

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE; AMENDING BFCMA-05-07
RELATING TO THE GAMING DEVELOPMENT FUND

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. § 300(A).
- B. The Budget and Finance Committee "shall exercise oversight authority including but not limited to budget, finance, investment ... for the following purposes: (1) to coordinate, oversee, [and] regulate the fiscal, financial, investment, contracting, and audit policies of the Navajo Nation." 2 N.N.C. § 300(C) and 300(C)(1).
- C. The Budget and Finance Committee of the Navajo Nation Council "shall provide legislative oversight for the Gaming Development Fund." 12 N.N.C. § 1606.

SECTION TWO. FINDINGS

- A. On March 6, 2007 the Budget and Finance Committee approved BFCMA-05-07, the Navajo Nation Gaming Development Fund Policies and Procedures pursuant to 12 N.N.C. § 1604.
- B. The Navajo Nation Gaming Development Fund is established to provide funding for gaming development within the Navajo Nation. See BFCMA-05-07, attached as **Exhibit A**.
- C. The Navajo Nation Gaming Development Fund Policies and Procedures may be amended by the Budget and Finance Committee on the recommendation of the Controller of the Navajo Nation. See Policies and Procedures, Section I.

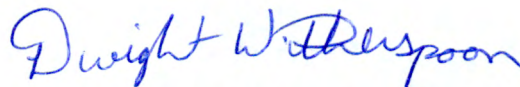
- D. The Navajo Nation Controller is recommending amendments to the Navajo Nation Gaming Fund Policies and Procedures to maintain compliance of fund expenditures submitted by the Navajo Gaming Regulatory Office, Navajo Nation Gaming Enterprise and the Navajo Nation Office of the Controller. Navajo Nation Controller Recommendation attached as **Exhibit B**.

SECTION THREE. APPROVAL

The Budget and Finance Committee approves the amendment to the Navajo Nation Gaming Development Fund as detailed in **Exhibit C**.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 opposed, this 14th day of February, 2018.



Dwight Witherspoon, Vice Chairperson
Budget and Finance Committee

Motion: Honorable Tuchoney Slim, Jr.
Second: Honorable Tom T. Chee



From OLS
10/1/8

BFCMA-05-07

RESOLUTION OF THE
BUDGET AND FINANCE COMMITTEE
OF THE 21ST NAVAJO NATION COUNCIL - FIRST YEAR, 2007

LEGISLATION NO.: 0012-07

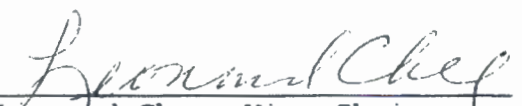
AN ACTION
RELATING TO BUDGET AND FINANCE; APPROVING NAVAJO NATION
GAMING DEVELOPMENT FUND POLICIES AND PROCEDURES

BE IT ENACTED:

The Navajo Nation hereby approves the Navajo Nation
Gaming Development Fund Policies and Procedures, attached
as Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was
duly considered by the Budget and Finance Committee of the
Navajo Nation Council at a duly called meeting held at
Window Rock, Navajo Nation (Arizona), at which a quorum was
present and that the same was passed by a vote of 5 in
favor, 0 opposed this 6th day of March, 2007.


Leonard Chee, Vice-Chairperson
Budget and Finance Committee

Motion: Pete Ken Atcitty
Second: Hoskie Kee

**NAVAJO NATION GAMING DEVELOPMENT FUND
POLICIES AND PROCEDURES**

A. Introduction and Background

Pursuant to Navajo Nation Council Resolution No. CO-53-06, the Navajo Nation Gaming Development Fund was established to provide funding for gaming development within the Navajo Nation. All fund expenditures shall be approved by the Controller of the Navajo Nation.

B. Funding Request Proposal

The purpose of these policies and procedures is to set forth the requirements for all applicants seeking funds from the Navajo Nation Gaming Development Fund. All applicants are required to submit a funding request proposal to the Controller of the Navajo Nation. All awards will be done in accordance with Navajo Nation preference laws and applicable federal law. The Controller will grant approval based upon a detailed description on how the award will be used and how the award will benefit the entire Navajo Nation. The applicant must also submit a detailed budget and other funding source information. The Controller will review proposals received to determine which are in the best interests of the Navajo Nation.

C. Expenditure Guidelines

The expenditure of the funds must be used specifically for gaming development purposes. Such purposes include feasibility studies, market studies, legal and consultant services, regulatory functions and Tribal Gaming Enterprise start-up costs, which may include preliminary operating and personnel expenses for the first year only.

D. General Requirements

The review of all proposals will be done in accordance with the following:

1. Eligibility Requirements

Only entities of the Navajo Nation government are eligible to submit funding proposals.

2. Acceptance of Conditions Governing the Proposal

Applicants must formally accept the conditions governing the proposal in their cover letter.

