

LEGISLATIVE SUMMARY SHEET

Tracking No. EO78-19

DATE: March 21, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, BUDGET AND FINANCE AND NAABIK'ÍYÁTI'; CONCURRING WITH THE PRESIDENT'S ACCEPTANCE OF THE BUREAU OF INDIAN AFFAIRS INDIAN HIGHWAY SAFETY PROGRAM LAW ENFORCEMENT GRANT

PURPOSE: The purpose of this resolution is to concur with the former Navajo Nation President Russell Begaye's acceptance and execution of the Bureau of Indian Affairs Indian Highway Safety Program Law Enforcement Grant.


This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2am BJS
Website Posting Time/Date: 3/29/19 3:25pm
Posting End Date: 4/3/19
Eligible for Action: 4/4/19

Law & Order Committee
Thence
Budget & Finance Committee
Thence
Naa'bik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24rd NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY


(Sponsor) Amber Kanagish

TRACKING NO. 0078-19

AN ACTION

RELATING TO LAW AND ORDER, BUDGET AND FINANCE AND
NAABIK'ÍYÁTI'; CONCURRING WITH THE PRESIDENT'S ACCEPTANCE OF
THE BUREAU OF INDIAN AFFAIRS INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT GRANT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered to grant final approval for agreements negotiated by public safety programs with other federal agencies subject to Naabik'iyáti' Committee approval when required by law. *See* 2 N.N.C. §§ 600 (A) and 601 (B)(1)(a).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council and is empowered to authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or regional authority upon the recommendation of the standing committee which has oversight over the division, department or program which has applied for the agreement, or upon recommendation of the Chapter." *See* 2 N.N.C. §§ 300 (A) and 301 (B)(15).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council and among other statutory powers, the committee has the delegated responsibility to

1 "review and continually monitor the programs and activities of federal and state
2 departments and to assist development of such programs designed to serve the Navajo
3 People and the Navajo Nation through intergovernmental relationships between the
4 Navajo Nation and such departments." *See* 2 N.N.C. §§ 700 (A) and 701 (A)(7).

5 D. Pursuant to 2 N.N.C. § 164 (B)(1), grants providing funds to the Navajo Nation do
6 not require Committee or Council approval.

7 E. The President or Vice-President of the Navajo Nation or their designee shall execute
8 contracts or agreements pertaining to the Executive Branch. *See* 2 N.N.C. § 222 (A).

9 10 **SECTION TWO. FINDINGS**

11 A. The Navajo Division of Public Safety is established within the Executive Branch of
12 the Navajo Nation Government. *See* 2 N.N.C. § 1351.

13 B. The Navajo Department of Public Safety submitted a grant application to the Bureau
14 of Indian Affairs for the Indian Highway Safety Program Law Enforcement Grant.
15 The grant application provides a detailed budget of how the prospective funds will be
16 utilized by the Division of Public Safety. *See* Grant Application attached hereto as
17 **Exhibit A**.

18 C. The grant is intended to supplement existing law enforcement traffic safety programs
19 on Indian reservations with grant funds provided in the form of reimbursement. *See*
20 Grant Instructions attached as **Exhibit B**.

21 D. Although not required under Navajo Nation law, the Bureau of Indian Affairs for the
22 Indian Highway Safety Program Law Enforcement requests a formal resolution from
23 the Navajo Nation to complete the grant application submitted by the Navajo Division
24 of Public Safety.

25 E. On September 28, 2018, former Navajo Nation President Russell Begaye accepted the
26 \$536,360.00 grant on behalf of the Navajo Nation through an executed Bureau of
27 Indian Affairs Indian Highway Safety Grant Agreement attached as **Exhibit C**.

28 F. The award and budget has been entered into the Navajo Financial Management
29 Information System ("FMIS") "pursuant to the Navajo Nation President's
30 authorization." However, the Office of Management and Budget Contracts and Grants

1 Section has noted that the Navajo Nation Police Department must correct the DUNS
2 number to fully comply with the Fiscal Year 2019 Budget Instructions Manual. *See*
3 attached **Exhibit D**.
4

5 **SECTION THREE. CONCURRENCE WITH THE PRESIDENT'S ACCEPTANCE**
6 **AND EXECUTION OF THE BUREAU OF INDIAN AFFAIRS INDIAN HIGHWAY**
7 **SAFETY PROGRAM LAW ENFORCEMENT GRANT**

8 The Navajo Nation through the 24th Navajo Nation Council hereby concurs with the
9 former Navajo Nation President Russell Begaye's acceptance and execution of the
10 Bureau of Indian Affairs Indian Highway Safety Program Law Enforcement Grant.
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BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT

APPLICATION CHECKLIST

Use the checklist below to ensure the application is complete and ready to submit.

- ✓ There are no blank fields left in the application
- ✓ Terms, Conditions, and Responsibilities initialed (page 11)
- ✓ Application signed (page 11)
 - Tribal Resolution ☐ Draft Copy ☐ Final Copy
 - ✓ Indirect Cost Rate ☐ Draft Copy ☒ Approved Copy
 - ✓ A-133 (is it current?) ☒ Yes ☐ No
- Linear Trend Analysis for mandatory and optional performance measures are attached

*Please attach a digital copy in a PDF format of the application, and excel spreadsheet of the Trend Analysis with the signed copy of the application.

All of the above items have been properly completed and are contained in the grant application.

Signed:  Date: 4/5/18

BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT

FISCAL GRANT YEAR APPLYING FOR: FY2018

TYPE OF GRANT APPLYING FOR: Full-Time Grant with Overtime

All Sections of the grant application should be completed; do not leave any blank fields. Blank fields could result in dis-qualification.

SECTION A: GENERAL INFORMATION

Tribe Name: Navajo Nation

Tribal Leader Name: Russell Begaye

Title: Navajo Nation President

Mailing Address: P.O. Box 7440

City: Window Rock

State: AZ

Zip: 86515

FedEx Address: 100 Parkway, Office of the President and Vice President

City: Window Rock

State: _____

Zip: 86515

Phone Number: (928) 871-7000

Fax Number: (928) 871-4025

PERSON COMPLETING THE APPLICATION:

Name: Phillip Joe

Title: Police Lieutenant

Office/Department: Navajo Police Window Rock, AZ

Phone Number: (928) 871-6363

Fax Number: (928) 871-7087

E-Mail Address: phillipjoe@navajo-nsn.gov

TRIBAL GRANT COORDINATOR INFORMATION:

If grant is awarded, please identify the Project Coordinator. (Person responsible for grant administration)

Name: Michele Tom

Title: Senior Contract Analyst

Office/Department: Fiscal Management Section, Navajo Police Department

Mailing Address: PO Bx 3360

City: Window Rock

State: AZ

Zip: 86515

Phone Number: (928) 871-7550

Fax Number: (928) 871-7087

E-Mail Address: mmtom@navajo-nsn.gov

GRANT HISTORY:

How many years has the Tribe received funding from BIA IHSP? 2 years

Has the Tribe applied for and received other traffic safety related grants from other agencies in the last three years?

☒ Yes ☐ No

If yes, please list the agencies: NNDOT - Child Safety Seat Program

Does the tribe have another traffic safety (focused) grant currently in place? (i.e. CDC, Indian Health, State, College, etc.):

☐ Yes ☒ No

If yes, please list the agencies: _____

RESERVATION INFORMATION:

Reservation Size: _____ Acres: 17,544,500

Square Miles: 27,413

Population: 300,048

Total Number of Road Miles: 14,221

**BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT**

TRIBAL POLICE DEPARTMENT INFORMATION:

Chief of Police Name: Phillip Francisco Phone Number: (928) 871-6363
E-mail Address: pbfrancisco@navajo-nsn.gov Fax Number: (928) 871-7087

Total number of Police Officers: 205 Total number of Officers who work traffic: 4

Does Tribal Law Enforcement have the authority to conduct checkpoints? ☒ Yes ☐ No

Is Law Enforcement: ☒ Tribal ☐ BIA ☐ Both

Are cross commission agreements in place with any other law enforcement agencies? ☒ Yes ☐ No

If yes; identify the agencies: New Mexico SP, Arizona DPS, Apache County, Socorro County, San Juan County (UT) &

SECTION B, Data:

In order to apply for a grant, utilizing highway safety funds, please provide a data breakdown utilizing the most recent fiscal year data available for the reservation.

TRAFFIC DATA INFORMATION:

Does the Police Department have a software system used to collect traffic enforcement & crash statistics? ☒ Yes ☐ No

If yes, identify the software: CODY system

Does the tribe report crash reports or other data to the state? ☒ Yes ☐ No

What is the last fiscal year of traffic data available? 2016 Is the Data: ☐ Calendar Year ☒ Fiscal Year

TRIBAL STATUTES AND ENFORCEMENT STATISTICS:

Does the tribe have a traffic code? ☒ Yes ☐ No

Does the Tribe have a Blood Alcohol Content (BAC) Law? ☒ Yes ☐ No If yes, what is the BAC Law? 0.08

Does the Tribe have a Seat Belt Law? ☒ Yes ☐ No If yes, is it: ☒ Primary ☐ Secondary

Does the Tribe issue written warnings for traffic violations? ☒ Yes ☐ No

If yes, number of written warnings in the previous year: 3,101

Does the Tribe prosecute DUI's? ☒ Yes ☐ No

If yes, what is the conviction rate for the DUI's in the Tribal Court? 843

TRAFFIC STATISTICS: ONLY Fiscal Year (October 1, 20 15 - September 30, 20 16) data will be accepted

Total Number of:

1,569	DUI/DWI/OWI arrests? (A-2)		
4,748	Traffic citations issued in the data year reported?	80	How many were Child safety seat citations?
		93	How many were seat belt citations? (A-1)
		1,558	How many were speed citations? (A-3)

**BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT**

ONLY Fiscal Year (October 1, 20 15 - September 30, 20 16) data will be accepted

MOTOR VEHICLE FATALITIES AND CRASHES			
<i>Total Number of:</i>			
77	traffic fatalities (C-1)	67	How many were males?
		28	How many were females?
459	serious injuries in traffic crashes (C-2)	0	How many were males?
		0	How many were females?
28	unrestrained passenger vehicle occupant fatalities, all seat positions (C-4)		
0	fatalities in crashes involving a driver or motorcycle operator with a BAC of .08 g/dl or higher (C-5)		
19	speed related fatalities (C-6)	1	motorcyclist fatalities (C-7)
1	un-helmeted motorcyclist fatalities (C-8)	3	drivers 20 or younger involved in fatal crashes (C-9)
11	pedestrian fatalities (C-10)	0	bicyclist fatalities (C-11)
11	crashes involving pedestrians	0	crashes involving bicyclists
43	single vehicle crashes	18	crashes involving two or more vehicles
	property damage crashes	19	crashes involving speed
39	crashes involving alcohol	1	crashes involving motorcyclists
<i>Of the total number of crashes (listed above), how many occurred on:</i>			
200	Rural Roads	137	Paved Streets
190	State Highways	2	Interstates
7	Other Types of Roads, describe: Dirt Roads		
<i>Of the total number of crashes (listed above), how many occurred on:</i>			
73	Mondays	77	Tuesdays
70	Wednesdays	90	Thursdays
95	Fridays	71	Saturdays
60	Sundays	0	Unknown
<i>Of the number of crashes (listed above), how many occurred between:</i>			
61	Midnight to 6:00 AM	109	6:01 AM to Noon
177	12:01 PM to 6:00 PM	189	6:01 PM to 11:59 PM

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PROBLEM STATEMENT: Provide a written summary which clearly outlines the specific traffic related problems the tribe has identified, and will address if grant funds are provided.

