



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

The Navajo Nation | Yideeskáadi Nitsáhákees

November 8, 2023

TRANSMITTAL

TO : Arbin Mitchell, Executive Director
 Division of Community Development (DCD)

FROM : comg
 Cordell Shortey, Contracting Officer
 Contracts & Grants Section (CGS) / OMB

SUBJECT : Tachee/Blue Gap Chapter, Many Farms Chapter, Nazlini Chapter, Tselani/Cottonwood Chapter, Low Mountain Chapter - ARPA Funds Allocated to Delegate Curley Region

I. Information on Contract (per Original Award):

Tachee/ Blue Gap Chapter, Many Farms Chapter, Nazlini Chapter, Tselani/ Cottonwood Chapter, and Low Mountain Chapter		U.S. Treasury American Recovery Plan Act (ARPA)		21.027
Title of Contract		Funding Agency		CFDA No. - Federal
CJY-63-23; CD-62-22	\$ 8,802,340.00	2022	03/11/2021 to 12/31/2026	
Grant No.	Amount	Fiscal Year	Term - Begin and End Date	

II. Data Entered in FMIS Regarding:

- New Contract or Grant Company No. 8059 Business Unit (K#) K2115281 to K2115289
- Contract Mod No. Internal Modification No. 2
- Amt of Award Increase \$2,853,598.00 \$5,948,733.00 to \$9,067,331.00
- Budget Period - Extend End Date: From _____ To _____
- Other, specify: _____

Authorizing Document - Attached:

- Contract / Agreement - Date executed _____
- NNC / Committee Resolution - No. & Date _____
- Other, specify: NN Council Resolution CJY-63-23

III. Comments by CGS:

This transmittal documents 3rd budget entered in FMIS on \$8.8 mil ARPA funds allocated to CD Crystalyne Curley Region. Y-T-D budget in FMIS for CD Crystalyne Curley totals \$9,067,331. This is due to two (2) Chapter Projects being removed in Resolution CJY-63-23 in the amount of \$265,000. Therefore, DCD and/or NN FRF Office will need to submit Summary of Change decreasing Business Units K2115111 and K2115112 in the amount of \$160,000 and \$105,000, respectively. Information on Section I. of Transmittal above reflects \$8,802,340 ARPA funding allocated for distribution to Chapters the respective Council Delegate service aka Region.

Attachment
 Copy: Contract files
 Contract Accounting / OOC / DPM
 Tom Platero, Executive Director - NN FRF Office



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

August 4, 2023

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

RE: *CJY-63-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CD-62-22 and the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)*

Dear Speaker Curley,

I am pleased to sign into law this resolution CJY-63-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan in the amount of \$3,118,598.

My Administration supports the plans of these Chapters who have worked very hard to put together their Regional Plans and is working very closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice President and inform my office of the roadblock and we will work to overcome those roadblocks.

I do want to take the moment to express my concern that any amendments to the Regional Plans must be approved by the Council. In addition, the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This deadline is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on the proposed timeline. We should be designing systems that are flexible, accountable, and transparent. We do not currently have that system and I look forward to working with you and the entire Council to improve the Navajo Nation systems, so we are supporting our communities to take advantage of this historic funding.

Now let's get to work!

Sincerely,



Dr. Buu Nygren, President
THE NAVAJO NATION

RESOLUTION OF THE
 NAVAJO NATION COUNCIL
 25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
 AMENDING CD-62-22 AND THE NAVAJO NATION FISCAL RECOVERY FUND
 DELEGATE REGION PROJECT PLAN FOR HONORABLE CRYSTALYNE CURLEY'S
 DELEGATE REGION (CHAPTERS: TACHEE/BLEUE GAP, MANY FARMS, NAZLINI,
 TSELANI/COTTONWOOD, LOW MOUNTAIN)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- D. Navajo Nation Council Resolution No. CD-62-22, attached as **Exhibit 1** (without project exhibits), mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Crystalyne Curley's Delegate Region (Chapter: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND

PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.

B. CJN-29-22, Section Three, states, in part and among other things, that

1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation See CJN-29-22, Section Three (B).
2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).
4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).

5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. The Navajo Nation Council Resolution No. CD-62-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE KEE ALLEN BEGAY, JR.'S DELEGATE REGION (CHAPTERS: TACHEE/BLEUE GAP, MANY FARMS, NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN), was signed into law by the President of the Navajo Nation on January 9, 2023. **Exhibit 1.**
- D. CD-62-22, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) (17) and 2 N.N.C. §§ 1005(C) (10), (11), and (12).
- E. The Hon. Crystalyne Curley has requested to amend CD-62-22 to delete the *Nazlini Chapter Bathroom Additions* project (NNDOJ Review No. HK0232) and to delete the *Nazlini Chapter House Wiring* project (NNDOJ Review No. HK0233) from the Delegate Region Projects Plan covering the Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain Chapters. The removal of these projects will revert \$265,000.00 back to Hon. Crystalyne Curley's Delegate Region's Project Plan's Un-Allocated Amount.
- F. In addition to the removal of the *Nazlini Chapter Bathroom Additions* project and the removal of the *Nazlini Chapter House Wiring* project, Hon. Crystalyne Curley has requested that additional projects be added to the Delegate Region Projects Plan covering the Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain Chapters originally approved by CD-62-22. The additional projects, which have all been deemed Fiscal Recovery Fund eligible by NNDOJ, as well as the deleted projects, are set forth in **Exhibit 2**. After the deletion and addition of the project(s), the Hon. Crystalyne Curley's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- G. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Crystalyne Curley's

Delegate Region Chapters and communities to approve and adopt the removal of two-projects and add additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) as set forth in Exhibit 2.

SECTION THREE. AMENDING CD-62-22, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE CRYSTALYNE CURLEY'S DELEGATE REGION (CHAPTERS: TACHEE/BLUE GAP, MANY FARMS, NAZLINI, TSELANI/COTTONWOOD, LOW MOUNTAIN)

- A. The Navajo Nation hereby approves the removal of two projects (the *Nazlini Chapter Bathroom Additions* project under NNDOJ Review No. HK0232 and the *Nazlini Chapter House Wiring* project under NNDOJ Review No. HK0233) listed in CD-62-22 for Hon. Crystalyne Curley's Delegate Region Projects Plan as stricken in Exhibit 2. The removal of these projects from Hon. Crystalyne Curley's Delegate Projects Plan will revert \$265,000.00 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. Crystalyne Curley's Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) 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 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.

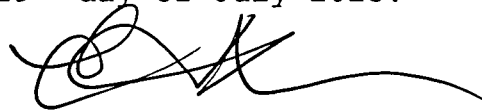
This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

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 19 in Favor, and 00 Opposed, on this 19th day of July 2023.



Honorable Eugenia Charles-Newton, Speaker Pro Tem
25th Navajo Nation Council

7/27/23

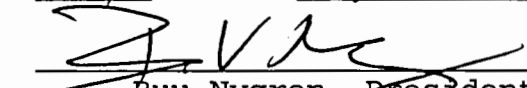
DATE

Motion: Honorable George H. Tolth
Second: Honorable Herman M. Daniels, Jr.

Speaker Pro Tem Eugenia Charles-Newton not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this 4 day of April, 2023.



Buu Nygren, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), on this _____ day of _____, 2023 for the reason(s) expressed in the attached letter to the Speaker.

Buu Nygren, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2023.

Buu Nygren, President
Navajo Nation

Exhibit 1

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



January 6, 2023



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

RE: CD-62-22, *An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)*

Dear Speaker Tso,

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

The process to secure funding also involves collaborative efforts between the Chapters, the Division of Community Development, Navajo Nation Fiscal Recovery Fund (NNFRF) Office and the Navajo Nation Department of Justice (NNDJOJ). Per BFS-31-21, each proposed expenditure must obtain NNDJOJ verification that each proposed project is an eligible expense within ARPA/NNFRF regulations. Each of the projects within CD-62-22 has met all the requirements.

