

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

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CJY-50-23 AND CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), 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-12-23, 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 Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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. CJY-50-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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. 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. CAP-12-23, 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 NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), was signed into law by the President of the Navajo Nation on May 5, 2023. **Exhibit 1.**
- D. CAP-12-23, 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. CJY-50-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on August 4, 2023.
- F. CJY-50-23, 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. Norman M. Begay has requested to amend CAP-12-23 to **remove the Ramah Navajo Chapter Collection/Transfer Station project (under NNDOJ Review No. HK0348) from the Delegate Region Projects Plan that covers the Alamo, Ramah, Tohajiilee Chapters. The removal of this project will revert \$2,000,000.00 back to Hon. Norman M. Begay's Delegate Region Project Plan's Un-Allocated Amount.**
- J. Further, the Hon. Norman M. Begay has requested that additional projects be added to his 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. Norman M. 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. Norman M. 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. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) as set forth in Exhibit 2.

SECTION THREE. AMENDING CJY-50-23 AND CAP-12-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE NORMAN M. BEGAY'S DELEGATE REGION (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE), TO REMOVE A PROJECT AND INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

- A. The Navajo Nation hereby approves the removal of one-project (the *Ramah Navajo Chapter Collection/Transfer Station* project under NNDOJ Review No. HK0348) listed in CAP-12-23 for Hon. Norman M. Begay's Delegate Region Projects Plan as **stricken** in Exhibit 2. The removal of this project from Hon. Norman N. Begay's Delegate Region Projects Plan will **revert \$2,000,000.00** back to his Delegate Region's Project Plan's **Un-Allocated Amount**.
- B. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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'íyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

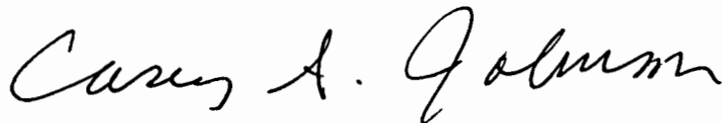
This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

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 Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 11 in Favor, and 00 Opposed, on this 9th day of November 2023.



Honorable Casey Allen Johnson, Chairman Pro Tem
Naabik'íyáti' Committee

11/14/23
Date

Motion: Honorable Shawna Ann Claw

Second: Honorable Norman M. Begay

Chairman Pro Tem Casey Allen Johnson not voting

Exhibit 1



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



May 4, 2023

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

RE: CAP-12-23 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 Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee)

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-12-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Begay's Delegate Region in the amount of \$2,000,000.

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 NORMAN M. BEGAY'S DELEGATE REGION
 (CHAPTERS: ALAMO, RAMAH, TOHAJIILEE)

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

Norman M. 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. Norman M. Begay's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) as set forth in Exhibit A.

SECTION THREE. APPROVAL OF HON. NORMAN M. BEGAY'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Norman M. Begay's Delegate Region (Chapters: Alamo, Ramah, Tohajiilee) 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

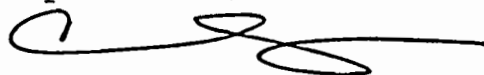
This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

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

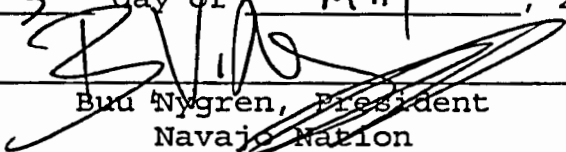
DATE

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

Exhibit A

COUNCIL DELEGATE: Delegate Norman M. Begay

CHAPTERS: Alamo, Ramah, Tohajililee

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	None Identified	Ramah Navajo Chapter Collection/Transfer Station	Division of Community Development	1.14	HK0348	\$ 2,000,000.00
		UNALLOCATED AMOUNT				\$ 6,802,340.00
					TOTAL:	\$ 8,802,340.00