With continued lower gasoline prices and an improving economy across the United States resulted in an estimated 3.5% increase in motor-vehicle mileage, the number of motor-vehicle fatality crashes on the Navajo Nation in 2013 totaled 69, up to 77 an increase by 12% by 2016. The total for 2014 was up by 31% from the 2013 figure. The annual total for 2014 was 91. This is the highest reported number within the four years of data. The estimated annual population death rate is 25.83 deaths per 100,000 population. The High MVCF and Motor vehicle crashes (MVC) rate could be attributed to speeding(808), driving while intoxicated(422), and unrestrained passengers(304). Navajo Nation experienced a high/low number of serious motor vehicle crashes over the years with 793 in 2012, 711 in 2013, 677 in 2014, 723 in 2015 and 459 in 2016. In 2016 Navajo Nation Police Department issued 3,101 traffic warning citation and 4,748 traffic citation.

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SECTION C. TARGETS/ STRATEGIES:

The Indian Highway Safety Grants are performance-based programs. In order to apply for a grant, please provide information on the targets the tribe is trying to reach. Select those appropriate to the traffic safety problem the tribe is trying to address. #1 & #2 are required

Please use the trend analysis tool to assist in determining the FY20 18 targets:

1. To *reduce* the number of MVC fatalities by 25 % from the FY20 16 number of 75
to 56 by the end of FY20 18. (Required)
2. To *reduce* motor vehicle crashes (MVCs) by 25 % from the FY20 15 number of 723
to 542 by the end of FY20 18. (Required)

Select a target the Tribe would like to focus on increasing or reducing: (use drop down menus)

3. To *increase* the number of *DUI/OWI arrests*
by 15 % from the FY20 16 number of 1,569 to 1,805 by the end of FY20 2018. (Optional)
4. To *increase* the number of *speed citations issued*
by 15 % from the FY20 16 number of 1,558 to 1,791 by the end of FY20 2018. (Optional)
5. To *decrease* the number of *unrestrained passenger vehicle occupant fatalities (all seat positions)*
by 10 % from the FY20 16 number of 28 to 25 by the end of FY20 2018. (Optional)

In order to reach the targets identified above, select from the following list of strategies to be conducted during the project year.

Conduct not less than 18 checkpoints in FY20 18.

Conduct not less than 190 saturation patrols in FY20 18.

Provide not less than 24 hours of traffic enforcement during each mobilization period.

(Dates will be provided by BIA IHSP)

SURVEY (B-1): Has the tribe or is the tribe willing to conduct an observed seat belt use for passenger vehicles.
front seat outboard occupants: ☒ Yes ☐ No

STRATEGIES: Place an "X" in the box of the strategies your program will utilize to achieve the targets:

- ☒ Increase enforcement (traffic and DUI)
- ☒ Provide appropriate training (traffic safety related).
- ☒ Print and distribute public service announcements and/or press releases.
- ☒ Provide traffic safety related presentations to school children and community members.
- ☒ Distribute traffic safety related educational materials.

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Specify other plans besides the strategies listed on the previous page:

(Example, Patrolling differently by conducting high visible traffic enforcement in identified problem areas, etc.)

Within the Navajo Nation, the Police Department will partner up with other programs to jointly establish a safety strategy plan to focus on a common safety vision for the Navajo Nation. The vision is to eliminate fatalities and serious injuries across the Navajo Nation's roadways by establishing a team of training personnel to conduct enforcement and preventative operation. This is data driven, interdisciplinary approach that NNPD has been promoting for many years. The approach targets areas for improvement and employs proven countermeasures, integrating application of education, enforcement, engineering (Navajo Nation DOT), and emergency medical (EMS and Fire dept) and trauma service (IHS Injury Prevention Program & Epidemiology). A combination of strategies from different focus areas will be necessary to achieve the Navajo Nation traffic safety vision

ATTACH AN ADDITIONAL PAGE IF NECESSARY

SECTION D. TRAINING/TRAVEL:

This section must be completed for any training that is requested or needed in order to properly execute the grant being requested. Please determine the travel budget to attend selected training.

<u>Full-time LE Grant</u>	<u>Over-time Grant</u>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BIA Program Management Training (Mandatory)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	BIA Grant Writing Training (Mandatory)
<input type="checkbox"/>	<input type="checkbox"/>	Lifesavers Conference
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Intoxilyzer Certification
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Crash Re-constructionist Training
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Advanced Crash Re-constructionist Training
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Drug Recognition Expert (DRE)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Training Radar/Lidar Certification
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Conducting Checkpoints Training
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Standardized Field Sobriety Testing (SFST)/ Refresher
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CPS Technician Training

Grand Total: Training: \$ 10,000.00 Travel: \$ 15,000.00

Approval of the grant with training needs identified must still have a specific request and approval by the IHSP before any training costs is incurred.

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LAW ENFORCEMENT (LE) GRANT**

SECTION E. EQUIPMENT:

Equipment, if requested, must be essential to the success of the grant program and not for general purposes/use. Identify equipment, quantity, and cost. All equipment requested must be used to carry out/accomplish the targets/ strategies.
PLEASE NOTE: The federal guidelines require equipment to be necessary for the project. All equipment requested must be approved by the BLA IHSP prior to purchase and must be used specifically for grant activities. (Use dropdown menu)

Equipment: Radar/Lidar

Item Cost:	\$	<u>2,500.00</u>
QTY		<u>4</u>
Total:	\$	<u>10,000.00</u>

Justification:

A RADAR "tracking History is essential for proper conviction of RADAR Case in Court. RADAR plays a vital roll in the officers observation to establish an accurate reading of the violators behavior

Equipment: Radar/Lidar

Item Cost:	\$	<u>3,000.00</u>
QTY		<u>4</u>
Total:	\$	<u>12,000.00</u>

Justification:

LIDAR Device is accurate and vehicle selective considering the environment on the Navajo Nation. It provide the operator the simplicity to operate and freedom of movement & ability measure vehicles at great distance.

Equipment: In-Car Video Camera

Item Cost:	\$	<u>4,000.00</u>
QTY		<u>4</u>
Total:	\$	<u>16,000.00</u>

Justification:

Accurate depiction of an incident can only be provided by video evidence/witness.

Equipment: street RADAR speed sign

Item Cost:	\$	<u>8,000.00</u>
QTY		<u>1</u>
Total:	\$	<u>8,000.00</u>

Justification:

Digital speed sign gather information, traffic volume every hour of day and informs motorist of their speed. Target citizen complaint in residential & congested areas. Portable sign to be placed in critical areas

Equipment: Police Vehicle

Item Cost:	\$	<u>45,000.00</u>
QTY		<u>4</u>
Total:	\$	<u>180,000.00</u>

Justification:

Fully marked and equipped police unit to conduct 100% traffic enforcement operation on the Navajo Nation.

Grand Total Equipment: \$ 226,000.00

SOFTWARE:

If the tribe is requesting to purchase specialty software, identify the software along with its purpose and anticipated use.

Software Name: IDWedgeKB (State Drivers license reader)

QTY: 4 Cost Per Item: \$ 800.00 = \$ 3,200.00

Justification:

Speed up and limit violator contact by extracting data from ID's and fill electronic forms (citation) software and equipment to equip the traffic enforcement officers.

Grand Total Cost of Software: \$ 3,200.00

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LAW ENFORCEMENT (LE) GRANT**

SECTION F. BUDGET: Complete ONLY those sections pertinent to the grant requested.

Federal guidelines require costs to be reasonable and necessary in order to carry out and/or operate the grant. Budgets must support the grant proposed; be as reasonable as possible. *Budgets should be completed by the Budget/Finance Officer for the Tribe.*

Finance Officer Name: Delores Hunt, Sr. Accountant Phone Number: (928) 871-7538
E-mail Address: dhunt@navajo-nsn.gov Grant Type: Full-Time Highway Safety

Use drop down menus to select grant and personnel type)

Personnel: Highway Safety Officer

Percent of Time:	100%
Hourly Rate:	\$ 22.36
Overtime Rate:	\$ 33.54
Number of Hours:	2080
Number of Overtime Hours:	140
Total Salary:	\$ 46,508.80
Total Overtime Salary:	\$ 4,695.60
Fringe Benefit %:	39.50%
Total Fringe Benefit:	\$ 20,225.74

Personnel: Highway Safety Officer

Percent of Time:	100%
Hourly Rate:	\$ 22.36
Overtime Rate:	\$ 33.54
Number of Hours:	2,080
Number of Overtime Hours:	140
Total Salary:	\$ 2,102.36
Total Overtime Salary:	\$ 4,695.60
Fringe Benefit %:	39.50%
Total Fringe Benefit:	\$ 2,685.19

Personnel: Over-time Officer

Percent of Time:	50%
Hourly Rate:	\$ 28.03
Overtime Rate:	\$ 42.05
Number of Hours:	1,000
Number of Overtime Hours:	1,000
Total Salary:	\$ 28,030.00
Total Overtime Salary:	\$ 42,050.00
Fringe Benefit %:	39.50%
Total Fringe Benefit:	\$ 27,681.60

Personnel: Highway Safety Officer

Percent of Time:	100%
Hourly Rate:	\$ 28.03
Overtime Rate:	\$ 42.05
Number of Hours:	2080
Number of Overtime Hours:	140
Total Salary:	\$ 58,302.40
Total Overtime Salary:	\$ 5,887.00
Fringe Benefit %:	39.50%
Total Fringe Benefit:	\$ 25,354.81

Personnel: Highway Safety Officer

Percent of Time:	100%
Hourly Rate:	\$ 22.36
Overtime Rate:	\$ 33.54
Number of Hours:	2,080
Number of Overtime Hours:	140
Total Salary:	\$ 46,508.80
Total Overtime Salary:	\$ 4,695.60
Fringe Benefit %:	39.50%
Total Fringe Benefit:	\$ 20,225.74

Personnel: Data Clerk

Percent of Time:	100%
Hourly Rate:	\$ 13.84
Overtime Rate:	\$ 20.76
Number of Hours:	2,080
Number of Overtime Hours:	150
Total Salary:	\$ 28,787.20
Total Overtime Salary:	\$ 3,114.00
Fringe Benefit %:	41.10%
Total Fringe Benefit:	\$ 13,111.39

Grand Total: Salary: \$ 210,239.56 Overtime Salary: \$ 65,137.80 Fringe Benefits: \$ 109,284.48

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LAW ENFORCEMENT (LE) GRANT**

GSA VEHICLE LEASE: Rental/lease costs through GSA are allowable, if needed, for officers designated as full-time (grant) to traffic enforcement/safety. Vehicle types will be determine at the GSA rate allowed. **PLEASE NOTE:** Costs associated with, vehicle maintenance, lightings, sirens and communication equipment will not be covered. These must be in-kind contributions by the tribe or other agencies.