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

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


THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CD-62-22 into law.

Sincerely,


Jonathan Nez, *President*
THE NAVAJO NATION


Myron Lizer, *Vice President*
THE NAVAJO NATION

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

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION
PROJECT PLAN FOR HONORABLE KEE ALLEN BEGAY, JR.'S DELEGATE REGION
(CHAPTERS: TACHEE/ BLUE GAP, MANY FARMS, NAZLINI, TSELANI/
COTTONWOOD, LOW MOUNTAIN)

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. Kee Allen Begay, Jr.'s Delegate Region Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Kee Allen Begay, Jr.'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. Kee Allen Begay, Jr.'s Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) as set forth in **Exhibit A**.

SECTION THREE. APPROVAL OF HON. KEE ALLEN BEGAY, JR.'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) set forth in **Exhibit A**.
- B. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

SECTION FOUR. AMENDMENTS

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) (17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

SECTION FIVE. EFFECTIVE DATE

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

SECTION FIVE. SAVING CLAUSE

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

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 29th day of December 2022.



Honorable Otto Tso, Speaker
24th Navajo Nation Council

12/30/2022

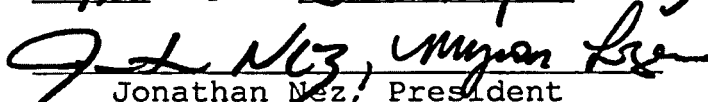
DATE

Motion: Honorable Vince James
Second: Honorable Daniel E. Tso

Speaker Otto Tso not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 9th day of January, 2023.


Jonathan Nez, President
Navajo Nation

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

Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2022.

Jonathan Nez, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

EXHIBIT
A

COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Leach Field Project	Division of Community Development	5.3	HK0226	\$ 120,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Bathroom Additions	Division of Community Development	1.14	HK0232	\$ 160,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Housing Wiring	Division of Community Development	2.18	HK0233	\$ 105,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Consulting Services	Division of Community Development	7.1	HK0234	\$ 150,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Warehouse Project	Division of Community Development	6.1	HK0235	\$ 400,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Administration Bldg	Division of Community Development	6.1	HK0237	\$ 350,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Cemetery Project	Division of Community Development	6.1	HK0238	\$ 150,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Water Conservation Project	Division of Community Development	2.22	HK0239	\$ 590,468.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Housing Support: Bathroom Additions	Division of Community Development	1.14	HK0305	\$ 400,000.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Local Rural Addressing - E911	Katherine O. Arthur, Chapter President	2.22	HK0307	\$ 100,000.00
TOTAL:						\$ 2,525,468.00

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

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN



COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 2,525,468.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter HVAC Systems	Division of Community Development	1.4	HK0308	\$ 150,000.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Broadband/Cellular Tower	Division of Community Development	1.14	HK0309	\$ 750,000.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Celluar Service Tower	Division of Community Development	1.14	HK0332	\$ 750,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Elderly Bathroom Makeover/Modification Project	Division of Community Development	1.14	HK0333	\$ 81,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Cellular Tower Project	Division of Community Development	1.14	HK0334	\$ 700,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter New Homes Waterline Extension Project	Division of Community Development	5.13	HK0336	\$ 48,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Drainage/Septic System Project	Division of Community Development	5.5	HK0312	\$ 140,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter New Homes Electric and Powerline Extension	Division of Community Development	2.18	HK0335	\$ 60,000.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Warehouse Building	Division of Community Development	6.1	HK0341	\$ 450,000.00
					TOTAL:	\$ 5,654,468.00

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

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN



COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 02				\$ 5,654,468.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Eight (8) Bathroom Additions	Division of Community Development	1.14	HK0346	\$ 294,265.00
		UNALLOCATED AMOUNT				\$ 2,853,607.00
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."

Exhibit 2

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit 2

COUNCIL DELEGATE: Hon. Crystalyne Curley

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CD-62-22 on January 9, 2023				\$ 5,948,733.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Bathroom Additions	Division of Community Development	4.14	HK0232	-\$ 160,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter House Wiring	Division of Community Development	2.18	HK0233	-\$ 105,000.00
Division of Community Development	None Identified	Low Mountain Chapter Hire of Personnel for Home Renovations Project	Division of Community Development	2.18	HK0310-2	\$ 122,191.30
Division of Community Development	None Identified	Low Mountain Chapter New Home Construction Project	Division of Community Development	2.15	HK0311-2	\$ 420,000.00
Division of Community Development	None Identified	Blue Gap/Tachee Chapter Administration Building Renovation Project	Division of Community Development	2.22	HK0339	\$ 266,203.00
Division of Community Development	None Identified	Low Mountain Chapter Home Renovations Construction Project	Division of Community Development	2.18	HK0432	\$ 92,067.70
Division of Community Development	None Identified	Low Mountain Chapter Septic Services Project	Division of Community Development	5.5	HK0433	\$ 67,200.00
Division of Community Development	None Identified	Low Mountain Chapter Heating/Cooling System Project	Division of Community Development	1.4	HK0441	\$ 30,000.00
Division of Community Development	None Identified	Many Farms Chapter Housing Assistance - Rehabilitation & Demolition Project	Division of Community Development	2.18	HK0304-2	\$ 360,468.00
					TOTAL:	\$ 7,041,863.00

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

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Hon. Crystalyne Curley

Exhibit 2

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01.....				\$ 7,041,863.00
Division of Community Development	None Identified	Tselani (Cottonwood) Chapter Cell-Tower Project	Division of Community Development	1.14	HK0302	\$ 1,125,000.00
Division of Community Development	None Identified	Tselani (Cottonwood) Chapter Warehouse	Division of Community Development	1.14	HK0550	\$ 635,468.00
		UN-ALLOCATED AMOUNT				\$ 9.00
					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 0550

Date & Time Received: 6/9/23 at 17:31

Date & Time of Response: 6/16/23 at 11:00

Entity Requesting FRF: Tselani-Cottonwood Chapter

Title of Project: Warehouse Building

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$735,136

Eligibility Determination:

- FRF eligible
FRF ineligible
Additional information requested

FRF Eligibility Category:

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

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

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

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: Please note that we have modified the requested expenditure code from 6.1 (Provision of Government Services) to 1.14 (Other Public Health Services). 1.14 is a more favorable category because it is not limited by the amount of the Nation's lost revenue.

Name of DOJ Reviewer: Rodgerick Begay

Signature of DOJ Reviewer: *Rodgerick Begay*

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: Tselani-Cottonwood Chapter Date prepared: 05/02/2023

Chapter's mailing address: PO Box 1139 Chinle, Arizona 86503 phone/email: (928) 725-3765 website (if any): tselani@navajochapters.org

This Form prepared by: Charlene Wallace phone/email: (928) 725-3763
Community Service Coordinator CONTACT PERSON'S name and title cwallace@nnchapters.org CONTACT PERSON'S info

Title and type of Project: Warehouse Building

Chapter President: Thomas Gorman phone & email: (928) 675-6660
Chapter Vice-President: Nelson Charley, Sr. phone & email: (928) 349-0064
Chapter Secretary: Elliot Bryant phone & email: (928) 349-2680
Chapter Treasurer: Elliot Bryant phone & email: (928) 349-2680
Chapter Manager or CSC: Charlene Wallace phone & email: (928) 309-9677
DCD/Chapter ASO: Robert Jumbo phone & email: (928) 674-2320

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

Amount of FRF requested: 735,136.00 FRF funding period: 06/05/2023 to 12/31/2026
indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed: Keep language. EGM 6/10/23

The Chapter received and purchased a 2021 John Deere 672G for a primary usage of maintaining residential roads during non and emergencies. Covid 19 has affected the community and during the emergency the chapter utilized the equipment to reach families in the remote areas. The Chapter does not have a warehouse to store the equipment and to prevent any weather damages, the Chapter is requesting on a warehouse for heavy equipment and also for storing hand sanitizers, cases of water, and cleaning supplies for community distribution. The Chapter needs to store PPE.
 document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:
The equipment is used daily for community projects and request for clearing homesite for new dwellings. Equipment is also used for funerals within 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:

The funding not being encumbered or released for construction to proceed is a challenge faced by the Chapter. Date of completion is 12/31/26 funds will be encumbered before then.

document attached

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

Navajo Nation Division of Economic Development - Certified Navajo Business Source List

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 Chapter will ultimately be responsible for the warehouse.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

6.1 Chapter and Regional Projects

document attached

Part 3. Additional documents.

