>				

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2024

PART I. PROGRAM INFORMATION:		Business Unit No.:	
Program Name/Title: <u>Tube City Chapter Transfer Station</u>		<u>NEW</u>	
PART II. DETAILED BUDGET:		(C)	(D)
(A)	(B)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)		
8780	ENTITIES 8788 - Entity Grants Purchase Equipment for Tube City Chapter Transfer Station: 8 yd Front Load Compactor x 4 = 8,520.00 20 yd Rectangular Roll Off x 4 = 27,868.00 40 yd Octagon x 10 = 139,200.00 40 yd Roll-Off x 10 = 83,240.00 Freight = 28,000.00	294,848	294,848
TOTAL		294,848	294,848

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Tuba City Chapter - Transfer Station</u> Project Description: <u>Purchase 28 equipments to service the community in providing solid waste management and mitigating COVID.</u>	PART II. Project Information Project Type: <u>Community Trash Bins</u> Planned Start Date: <u>1/2/2024</u> Planned End Date: <u>12/31/2024</u> Project Manager: <u>Harold Nez</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	

PART III. List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.												Expected Completion Date if project exceeds 8 FY Qtrs.				
	FY 2024						FY 2025										
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.					
3/31/2024 Receive updates Quotes from Vendor(s)																	
04/01/24 to 06/30/24 Procure equipments from Vendor(s)			x														
07/01/24 to 07/31/24 Close out and pay Invoice(s) to Vendor(s)																	
08/01/24 to 12/31/24 Complete project, new equipments will be in place and ready to be utilized.																	
PART V.													PROJECT TOTAL				
Expected Quarterly Expenditures	\$ 0.00	\$ 0.00	\$ 0.00	\$ 294,848.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 294,848.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 294,848.00

NAVAJO NATION

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1/18/2024

Naa'bik'iyati' Committee Special Meeting

Amd# to Amd#

New Business: Item A: (MAIN)

PASSED

MOT Parrish, S

Consent Agenda - #'s:

SEC James, V

0001-24, 0013-24, 0011-24

Yeas : 14

Nays : 0

Excused : 4

Not Voting : 5

Yea : 14

Arviso, S

Crotty, A

Johnson, C

Simonson, G

Begay, H

Curley, C

Nez, A

Slater, C

Begay, N

Daniels, H

Parrish, S

Yanito, C

Charles-Newton, E

James, V

Nay : 0

Excused : 4

Simpson, D

Aseret, L

Nez, R

Notah, N

Not Voting : 5

Claw, S

Toth, G

Tso, O

Yazzie, C

Jesus, B

Presiding Speaker: Damon, S