*Per C.JN-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. Norman M. Begay

CHAPTERS: Alamo, Ramah, Tohajilee

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CAP-12-23 on May 5, 2023				\$ 2,000,000.00
		TOTAL AMOUNT APPROPRIATED in CJY-50-23 on August 4, 2023				\$ 2,500,000.00
Division of Community Development	None Identified	(Remove) Ramah Navajo Chapter Collection/Transfer Station	Division of Community Development	4-14	HK0348	-\$ 2,000,000.00
Division of Community Development	None Identified	Ramah Navajo Chapter Rocky Ridge Water Well Project	NN Department of Water Resources	5.13	HK0510	\$ 2,934,113.00
Division of Community Development	None Identified	Alamo Chapter Water System	NN Department of Water Resources	5.11	HK0583	\$ 3,048,166.00
		UNALLOCATED AMOUNT				\$ 320,061.00
					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 0583

Date & Time Received: 06/20/23 at 14:35

Date & Time of Response: 06/27/23 at 17:00

Entity Requesting FRF: Alamo Chapter

Title of Project: Alamo Chapter Water System

Administrative Oversight: Department of Water Resources

Amount of Funding Requested: \$3,048,166.00

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:
5.11, Drinking Water: Transmission and Distribution

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: Erika Pirotte

Signature of DOJ Reviewer: Erika R. Pirotte

Digitally signed by Erika R. Pirotte
Date: 2023.06.27 12:42:22 -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 NON-GOVERNANCE CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Alamo Chapter Date prepared: 12/8/22

Chapter's mailing address: PO Box 827, Magdalena, NM 87825 phone/email: 575-854-2686; alamo@navajochapters.org
website (if any): alamo.navajochapters.org

This Form prepared by: Inez Apachito phone/email: 575-854-2686
Community Services Coordinator alamo@navajochapters.org
CONTACT PERSON'S name and title *CONTACT PERSON'S info*

Title and type of Project: Alamo Chapter Water System

Chapter President: Virgil Sandoval phone & email: vsandoval@naataanii.org

Chapter Vice-President: Jeremiah Apachito phone & email: japachito@naataanii.org

Chapter Secretary: Julie Guerro phone & email: jguerro@navajochapters.org

Chapter Treasurer: Julie Guerro phone & email: jguerro@navajochapters.org

Chapter Manager or CSC: Inez Apachito phone & email: alamo@navajochapters.org

DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org; 505-488-8476

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

document attached

Amount of FRF requested: 3,048,166.00 FRF funding period: 01/01/2023 to 09/30/2026
Indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

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

The Alamo Chapter, Alamo Navajo School Board Incorporated, Indian Health Service, and Navajo Nation Water Management Branch have stepped identified deficiencies, upgrades needed, and the environmental consideration of the upgrading of the water supply for the Alamo Community. The water source is needed to combat COVID-19 and the improvements to the water supply will supply more water to more homes within the community. The funds will be used to build two pump houses and connect the new southern well to the existing water system.

document attached

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

This project funding will supplement the funds identified in the Infrastructure funds, which were not fully funded. The communities will benefit from the hookup of the new well, as it will supply fresh water to the southern area of the community.

document attached

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

APPENDIX A

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

This project will coincide with existing project that has been funded by the infrastructure funds within CJN-29-22, and will allow the water line project to be completed by September 30, 2026.

document attached

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

This project will be implemented by the Alamo Navajo School Board Incorporated with the Alamo Navajo Chapter Officials and staff a part of the project planning team.

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:

Operations and maintenance of this project will be overseen by the Alamo Navajo School Board Incorporated.

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:

5.1 Drinking water: Transmission and Distribution This project will design and construct a water transmission pipeline and pump houses to convey drinking water to Alamo Navajo Chapter.

document attached

Part 3. Additional documents.

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

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: Muz Apoolito
signature of Preparer CONTACT PERSON

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

Approved by: Muz Apoolito
signature of CSC

Approved by: [Signature]
signature of Chapter ASO

Approved to submit for Review: Lisa Jamm NWFRO
signature of DCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: _____ (New)		Alamo Chapter - Waterline Extension		Division/Branch: _____		DCD/ASC		
Prepared By: Inez Apachito, CSC		Program Title: _____		Phone No.: 575-854-2686		Email Address: alamo@navajochapters.org		
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			
Fiscal Recovery Funds		01/01/23-09/30/26	3,048,166.00	100%	Fund Type Code	NMC Approved Original Budget	Proposed Budget	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	67	3,048,166	3,048,166
					7000 Special Transactions			
					8000 Public Assistance			
					9000 Capital Outlay			
					9500 Matching Funds			
					9500 Indirect Cost			
					TOTAL	\$0.00	3,048,166.00	3,048,166
					PART IV. POSITIONS AND VEHICLES			
					Total # of Positions Budgeted:			
					Total # of Vehicles Budgeted:			
					TOTAL:	\$3,048,166.00	100%	