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

Update Chapter Proposal, BITCO Scope of Work and Chapter Resolution are attached.

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:

M. Wallace
signature of Preparer CONTACT PERSON

Approved by:

[Signature]
signature of Chapter President by VC-P person

Approved by:

M. Wallace
signature of CSC

Approved by:

Robert [Signature]
signature of Chapter ASO

Approved to submit for Review:

[Signature]
signature of DCD Director

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

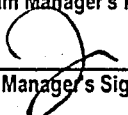
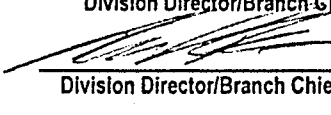
Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u> Program Title: <u>Warehouse</u> TSELANI-COTTONWOOD CHAPTER Division/Branch: <u>Community Development</u>								
Prepared By: <u>Charlene Wallace</u>		Phone No.: <u>928-725-3763</u> Email Address: <u>cwallace@nnchapters.org</u>						
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
ARPA FUNDS	06/5/23-12/31/26	735,136.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay	6		735,136.00	735,136.00
				9500 Matching Funds				
				9500 Indirect Cost				
TOTAL						\$0.00	735,136.00	735,136.00
				PART IV. POSITIONS AND VEHICLES		(D)		(E)
				Total # of Positions Budgeted:		0		0
TOTAL:				\$735,136.00		100%		
				Total # of Vehicles Budgeted:		0		0
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>James Adakai, Program Manager</u>				APPROVED BY: <u>Calvin Castillo, DCD Division Director</u>				
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name				
<u>[Signature]</u> 5-23-23				<u>[Signature]</u> 5.23.23				
Program Manager's Signature and Date				Division Director / Branch Chief's Signature and Date				

FY 2023

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Page 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:									
Business Unit No.:	<u>New</u>	Program Name/Title:	<u>Tselani-Cottonwood Chapter Warehouse</u>						
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
PART III. PROGRAM PERFORMANCE CRITERIA:									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
<u>Obtain 3-bay warehouse for Chapter equipment storage.</u>									
Program Performance Measure/Objective:									
<u>Prelim clearance by 8/2023</u>						1			
2. Goal Statement:									
<u>Pre Construction Site work</u>									
Program Performance Measure/Objective:									
<u>Have pre construction completed</u>								1	
3. Goal Statement:									
<u>Stoiage of equipment</u>									
Program Performance Measure/Objective:									
<u>Completion of project</u>								1	
4. Goal Statement:									
<u> </u>									
Program Performance Measure/Objective:									
<u> </u>									
5. Goal Statement:									
<u> </u>									
Program Performance Measure/Objective:									
<u> </u>									
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
Program Manager's Printed Name					Division Director/Branch Chief's Printed Name				
 <u>5-23-23</u>					 <u>5-23-23</u>				
Program Manager's Signature and Date					Division Director/Branch Chief's Signature and Date				

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>TSELANI-COTTONWOOD CHAPTER <i>Warehouse</i></u>		Business Unit No.: <u>NEW</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
7 <i>9050</i>	9000 Capital Outlay <i>Building</i> 9052 Obtain a 3-bay warehouse to store Chapter equipment: Backhoe, Water Truck and Grader. Storing PPE for community distribution.	735,136.00	735,136.00
TOTAL		735,136.00	735,136.00

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

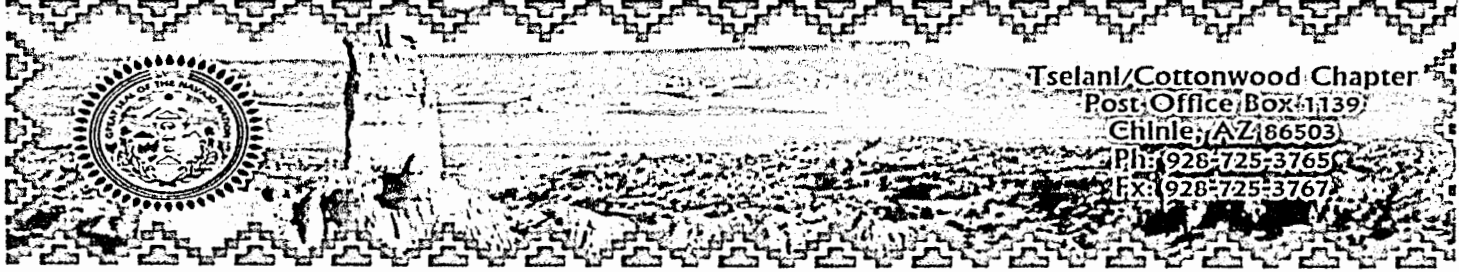
PART I. Business Unit No.: <u>NEW</u> Project Title: <u>6.1 Chapter and Regional Projects Tselani-Cottonwood Chip Warehouse</u> Project Description: <u>Develop, construct and establish a warehouse for equipment storage.</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification													PART II. Project Information Project Type: <u>Chapter and Regional Projects</u> Planned Start Date: <u>6/5/2023</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>BITCO Corporation</u>																	
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 <u>2023</u>												FY <u>2024</u>																	
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date 12/31/2026					
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
06/05/2023 to 08/31/2023 Preliminary clearance									X	X	X																			
08/31/2023 to 10/31/2023 Pre Construction Site Work												X	X																	
08/31/2023 to 12/31/2026 Construction & Completion of Project													X	X	X	X	X	X	X	X	X	X	X	X						
PART V.	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL					
Expected Quarterly Expenditures							122,522.00			122,522.00			122,523.00			122,523.00			122,523.00			122,523.00			\$735,136.00					

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

Chapter Name: Tselani-Cottonwood Chapter Chapter Email: tselani@navajochapters.org

Chapter Manager: Charlene Wallace, CSC Chapter Phone: (928) 725-3763/65

Title	Content
Project Details	Equipment Warehouse to store Chapter Equipment
Project Description	Utilizing the ARPA funding the Chapter will obtain a three bay warehouse to store Chapter equipment. (Backhoe, Water Truck, and a Motor Grader.
Project Objective	The Chapter has obtained heavy equipment for community usage and to protect the lifespan of the equipment, they would need to properly be stored. To maintain and against preventive repairs, the Chapter is in need of a good storage of the Chapter equipment.
Project Cost	Scope of work: \$735,136.00
Impact to the Community	Storing the heavy equipment properly will expand the life of the equipment and assist the community when necessary.



Charlene Wallace, Coordinator Shalena Tsosle, Account Maintenance Specialist

RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-23-781

REQUESTING THE SUPPORT AND APPROVAL OF UTILIZING AMERICAN RESCUE PLAN ACT (A.R.P.A.) IN THE AMOUNT OF \$735,135.40 FOR BITCO CORPORATION TO CONSTRUCT A THREE BAY WAREHOUSE 50'X80' WITH 4000 SQUARE FEET TO PROPERLY STORE THE CHAPTER EQUIPMENT

WHEREAS:

1. Tselani-Cottonwood is governed by the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C. §4021 et seq. And 26 N.N.C. S103; AND
2. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is governing body of the Navajo Nation and by the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over local matters that are consistent with the existing with the Navajo Nation; AND
3. The Navajo Nation Sihasin Fund was utilized to purchase the Motor Grader heavy equipment with the purposes of 12 N.N.C. § 2502 (A) (1) and is in the best interests of Navajo communities and the Navajo People; AND
4. Tselani-Cottonwood Chapter is in need of a warehouse to store and secure the assets, of the newly acquired a motor grader, backhoe and the Chapter water truck; AND
5. The goal of the investment is the longevity of the equipment by properly securing the equipment, avoiding the harsh weather, unnecessary repairs and extending the lifetime of the equipment.