For Full-time Grants Only

Vehicle Type: Chevy Tahoe

Monthly Costs

Lease Amount: \$ _____
Lease Fee: \$ 0.00
Estimated Mileage: 2,500
Rate Per Mile: \$ 0.32
Monthly Total: \$ 800.00
Months: 12
Yearly Total: \$ 9,600.00

Vehicle Type: Chevy Truck

Monthly Costs

Lease Amount: \$ 0.00
Lease Fee: \$ 0.00
Estimated Mileage: 2,500
Rate Per Mile: \$ 0.29
Monthly Total: \$ 725
Months: 12
Yearly Total: \$ 8,700.00

Vehicle Type: _____

Monthly Costs

Lease Amount: \$ _____
Lease Fee: \$ _____
Estimated Mileage: _____
Rate Per Mile: \$ _____
Monthly Total: \$ 0.00
Months: _____
Yearly Total: \$ 0.00

Vehicle Type: Chevy Tahoe

Monthly Costs

Lease Amount: \$ 0.00
Lease Fee: \$ 0.00
Estimated Mileage: 2,500
Rate Per Mile: \$ 0.32
Monthly Total: \$ 800.00
Months: 12
Yearly Total: \$ 9,600.00

Vehicle Type: Chevy Truck

Monthly Costs

Lease Amount: \$ 0.00
Lease Fee: \$ 0.00
Estimated Mileage: 2,500
Rate Per Mile: \$ 0.29
Monthly Total: \$ 725.00
Months: 12
Yearly Total: \$ 8,700.00

Vehicle Type: _____

Monthly Costs

Lease Amount: \$ _____
Lease Fee: \$ _____
Estimated Mileage: _____
Rate Per Mile: \$ _____
Monthly Total: \$ 0.00
Months: _____
Yearly Total: \$ 0.00

Grand Total GSA Lease/Mileage: \$ 36,600.00

**BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT**

OVER-TIME MILEAGE: Estimate of total monthly overtime (OT) mileage for patrol officers utilizing patrol vehicles only. Vehicle mileage reimbursements will be determined on the type of vehicle(s) utilizing the latest GSA rates.
For Full-time and Over-time Grants

Vehicle Type: Chevy Tahoe

Monthly Costs

Estimated Mileage: 2,500
Rate Per Mile: \$ 0.32
Monthly Total: \$ 800.00
Months: 12
Yearly Total: \$ 9,600.00

Vehicle Type: Chevy Tahoe

Monthly Costs

Estimated Mileage: 2,500
Rate Per Mile: \$ 0.32
Monthly Total: \$ 800.00
Months: 12
Yearly Total: \$ 9,600.00

Vehicle Type: _____

Monthly Costs

Estimated Mileage: _____
Rate Per Mile: \$ _____
Monthly Total: \$ 0.00
Months: _____
Yearly Total: \$ 0.00

Vehicle Type: Chevy Trucks

Monthly Costs

Estimated Mileage: 2,500
Rate Per Mile: \$ 0.29
Monthly Total: \$ 725.00
Months: 12
Yearly Total: \$ 8,700.00

Vehicle Type: Chevy Trucks

Monthly Costs

Estimated Mileage: 2,500
Rate Per Mile: \$ 0.29
Monthly Total: \$ 725.00
Months: 12
Yearly Total: \$ 8,700.00

Vehicle Type: _____

Monthly Costs

Estimated Mileage: _____
Rate Per Mile: \$ _____
Monthly Total: \$ 0.00
Months: _____
Yearly Total: \$ 0.00

Grand Total for Over-Time Mileage: \$ 36,600.00

OFFICE SUPPLIES: List all supplies needed in order to successfully carry out the grant:

Office Supply: NN, AZ, NM citation book
Item Cost: \$ 22.25
QTY: 200
Total: \$ 4,450.00

Office Supply: Computer
Item Cost: \$ 1,600.00
QTY: 1
Total: \$ 1,600.00

Office Supply: Computer Printert
Item Cost: \$ 150.00
QTY: 1
Total: \$ 150.00

Office Supply: Document Scanner
Item Cost: \$ 150.00
QTY: 1
Total: \$ 150.00

Grand Total for Supplies: \$ 6,350.00

**BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT**

MEDIA COSTS: These costs are allowable as long as they are directly related to the project and/or support the national mobilizations and Indian Holiday mobilization.

Media Type: News Paper	Total: \$	<u>580.00</u>
Media Type: Radio	Total: \$	<u>530.00</u>
Media Type: Bill Board Rental	Total: \$	<u>3,600.00</u>

INDIRECT COST RATE (IDC): Attach a copy of the tribe's most recent Indirect Cost Rate letter and necessary paper work to support reimbursement for the line items below

Indirect Cost Rate: 15.65 % Year IDC was for approved: 2018

Check the boxes the indirect cost rate percentage applies to:

- ☒ Salary
- ☒ Overtime Salary
- ☒ Fringe Benefits
- ☒ Training & Travel Expenses
- ☒ GSA Lease
- ☒ Overtime Mileage
- ☒ Office Supplies

BUDGET LINE ITEM GRAND TOTALS:

Training/ Travel:	<u>\$ 25,000.00</u>
Equipment:	<u>\$ 226,000.00</u>
Software:	<u>\$ 3,200.00</u>
Salary:	<u>\$ 210,239.56</u>
Overtime Salary:	<u>\$ 65,137.80</u>
Fringe Benefits:	<u>\$ 109,284.48</u>
GSA Lease/Mileage:	<u>\$ 36,600.00</u>
Overtime Mileage:	<u>\$ 36,600.00</u>
Supplies:	<u>\$ 6,350.00</u>
Media Costs:	<u>\$ 4,710.00</u>
Indirect Cost:	<u></u>
TOTAL BUDGET:	<u>\$ 497,121.84</u>

BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM
LAW ENFORCEMENT (LE) GRANT

SECTION G. ADDITIONAL INFORMATION:

Add any additional information which is not covered in the application's previous pages. Provide a description of how the tribe will use funds to counter measure the traffic problems identified. (These can include working on updating or making stronger traffic laws, identifying and increasing traffic enforcement in certain areas, increasing traffic fines, monitoring the DWI offender, prevention or intervention, etc.)

Section D: Training shall include Federal and State Commercial vehicles inspection & Enforcement Certification, LIDAR & RADAR Instructor certification, Legal and Policy Updates training, Advance Officers Safety Training, Motor Carrier and Vehicle Crash investigation and Reconstruction Certification (Re-cert), DUI prevention & apprehension, DRT training and Certification (Re-cert).

Section E: Equipment to be utilize in conjunction with enforcement operation and support increase conviction rate of violations. Assist to deter major vehicle crashes with visibility and presentations.

Office supply-citation books provided for the traffic enforcement officers only. One Traffic Enforcement officers finish two and a half traffic citation books every month and request is calculated for four officers.

ATTACH AN ADDITIONAL PAGE IF NECESSARY

SECTION H. TERMS, CONDITIONS AND RESPONSIBILITIES:

Please read and initial to acknowledge each of the items listed. Applications received without initials to acknowledge this section will be considered incomplete and will not be considered for funding.

- ☒ Requests for reimbursements and Monthly Report must be submitted to the by the 15th of the following month.
- ☒ Tribe understands the BIA Indian Highway Safety Program is a REIMBURSABLE grant program.
- ☒ The tribe must expend their funds and seek reimbursement based upon an approved budget and application.
- ☒ A copy of the tribe's most recent Indirect Cost Letter must be sent to the BIA IHSP in order to claim IDCs.
- ☒ Tribe must participate in the national enforcement mobilizations and the "Indian State" mobilization.
- ☒ A distribution plan must be submitted and approved before items can be ordered.
- ☒ All travel must be approved in advance by the BIA IHSP.
- ☒ Law enforcement radars & breath testing equipment purchased must be on the NHTSA Conforming Products list.
- ☒ A current draft/approved Tribal Resolution must be attached. If not attached, the application is incomplete.
- ☒ In order to comply with the provisions of FAST ACT, and the required State Certifications and Assurances, the BIA IHSP may allocate funds on behalf of the tribe to meet certain conditions and comply with all applicable rules and regulations for administering a traffic national safety program
- ☒ Tribes participating in the federal grant processes must comply with the Single Audit Act of 1984.
- ☒ If requesting full-time personnel, the following types of non-traffic related activities WILL NOT be reimbursed: Dispatch for domestic violence calls, gun calls, funeral escort, security escort, house parties, civil issue process service, welfare checks, noise complaints, fights, suicides, drug interdiction, and other non-traffic safety related calls.

I, Phillip Francisco, do hereby state and affirm: I have authority to submit this application on behalf of the tribal government named herein. I further understand and affirm: I have obtained all necessary approvals, and have discussed this application with the necessary and appropriate people. I understand by submitting this application,

Signature: _____

Date: 4/15/18

Name (Print): Phillip Francisco

Title: NSD chief of police



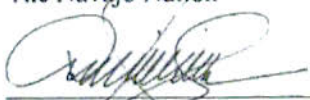
THE NAVAJO NATION

RUSSELL BEGAYE, PRESIDENT
JONATHAN NEZ, VICE PRESIDENT

March 14, 2018

MEMORANDUM

TO : Program Managers and Division Directors
The Navajo Nation

FROM : 
Dominic Beyal, Executive Director
Office of Management and Budget

SUBJECT : Indirect Cost Negotiation Agreement (Agreement) on FY 2018 IDC Rate of 15.65%

Attached is the subject Agreement for implementation effective immediately. The Agreement was executed by President Begaye and the Interior Business Center/Department of Interior based on resolution NABIMA-23-18 adopted by the NAABIK'YATI COMMITTEE to accept the IDC rate and to authorize executing the Agreement. The Agreement is available on the OMB website at www.omb.navajo-nsn.gov.

Pursuant to the FY 2018 NN Budget Instructions Manual (BIM), Appendix L Sec. IV(A)(4), the latest approved IDC shall be used to budget for recovery of IDC in the grant application/award. As such, apply the said IDC rate on grants that have an effective date of October 1, 2017 and moving forward. Also ensure the budget for IDC is supported by Check Sheet on Calculating Budget for IDC Recovery as stated at Sec. VI(B) of the BIM.

If the FY 2017 IDC rate of 15.6% was applied to grants effective after October 1, 2017, the Programs Manager shall write the funding agency by March 31, 2018 to request authorization to use the FY 2018 IDC rate. Please send a copy of such letter to the Contracts and Grants Section/OMB.

For grants that ended September 30, 2017 or before, and were extended, the IDC rate currently in use shall continue to apply to expenditure of carryover funds until the grant ends. For example, if the FY 2016 grant ended on September 30, 2016, and was extended to September 30, 2017, use of the FY 2016 IDC rate of 14.89% shall continue on that FY 2016 grant.

Please comply with the FY 2018 NN BIM regarding use of the IDC rate. Contact CGS/OMB at 871-6033 if you have questions.

ATTACHMENT / Distribution

Cc: file
President Begaye / Vice President Nez, OPVP
Lorenzo Bates, Speaker - Navajo Nation Council
JoAnn Jayne, Chief Justice - Judicial Branch
Ethel B. Branch, Attorney General - Office of the Attorney General
Pearline Kirk, Controller - Office of the Controller

RESOLUTION OF THE

NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
23RD NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES;
APPROVING, ACCEPTING, AND IMPLEMENTING THE INDIRECT COST (IDC)
NEGOTIATION AGREEMENT WITH THE U.S. DEPARTMENT OF INTERIOR,
INTERIOR BUSINESS CENTER FOR FISCAL YEAR 2018

BE IT ENACTED:

Section One. Authority

- A. Intergovernmental agreements are agreements between the Navajo Nation and another government that involve the sharing of governmental powers, and include Indian Self-Determination and Education Assistance Act (P.L. 638) contracts. 2 N.N.C § 110(J).
- B. The Budget and Finance Committee is empowered to authorize, review, approve and accept agreements between the Navajo Nation and any federal authority upon the recommendation of the standing committee which has oversight over the division, department, or program making the request. 2 N.N.C. § 301(B)(15).
- C. The Office of Management and Budget (OMB) has made the request and the Budget and Finance Committee has oversight of OMB. 2 N.N.C. § 301(B)(13).
- D. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and empowered the committee to "review and approve the negotiation and setting of the Navajo Nation's indirect cost or administrative code rate agreements with the cognizant federal agency." 2 N.N.C. §§ 700(A) and 701(A)(10).

Section Two. Findings

- A. The Interior Business Center (IBC) submitted the Indian Organizations Indirect Cost (IDC) Negotiation Agreement to the Navajo Nation with a letter dated December 5, 2017. These documents are included in **Exhibit A**.
- B. The proposed rate in the IDC Negotiation Agreement is 15.65% for the time period from 10/1/2017 to 09/30/2018.

