



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

The Navajo Nation | Yideeskáądi Nitsáhákees

November 8, 2023

TRANSMITTAL

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

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

SUBJECT : BU on Projects / Activities for Churchrock Chapter, Iyanbito Chapter, Mariano Lake Chapter, Pinedale Chapter, Smith Lake Chapter, and Thoreau Chapter- ARPA Funds Allocated to Delegate Arviso Region

I. Information on Contract (per Original Award):

Churchrock Chapter, Iyanbito Chapter, Mariano Lake Chapter, Pinedale Chapter, Smith Lake Chapter, and Thoreau Chapter	U.S. Treasury American Recovery Plan Act (ARPA)	21.027
Title of Contract	Funding Agency	CFDA No. - Federal
CAU-73-23; CMY-39-23; CAP-11-23	\$ 8,802,340.00	2022
Grant No.	Amount	Fiscal Year
		Term - Begin and End Date
		03/11/2021 to 12/31/2026

II. Data Entered in FMIS Regarding:

- New Contract or Grant Company No. 8059 Business Unit (K#) K2115330 to K2115334
- Contract Mod No. Internal Modification No. 2
- Amt of Budget Increase \$1,177,055.67 \$5,043,378.91 to \$6,220,434.58
AMOUNT FROM TO
- 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 CAU-73-23

III. Comments by CGS:

This transmittal documents 3rd budget entered in FMIS on \$8.8 mil ARPA funds allocated to CD Steven Arviso Region. Y-T-D budget in FMIS for CD Arviso Region totals \$6,220,434.58. 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*
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** *VICE PRESIDENT*

August 30, 2023

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

RE: CAU-73-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CMY-39-23 and CAP-11-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), to Include Additional Projects for this Delegate Region

Dear Speaker Curley,

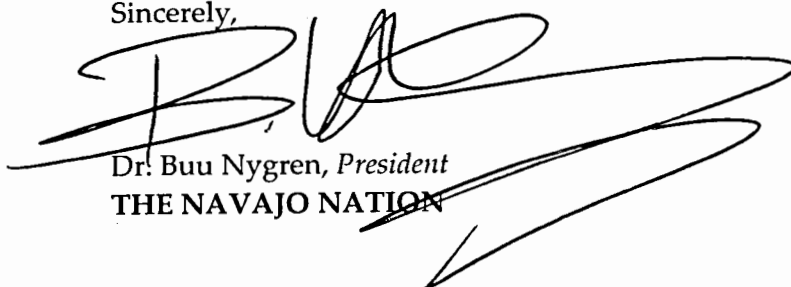
I am pleased to sign into law Resolution CAU-73-23 approving the amendments to the Fiscal Recovery Funds Delegate Regional Plan for Honorable Steven R. Arviso's Delegate Region for a total of \$6,220,434. 58 out of a potential allocated amount of \$8,802,340.00.

My Administration supports the plans of these Chapters we have worked very hard to put together their Regional Plans and are working 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 we will work together to overcome it. As you know, my Administration has been working to put in place quicker and more flexible Navajo Nation systems. I look forward to working with you and the entire Council to improve Navajo Nation systems so that we are supporting our communities and taking advantage of this historic funding.

I do want us to be cognizant that the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This date 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 a proposed timeline.

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 CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL
 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R.
 ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO
 LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL
 PROJECTS FOR THIS DELEGATE REGION

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. CAP-11-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) 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. CMY-39-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) 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 NNFRRF 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. CAP-11-23, 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 STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the President of the Navajo Nation on May 4, 2023.
- D. CAP-11-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on June 8, 2023.
- F. CMY-39-23, 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. All additional projects listed in the Hon. Steven R. Arviso's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Steven R. Arviso's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities to approve and adopt the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) as set forth in Exhibit A.

SECTION THREE. AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

- A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) 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 16 in Favor, and 00 Opposed, on this 25th day of August 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

8/28/23

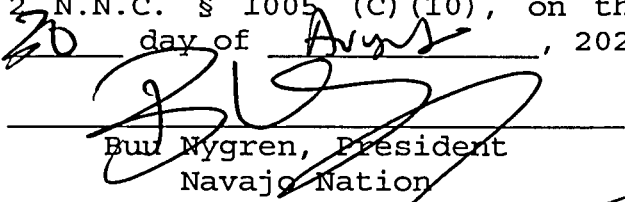
DATE

Motion: Honorable Amber Kanazbah Crotty
Second: Honorable Lomardo Aseret

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 20 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