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Sonlatsa Jim-Martin Bidiah Becker
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name
12-09-2022 12 Dec 2022
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		Business Unit No. _____ - (New)		Program Name/Title: _____		Alamo Chapter - Waterline Extension			
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Goal Statement:	Provide safe drinking water to the community of Alamo Chapter	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Program Performance Measure/Objective:	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
	Build two pump houses to connect the southern well to the existing water line							1	
2. Goal Statement:									
	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.									
				Soniatsa Jim-Martin		Bidlah Becker			
				Program Manager's Printed Name		Division Director/Branch Chief's Printed Name			
				<i>Soniatsa Jim-Martin</i>		<i>Bidlah Becker</i>		12 Nov 2022	
				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:		Business Unit No.: _____ (New)	
Program Name/Title: <u>Alamo Chapter - Waterline Extension</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)		
9020	9033 - Waterlines Alamo Springs Well #2 Pump house and water treatment Alamo Springs Well #2 Electrical Extension Alamo New Southern Well Pump House & water treatment Alamo New Southern Well Electrical Extension Connection of New Southern Well Pump House to Existing Water System 4" Waterline, m C-900 Pipe incl. trenching, bedding, embedment, backfill, compaction, pipe and fillings. c/p (TP 04) Mobilization/Demobilization RW permitting Navajo EPA Construction Permit Contingency NN Sales Tax Engineering Design & Construction Services NMGRT	3,045,166	3,045,166
TOTAL		3,045,166	3,045,166

THE NAVAJO NATION
PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: <u>(New)</u> Project Title: <u>Alamo Chapter Water System</u> Project Description: <u>Construct 2 pump houses and waterline to hook up Well #2 to the existing water line in Alamo Springs</u>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">PART II. Project Information</td> </tr> <tr> <td style="width: 50%;">Project Type: <u>Waterline Construction</u></td> <td style="width: 50%;">Planned Start Date: <u>1/1/2023</u></td> </tr> <tr> <td>Planned End Date: <u>9/30/2026</u></td> <td>Project Manager: <u>Inez Apachito</u></td> </tr> </table>	PART II. Project Information		Project Type: <u>Waterline Construction</u>	Planned Start Date: <u>1/1/2023</u>	Planned End Date: <u>9/30/2026</u>	Project Manager: <u>Inez Apachito</u>																																														
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PART III. 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 IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">FY _____</th> <th colspan="4">FY _____</th> <th rowspan="2">Date</th> <th rowspan="2">Expected Completion Date if project exceeds 8 FY Qtrs.</th> </tr> <tr> <th>1st Qtr.</th> <th>2nd Qtr.</th> <th>3rd Qtr.</th> <th>4th Qtr.</th> <th>1st Qtr.</th> <th>2nd Qtr.</th> <th>3rd Qtr.</th> <th>4th Qtr.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Construction of waterline</td> <td>O N D</td> <td>J F M</td> <td>A M J</td> <td>Jul A S</td> <td>X X X</td> <td>X X X</td> <td>X X X</td> <td>X X X</td> <td>O N D J F M</td> <td>X X X X X X</td> </tr> <tr> <td style="text-align: right;">\$</td> <td></td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>\$</td> <td>PROJECT TOTAL</td> </tr> <tr> <td style="text-align: right;">Expected Quarterly Expenditures</td> <td></td> <td>400,000.00</td> <td>400,000.00</td> <td>400,000.00</td> <td>400,000.00</td> <td>400,000.00</td> <td>400,000.00</td> <td>1,048,166.00</td> <td></td> <td>\$3,048,166.00</td> </tr> </tbody> </table>		FY _____				FY _____				Date	Expected Completion Date if project exceeds 8 FY Qtrs.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Construction of waterline	O N D	J F M	A M J	Jul A S	X X X	X X X	X X X	X X X	O N D J F M	X X X X X X	\$		\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL	Expected Quarterly Expenditures		400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	1,048,166.00		\$3,048,166.00
	FY _____				FY _____				Date	Expected Completion Date if project exceeds 8 FY Qtrs.																																											
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.																																													
Construction of waterline	O N D	J F M	A M J	Jul A S	X X X	X X X	X X X	X X X	O N D J F M	X X X X X X																																											
\$		\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL																																											
Expected Quarterly Expenditures		400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	400,000.00	1,048,166.00		\$3,048,166.00																																											