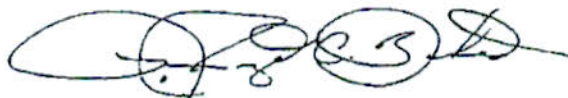
- C. OMB submitted a memorandum to the 164 reviewers describing the process to accept the IDC rate. Accordingly, OMB, the Office of the Controller, and the Department of Justice have indicated the documents are sufficient. See **Exhibit B**.
- D. Entering into the Indian Organization Indirect Cost Negotiation Agreement is in the Navajo Nation's best interest.

Section Three. Approval of IDC Negotiation Agreement

- A. The Navajo Nation approves, accepts, and implements the Indian Organizations IDC Negotiation Agreement with the U.S. Department of the Interior, Interior Business Center included in **Exhibit A**.
- B. The Navajo Nation authorizes the Navajo Nation President, or his designee, to execute the Indian Organizations IDC Negotiation Agreement.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd 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 15 in Favor and 00 Opposed, on this 8th day of March, 2018.



LoRenzo C. Bates, Chairperson
Naabik'iyáti' Committee

Motion: Honorable Nelson BeGaye
Second: Honorable Davis Filfred

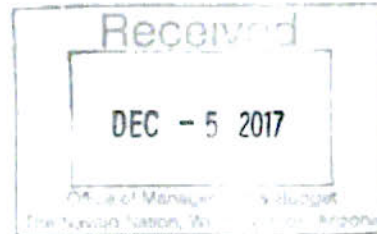
Chairperson Bates not voting



United States Department of the Interior

INTERIOR BUSINESS CENTER

Indirect Cost Services
650 Capitol Mall, Suite 7-400
Sacramento, CA 95814-4706



December 5, 2017

Mr. Russell Begaye, President
Navajo Nation
P.O. Box 646
Window Rock, AZ 86515-0646

Dear Mr. Begaye:

Enclosed is the Indirect Cost Negotiation Agreement offered by the Interior Business Center (IBC). If you agree with the contents, **please sign and return** the agreement to IBC to complete the acceptance process. IBC will then countersign and return a signed agreement to you.

As a recipient of federal funds, the regulations require annual indirect cost rates. **Indirect cost rate proposals are due within six (6) months after the close of your fiscal year end** and are processed on a first-in, first-out basis.

Please visit our website for information and updates on filing indirect cost proposals. If you have any questions concerning the negotiation agreement or require additional information, please contact our office for assistance.

Sincerely,

Craig A. Wills
Office Chief

Enclosures: Supplements and Negotiation Agreement

**Indian Organizations
Indirect Cost Negotiation Agreement**

ETN: 86-0092335

Organization:

Navajo Nation
P.O. Box 646
Window Rock, AZ 86515-0646

Date: March 14, 2018

Report No(s): 18-A-0484

Filing Ref.:

Last Negotiation Agreement
dated September 22, 2017

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which Public Law 93-638 and 2 CFR Part 200 apply for fiscal years beginning on or after December 26, 2014 subject to the limitations contained in 25 CFR 900 and Section II.A. of this agreement. Applicable OMB Circulars and the regulations at 2 CFR 225 will continue to apply to federal funds awarded prior to December 26, 2014. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in applicable regulations.

Section I: Rate

Type	Effective Period		Rate*	Locations	Applicable To
	From	To			
Fixed Carryforward	10/01/17	09/30/18	15.65%	All	All Programs

*Base: Modified total direct costs: Total direct costs, less capital expenditures and passthrough funds. Passthrough funds are normally defined as payments to participants, stipends to eligible recipients, or subawards, all of which normally require minimal administrative effort.

Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

Section II: General

Page 1 of 3

A. Limitations: Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).

B. Audit: All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.

C. **Changes:** The rate(s) contained in this agreement are based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in organizational structure, or changes in the method of accounting for costs that affect the amount of reimbursement resulting from use of the rate(s) in this agreement, require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowance.

D. **Rate Type:**

1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.

3. **Predetermined Rate:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment. (Because of legal constraints, predetermined rates are not permitted for Federal contracts; they may, however, be used for grants or cooperative agreements.)

E. **Rate Extension:** Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.

F. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.

G. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.

H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

I. Use of Other Rates: If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the affected programs, and the approved rate(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

J. Other:

1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.

2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate(s) if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.

3. Each Indian tribal government desiring reimbursement of indirect costs must submit its indirect cost proposal to our office within six (6) months after the close of the Tribe's fiscal year, unless an exception is approved.

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the Indian Organization:

Navajo Nation

Tribal Government Agency

Signature

Russell Begaye
Name (Type or Print)

President, The Navajo Nation
Title

March 8, 2018
Date

By the Cognizant Federal Government
Agency:

U.S. Department of the Interior
Interior Business Center

CRAIG WILLS Digitally signed by CRAIG WILLS
Date: 2018.03.14 10:52:12 -0700

Signature

Craig A. Wills

Name

Office Chief

Office of Indirect Cost Services
Title

Negotiated by Marilyn P. Elgar
Telephone (916) 930-3811



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

4/30/13



Instructions for Completion of BIA Indian Highway Safety Program Law Enforcement Grant Applications

The Highway Safety Act of 1966, U.S.C. Title 23, Section 402, provides U.S. Department of Transportation funding to assist Indian tribes in implementing traffic safety projects. These projects are designed to reduce the high number of traffic crashes and their resulting fatalities, injuries and property damage within Indian Country.

Tribes can apply for the full-time and over- time Law Enforcement grant with this application; use the drop down menu to select the grant the tribe is applying for. Complete the application in its entirety; do not leave any blank spaces/fields.

The BIA Indian Highway Safety Program is performance-based and data driven. A traffic safety problem **must be** identified; all applications must contain measurable targets and performance measures, and be justified by data. **Insufficient data to justify a traffic safety problem will significantly reduce the possibility of funding for the Tribe.**

These 402 funds are intended to **supplement** an existing traffic safety program on the reservation.

Indian Highway Safety Program grants are funded in the form of reimbursements. Tribes must first expend their funds and submit documentation for reimbursement consideration each month. Monthly report and financial reports (requests for reimbursement) are required.

A Tribal Resolution and the Tribe's most current approved Indirect Cost Rate Agreement Letter **must** be submitted with the application.

Please contact the Indian Highway Safety Program at (505)563-3780 to inquire about BIA IHSP Grant Writing Training.

Grant applications are due by:

- May 1, 2017 for the FY2018 Grant Year
- May 1, 2018 for the FY2019 Grant Year
- May 1, 2019 for the FY2020 Grant Year

Grant applications and attachments can be mailed to:

Bureau of Indian Affairs
Office of Justice Service
Indian Highway Safety Program
1001 Indian School Road N.W. Ste. 251
Albuquerque, NM 87114

Application and attachments can also be submitted via e-mail at:

ojs_indian_highway_Safety@bia.gov



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

IN REPLY REFERTO:

OJS COW - Indian Highway Safety Program

31 SEP 2018 09 53

NPD CHIEF OF POLICE

SEP 28 2018

Received

OCT 31 2018

Honorable Russell Begaye
President, Navajo Nation
Office of the President
Navajo Tribal Hill Drive
Window Rock, Arizona 86515

Dear President Begaye:

The Bureau of Indian Affairs (BIA) Indian Highway Safety Program (IHSP) is pleased to offer the Navajo Nation a traffic safety grant based on the application the Tribe submitted for the federal fiscal year 2019 in the amount of \$536,360.00. This grant is a Police Traffic Services grant and can only be used to enhance the Tribe's traffic safety efforts. The project number is PT-19-01 under the rules of Title 23 USC, Section 402 Highway Safety Program administered by the National Highway Traffic Safety Administration. The Catalog of Federal Domestic Assistance (CFDA) title is "State and Community Highway Safety". The CFDA number is 20.600. If this agreement is fully executed the period of performance will be October 1, 2018 to September 30, 2019.

The eighteen (18) enclosures with this letter represent the complete grant agreement package which includes the following:

- Project Information Sheet
- Grant agreement
- Law Enforcement Agreement
- Tribal Position Change Form
- ACH Information Form
- W-9
- RFR Checklist
- Request of Reimbursement (RFR) Form
- RFR Summary Sheet
- Monthly Report Form
- Mobilization and Sustained Enforcement Form
- Overtime Report Form
- Training/Travel Authorization Form
- Trip Report Form
- Purchase Request Form
- Budget Modification Form
- Position Description
- New Highway Safety Officer Evaluation Form

Please ensure this project is ready to be implemented once the agreement has been properly signed

DUNS #

**BUREAU OF INDIAN AFFAIRS INDIAN HIGHWAY SAFETY
GRANT AGREEMENT**

(?)
Wt NN

1. **PROJECT TITLE:** Navajo Nation
DUNS #: 190468459

PROJECT NUMBER: PT-19-01
CAGE CODE: 4PNN9

2. **Grantee:** Navajo Nation Police Department

Address: Post Office Box 643
City, State Zip: Window Rock, Arizona 86515
Phone: (928)871-6363
Fax: (928)871-7087

Project Coordinator and Title: Dempsey Harvey, Police Captain

Received

OCT 31 2018

3. **Grantee:** Navajo Nation

Address: Navajo Tribal Hill Drive, Office of the President
City, State Zip: Window Rock, Arizona 86515
Phone: (928)871-7000
Fax: (928)871-4025

Authorizing Official and Title: Russell Begaye, President

received
QWC 10/31/18

4. **Period of Performance:** October 1, 2018 - September 30, 2019

5. Budget:	Funding Amount:	
Full-Time Grant:		
SALARY:		
Highway Safety Officer #1	\$	47,000.00
Highway Safety Officer #2	\$	47,000.00
Highway Safety Officer #3	\$	47,000.00
Data Clerk	\$	28,780.00
Overtime	\$	35,000.00
Fringe Benefits	\$	80,890.00
MILEAGE:		
GSA Lease/Mileage	\$	30,000.00
Overtime Mileage	\$	10,000.00
TRAVEL & TRAINING:		
✓ Travel & Training ✓	\$	10,000.00
SUPPLIES:		
Supplie	\$	3,000.00
MEDIA:		
Billboard Rental/ Media	\$	5,000.00
INDIRECT COST:		
Indirect Cost Rate	\$	53,790.00
EQUIPMENT:		
3 Police Units	\$	105,000.00
3 Radar/Lidars	\$	15,000.00
3 In Car Video Cameras	\$	16,500.00
SOFTWARE:		
3 E-Ticket	\$	2,400.00
Total Federal Funding:	\$	536,360.00

PROJECT NUMBER: PT-19-01
GRANTEE NAME: Navajo Nation

GRANT AGREEMENT

This grant agreement is entered into by and between the Bureau of Indian Affairs (BIA) Indian Highway Safety Program (IHSP) and the Navajo Nation.

This agreement is authorized under Title 23, USC, Section 402, administered by the National Highway Traffic Safety Administration (NHTSA), including all regulations 23CFR1300, 2CFR200, amendments and other applicable policies.

The Catalog of Federal Domestic Assistance (CFDA) title is "State and Community Highway Safety". The CFDA number is 20.600. The BIA IHSP Federal Award Identification Number (FAIN) is 69A37518300004020Z20

Accordingly, the Navajo Nation agrees as follows:

SECTION ONE: PROJECT DESCRIPTION

The purpose of this agreement is to provide funding to the Navajo Nation to enhance the Tribe's traffic safety and enforcement efforts aimed at reducing death and injuries on the reservation as a result of motor vehicle crashes. The Tribe agrees to comply with all provisions and conditions of this agreement including the BIA IHSP project management and accounting procedures for reimbursement and the NHTSA Grants Management Manual. The purpose of the grant agreement is not for research and development.