3. Incurring Cost

Any cost incurred by the applicant in preparing, transmitting, presenting, or modifying the proposal or material for this request shall be the responsibility of the applicant.

4. Questions

Any inquiries regarding this policy, the review process and funding awards should be submitted in writing to the Controller for official response. The applicant may contact the Controller verbally, however, verbal responses will be considered unofficial. Only written responses to questions will be official. The applicant may contact only the Controller or his designee for this project. Any inquiries and requests made to other employees of the Navajo Nation will not be considered.

5. Proprietary Information

Restrictions on any information included in the proposals must be clearly stated in the proposal itself. Proprietary information submitted in response to this policy will be handled in accordance with applicable law. Each and every page of the proprietary material must be labeled or identified with the word "proprietary" or "confidential."

6. Disclosure of Proposal Contents

All proposals will be kept confidential until an award is made. At that time, all proposals and documents pertaining to the proposals will be open to the public, except for the material which is proprietary or confidential.

7. No Obligation

This policy in no manner obligates the Navajo Nation or any of its agencies to the eventual rental, lease, purchase, etc., of any equipment, software or services offered until the award is granted.

8. Sufficient Appropriation

Any award made is contingent upon the appropriation of funds. An award may be terminated or reduced if sufficient appropriations or authorization do not exist. Such terminations will be effected with written notice to the applicant. The Controller's decision as to whether sufficient appropriations and authorizations are available will be accepted by the applicant as final.

9. Governing Law

Nothing herein shall be construed as a waiver of the Navajo Nation's sovereign immunity.

10. Terms and Conditions

The contents of a successful proposal will become part of any award that is approved. The Controller reserves the right to negotiate with the successful applicant any additional requirements or conditions to those contained in this policy.

11. Right to Waive Minor Irregularities

The Controller reserves the right to waive minor irregularities. This right is at the sole discretion of the Controller.

12. Ownership of Proposals

All documents submitted in response to this policy shall become the property of the Navajo Nation and will not be returned to the applicant. Responses received will be retained by the Office of the Controller and may be reviewed by any person after final selection has been made, subject to the rules of confidentiality described above.

13. Navajo Nation Property

If awarded, applicant agrees that the work products produced from the award shall be the property of the Navajo Nation.

E. PROPOSAL FORMAT

All proposals must be typewritten on standard 8-1/2" x 11" paper and placed within a binder with tabs delineating each section. Larger paper is permissible for charts, maps, or the like.

1. Proposal Organization and Deadline for Response

The proposal must be organized and indexed in the following format and must contain, at a minimum, all listed items in the sequence indicated. Applicants shall provide 6 identical copies of their proposal to the Controller.

- a. Letter of Transmittal.
- b. A narrative of how the funds will be used.
- c. A narrative of how the award of funds will benefit the entire Navajo Nation.
- d. Budget.

Within each section of the proposal, applicants should address the items in the order in which they appear in this policy. Any proposal that does not adhere to the requirements may be deemed non-responsive and rejected on that basis.

Applicants may attach other materials which they feel may improve the quality of their responses. However, these materials should be included as items in a separate appendix.

2. Letter of Transmittal

Each proposal must be accompanied by a letter of transmittal. The letter of transmittal MUST:

- a. Identify the submitting entity;
- b. Identify the name and title of the person authorized to obligate the entity;
- c. Identify the name, title and telephone numbers of person authorized on behalf of the entity;
- d. Identify the names and telephone numbers of persons to be contacted for clarification;
- e. Explicitly indicate acceptance of the conditions governing the award;
- f. Be signed by the person authorized to obligate the entity.

3. Narrative of How the Funds Will Be Used.

- a. The applicant must describe in detail how the funds will be used. The information must be completely understandable, fully developed and desired results clearly stated. The applicant must set forth a realistic gaming development plan and timetable.
- b. If the funds will be used for professional services, the applicant must submit a profile and statement of experience of the contractor on similar projects. The statement of experience should describe how the contractor has applied expertise on past projects related to knowledge and skill in casino and gaming development. The applicant must submit, on behalf of the consultant three (3) references. Each reference must include the name, address, and telephone number of a contact person who can describe, in some detail, the quality, quantity, and substance of the services provided. The references should be provided for previous clients who have received similar services to those for which the award will be used. If the funds will be used for legal services a conflicts check must be conducted by the Navajo Nation Department of Justice.

4. A Narrative of How the Funds Will Benefit the Entire Navajo Nation

Applicants must describe in detail how the award of funds will benefit the entire Navajo Nation.

5. Budget

The applicant must provide a detailed budget, the total costs to achieve the desired result and any other funding sources the applicant has obtained to supplement the request.