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____



Alamo Navajo Chapter

Inez Apachito-Community Service Coordinator
Vacant-Accountant Maintenance Specialist
P.O. Box 827
Magdalena, NM 87825
(575) 854-2686

Virgil J. Sandoval
Alamo Navajo Chapter President

Jeremiah J. Apachito
Alamo Navajo Chapter Vice-President

Julie H. Guerra
Alamo Navajo Chapter Secretary/Treasurer

Jamie Henio
24th Navajo Nation Council Delegate

Roland B. Mexicano
Alamo Navajo Chapter Land Board Member

Chancey Martinez
LDA-Representative

RESOLUTION
OF THE ALAMO NAVAJO CHAPTER
RESOLUTION NO. ANC
12-9-22, 3-a

**APPROVING THE REQUEST TO UTILIZE THE DELEGATE HENIO REGIONAL
EXPENDITURE PLAN FUNDS TO PLAN, DESIGN, AND CONSTRUCT ALAMO
CHAPTER WATER SYSTEM IN THE AMOUNT OF \$3,048,166.00**

WHERE AS:

1. Pursuant to 26 N.N.C., Section 3 (A) the Alamo Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at N.N.C., part 1, section 10, and
2. Pursuant to 26 N.N.C., Section 1 (B) Alamo Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate action, and
3. The Alamo Navajo Chapter, as part of Honorable Delegate Jamie Henio, was allocated funds from the American Rescue Pal Act (ARPA) Delegate Regional Expenditure Plan to provide services to the Community of Alamo Navajo Chapter, and
4. The Alamo Navajo Chapter is submitting a funding proposal in the amount of \$3,048,166.00 additional funds will be required to outfit, treat, and connect the newly constructed well to the existing water system; and
5. The Alamo Navajo Chapter shall work together to upgrade the water system, this project will support the community to fight the public health threat posed by the ongoing public health emergency by providing the community with access to reliable water for drinking, washing, and fire safety.

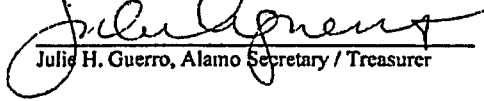
NOW THEREFORE BE IT RESOLVED THAT:

1. Alamo Navajo Chapter approves and respectfully submits the funding proposal packet and budget in the amount of \$3,048,166.00 to better service out community of Alamo.
2. Alamo Navajo Chapter will work together to plan, design and construct and addition to the Water System Upgrade.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Alamo Chapter at the duly call meeting in Alamo, New Mexico at which a quorum was present and the same was passed by a vote of 2 in favor and 0 opposed. 1 abstained this 9th day of December 2022.

Virgil J Sandoval, Alamo Chapter President


Julie H. Guerro, Alamo Secretary / Treasurer

Jeremiah J. Apachito, Vice-President

Roland B. Mexicano, Land Board

Jamie Henio, 24th Navajo Nation Council
Delegate

Motion: Jeremiah Apachito

Chancey Martinez, LDA-Representative

Second: Julie H. Guerro

NAVAJO NATION

Naa'bik'iyati' Committee Regular Meeting

11/9/2023
11:19:01 AM

Amd# to Amd#
MOT Claw, S
SEC Begay, N

New Business: Item A.
CONSENT AGENDA
#0245-23; #0249-23; #0155-23

PASSED

Yeas : 11

Nays : 0

Excused : 9

Not Voting : 3

Yea : 11

Arviso, S
Aseret, L
Begay, H

Begay, N
Claw, S
Nez, A

Notah, N
Simonson, G
Simpson, D

Tolth, G
Yazzie, C

Nay : 0

Excused : 9

Charles-Newton, E
Crotty, A
Curley, C

Damon, S
Jesus, B

Nez, R
Parrish, S

Slater, C
Tso, O

Not Voting : 3

Yanito, C

Daniels, H

James, V

Presiding Speaker: Johnson, C