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Hon. Steven R. Arviso

Exhibit A

CHAPTERS: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CAP-11-23 on May 4, 2023				\$ 902,209.12
		TOTAL AMOUNT APPROPRIATED in CMY-39-23 on June 8, 2023				\$ 4,141,169.79
Division of Community Development	None Identified	Iyanbito Chapter Eligible Community Members and Rental and Utility Assistance Project	Division of Community Development	2.2	HK0301-2	\$ 10,000.00
Division of Community Development	None Identified	Mariano Lake Chapter Special Duty Pay for Essential Employees	Division of Community Development	4.1	HK0325-2	\$ 49,999.00
Division of Community Development	None Identified	Smith Lake Chapter Long Term Housing for Un-Housed People Project	Division of Community Development	2.15	HK0470-2	\$ 350,000.00
Division of Community Development	None Identified	Smith Lake Chapter Public Sector Workforce Project	Division of Community Development	2.15	HK0469-2	\$ 300,000.00
Division of Community Development	None Identified	Smith Lake Chapter Assistance for Community Members In-Need Project	Division of Community Development	2.2	HK0471-2	\$ 467,056.67
		UN-ALLOCATED AMOUNT				\$ 2,581,905.42

*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."

TOTAL: \$ 8,802,340.00



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 0469-2

Date & Time Received: 6/6/2023 at 14:06

Date & Time of Response: 7/4/23 at 7:46

Entity Requesting FRF: Smith Lake Chapter

Title of Project: Public Sector Workforce

Administrative Oversight: DCD

Amount of Funding Requested: \$300,000

Eligibility Determination:

- FRF eligible
 FRF ineligible
 Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: 2.15
Long-term Housing Security: Affordable Housing)

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: Under federal law and guidance, FRF can be used for public sector capacity.

The additional information submitted does not indicate the requirements under this category have been met. Namely, the documents do not indicate that the Project will provide additional funds for employees who experienced pay cuts or were furloughed, or to provide worker retention incentives. For example, to use FRF to retain workers, recipients must be able to substantiate that the employees were likely to leave in the absence of a retention incentive and cannot be more than 25% of the base pay for an individual employee.

However, given the five new employees will work exclusively on affordable housing the Project is eligible under Expenditure Category 2.15 Expenditure (Long-term Housing Security: Affordable Housing).

Name of DOJ Reviewer: Rudy Anaya, Tax and Finance Unit

Signature of DOJ Reviewer: 

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.



SMITH LAKE CHAPTER The Navajo Nation

Box 60 • Smith Lake, New Mexico 87365 • Phone: 505.786.2141 • Fax: 505.786.2143 • Email:
smithlake@navajochapters.org

Dr. Buu Nygren, NN President

*Richelle Montoya, NN Vice President
Council Delegate*

Steven Arviso,

Public Sector Workforce Additional Information

1. To cover payroll and certain benefits for public safety, public health, health care, human services, and similar employees responding to COVID-19.
2. To rehire government employees to pre-pandemic levels (proof required)
3. To provide additional funding for employees who experienced pay cuts or to retain employees.

Please explain how the project fits in one of these categories; alternate please consider whether if staff is needed for a particular project, for example housing. The cost of staff should be included in that project. Finally, please consider whether this project might qualify as a government service given staff hired will serve the community.

It fits into category 3 due to the community people in need of housing renovations and hiring staff under Smith Lake Chapter. The Chapter has requested the amount of \$300.000 towards public sector workforce to help the community home renovation project.

During COVID-19, the Smith Lake community suffered acutely, as much of it was without basic infrastructure like for example housing. The community suffered sharply from the pandemic. The crisis has the Smith Lake Chapter operating in a context of radical uncertainty, and faced with difficult trade-offs given the health, housing, economic and social challenges.

Many community members are associated with poor housing conditions plays a role in the spread of the virus; it is that our community people are determined by the pre-existing

health conditions (e.g., high blood pressure, obesity, and diabetes), which themselves tend to be correlated to income in quality.

These include elderly, those with chronic or long-term illnesses, the poor and low-income families, the homeless, unemployment, youth, students and children at risk, people with disabilities.

The COVID-19 crisis is prompting employers to extend working opportunities where possible, leading to Smith Lake community in housing renovation infrastructures that could bring some long-term benefits. Those unable to work, either because they are working on the front line and exposed to infection, or because their workplaces have closed and lost their jobs.