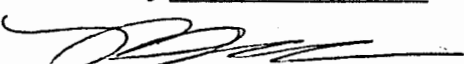
NOW, THEREFORE BE IT RESOLVED THAT:

1. The Tselani-Cottonwood Chapter requesting the support and approval of utilizing American Rescue Plan Act (A.R.P.A.) in the amount of \$735,135.40 for BITCO Corporation to construct a three bay warehouse 50'X80' with 4000 square feet to properly store the Chapter equipment.

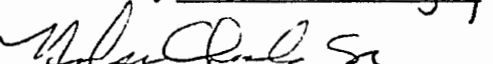
CERTIFICATION

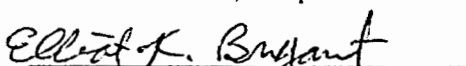
I, hereby, certify that the foregoing resolution was considered by Tselani-Cottonwood Chapter at a duly called meeting at Cottonwood, Navajo Nation (Apache, County, Arizona) at which a quorum was present and that same was passed by a vote of 13 in favor, 0 opposed and 1 abstained on this 17 day of May, 2023.

Motioned by Silvia Wilson

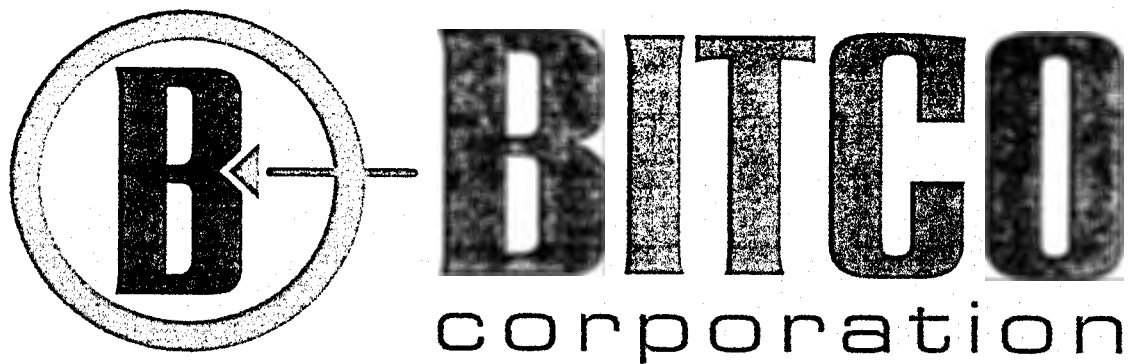

Thomas Gorman, Chapter President

Seconded by Lorraine Begay


Nelson Charley, Sr., Vice-President


Elliot Bryant, Secretary/Treasurer

Crystalyne Curley, Council Delegate



3-Bay Warehouse Tselani-Cottonwood Chapter
(3-Bay Mueller Warehouse Building)

Proposal: for emergency funding purposes

Contact:
Jeremiah Bitsui (Principle) 505-768-1000
JBitsui@BitcoCorp.com



Company Profile

Bitco understands that the Navajo Nation is committed to constructing a high-quality building for administrative personnel that is in balance with the community and environment. BITCO is honored to have this opportunity to help the Navajo community build a facility that will function as a place to lead its people into the future. BITCO is a Certified Priority One Navajo-owned S-Corporation (Navajo Incorporated) General Contractor modular contractor with more than 13+ years experience working on permanent and portable modular projects. Bitco by Priority 1 Navajo Owned Contractor, Small Business Administration is a Small Business Disadvantage as a Small Business Set- Aside in relation to social-economic standards. Based in downtown Albuquerque our offices are located at 317 Commercial Street NE, Albuquerque NM 87102. Our Modular Vendor is Apex Corporation which has 30 years in business as a manufacturer. The buildings will be manufactured in Texas and securely transported to each site. With dozens of modular projects providing seamless factory to site installations in remote locations is not an obstacle, and have become a strength for Bitco. Bitco will mobilize equipment, and manpower on both sites in Window Rock, Arizona and in Shiprock, New Mexico at each project site or adjacent per Navajo Department of Corrections notice to proceed. Bitco may provide conex box/trailer/ portable building (for storage & construction office), port-a-potty, project fencing, and trash bins for spoilage. Bitco's 2021 taxable revenue was in excess of \$4 million with bonding up to \$10 million aggregate and \$5 million per project. Bitco's workforce fluctuates up to 50 employees depending on contracts on hand, during the pandemic Bitco has increased its contracted administrators and labor force.



Current Market:

Post Pandemic like many other industries, there's a backlog with many Governments and Local Governments security new buildings & infrastructure. Furthermore macro economics related to supply chains, and greater international supply sourcing issues.

Per Initial Discussions:

Immediate needs from the client include needing a new 3-Bay Warehouse to accommodate space to hold equipment and vehicles, an office space, and restroom. After initial walk-through of the site, we're including groundwork and infrastructure costs as well. This will not include site clean-up or any additional abatement unless other wise discussed with client.

Immediate Option:

The timeline for the mueller 3-bay warehouse

Per contractual obligations, security (downpayment), Bitco can start upon Notice to Proceed with utility/infrastructure installation and ground prep. The building can then deliver once the group is prepared.





Cottonwood 3 Bay Storage Metal Building (50'x80'x25')

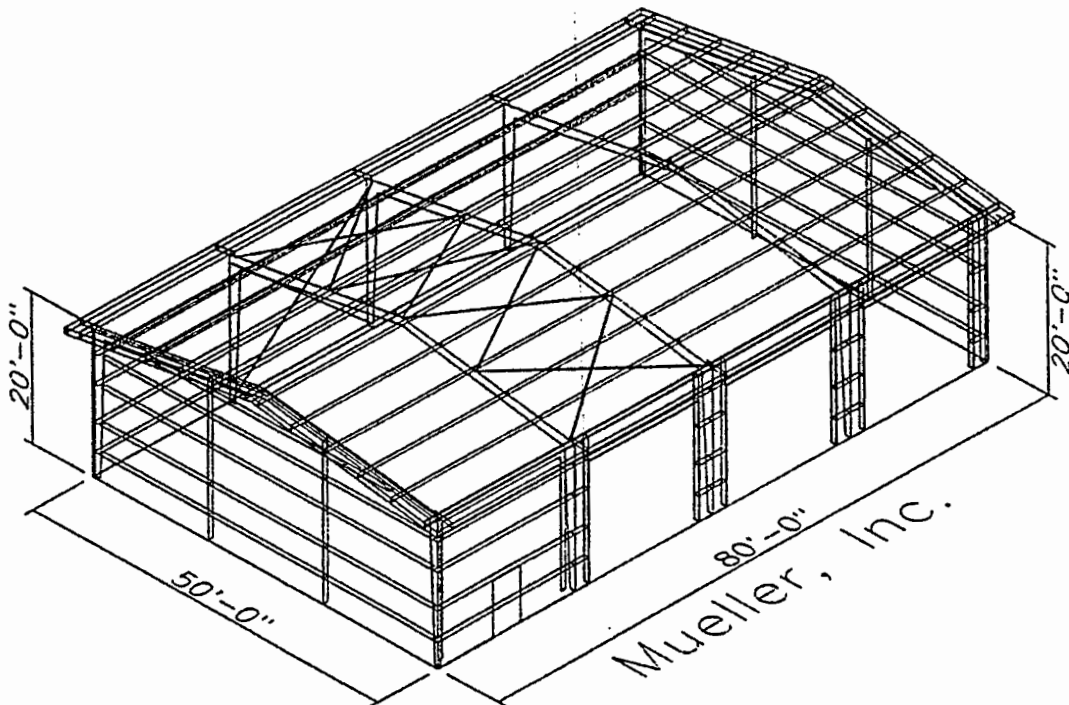
(PROPOSAL INCLUDES SITE DEVELOPMENT, ALL BUILDING COMPONENTS, INTERIOR BUILDOUT)