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/00_Man/Contents1_01.html

SECTION TWO: PROBLEM IDENTIFICATION

Navajo Nation Police Department (NNPD) has identified motor vehicle crashes fatalities, motor vehicle crashes, impaired driving, speeding, and unrestrained passengers all seat position fatalities as traffic problem that exists on the reservation.

Navajo Nation experienced a high/low number of serious motor vehicle crashes over the years with 793 in 2012, 711 in 2013, 677 in 2014, 723 in 2015 and 459 in 2016. In 2016 Navajo Nation Police Department issued 3,101 traffic warning citation and 4,748 traffic citation.

The number of motor-vehicle fatality crashes on the Navajo Nation in 2013 totaled 69 up to 77 an increase by 12% by 2016. The total for 2014 was up by 31% from the 2013 figure. The annual total for 2014 was 91. This is the highest reported number within the four years of data. The estimated annual population death rate is 25.83 deaths per 100,000 population. The High MVCF and Motor vehicle crashes (MVC) rate could be attributed to speeding (808), driving while intoxicated (422), and unrestrained passengers (304).

NNPD would like to send officers to the following training to assist with the traffic problems identified in the problem state and achieve targets in reducing motor vehicle fatalities, motor vehicle crashes, and increasing speed citations and impaired driving arrests. Intoxilyzer training would assist officers in using breath alcohol testing devices to identify impaired drivers. Drug Recognition Expert Training would assist

officers in identifying drug impaired drivers. Standard Field Sobriety Testing and Refresher course would also assist in identifying impaired drivers. Crash Reconstructionist and Advanced training would assist officer in determining causes of motor vehicle crashes. Radar and lidar training would teach officers the proper use of equipment. CPS Technician training would assist in teaching officers how to properly install a car seat and teach care givers the proper installation.

NNPD is also requesting 3 police units for 3 Highway Safety Officers with radars and in car video cameras for officers to use along with 3 licenses for E-ticketing. A Data Clerk will also assist with compiling data and assembling requests for reimbursement and other duties traffic related.

The Tribe's BAC law is .08 and there is a seat belt law on the reservation.

SECTION THREE: TARGETS

1. To reduce the number of motor vehicle related fatalities by 9% on the Navajo Nation's reservation by from the FY2017 number of 75 to 68 by the end of FY2019.
2. To reduce motor vehicle related crashes by 10% from the FY2017 number of 723 to 650 by the end of FY2019.
3. To increase the number of DUI arrests by 5% from the FY2017 number of 1,569 to 1,647 by the end of FY2019.
4. To increase the number of speed citations by 15% from the FY2017 number of 1,558 to 1,791 by the end of FY2019.
5. To reduce the number of unrestrained passenger vehicle occupant fatalities (all seat position) by 10% from the FY2017 number of 28 to 25 by the end of FY2019.

SECTION FOUR: STRATEGIES (specific to the program)

Hire and maintain three (3) Highway Safety Officer's and one (1) Data Clerk.

Increase DUI/DWI patrols at times, dates and locations normally associated with impaired driving arrests and crashes.

Increase traffic enforcement for all moving violations.

Conduct not less than 196 checkpoints and/or high visibility saturation patrols at times, dates and locations normally associated with impaired driving arrests and crashes.

Provide training for officer(s) in ARIDE, SFST, radar/lidar, and checkpoint methods.

Provide support to the *"Click It or Ticket"*, *"Drive Sober or Get Pulled Over."* crackdown and the *"Don't Shatter the Dream"* Indian State holiday mobilization through high visibility patrols, sobriety checkpoints and saturation patrols.

Each HSO and overtime grant program will provide not less than two (2) educational presentations each year to elementary, high school, college students or community members on the subject of traffic safety.

PROJECT EVALUATION

The Navajo Nation agrees to provide the following information as a means to measure the progress of the project.

Tracking and reporting on the following:

- Total number of MVC fatalities
- Total number of alcohol-related MVC fatalities
- Total number of speed-related MVC fatalities
- Total number of MVC fatalities involving driver with BAC of .08+
- Total number of drivers age 20 or younger involved in MVC fatal crashes
- Total number of motorcyclist fatalities
- Total number of un-helmeted motorcyclist fatalities
- Total number of pedestrian fatalities
- Total number of unrestrained occupant MVC fatalities, all seat positions
- Total number of bicyclist fatalities
- Total number of motor vehicle crashes
- Total number of motor vehicle injury crashes
- Total number of alcohol-related MVC crashes
- Total number of speed-related MVC crashes
- Total number of traffic citations
- Total number of speed citations
- Total number of DUIs
- Total number of safety belt citations
- Total number of CPS citations
- Total number of checkpoints
- Total number of saturation patrols
- Total number of educational presentations

SECTION FIVE: BUDGET

The funding source will be section 49 C.F.R. Section 402 which is administered by the BIA IHSP.

The Tribe is responsible for all costs exceeding the total amount of this grant and for activities not approved in the grant agreement or that do not comply with 49 C.F.R. Section 402. The project budget is itemized as follows:

Budget:

Funding Amount:

Full-Time Law Enforcement Grant:

SALARY:

Highway Safety Officer #1	\$	47,000.00
Highway Safety Officer #2	\$	47,000.00
Highway Safety Officer #3	\$	47,000.00
Data Clerk	\$	28,780.00
Overtime:	\$	35,000.00
Fringe Benefits:	\$	80,890.00

MILEAGE:		
GSA Lease/Mileage:	\$	30,000.00
Overtime Mileage:	\$	10,000.00
TRAVEL & TRAINING:		
Travel & Training:	\$	10,000.00
SUPPLIES:		
Supplies:	\$	3,000.00
MEDIA:		
Billboard Rental/ Media:	\$	5,000.00
INDIRECT COST:		
Indirect Cost Rate:	\$	53,790.00
EQUIPMENT:		
3 Police Units	\$	105,000.00
3 Radar/Lidar	\$	15,000.00
3 In Car Video	\$	16,500.00
SOFTWARE:		
3 E-Ticket	\$	2,400.00
Total Federal Funding:	\$	536,360.00

The Tribe **cannot** transfer funds between budget categories without prior written approval from the BIA IHSP Director.

SECTION SIX: EQUIPMENT

Equipment, if listed under **SECTION FIVE**, is authorized for purchase as a part of this grant. An itemized list must be specifically approved prior to purchase.

Products purchased with Grant funds administered under Chapter 4 of Title 23 of the United States Code states it is in the public interest to waive the Buy America requirement for a manufactured product whose purchase price is \$5,000 or less. Any purchases, for a single item, over \$5,000 will require NHTSA approval prior to purchase.

SECTION SEVEN: GENERAL CLAUSES

1. The Tribal Representative executing this agreement has the authority to enter into the conditions set forth between the Navajo Nation and the BIA IHSP.
2. This agreement is an obligating document that allows costs to be incurred after October 1, 2018 or once the agreement signatures (BIA IHSP Director and Tribal President/Chairman/Governor) have been obtained, based on the availability of Federal Funds and end on September 30, 2019.
3. No project activities shall be implemented or reimbursed until the Tribe has received a signed grant agreement by the BIA IHSP Director.
4. A copy of the executed agreement will be provided to the Tribal Project Coordinator.
5. In order to comply with the provision of FAST Act and the State Certifications and Assurances, the BIA IHSP will allocate funds on behalf of the Tribes to meet certain conditions and comply

with all applicable rules and regulations for administering a traffic safety program. These include the Blood Alcohol Testing (BAT) Mobile Projects, Occupant Protection Surveys, Electronic Grants System and other special projects/programs to assist tribal governments in implementing and administering their traffic safety program.

6. Federal funds allocated to finance tribal-traffic safety projects are intended to supplement and not substitute for ongoing program Tribal-traffic safety enforcement expenditures. The project (or program) should be designed to eliminate a deficiency in an applicant Tribe's program or to expand an existing program.
7. The BIA IHSP is a performance-based program. The Tribe agrees to the Performance Measures and Targets as outlined in the annual Indian Highway Safety Plan (IHSP) and **SECTIONS THREE AND FOUR** above.
8. A monthly program narrative (Monthly Report) and a request for reimbursement are required on or before the fifteenth (15th) day after the previous months activities have been performed. **All monthly reports must be submitted in the format provided by the BIA IHSP and will include the following information:**
 - a. Daily logs for all IHSP grant funded Officers' activities as well as for all overtime hours. Daily logs must include all citation numbers.
 - b. Approved Travel/Training Requests and Trip Report with supporting documents. (Per Diem will be reimbursed at the normal tribal rate and must not exceed the Federal Travel Regulations rate for the travel location)
9. Projects that do not submit a monthly narrative report and a request for reimbursement by the fifteenth (15th) day of the following month will receive written notification via e-mail of overdue report. If no response is received within 7 calendar days after the first notification, project personnel will receive a First Notice. If no response is received within 15 calendar days after the First Notice, project personnel will receive a Final Notice which may result in the termination of the grant agreement. During the agreement year, if the Tribe receives three Final Notices the IHSP will evaluate the tribal program to determine if the project should be terminated.
10. The Tribe agrees the grant agreement may be terminated for (1) project inactivity, (2) failing to hire approved personnel and (3) non-submittal of monthly reports. Termination notification will be made in writing.
11. If a full-time IHSP funded highway safety officers' position becomes vacant during the project year, the position cannot be filled until an IHSP evaluation of the position is completed and documented. The Grantee is responsible for notifying the IHSP of all vacancies. The IHSP Program Director will make the final decision on whether the position can be filled or if the agreement should be modified.
12. All payments are on a reimbursement basis. A REQUEST FOR REIMBURSEMENT (RFR) form and the Request for Reimbursement (RFR) Summary Sheet must be submitted monthly along with the narrative report (Monthly Report). Supporting documentation is mandatory for all expenditures and claims for the monthly reporting period. The reimbursement requests must be

submitted to the BIA IHSP for review, approval, and entry into the payment system. The documents must be submitted to the IHSP e-mail address: ojis_indian_highway_safety@bia.gov.

It is the Tribe's sole responsibility to dis-allow working hours, salary, fringe benefits, and mileage claims, along with any other costs for non-traffic related activity from the RFR prior to submission for full-time or overtime Officers and other personnel the Tribe is seeking reimbursement for under Indian Highway Safety Grant.

All RFR's will be processed in the condition they are received. The required documentation for all RFR's is contained in the RFR checklist (see attachment).

Please note: Reimbursement claims submitted to the BIA IHSP may take more than 30 days for processing by the BIA IHSP and receipt of funds.

13. Written notice of the Tribes electronic transfer account number, ABA number, nine (9) digit Employer Tax ID number issued by the IRS and SAM (DUNS) number **must be** submitted to the IHSP office immediately upon receipt of this agreement.

ACH Vendor/Miscellaneous Payment Enrollment Form (OMB No. 1510-0056) and W-9 Request for Taxpayer Identification Number and Certification forms are attached and must be returned with the signed grant agreement.

14. In order to verify rate of pay, copies of check stubs and financial ledgers must be submitted on a monthly basis for reimbursement. If your Tribe is unable or unwilling to submit requested items, the Tribe will be unable to participate in the program.
15. Fringe benefits for salaried project personnel are allowed costs and will be reimbursed at "actual cost". Reimbursement will be allowed only if the Tribe provides a breakdown of costs at the beginning of the project. Fringe will not be reimbursed if the rate cannot be verified. BIA IHSP will not reimburse fringe benefit costs if proper documentation is not provided. Costs will not be retroactive.
16. Any proposed modifications to this agreement, that result in changes of scope, character, or complexity of the agreement, as determined by the BIA IHSP, shall require modification to the grant agreement. Any proposed minor changes in this agreement may be authorized by the Governors Highway Safety Representative, or his delegate, by notifying the Grantee in writing of the approved changes.
17. If the Tribal Project Coordinator changes, or there are other tribal personnel changes, the BIA IHSP **must be** notified immediately and provided with the name, title, telephone number, fax number and e-mail address of new personnel. Information related to the grant will only be provided to individuals listed on the grant agreement.
18. The name of the designated official who will be authorizing the *REQUEST FOR REIMBURSEMENT* of funds is required. No other person will be authorized to sign a *REQUEST FOR REIMBURSEMENT* form.
19. Bodily fluid testing equipment and speed measuring equipment can only be purchased with written prior approval from the BIA IHSP. An inventory of all equipment purchased by the IHSP must be maintained by the Grantee and available to IHSP upon request. Any projects receiving

radar(s) and breath analyzer(s) must have officers trained and certified in their usage and operation. (Copies of the certifications will be provided to the BIA IHSP.