The Chapter Administration has discretion to which public employment project(s) (PEP) to pursue to all Navajo Nation and applicable federal laws. The Chapter will determine the length of each housing renovation projects and when to begin. All projects will be within the Public Sector Workforce approved budget through ARPA funds. The Chapter will make proper accounting and book keeping entries for all PEP allocations and expenditures. The wages will be determined by the Chapter the hourly, FICA, Medicare, Federal Tax Withholding, Unemployment and workman's compensation. The purpose the policy is a guideline from the Chapter. It reduces unemployment rate at both the Chapter and Navajo Nation: (see proof attached).

- Higher average pay
- Flexible work hours
- Helping renovating community homes
- Availability of staff training

The housing renovation, which is for repairing, renovating, or replacing existing housing and for providing housing assistance. Smith Lake Chapter initiative, is to promote the stability and security of community families.

Showing how the Chapter responses or local actions address specific concerns will help communities believe that their wellbeing is valued and their needs addressed.

Examples of responses to community members' concerns have included introducing home renovation guarantees to allow safer environment. As a Smith Lake member the Chapter will move to establish a brighter future which will provide enrichment and hope.

SMITH LAKE CHAPTER

Salaries:	1st year	2nd year	Total	
Laborer x 4	133120.00	70656.00	203776.00	26132
Heavy Equipment Operator	45760.00	24332.00	70092.00	273868
				300000
 Sub Total	 178880.00	 94988.00	 273868.00	 273868.00
Fringe Benefits (9.54%)	17065.15	9066.85	26132.00	
	<u>178880.00</u>	<u>94988.00</u>	<u>273868.00</u>	
Total Salary/Fringe	<u>195945.15</u>	<u>104054.85</u>	<u>\$300,000.00</u>	

Smith Lake
Chapter
Public Sector
Workforce

**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: Smith Lake Chapter Date prepared: 11/28/2022

Chapter's mailing address: Po Box 60 Smith Lake NM 87365 phone/email: (505) 786.2141
website (if any): smithlake@navajochapters.org

This Form prepared by: June Chavez phone/email: (505) 786.2141
Community Service Coordinator jchavez@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Public sector workforce: Other 3.3

Chapter President: Anslem Morgan phone & email: sky007@gmail.com
Chapter Vice-President: Heather yazzie kinlecheeny phone & email: heatheryazziekinlecheeny@nataani.org
Chapter Secretary: Tyson Ramone phone & email: tyson.ramone@navajochapters.org
Chapter Treasurer: Tyson Ramone phone & email: tyson.ramone@navajochapters.org
Chapter Manager or CSC: June Chavez phone & email: jchavez@nnchapters
DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

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

Amount of FRF requested: 300,000.00 FRF funding period: 7/15/2022 - 9/30/2026
indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

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

Smith Lake Community: Manpower is the most important condition of work. Smith Lake Chapter have public employee workers committed to their employment and their pay a minimum wage. Smith Lake Chapter looks at trends in wages, the economic and labor market, and the impact that the pandemic has on wage. This project includes mitigating the negative impact of the crisis. The workers are playing a crucial role in combating the effects of the COVID-19 pandemic on working with a safe environment.

document attached

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

This project will provide more incentive for workers in the Smith Lake area for the planned renovation and housing construction projects. Preventing hazards, abestos, and insulating materials, which is a risk to Smith Lake residents' houses and may contribute to exposure to COVID-19 when families need to leave their homes. A copy of the client listing is attached.

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

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

The renovation project will be completed by workers by September 30, 2026. When ARPA funds become available to spend, Smith Lake Chapter is tiering the projects into manageable portions to ensure completion within the funding time frame. The progress will be reported by the administration on a quarterly basis. The labor force will continuously report progress to the Chapter administration. document attached

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

Smith Lake Chapter Administration will be responsible for the PEP worker force. The PEP workers will work in conjunction with the Chapter to ensure the safe implementation of work projects. The workers will report progress to Smith Lake Chapter on a weekly basis.

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:

Smith Lake will be responsible for the management of the workforce and will be responsible for payroll and payroll taxes.

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:

3.3 Public Sector Workforce: Other

Smith Lake Chapter workers will be completing projects at each of community member owning a house located within Smith Lake area. As the workers will work on different projects such as housing assistance - external and internal renovation, ensuring a longevity and safety environment. The completion of this project will provide renovating houses to over estimate 600 families living in Smith Lake area.

document attached

Part 3. Additional documents.