Scope of Work	Costs
Metal Buildings	\$120,000.00
50'x80' with 25' height	
3 (16' garage door entrance)	
4'x7' door	
Concrete Foundation	\$106,000.00
50ft x 80ft x 16inch deep Foundation	
over excavate entire site to remove expansive soil	
Bring in 12 inches of base course under building slab	
Concrete Apron	\$41,400.00
10 foot wide 6 inch thick concrete peremiter	
12 inch base course under concrete	
Bathroom and Office Build	\$25,000.00
Drywall, 2 doors, electrical, lighting	
Extras - heating + bathroom	\$4,000.00
Toilet, faucet, ADA compliant.	
Insulation	\$50,400.00
Setup (Building Erection)	\$120,000.00
Extra work	\$1,500.00
Portajohn	\$2,000.00
On-Site Supervisor	\$14,000.00
Electric	\$48,000.00
Water	\$24,000.00
Sewer	\$24,000.00
Equipment (lift)	\$18,928.80
Geotech, Surveying	\$18,000.00
Radiant Heat (with propane or natural gas)	\$48,000.00
radiant heat throught the concrete slab	
gas powered heating unit to heat water	
Project Contingency	\$28,295.73
SUBTOTAL	\$693,524.53
NAVAJO NATION (6% tax)	\$41,611.47
TOTAL	\$735,136.00



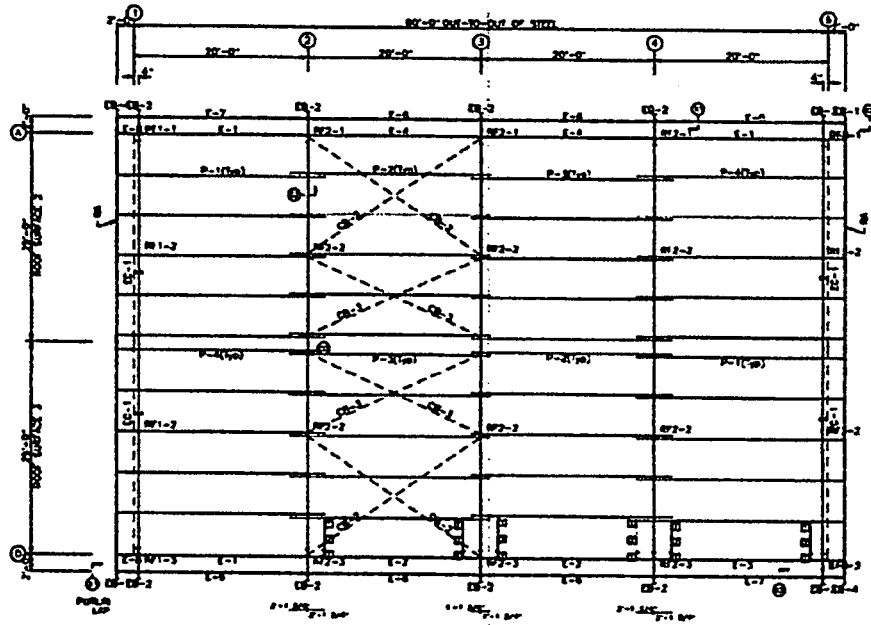
Building and Site Clarifications
Tselani Cottonwood Chapter 3-Bay Warehouse & Office

3-Bay Metal Building 50'x80' (approximately 4000 sf)
Manufactured Structurally Stamped & Approved

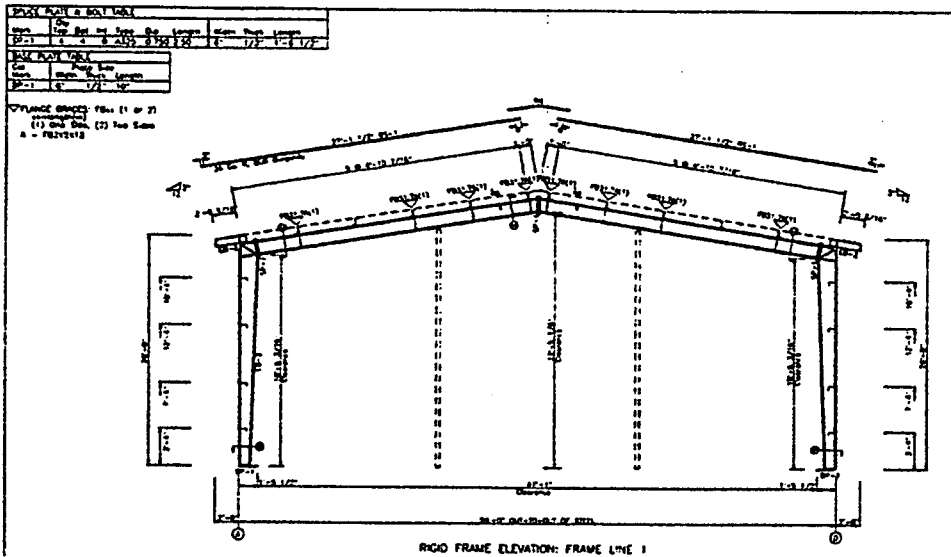


Unless noted, drawings are for conceptual purposes only.
Please review for building dimensions and framed openings accuracy.
All other aspects such as wall girt and roof purlin spacing, wind
bracing locations, etc. may change during engineered design unless
noted in the "Special Requirements" section of the contract.

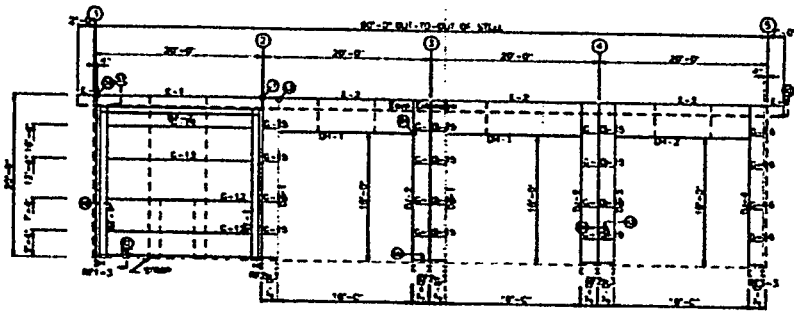




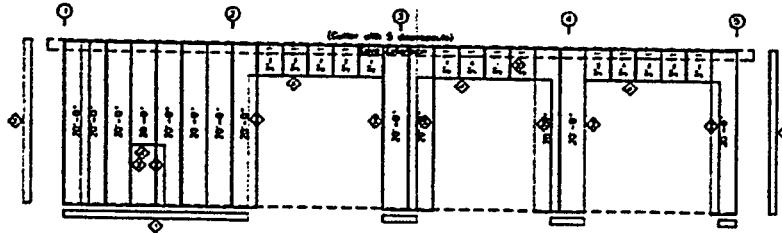
ROOF FRAMING PLAN



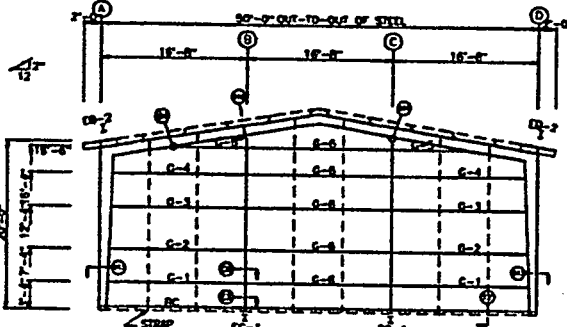
RIIDGE FRAME ELEVATION: FRAME LINE 1



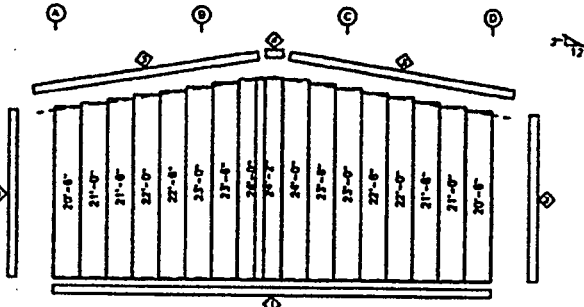
SIDEWALL FRAMING: FRAME LINE D



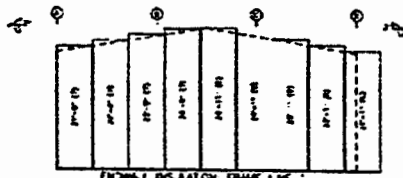
SIDEWALL SHEETING & TRIM: FRAME LINE D
PANELS: 26 Co. D - SLB'S Leather Drape