20. Equipment purchased under this grant is outlined in **SECTION SIX** above and shall be used for the purpose for which it was intended for the useful life of the equipment. It is mutually agreed and promised by the Grantee that no equipment will be conveyed, sold, salvaged, transferred, etc., without the written approval of the BIA IHSP.
21. Equipment purchases must have written prior approval (Purchase Request Form) from BIA IHSP. If prior approval is not received, the Tribe **WILL NOT** be reimbursed for the equipment. All equipment must be purchased by **March 31, 2019**.
22. In order to be reimbursed for equipment purchases, a copy of the signed receiving invoice which includes descriptions and serial numbers and Inventory Receipt Form must be submitted to the BIA IHSP. An inventory of all equipment purchased by the IHSP must be maintained by the project and available to BIA IHSP staff upon request. An inventory of all equipment purchased with BIA IHSP funds must be maintained and submitted with the annual report. Pictures, serial numbers of the approved purchased equipment, along with Inventory Receipt Form must be submitted to the BIA IHSP prior to reimbursement.
23. The Tribe agrees to send a letter to BIA IHSP requesting disposition of any equipment with a purchase price of \$1,000.00 or more before the equipment may be disposed of.
24. All travel must adhere to the guidelines provided in **SECTION EIGHT** of this grant agreement.
25. No indirect costs will be paid without a copy of the Tribe's most recent up to date approved Indirect Cost Rate Letter on file. Indirect cost must be claimed on a monthly basis and will not be reimbursed on a quarterly or annual basis. If the Tribe receives a new Indirect Cost Rate Letter after the fiscal year has begun, it is the responsibility of the Tribe to provide a copy of that letter to the BIA IHSP office. Cost will not be retroactive.
26. All law enforcement projects must provide reporting on the forms attached. All forms must have the proper signatures present. All other previous form versions will not be accepted. (2 CFR 200.338 - Remedies for noncompliance)
27. All purchases of goods and services will be **made using procurement regulations approved by the BIA IHSP as set forth under Title 49, CFR "Common Rule," 23 CFR Part 1200 and NHTSA funding policy letter dated February, 2002.**
28. A-133 Compliance – The Tribe is required to comply with federal OMB A-133 requirements. If threshold expenditures for all federal funds expended by the Tribe are \$750,000.00 or more during your agency's fiscal year 2017, the Tribe must submit a Single Audit Report or Management Letter (if applicable) to the Director of the BIA IHSP, Indian Highway Safety Program, 1001 Indian School Rd NW, Suite 251, Albuquerque, NM 87104 or via e-mail at ojs_indian_highway_safety@bia.gov.
29. A **Purchase Request Form** must be submitted for any office supplies, and media **prior to** purchasing the items and a copy of the approved **Purchase Request Form** must be included when the reimbursement claim is filed. All media must carry a Traffic Safety message. The BIA

IHSP must approve messages and/or drawings, art or other pictures. In order to be reimbursed, a vendor provided invoice is the only document that will be accepted for verification of purchase.

30. All training must be traffic enforcement and safety related. Training must relate directly to the current project and coincide with the project's targets and strategies. Enforcement projects will have Highway Safety Officers trained and certified in all necessary subjects (SFST, radar/lidar, ARIDE and crash investigation) within the contract year. All on-site and location training will require written prior approval 5 days prior to the start date.
31. All educational/community presentations must be traffic enforcement and safety related. Presentations must coincide with the project's targets and strategies. All on-site educational/community presentations, more than 4 hours in length, will require written prior approval 5 days prior to the start date. The Travel and Training Authorization form will be used to request prior approval for presentations. All educational/community presentations, for any amount of time, require an agenda, number of participants and audience type (adult tribal members, school children, etc...).
32. Overtime may not be claimed for travel or training of full-time Highway Safety Officers or over-time Officers, and other granted personnel, schedules must be modified to allow for travel/training to occur during normal shift hours and all training must be traffic related. All training requirements must be mandatory to maintain officer's certification or enhance their abilities to perform traffic safety activities. The BIA IHSP reserves the right to request, POST requirements, supporting documentation prior to approval of certification training requests. Training will be evaluated on a case by case basis. All travel and training requests must be submitted to the BIA IHSP within 5 business days prior to the start date of training for BIA IHSP approval
 - a. The following training will be allowable under this grant:

ARIDE	Standardized Field Sobriety Training
Sobriety Check Points	Crash Reconstruction
Intoxilyzer	Child Passenger Safety Seat Technician
Radar/Lidar	Traffic Safety Related Conferences/Meetings
Crash Data Software	
 - b. The following types of trainings will not, unless specifically mandated to maintain Officer certification, be allowable under this grant:

Academy Certification	Defensive Driving
Driver Instructor	Leadership/Supervisor Training
Street Survival Training	Instructor Training
33. Cell phones, airtime, or other charges related to cell phones **WILL NOT** be authorized for any reason.
34. Full-time salaried personnel and others being funded by IHSP are expected to spend 100% of their time on project activities.

35. This must be accounted for in monthly narratives (report), daily logs, citation logs and by timesheets. (2 CFR 200.338 - Remedies for noncompliance)
36. Holiday pay, administrative leave, annual leave, and sick leave will be reimbursed at the rate the Tribe has set forth. Supporting documentation to verify pay such as approved leave slips, tribal administrative holiday correspondence must be submitted with the RFR to support reimbursement.
37. In accordance with 2 CFR 200.336(a) Records of non-federal entities (Grantee's) shall allow full access to all records related to the grant. Access shall be allowed for the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity or any of their authorized representatives, must have the right of access to any pertinent books, documents, papers, or other records of the non-federal entity (Grantee) which are pertinent to the Federal award, in order to make audits, examinations, excerpts and transcripts. The right also includes timely and reasonable access to non-federal entity's (Grantee's) personnel for the purpose of interview and discussion related to such documents.
38. Any program income earned by project personnel financed in whole or in part with federal funds must be documented and accounted for. Program income earned during the project period shall be reported to BIA IHSP, retained by the Grantee and added to the funds committed to the project by the BIA IHSP and be used to further eligible program objectives.
39. Mileage for Overtime will be reimbursed at the current standard rate allowed by GSA (GSA Bulletin FPMR G-211); Sedan/Midsize 1100, Sedan/Large 1426, and Sport Utility 100L. Overtime mileage must be recorded on the Overtime Form in order to be reimbursed. Mileage logs must be maintained by project personnel and will be verified during monitoring visits. If mileage logs are not available or if mileage cannot be verified, project will no longer be reimbursed for mileage.
40. The Director of the BIA IHSP shall decide any dispute, disagreement or question of fact arising under this agreement. A written appeal of any decision made by BIA IHSP staff to the BIA IHSP Director may be made within 30 calendar days of the decision. The appeal must be in writing and identify specific details which the project wishes to dispute. A response will be in writing to the Tribal Leader and Chief of Police/Tribal Project Coordinator.

An appeal to the BIA IHSP Governor's Representative (GR) may be made only after a decision issued by the BIA IHSP Director. The appeal may be made in writing within 30 calendar days of the BIA IHSP Director's decision.
41. All final claims for reimbursement **AND** a final performance report **MUST** be received by the BIA IHSP no later than October 31, 2019. Claims received after that time may not be eligible for reimbursement.
42. The BIA IHSP, in the event of Grantee noncompliance with any of the provisions of this agreement, may terminate this agreement by giving the Grantee thirty (30) days advance notice. The BIA IHSP, before issuing notice of termination of this agreement, shall allow the Grantee a reasonable opportunity to respond to an IHSP issued Corrective Action Plan.

The Grantee may terminate their participation in this agreement by notifying and receiving the concurrence of the BIA IHSP thirty (30) days in advance of the termination.

43. The BIA IHSP encourages law enforcement agencies to follow the guidelines issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 4029(j)).

SECTION EIGHT: TRAVEL GUIDELINES

BIA TRAVEL PROCEDURES FOR 402 FUNDED HIGHWAY SAFETY PROJECTS

2 CFR Part 225 provides:

Travel costs, if authorized, are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees traveling on official business.

Pursuant to Federal Travel Regulations, <http://www.gsa.gov/portal/content/104790>, the BIA IHSP has established the following rules for travel under its 402 Highway Safety Program.

1. All travel must be necessary and essential to the project.
2. All travel must be directly related to goals, targets and strategies as set out in your proposal/agreement.
3. All travel must be approved in writing 5 business days prior to the start date travel is to occur. This includes all travel in which travel costs or salary wages will be incurred under the Indian Highway Safety grant.
4. Full-time employees, because they are funded by the BIA IHSP must have all travel, related to contract or not, approved in advance regardless of who is paying for the travel expenses. The BIA IHSP has the authority to deduct salary for the full-time employee for the amount of time away from duty station on unauthorized travel.
5. National conferences are not mandatory and will be reviewed on a case-by-case basis. Grant employees may not be allowed to attend the same annual conference two years in a row.
6. Trip reports are required for all trips, both in and out of state. Requests for reimbursement for travel expenses will not be processed without trip reports.
7. Trip reports must contain, at a minimum: (See sample trip report)
 - a. Trip purpose or objective
 - b. Trip outcome/benefit to your project
 - c. How the travel relates to your project
 - d. Activities that you participated in or workshops attended
 - e. Contacts made
8. Travel expenses will be reimbursed at the normal Tribal travel rates not to exceed the Federal Travel Regulations for the travel location.

SECTION NINE: CERTIFICATIONS AND ASSURANCES

NONDISCRIMINATION

(applies to subrecipients as well as Tribes)

The tribe will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100)).

The Tribe-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program

is Federally-assisted.

- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require any of its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees-

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs a through d, in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The tribe will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture; distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's

workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace.
 - 2. The grantee's policy of maintaining a drug-free workplace.
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will —
 - 1. Abide by the terms of the statement.
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted —
 - 1. Taking appropriate personnel action against such an employee, up to and including termination.
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as Tribes)

The tribe will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded, in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as Tribes)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as Tribes)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as Tribes)

Instructions for Primary Certification (Tribes)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR Part 180. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally

possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of

changed circumstances.

4. The terms covered *transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in

this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as Tribes)

The tribe and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as Tribes)

The tribe and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

I understand that the information provided in support of the Tribe's application for Federal grant funds and these Certifications and Assurances constitute information upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

Russell Begaye 9/28/18 [Signature] 9-28-18

Tribal Leaders Signature

Date

Lawrence, Robertson,
IHSP Director, BIA

Date

Russell Begaye 9/28/18

Tribal Leader, Print Name

LAW ENFORCEMENT AGREEMENT

Tribe: Navajo Nation

Project Number: PT-19-01

I, Phillip B. Franciso, Chief of Police do hereby state and declare that I am the Chief of Police for the Navajo Nation and hereby agree and certify that the Tribe will, at a minimum, participate in two (2) National Mobilizations and the Indian State Mobilization to be held in **December 2018, May 2019 and August 2019**. The tribe has the option to participate in additional local tribal mobilizations with written approval prior to the start date.