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

Chapter Resolution
Client List

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:

John Chavez
Signature of Preparer/CONTACT PERSON
John Chavez
Signature of CSC

Approved by:

Antony
Signature of Chapter President (or Vice-President)
Adrian
Signature of Chapter ASO

Approved by:

Approved by:

Approved to submit for Review.

Lisa Johnson, MFRFO
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>K - (New)</u>		Program Title: <u>Smith Lake Chapter <i>Public Sector Workforce</i></u>		Division/Branch: <u>DCD/ASC</u>				
Prepared By: <u>June Chavez, CSC</u>		Phone No.: <u>505-786-2141</u>		Email Address: <u>jchavez@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
NN ARPA Funding - CJN-29-22	<i>7/15/22 - 04/30/26</i>	300,000.00	100%	2001 Personnel Expenses	6		300,000	<i>300,000</i>
				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				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	300,000.00	<i>300,000</i>
TOTAL: 300,000.00 100%				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: <u>Sonlata Jim-Martin</u>			APPROVED BY: <u>Pearl Yellowman</u>					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name					
<i>Sonlata Jim</i>			<i>Pearl Yellowman</i>			<i>12.2.22</i>		
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>Smith Lake Chapter</u>		<i>Public Sector</i> <i>Workforce</i>	Business Unit No.: <u>K - (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)
6	2001 Personnel Expense		300,000
	2310: Temporary Employment 273868	273,868	
	2910: Fringe 26132	26,132	
TOTAL		300,000	300,000

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>135</u> Project Title: <u>Public Sector: Other</u> <u>Smith Lake Chapter</u> Project Description: <u>Wages and manpower for projects</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>Construction</u> Planned Start Date: <u>FY 2022</u> Planned End Date: <u>FY 2026</u> Project Manager: _____																
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 2022												FY 2026																	
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date					
	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
Recruitment													x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Orientation													x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Training																x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Pay Rate																x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Employment																x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
PART V.	\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL								
Expected Quarterly Expenditures																						\$300,000.00								

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



SMITH LAKE CHAPTER
The Navajo Nation
P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143
Email: smithlake@navajochapters.org

Dr. Ewa Nygren, NN President

Richelle Montoya, NN Vice President

Steven R. Arviso, Council Delegate

RESOLUTION OF SMITH LAKE CHAPTER
SLC-03/2023-005

**ACCEPTING AND APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS AND EXPENDITURE
PLANS**

WHEREAS:

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. The Smith Lake Chapter membership recognizes the requested amendments from the Navajo Nation Department of Justice (DOJ) and Navajo Nation Fiscal Recovery Fund Office (NNFRF) to the previously approved ARPA Resolution No. SLC-10/2022-001 REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER & TELECOMMUNICATIONS FOR NAVAJO PEOPLE. On October 21st, 2022, this resolution passed by a vote of 17 in favor, 0 opposed, and 2 abstained.
3. Smith Lake Chapter was allocated \$1,467,056.67 under the Navajo Nation Council Legislation CJN-29-22 for Chapter and Regional Projects; and
4. Smith Lake Chapter established and prioritized four (4) Delegate Regional Expenditure Plans in accordance with the NNFRFO and the Division of Community Development (DCD) policies; and
5. The Smith Lake Chapter membership discussed and agreed to propose the following community-centered projects and budgets:
 - A. Assistance for Community Members in Need - \$467,056.67
 - B. Home Renovation Assistance - \$350,000.00
 - C. Long Term Security – Services for Unhoused Persons - \$350,000.00
 - D. Public Sector Workforce – Other - \$300,000.00
6. Smith Lake Chapter recognized the need for these projects to improve the quality of life for its residents while combating and recovering from the COVID-19 pandemic; and
7. Smith Lake Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Smith Lake Chapter, hereby, accepts and approves the utilization of the American Rescue Plan Act (ARPA) Delegate Regional Chapter Funding allocation to the Smith Lake Chapter in the amount of \$1,567,056.67 for four (4) community-centered projects and expenditure plans.





SMITH LAKE CHAPTER

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Dr. Burt Nygren, NN President

Richella Montoya, NN Vice President

Steven R. Arviso, Council Delegate

**RESOLUTION OF SMITH LAKE CHAPTER
SLC-03/2023-005**

**ACCEPTING & APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS & EXPENDITURE
PLANS**

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained on the 21st day of March 2023 in Smith Lake, Navajo Nation.

Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Edmund Henry

Heather Yazzie-Kinlacheeny, Vice President

Tyson Ramone, Secretary/Treasurer





SMITH LAKE CHAPTER

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Jonathan Nez, NN President

Myron Lizer, NN Vice President

Edmond Yazzie, Council Delegate

RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

14. We need a bold solution to allow critical infrastructure projects that benefit the Navajo people to move forward and meet funding deadlines, while still respecting the rights and concerns of the Grazing Permittees; and
15. The most effective solution to this problem is to enact legislation that allows the Navajo Nation to approve TAA's and/or ROW consents in a timely manner to benefit Navajo people and chapters; and
16. A potential legislative solution for the Resources and Development Committee (RDC) to consider by enactment of legislation is a situation, where Grazing Permittees cannot be found or are unwilling to give consents under the following conditions:
 - A. The project must provide a public benefit to the Navajo people, such as water and power supply and distribution, service line extensions, or economic/community development; and
 - B. The Project Sponsor(s) shall document their efforts to reach out to the Grazing Permittee(s) prior to construction to give them the opportunity to ask questions and voice their concerns, how contact/notification was made, why consent was not obtained, and what effort was made to mediate peacemaking efforts; and
 - C. Reasonable efforts typically consist, at the minimum, of at least three (3) attempt to contact permittees by phone, email, mail and/or person; and
 - D. The Grazing Permittee shall have thirty (30) days to respond to the project sponsor and, in the absence of such a response, they shall be deemed to have waived any objection to the project.
 - E. A Grazing Permittee not having an updated tally count or who is otherwise out of compliance with the grazing lease cannot raise objection; and
 - F. There shall be at least one (1) peacemaking session with an elected official to allow the Grazing Permittee to state his/her grounds for the objection or to reach an agreement; and
 - G. If an infrastructure project traverses more than one (1) grazing permit, obtaining consent from 50% or more of the grazing permittees affected by the overall project shall be deemed sufficient for project approval. Consent for every single grazing permit shall not be required. If an infrastructure project traverses only one (1) grazing permit, consent from the grazing permittee(s) shall not be required; and
 - H. The Project Sponsor(s), Chapter officials and their designees shall be authorized to obtain consent signatures; and
 - I. This option/waiver is only for infrastructure projects, such as water, wastewater, electric, telecommunications, that benefit the Navajo people, and shall apply regardless of project funding source; and
 - J. This policy shall not apply to projects such as oil and gas or other projects that do not benefit the Navajo people.
 - K. This streamline policy shall "sunset" on December 31st, 2026, unless extended by RDC.
17. This option would provide the following benefits:
 - A. Expedite delivery of basic and life-essential services to the Navajo people; and
 - B. Meet stringent funding deadlines to avoid loss of funding; and
 - C. Streamline administrative processes for a specific time to achieve completion of necessary and essential basic infrastructure to the Navajo people; and
 - D. Create jobs for Navajo people by getting projects into construction; and
 - E. Respecting rights of Grazing Permittee(s) by employing appropriate communication and attempts to obtain consent for the delivery of basic infrastructure to existing homesteads, with the understanding that certain waivers may result due to non-consent.

Anselm Morgan, President

Heather Yezzie-Kinlacbeey, Vice President
Anthony Begay, Land Board (Smith Lake & Maricopa Lake)

Tyson Ramona, Secretary/Treasurer





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Jonathan Nes, NN President

Myron Liver, NN Vice President

Edmund Yazzie, Council Delegate

**RESOLUTION OF SMITH LAKE CHAPTER
SLC-10/2022-001**

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO
PEOPLE**

NOW THEREFORE BE IT RESOLVED THAT:

1. The Smith Lake Chapter membership hereby requests that the Navajo Nation 24th Council Resources & Development Committee (RDC) approve and enact legislation to authorize consent for infrastructure projects funded by ARPA-NNFRF & other funding sources that will benefit and meet the basic necessities of water, power, and telecommunications for Navajo people.

CERTIFICATION


We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 17 in favor, 0 opposed, and 2 abstained on the 21st day of October 2022 in Smith Lake, Navajo Nation.




Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Esther House



Heather Yazzie-Kinlacheeny, Vice President



Tyson Ramone, Secretary/Treasurer

Anselm Morgan, President

*Heather Yazzie-Kinlacheeny, Vice President
Anthony Begay, Land Board (Smith Lake & Mariano Lake)*

Tyson Ramone, Secretary/Treasurer