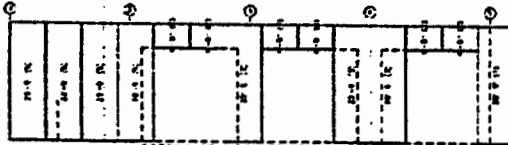
ENDWALL FRAMING: FRAME LINE 1



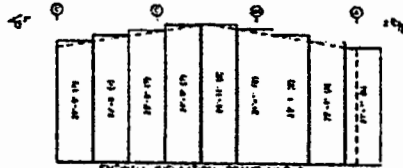
ENDWALL SHEETING & TRIM: FRAME LINE 1
PANELS: 26 Co. R - SLB'S Leather Drape



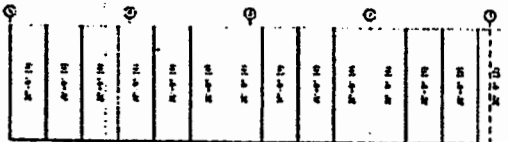
END WALL INSULATION FRAME LINE C
SCALE: 1/8" = 1'-0"



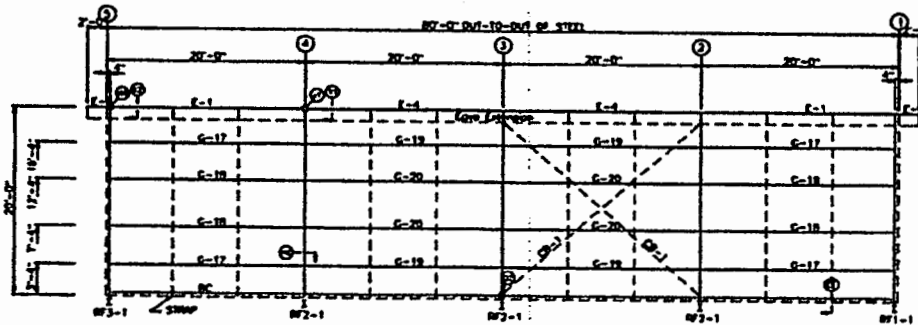
SIDEWALL INSULATION FRAME LINE D
SCALE: 1/8" = 1'-0"



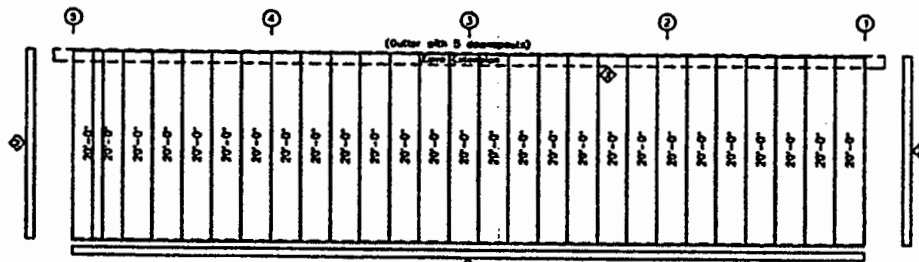
END WALL INSULATION FRAME LINE S
SCALE: 1/8" = 1'-0"



SIDEWALL INSULATION FRAME LINE A
SCALE: 1/8" = 1'-0"