I understand:

Funds have been identified in the current grant agreement to fund traffic safety overtime and overtime activities during the mobilizations, to include, but not be limited to: Saturation Patrols, DUI/Safety Check Points, and other traffic safety overtime enforcement activities.

In the event all regular and overtime funds are expended prior to the mobilizations, this department will honor its commitment to participate in the three (3) Mobilizations.

The Tribe agrees to honor its commitment to participate in the mobilizations regardless of staff changes or leadership changes (i.e. new Chief (s) appointment).

The **MOBILIZATION AND SUSTAINED ENFORCEMENT** form is due to the BIA IHSP Office not later than 15 days after the end of each mobilization. (Forms will be provided)

If the **MOBILIZATION AND SUSTAINED ENFORCEMENT** form is not returned, reimbursements for those time periods will not be made until such time as the completed form has been returned.

Failure to participate and report for specified mobilization is a violation of the provisions of this agreement and could jeopardize the continued and future funding for the program.

(2 CFR 200.338 - Remedies for noncompliance)

I further understand the dates of the mobilizations are:

December 14, 2018 - January 1, 2019 - Don't Shatter the Dream Indian State Mobilization

May 20 - June 2, 2019 - Click It or Ticket Mobilization

August 16 - September 2, 2019 - Drive Sober or Get Pulled Over Mobilization

Equipment with a unit price of \$5,000.00 or more must have written approval letter from the NHTSA Regional Administrator before purchase. Failure to receive approval prior to purchase will result in non-reimbursement for the equipment. The BIA IHSP will be responsible for submitting all grantee requests in excess of \$5,000.00 to the NHTSA Regional Administrator.

Officers' utilizing BIA purchased equipment must be certificated for use in/of equipment and certifications made available to the BIA IHSP. Failure to have properly trained officer(s) may result in the equipment being removed and returned to the BIA IHSP.

A monthly program narrative (Monthly Report) and a request for reimbursement are required on or before the fifteenth (15th) day after the previous months activities have been performed. All monthly reports must be submitted in the format provided by the BIA IHSP and will include the following information:


- a. Daily logs for all IHSP grant funded Officer's activities as well as for all overtime hours. Daily logs must include all citation numbers.
- b. Overtime forms for each shift worked, by each officer working, must be signed by a supervisor.

Projects that do not submit a monthly narrative report and a request for reimbursement by the fifteenth (15th) day of the following month will receive written notification via email of overdue report. If no response is received within 7 calendar days after the first notification, project personnel will receive a First Notice. If no response is received within 15 calendar days after the First Notice, project personnel will receive a Final Notice which could result in the termination of the contract. During the contract year, if the tribe receives three Final Notices the BIA IHSP will evaluate the contract to determine if the project will be terminated.

Attempts to contact Tribal personnel will be documented, in writing, with outcomes noted.

The BIA IHSP and/or NHTSA can will make scheduled or unscheduled site visits for project monitoring purposes. Every effort will be made to provide advanced notice.

I agree the Tribal Project Coordinator will be the main point of contact of this grant agreement between the BIA IHSP and tribe.



Chief of Police

Phillip B. Francisco

Print Name

Date



Lawrence, Robertson



Project Coordinator

Dempsey Harvey

Print Name

Date



Date



The Navajo Nation

Russell Begay
Jonathan Ne



January 10, 2019

TRANSMITTAL

TO : Phillip Francisco, Chief of Police
Navajo Police Department/Navajo Division of Public Safety

FROM : [Signature] for C. Shortey 1/10/19
Cordell Shortey, Contracting Officer
Contracts and Grants Section / OMB

SUBJECT : Bureau of Indian Affairs-Office of Justice Services (IHSP)

I. Information on Contract (per Original Award):

Indian Highway Safety Program	DOI/BIA	20.600
Title of Contract	Funding Agency	CFDA No. - Federal
Project No. PT-19-01	\$ 536,360.00	2019
Grant No.	Amount	Fiscal Year
		Term - Begin and End Date
		10/01/2018 - 09/30/2019

II. Data Entered in FMIS Regarding:

☒ New Contract or Grant Company No. 4610 Business Unit (K#) K190703
☐ Contract Mod No.
☐ Amt of Award _____ to _____
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: BIA-OJS authorized by unilateral letter dated September 28, 2018

III. Comments by CGS:

Budget entered in FMIS pursuant to Navajo Nation President's authorization although NPD did not comply with FY'19 NN BIM Appendix L Section (IV)(A)(7). NPD needs to resolve the issue addressed by Memorandum of November 16, 2018 (attached).

Attachment

Copy: Contract files
Arlene Billie, Contract Accounting/OOC
Jesse Delmar, Division Director/NDPS

Revised April 2018






THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

November 16, 2018

MEMORANDUM

TO : Phillip Francisco, Chief of Police
Navajo Police Department - NDPS

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

SUBJECT : Grant Agreement- Project Number: PT-19-01; Bureau of Indian Affairs
(BIA) Indian Highway Safety Program (IHSP)

Pursuant to Executive Order (EO) no. 09-2018 that was issued on March 16, 2018 by President Begaye, based on discretion of OPVP, the document were submitted to designate Reviewer(s) as determined by the President for assessment and signature including if the document is sufficient or insufficient. In memorandum of April 9, President Begaye stated the EO 09-2018 shall remain in effect until April 30, 2018. OMB continues to follow that to date because there has been no further guidance.

CGS reviewed the subject agreement and determined Grant Agreement does not comply with FY'19 Navajo Nation Budget Instructions Manual (NN BIM) Appendix L. Section IV. Part 7. Because the award was signed by Navajo Nation President on September 28, 2018, implementation of award will be based on resolving issue:

1. The DUNS number (190468459) used is incorrect as the official NN DUNS# is 009001702. Program needs to correct and comply with FY 2019 NN BIM Appendix L. Section IV. Part 7.

Navajo Police Department needs to resolve issue raised above and use the correct DUNS No. in the future. Contact our office at 871-6033, if you have question or need additional information.

 Cc: File-CGS

Job K 190703 FY19 BIA INDIAN HIGHWAY SAFETY

Thru Date 1/31/2019

Project

Coat Code	Coat Type	Description	L.P.M.	Original Budget Amt	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
1710		Program Revenue	6 B N	\$36,360.00	\$36,360.00			\$36,360.00		1.00
1710		Program Revenue	6 T	\$36,360.00	\$36,360.00			\$36,360.00		1.00
1705		CG Revenue	5 T	\$36,360.00	\$36,360.00			\$36,360.00		1.00
1700		External C/G Revenue Source	4 T	\$36,360.00	\$36,360.00			\$36,360.00		1.00
1000		Revenues	3 T	\$36,360.00	\$36,360.00			\$36,360.00		1.00
2110		Regular	6 B N	169,780.00	169,780.00			169,780.00		1.00
2110		Regular	6 T	169,780.00	169,780.00			169,780.00		1.00
2100		Permanent	5 T	169,780.00	169,780.00			169,780.00		1.00
2510		Overtime	6 B N	35,000.00	35,000.00			35,000.00		1.00
2510		Overtime	6 T	35,000.00	35,000.00			35,000.00		1.00
2500		Overtime	5 T	35,000.00	35,000.00			35,000.00		1.00
2900		Fringe Benefits	5 B N	80,890.00	80,890.00			80,890.00		1.00
2900		Fringe Benefits	5 T	80,890.00	80,890.00			80,890.00		1.00
2001		Personnel Expenses	4 T	285,670.00	285,670.00			285,670.00		1.00
3110		Fleet	6 B N	11,194.00	11,194.00			11,194.00		1.00
3110		Fleet	6 T	11,194.00	11,194.00			11,194.00		1.00
3120		Program	6 B N	28,805.00	28,805.00			28,805.00		1.00
3120		Program	6 T	28,805.00	28,805.00			28,805.00		1.00
3100		Vehicle Use	5 T	39,999.00	39,999.00			39,999.00		1.00
3230		Personal Travel	6 B N	5,001.00	5,001.00			5,001.00		1.00
3230		Personal Travel	6 T	5,001.00	5,001.00			5,001.00		1.00
3200		Personal Travel Expenses	5 T	5,001.00	5,001.00			5,001.00		1.00
3000		Travel Expenses	4 T	45,000.00	45,000.00			45,000.00		1.00
4120		Office Supplies	6 B N	1,505.00	1,505.00			1,505.00		1.00
4120		Office Supplies	6 T	1,505.00	1,505.00			1,505.00		1.00
4100		Office Supplies & Equipme	5 T	1,505.00	1,505.00			1,505.00		1.00
4410		Operating Supplies	6 B N	3,900.00	3,900.00			3,900.00		1.00
4410		Operating Supplies	6 T	3,900.00	3,900.00			3,900.00		1.00
4400		Operating Supplies	5 T	3,900.00	3,900.00			3,900.00		1.00
4000		Supplies	4 T	5,405.00	5,405.00			5,405.00		1.00
7410		Media	6 B N	5,000.00	5,000.00			5,000.00		1.00
7410		Media	6 T	5,000.00	5,000.00			5,000.00		1.00
7400		Media	5 T	5,000.00	5,000.00			5,000.00		1.00
7510		Training & Professional	6 B N	5,000.00	5,000.00			5,000.00		1.00
7510		Training & Professional	6 T	5,000.00	5,000.00			5,000.00		1.00
7500		Employee Special Transact	5 T	5,000.00	5,000.00			5,000.00		1.00
7000		Special Transactions	4 T	10,000.00	10,000.00			10,000.00		1.00
9140		Equipment	6 B N	31,500.00	31,500.00			31,500.00		1.00
9140		Equipment	6 T	31,500.00	31,500.00			31,500.00		1.00

Job K190703 FY19 BIA INDIAN HIGHWAY SAFETY

Print Date 1/31/2019

Project

Cost Code	Cost Type	Description	L P M DEC L M	Original Budget Amt	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised	
									Spent	Remaining
9160		Vehicles	6 B N	105,000.00	105,000.00			105,000.00		1.00
9160		Vehicles	6 T	105,000.00	105,000.00			105,000.00		1.00
9100		Personal Property	5 T	136,500.00	136,500.00			136,500.00		1.00
9000		Capital Outlay	4 T	136,500.00	136,500.00			136,500.00		1.00
9710		IDC	6 B N	53,785.00	53,785.00			53,785.00		1.00
9710		IDC	6 T	53,785.00	53,785.00			53,785.00		1.00
9700		Indirect Cost (Overhead)	5 T	53,785.00	53,785.00			53,785.00		1.00
9500		Matching & Indirect Cost	4 T	53,785.00	53,785.00			53,785.00		1.00
2000		Expenses	3 T	536,360.00	536,360.00			536,360.00		1.00

Received
1/9/19
JAN - 8 2019

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FY 2019

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 01 of 09
BUDGET FORM 1

PART I. Business Unit No. _____		New K19073 Program Title: Navajo Police Department		Phone No.: 928/871-6363	Prepared By: Dempsey Harvey, Police Captain	Email Address: djharvey@navajo-nsn.gov	Division/Branch: Public Safety/Executive	
PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			
BIA Highway Safety Grant		10/01/18-09/30/19	536,360	100%				
				0%				
					Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
					1		✓ 285,670	285,670
					1		✓ 45,000	45,000
							0	0
					1		✓ 5,405	5,405
							0	0
							0	0
							0	0
							0	0
					1		✓ 10,000	10,000
							0	0
					1		✓ 136,500	136,500
							0	0
					1		✓ 53,785	53,785
					TOTAL	\$0.00	536,360	536,360
					PART IV. POSITIONS AND VEHICLES			
					(D)			
					(E)			
					Total # of Positions Budgeted:			
					4			
					Total # of Permanently Assigned Vehicles:			
					4			
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								

Philip Francisco, Chief of Police

SUBMITTED BY: Program Manager's Printed Name

SUBMITTED BY: Program Manager's Signature and Date

Jesse Delmar, Division Director

APPROVED BY: Division Director/Branch Chief's Printed Name

APPROVED BY: Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Received

JAN - 8 2019

received

Cute CGS 1/9/19

PART I. PROGRAM INFORMATION: Navajo Police DepartmentBusiness Unit No. New K190703

Program Name/Title:

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

(GSCJA-04-08) The purpose of the Navajo Police Department is to enforce all Navajo Nation laws within the territorial jurisdiction of the Navajo Nation, as defined by Title N.N.C. §254 & 18 U.S.C. §1151, to provide effective and efficient law enforcement services on a twenty-four (24) hour basis to protect life and property, and to screen all police personnel to determine their level of enforcement skills and knowledge and provide them with the necessary law enforcement education to achieve full potential as Navajo Nation law enforcement officers. The application of these objectives are subject to availability of funds.