F. EVALUATION AND CRITERIA

1. The Controller will review each proposal received in accordance with the general criteria described herein. The Controller may request oral presentations by the applicants. Applicants should be prepared to provide any additional information the Controller feels necessary for the fair evaluations of proposals.
2. Failure of an applicant to provide any information requested may result in disqualification of the proposal. All proposals must be endorsed with the signature of a responsible official having authority to bind the entity to the terms of this policy.
3. The sole objective of the Controller will be to select proposals that are most responsive to the gaming development needs of the Navajo Nation. The specifications in this policy represent the minimum necessary for a response. On the basis of the evaluation criteria established in this policy, the Controller will select the proposal that best meet this objective.
4. Evaluation Criteria: The following criteria will be used by the Controller in the award process. The proposal factors will be on a scale of 1-100 with weight relations as stated below:

Proposal Organization	0-10 points
Narrative of How Funds Will be Used	0-25 points
Narrative of How the Award Will Benefit the Entire Navajo Nation	0-50 points
Budget	0-15 points

G. Proposal Deadline

Consideration for all funding requests will be done two (2) times a year, until the fund is depleted. The first funding deadline is March 15th and the second funding deadline is September 15th.

H. Proposal Submission

All proposals must be submitted to the following:

Mailing Address: Navajo Nation Office of the Controller
P.O. Box 3150
Window Rock, Arizona 86515

Physical Address: Navajo Nation Office of the Controller
Administration Building # 1, Second Floor
Window Rock Boulevard
Window Rock, Arizona 86515

I. Amendments

The Navajo Nation Gaming Development Fund Policies and Procedures may be amended by the Budget and Finance Committee of the Navajo Nation upon the recommendation of the Controller of the Navajo Nation.



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE-PRESIDENT



Memorandum:

Date: June 06, 2017

To: Honorable Seth Damon, Chairperson
Budget and Finance Committee, Navajo Nation Council

From: Pearline Kirk
Pearline Kirk, Controller
Office of the Controller

Subject: Letter of Recommendation to Amend the Navajo Nation Gaming Development Fund Policies and Procedures

The Navajo Nation Gaming Development Fund ("the Fund") was established, pursuant to Navajo Nation Council Resolution CO-53-06, to provide funding for gaming development within the Navajo Nation. Three programs impacted by the Fund include Navajo Gaming Regulatory Office ("NGRO"), Navajo Nation Gaming Enterprise ("NNGE"), and the Navajo Nation Office of the Controller ("NNOOC").

Currently, the Fund's Policies and Procedures limit funding and expenditures for NNGE and NNOOC. The Fund's Policies and Procedures bound expenditures for NNGE and NNOOC to "startup costs, which may include preliminary operating and personnel expenses for the first year only." The proposed funding sought each year extends beyond the first year of the existence (2008) which has led to delayed funding specifically allowed under the Policies and Procedures. In order to remain in compliance, the proposed amendments to the Navajo Nation Gaming Development Policies and Procedures seek to allow possible expenditures submitted by the programs under the Fund.

If you should have any questions, you may contact me at tribal extension X6125.



NAVAJO NATION GAMING DEVELOPMENT FUND
POLICIES AND PROCEDURES
BUDGET AND OPERATING PLAN

A. Introduction and Background

Pursuant to Navajo Nation Council Resolution No. CO-53-06, the Navajo Nation Gaming Development Fund was established to provide funding for gaming development with the Navajo Nation. All fund expenditures shall be approved by the Controller of the Navajo Nation.

B. Funding Request Proposal

The purpose of these ~~policies and procedures~~ Budget and Operating Plan is to set forth the requirements for all applicants seeking funds from the Navajo Nation Gaming Development Fund. All applicants are required to submit a funding request proposal to the Controller of the Navajo Nation. All awards will be done in accordance with Navajo Nation preference laws and applicable federal law. The Controller will grant approval based upon a detailed description on how the award will be used and how the award will benefit the entire Navajo Nation. The applicant must also submit a detailed budget and other funding source information. The Controller will review proposals received to determine which are in the best interests of the Navajo Nation.

C. Expenditure Guidelines

The expenditure of the funds must be used specifically for gaming development purposes. Such purposes include feasibility studies, market studies, legal and consultant services, regulatory functions and Tribal Gamine Enterprise ~~start-up~~ costs, which may include ~~preliminary~~ operating and personnel expenses ~~for the first year only~~.

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Window Rock, Arizona 86515

I. Amendments

The Navajo Nation Gaming Development Fund ~~Policies and Procedures~~ Budget and Operating Plan may be amended by the Budget and Finance Committee of the Navajo Nation upon the recommendation of the Controller of the Navajo Nation.

Document No. 007890Date Issued: 04/21/2017**SECTION 164 REVIEW FORM**Title of Document: Amendment to BFCMA-05-07 "Exhibit A" Contact Name: WILLIE, ROBERTProgram/Division: OFFICE OF THE CONTROLLEREmail: rwillie@nnooc.org Phone Number: 928-871-6125Division Director Approval for 164A: *Robert Willie*

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:			Sufficient	Insufficient
	1. OAG:	<u><i>Gana Wenne</i></u>	Date: <u>5-4-17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)				
	1. OMB:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>