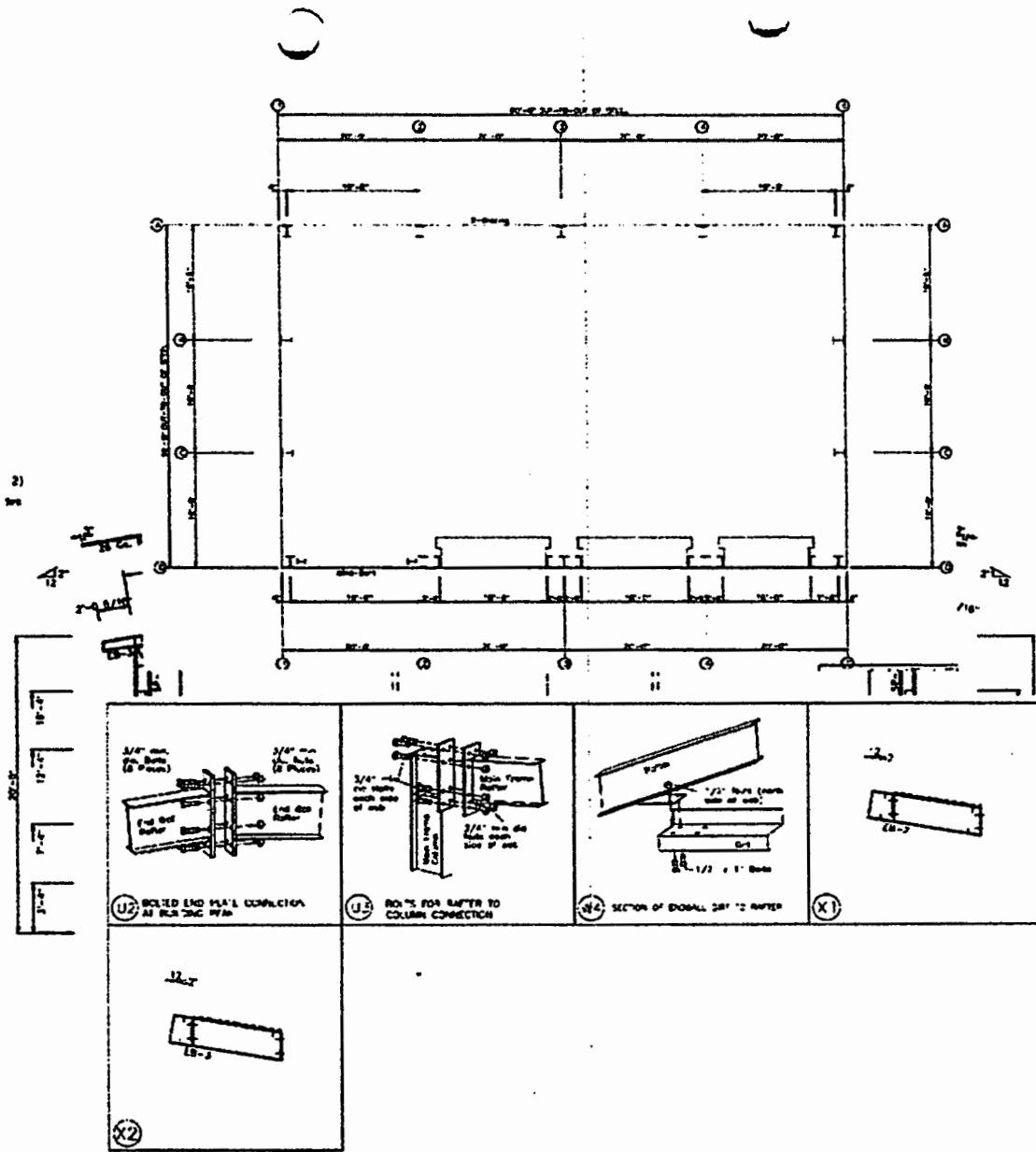


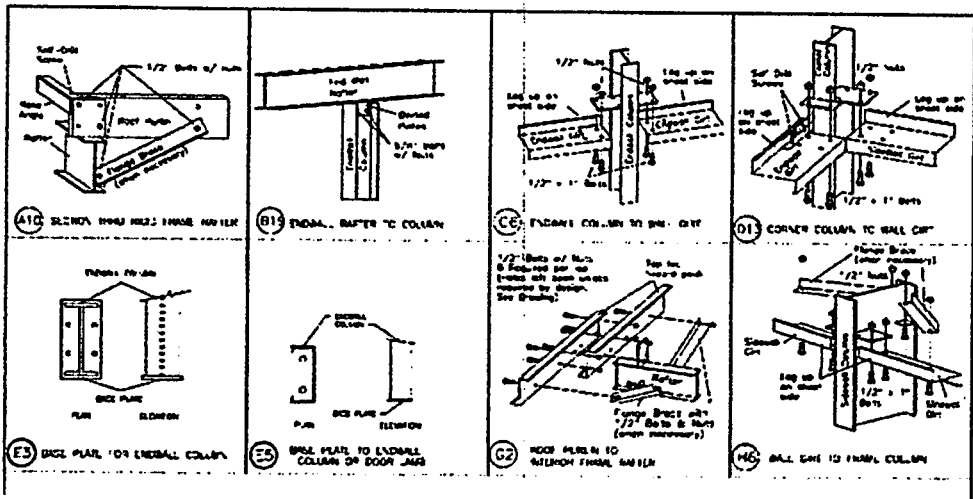
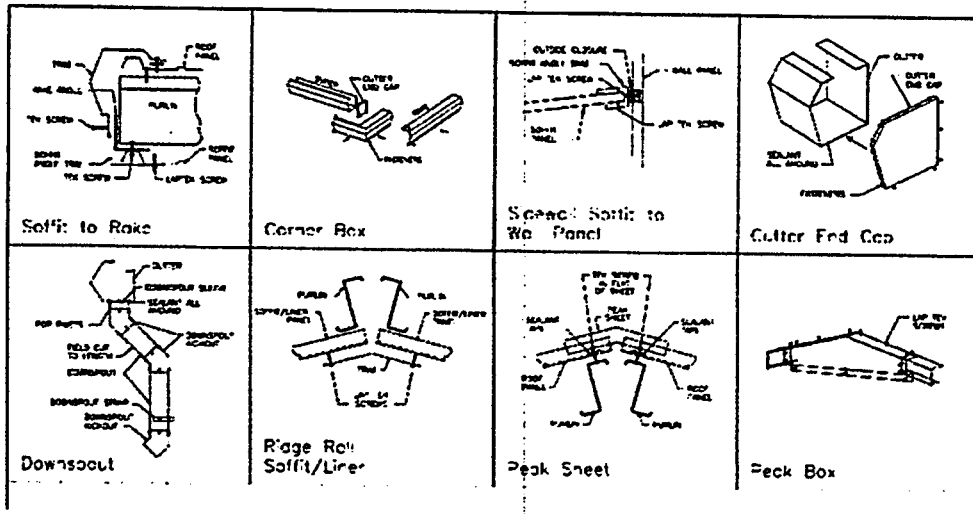
SIDEWALL FRAMING: FRAME LINE A

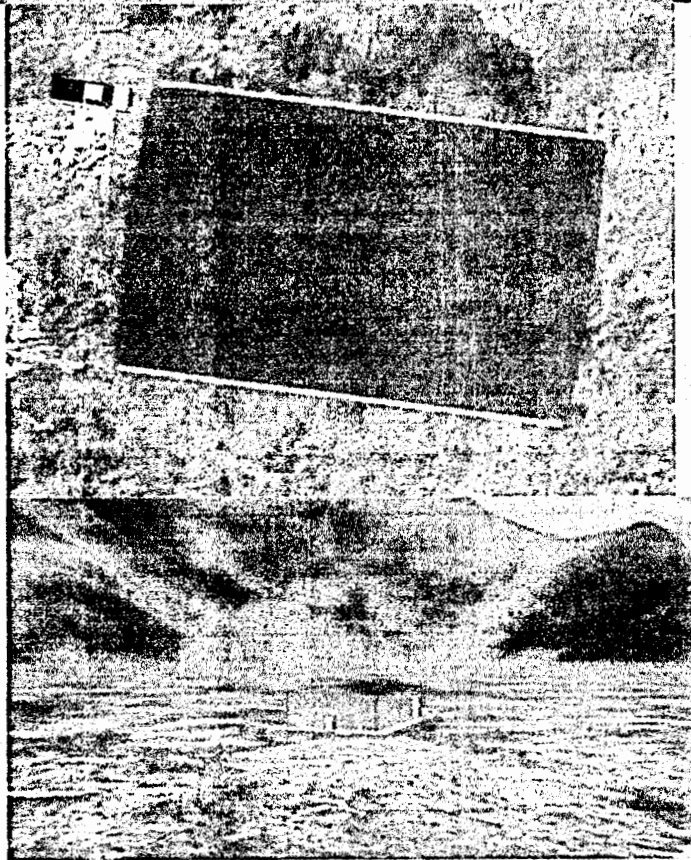
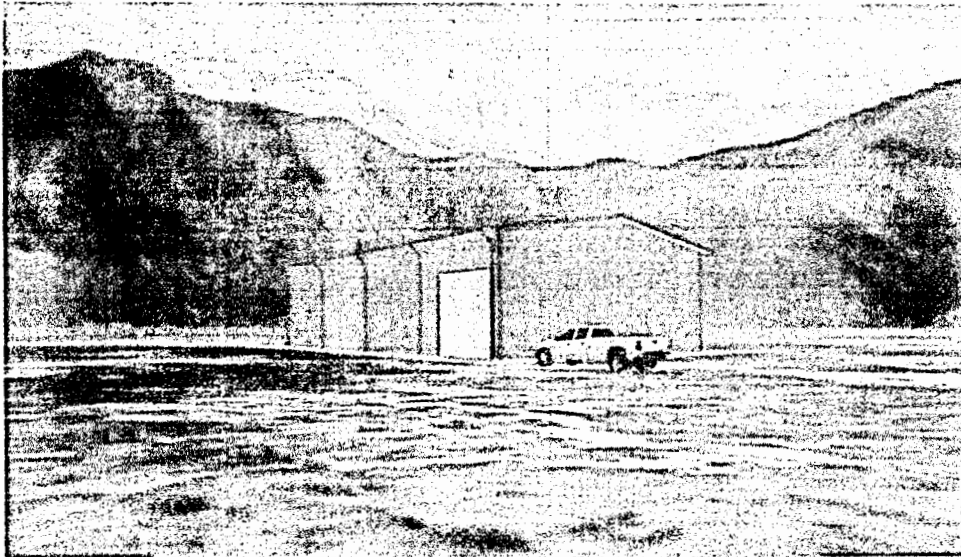