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

DUI Saturation Patrol/Enforcement

Goal Statement:

To reduce the number of motor vehicle related fatalities by 9% (75 to 68)

2. Program Performance Area:

Traffic Enforcement

Goal Statement:

To reduce the number of motor vehicle related crashes by 10% (723 to 650)

3. Program Performance Area:

Impaired Driving Enforcement

Goal Statement:

Increase DUI/DWI arrests by 5% (1569 to 1647)

4. Program Performance Area:

Citation Enforcement

Goal Statement:

To increase the number of speed citations by 15% (1,558 to 1,791)

5. Program Performance Area:

Seatbelt Enforcement

Goal Statement:

To reduce the number of unrestrained passenger vehicle occupant fatalities by 10% (28 to 25)

PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Phillip Francisco, Chief of Police

Program Manager's Printed Name

1/8/19

Program Manager's Signature and Date

Jesse Delmar, Division Director

Division Director/Branch Chief's Printed Name

Jesse Delmar 1/8/19

Division Director/Branch Chief's Signature and Date

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

17		17		17		17	
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163		163		163		161	
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412		412		412		411	
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448		448		448		447	
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1		1		1		1	
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THE NAVAJO NATION
LISTING OF POSITIONS AND ASSIGNMENTS BY BUSINESS UNIT

FY_2019_

SUB ACCT	POS NO	JOB TYPE	POSITION TITLE	EMP ID	WRKSITE CODE	FY 2017 ACTUAL		FY 2018 PROPOSED	
						G/S	SALARY	HOURS	BUDGET
			Police Officer			AK65B	47216.00	2080	47000.00
			Police Officer			AK65B	47216.00	2080	47000.00
			Police Officer			AK65B	47216.00	2080	47000.00
			Statiscal Technician			A157A	22692.80	2080	28780.00

163,760.00
92

AK 65 11/9/19

FY 2019

PART I. PROGRAM INFORMATION:		Business Unit No.: New K190703	
Program Name/Title: Navajo Police Department			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
2001 PERSONNEL EXPENSES			285,670
2110	Personnel salaries for 4 full-time staff, including overtime and fringe benefits as applicable. Regular	✓ 169,780	
2510	2120 Regular Full-time positions per budget form 3 Overtime	✓ 35,000	
2900	2520 Police Personnel Fringe Benefits	✓ 80,890	
	2900 Civilian Personnel Police Personnel Overtime Police Personnel		
	28,780.00 x 39.50% = 141,000.00 x 39.50% = 35,000 x 39.50% =		
	11,370.00 55,655.00 13,825.00 80,890.00		
	TOTAL	✓ 285,670	285,670

Received
W/ Clap 11/9/19

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:		Business Unit No.:		New K190703	
Program Name/Title:		Navajo Police Department			
PART II. DETAILED BUDGET:					
(A)	(B)	(C)	(D)		
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code		
3000 TRAVEL EXPENSE	Monthly mileage and fleet rental, Meals, Lodging and travel directly related to program business and other miscellaneous travel expense.		✓ 45,000		
3110 Fleet	3111 Monthly/Perm (Group B, Class XVII Mid Size Sports Utility 4WD) 1 veh. x \$432 x 12/mos. = 5,520.00 3113 Mileage/Perm (Group B, Class XVII Mid Size Sport 4WD) 1 veh. x 1,500 x .28c x 12/mos. = 5,040.00 Total ✓ 11,194.50	11,194	✓		
3120 Program	3121 Maintenance (Group E, Class XI Police Sports Utility 4WD) 3 veh. x \$165 x 12/mos. = 5,940.00 3123 Mileage (Group E, Class XI Police Sports Utility) 3 veh. x 2,034 x .29c x 1300 x 12/mos. = 21,234.96 Total ✓ 28,805.46	28,805	✓		
3230 Personal Travel	3240 \$55/Daily Per Diem x 6 days x 4 staff 1,320.00 3250 \$94/Daily Per Diem x 4 days x 2 weeks x 4 staff 3,008.00 3290 Other Incidental Travel Expense 673.00 Total ✓ 5,001.00	5,001	✓		
TOTAL		✓ 45,000	✓ 45,000		

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2019

PART I. PROGRAM INFORMATION:		Business Unit No.: New K190703	
Program Name/Title: Navajo Police Department			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
4000 SUPPLIES	Office and operating supplies as needed to maintain official business on behalf of the Navajo Nation.		5,405
4120 Office Supplies	4130 General Office Supplies	✓ 1,505	
	4420 General Operating Supplies	✓ 1,500.00	
	4440 Non-Cap Computer Software	✓ 3,900	
4410 Operating Supplies			
TOTAL		✓ 5,405	5,405

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THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2019

PART I. PROGRAM INFORMATION:		Business Unit No.: New <u>K190703</u>	
Program Name/Title:		Navajo Police Department	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
7000 SPECIAL TRANSACTIONS			10,000
	Promotional initiatives of program's activities, including print and display advertising, Employee training fees, Required insurance premiums.		
7410 Media	7440 Print Advertising 1,000.00 ✓ 7450 Radio Advertising 1,000.00 ✓ 7470 Display Advertising 3,000.00 ✓	✓ 5,000	
7510 Training & Professional Dues	7520 Training/Registration Fee 5,000.00 ✓	✓ 5,000	
TOTAL		✓ 10,000	10,000

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THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2019

PART I. PROGRAM INFORMATION:		Business Unit No.:		New		K190703	
Program Name/Title:		Navajo Police Department					
PART II. DETAILED BUDGET:							
(A)	(B)	(C)	(D)				
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code				
9000 CAPITAL OUTLAY			136,500				
9140 Equipment	Purchase of law enforcement related equipment (radars/lidars and in car video cameras) and police vehicles to support the initiatives of traffic enforcement on the Navajo Nation.	✓ 31,500					
9160 Vehicles	9142 Equipment 9162 Vehicles (\$35,000 X 3 Vehicles)	✓ 105,000					
TOTAL		✓ 136,500	136,500				

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Contracts and Grants Section - OMB
Calculation Check on Budget for IDC Recovery
Pursuant to Formula at Appendix L Section 6. B, of FY 2018 NN BIM

Funding Contract: Food Nutrition Education

A	B	C	D	E
1	Acct./Category	Formula	IDC Cal. Check	Program Calculation
2	Total Award	From NOGA	536,360.00	536,360.00
3	Exclusion ***	See pg. 127 of BIPM	138,900.00	138,900.00
4				
5	IDC Base	(Row 2-3-4)	397,460.00	397,460.00
6	IDC rate	(1+IDC Rate)	1.1565	
7	Adj. IDC Base	(Row 5 / [1+IDC Rate])	343,674.88	343,674.88
8				
9	IDC Budget	(Row 5 - 7)	53,785.12	53,785.12

Legend:

Column B Row 3 - *** Includes Cap. Exp. >\$5k, Welfare Assist., Scholarship, TANF; WIA, etc.

Ineligible-Subcontracts e.g., bldg. const., water/power line, PSC, 3rd Party, etc.

Script or Instructions on Filling out above Table:

Orange	Enter Name of Contract or Grant.
Green	Enter Total Amount of Funding Requested or Awarded.
Pink	Enter Total Amount of Exclusion / Passthrough.
Purple	Enter result of 1 + IDC Rate Allowed by Funding Agency.
Blue	IDC Recovery Amount that should be in the budget of Funding Application or Award.

FY 2019

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

DEC 18 2018

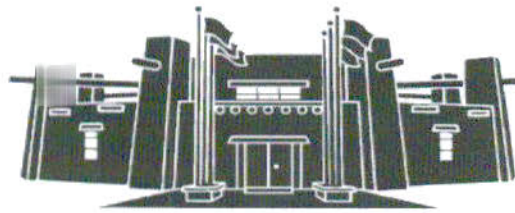
Page 09 of 09
BUDGET FORM 4

Received

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PART I. PROGRAM INFORMATION:		Business Unit No.: <u>New</u>	
Program Name/Title: <u>Navajo Police Department</u>			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
9710	<p>9500 MATCHING & INDIRECT COST</p> <p>Indirect Cost as required.</p> <p>IDC</p> <p>9720 Indirect Cost Charged</p> <p>\$53,790.00 = \$536,360.00 - (\$536,360.00 - \$138,900[Equipment/Software])-\$397,460.00 / 1 1565)</p>	53,790	53,790
TOTAL		53,790	53,790

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MEMORANDUM

TO: Honorable Otto Tso
24th Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: March 21, 2019

RE: AN ACTION RELATING TO LAW AND ORDER, BUDGET AND
FINANCE AND NAABIK'ÍYÁTI'; CONCURRING WITH THE
PRESIDENT'S ACCEPTANCE OF THE BUREAU OF INDIAN AFFAIRS
INDIAN HIGHWAY SAFETY PROGRAM LAW ENFORCEMENT
GRANT

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0078-19__

SPONSOR: Otto Tso

TITLE: An Action Relating To Law And Order, Budget And Finance And
NAABIK'IYATI'; Concurring With The President's Acceptance Of The Bureau Of
Indian Affairs Indian Highway Safety Program Law Enforcement Grant

Date posted: March 29, 2019 at 3:25 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0078-19

SPONSOR: Honorable Otto Tso


TITLE: An Action Relating To Law And Order, Budget And Finance And Naabik'iyáti';
Concurring With The President's Acceptance Of The Bureau Of Indian Affairs Indian Highway
Safety Program Law Enforcement Grant

Posted: March 29, 2019 at 3:25pm

5 DAY Comment Period Ended: April 3, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Sr. Programs & Projects Specialist
Office of Legislative Services**

04-04-19 @ 8:10 AM

Date/Time

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0078-19: An Action Relating to Law and Order, Budget and Finance, and Naabik'iyati': Concurring with the President's Acceptance of the Bureau of Indian Affairs Indian Highway Safety Program Law Enforcement Grant – Sponsor: Honorable Otto Tso

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendment

And thereafter referred to Budget and Finance Committee

Respectfully submitted,



Eugenia Charles Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: April 22, 2019

Main Motion: Honorable Eugene Tso
Second : Honorable Otto Tso
Vote : 2-0-1 (CNV)

LAW AND ORDER COMMITTEE

Regular Meeting

April 22, 2019

VOTE TALLY SHEET:

Legislation No. 0078-19: An Action Relating to Law and Order, Budget and Finance, and Naabik'iyati': Concurring with the President's Acceptance of the Bureau of Indian Affairs Indian Highway Safety Program Law Enforcement Grant – Sponsor: Honorable Otto Tso

Main Motion: Eugene Tso

Second: Otto Tso

Vote: 2-0-1

VOTE TALLY:


Yea: ETso/OTso

Nay:

Not Voting: ECNewton

Excuse: VJames

Absent: EYazzie


Eugenia Charles Newton, Chairwoman
Laureen Spencer, Legislative Advisor
Law and Order Committee