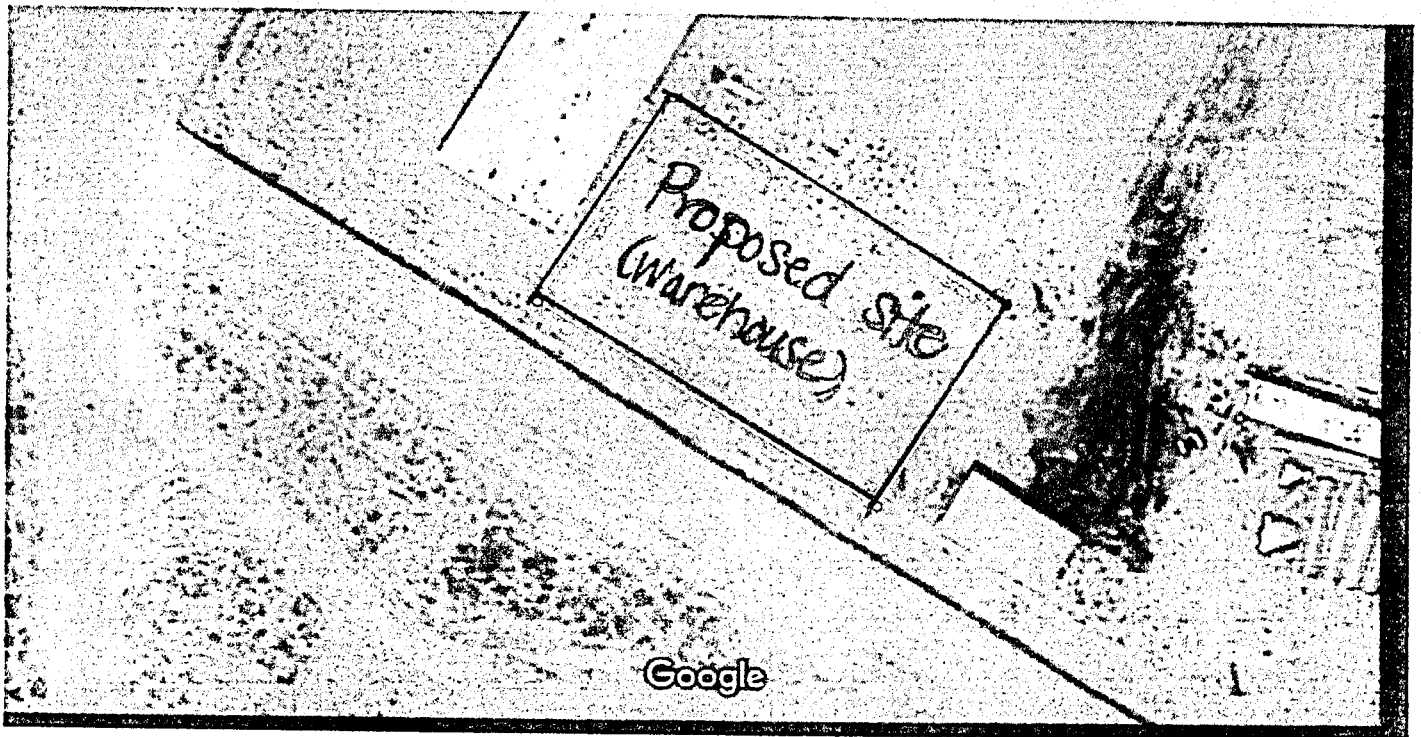
SIDEWALL SHEETING & TRIM: FRAME LINE A
PANELS: 26 Ga. R - 5LS 5' Leather Green











Map data ©2021, Map data ©2021 20 ft

Measure distance

Total area: 4,009.55 ft² (372.50 m²)

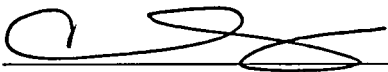
Total distance: 260.43 ft (79.38 m)



OFFICE OF THE SPEAKER
25TH NAVAJO NATION COUNCIL

MEMORANDUM

TO: Dana Bobroff, *Legal Counsel*
Office of Legal Counsel

FROM: 
Crystalyne Curley, *Council Delegate*
25th Navajo Nation Council

DATE: July 12, 2023

SUBJECT: ARPA REGIONAL PROJECT COST ADJUSTMENT

This memorandum serves as a formal request for the Office of Legal Counsel to acknowledge the project cost adjustment for Tselani/Cottonwood Chapter Project Warehouse Building (HK0550) from \$735,136.00 to \$635,468.00.

My intent is for equal distribution among the five regional Chapters. The scope of work and timelines will remain the same for the project.

Your consideration is appreciated. If you have any questions, please contact me at (505) 422-9419.

Cc: Tselani/Cottonwood Chapter
Navajo Nation Fiscal Recovery Office

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: NEW Program Title: TSELANI-COTTONWOOD CHAPTER WAREHOUSE Division/Branch: COMMUNITY DEVELOPMENT
Prepared By: Charlene Wallace Phone No.: 928-725-3763 Email Address: cwallace@nnchapters.org

PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY		(A)	(B)	(C)	
				Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference or Total		
ARPA FUNDS	06/5/23-12/31/26	635,468.00	100%						
				2001	Personnel Expenses				
				3000	Travel Expenses				
				3500	Meeting Expenses				
				4000	Supplies				
				5000	Lease and Rental				
				5500	Communications and Utilities				
				6000	Repairs and Maintenance				
				6500	Contractual Services				
				7000	Special Transactions				
				8000	Public Assistance				
				9000	Capital Outlay	6	635,468	635,468	
				9500	Matching Funds				
				9500	Indirect Cost				
				TOTAL			\$0.00	635,468.00	635,468
TOTAL:				\$635,468.00	100%	PART IV. POSITIONS AND VEHICLES			
						(D)	(E)		
				Total # of Positions Budgeted:		0	0		
				Total # of Vehicles Budgeted:		0	0		

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

SUBMITTED BY: James Adakai, Program Manager
Program Manager's Printed Name
[Signature] 7-13-23
Program Manager's Signature and Date

APPROVED BY: Calvin Castillo, DCD Division Director
Division Director / Branch Chief's Printed Name
[Signature] 7/13/2023
Division Director / Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW Program Name/Title: TSELANI-COTTONWOOD CHAPTER WAREHOUSE

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: <u>Obtain 3-bay warehouse for Chapter equipment storage.</u> Program Performance Measure/Objective: <u>Prelim clearance by 8/2023</u>					1			
2. Goal Statement: <u>Pre Construction site work</u> Program Performance Measure/Objective: <u>Have pre construction completed</u>							1	
3. Goal Statement: <u>Storage of Equipment</u> Program Performance Measure/Objective: <u>Completion of Project</u>							1	
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.

<u>James Adakai, Program Manager</u> Program Manager's Printed Name	<u>Calvin Castillo, DCD Division Director</u> Division Director/Branch Chief's Printed Name
 <u>7-13-23</u> Program Manager's Signature and Date	 Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:
 Program Name/Title: TSELANI-COTTONWOOD CHAPTER WEARHOUSE Business Unit No.: NEW

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)
7 9050	9000 Capital Outlay Building 9052 Obtain a 3-bay warehouse to store Chapter Equipment: Backhoe, Water Truck and Grader. Storing PPE for community distribution	635,468	635,468
TOTAL		635,468	635,468

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>6.1 Chapter and Regional Projects Tselani-Cottonwood Chapter Warehouse</u> Project Description: <u>Develop, Construct and Establish a Warehouse for Equipment Storage.</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 II. Project Information Project Type: <u>Chapter and Regional Projects</u> Planned Start Date: <u>6/5/23</u> Planned End Date: <u>12/31/26</u> Project Manager: <u>BITCO Corporation</u>																	
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 2023												FY 2024								DATE: 12/31/2026									
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.								
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
06/05/2023 to 08/31/2023 Preliminary clearance									x	x	x																			
08/31/2023 to 10/31/2023 Pre Construction Site Work												x	x																	
08/31/2023 to 12/31/2023 Construction & Completion of Project													x	x	x	x	x	x	x	x	x	x	x	x						
PART V.	\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL								
Expected Quarterly Expenditures							105,911.33			105,911.33			105,911.33			105,911.33			105,911.34			105,911.34			\$635,468.00					

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

NAVAJO NATION

188

7/19/2023

Navajo Nation Council Summer Session

06:14:17 PM

Amd# to Amd#	Legislation 0125-23: Amending
MOT Tolth, G	CD-62-23 and the Navajo Nation
SEC Daniels, H	Fiscal Recovery Fund Delegate...

PASSED

Yeas : 19

Nays : 0

Excused : 2

Not Voting : 2

Yea : 19

Aseret, L	Curley, C	Nez, R	Slater, C
Begay, H	Daniels, H	Notah, N	Tolth, G
Begay, N	Jesus, B	Parrish, S	Tso, O
Claw, S	Johnson, C	Simonson, G	Yazzie, C
Crotty, A	Nez, A	Simpson, D	

Nay : 0

Excused : 2

James, V	Damon, S
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Not Voting : 2

Arviso, S	Yanito, C
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Presiding Speaker: Charles-Newton, E