

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

23RD NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO BUDGET AND FINANCE; ACCEPTING AND APPROVING THE NAVAJO NATION GAMING ENTERPRISE'S TRIBAL GRANT AGREEMENT, CONSTRUCTION PLAN, AND FUND MANAGEMENT PLAN, FOR THE SÍHASIN FUND TWIN ARROWS POLICE AND FIRE STATION ECONOMIC/COMMUNITY DEVELOPMENT EXPENDITURE PLAN; AND AUTHORIZING THE OFFICE OF THE CONTROLLER TO RELEASE THE FUNDS, IN A LUMP SUM PAYMENT, TO THE ENTERPRISE

BE IT ENACTED:

Section One. Authority

The Navajo Nation Council granted the authority to the Budget and Finance Committee to approve a Grant Agreement between the Navajo Nation and the Navajo Nation Gaming Enterprise for the Síhasin Fund Twin Arrows Police & Fire Substation Economic/Community Development Expenditure Plan. Navajo Nation Council Resolution, CAP-20-16, Section Four, Paragraph A.3.

Section Two. Findings

- A. The Navajo Nation Council approved and adopted the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan in Resolution No. CAP-20-16, attached and incorporated herein as Exhibit A. This approval was granted pursuant to CD-68-14 and 12 N.N.C. §§2501-2508.

- B. The Navajo Nation Council approved the appropriation and expenditure of Síhasin Fund Principal and/or Interest to the Navajo Nation Gaming Enterprise in the amount of \$4,500,000.00 (four million five hundred thousand dollars) in Navajo Nation Fiscal Year 2016 for funding the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan. Navajo Nation Council Resolution, CAP-20-16.
- C. Council Resolution No. CAP-20-16 requires four (4) documents be developed, submitted, and approved by the Navajo Nation. The Navajo Nation Gaming Enterprise (NNGE) has submitted these four (4) documents, as follows:
1. Tribal Grant Agreement, attached as Exhibit A-1,
 2. Construction Plan, attached as Exhibit B,
 3. Budget and applicable forms, attached as Exhibits C and D, and
 4. Fund Management Plan, attached as Exhibit E.

Additionally, the Tribal Grant Agreement shall, at least, include provisions that (1) NNGE shall have the authority and responsibility to administer and use the appropriated Síhasin Fund solely to design, plan and construct the Twin Arrows Police and Fire Substation; and 2) NNGE shall return any cost-saving or appropriated funds otherwise not used to the Síhasin Fund once the Twin Arrows Police & Fire Substation is complete. CAP-20-16, Section Four, Paragraph A. 3.

- D. The Navajo Nation Gaming Enterprise has prepared the required documents pursuant to CAP-20-16, and will begin construction of the Twin Arrows Police and Fire Substation in 2016, provided the funds are immediately released, in a lump sum payment, to the Enterprise.

Section Three. Acceptance, Approval, and Authorization.


A. The Navajo Nation hereby accepts and approves the following four (4) documents submitted by the Navajo Nation Gaming Enterprise:

1. Tribal Grant Agreement
2. Construction Plan,
3. Budget and applicable forms, and
4. Fund Management Plan.

B. The Navajo Nation hereby authorizes the Office of the Controller to release the \$4,500,000.00 (four million five hundred thousand dollars) immediately, in a lump sum payment, to the Navajo Nation Gaming Enterprise to design, develop and construct the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (New Mexico), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, this 29th day of November, 2016.



Honorable Tuchoney Slim, Jr., Pro Tempe Chairperson
Budget and Finance Committee

Motion: Honorable Tuchoney Slim, Jr.

Second: Honorable Lee Jack, Sr.

CAP-20-16

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND TWIN ARROWS POLICE & FIRE STATION ECONOMIC/COMMUNITY DEVELOPMENT EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 - 2508

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A) (9).
- C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 300(8) (2).
- D. The Resource Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over resources, including, but not limited to, water, land and agriculture, as well as community and economic development, and to establish and review and recommend to the Navajo Nation Council the adoption of Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources. See 2 N.N.C. §§500 (C) and 501 (B) (4).
- E. The Law and Order Committee of the Navajo Nation Council has oversight of law enforcement to enhance the operations and coordination of all departments within the Navajo Division of Public Safety. 2 N.N.C. § 601(B) (14).

Section Two. Findings

- A. On May 30, 2014, the 22nd Navajo Nation Council adopted Resolution No. CMY-28-14 accepting a settlement of the Navajo Nation's lawsuit, *Navajo Nation v. United States*, No. 06-945L (United States Court of Federal Claims) against the United States for its historical mismanagement of the tribe's trust assets and its failure to ensure that the Navajo Nation received all funds due and owed under the United States' trust obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by the President of the Navajo Nation on June 4, 2014.
- B. The 22nd Navajo Nation Council recognized that during the many decades that the United States was in breach of its trust obligations and fiduciary duties to the Nation, the tribal government was without funds to develop the comprehensive nation-wide infrastructures necessary to support and promote community growth and sustainability through the expansion of economic development, as well as to provide the educational opportunities, critical for the prosperity of current and future generations of Diné. See Resolution No. CMY-28-14.
- C. Between October 6, 2014 and November 8, 2014 the Office of the Speaker held seven (7) Public Hearings, as directed by the Navajo Nation Council's Naabik'íyáti' Committee on July 10, 2014, to receive input from Navajo Nation members on how the net proceeds from *Navajo Nation v. United States* should be used. During that same time period, the Office of the President & Vice-President also held five (5) town hall meetings for a similar purpose.
- D. On December 13, 2014, the 22nd Navajo Nation Council adopted Resolution No. CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014 (hereinafter "2014 Act") and establishing the Navajo Nation Síhasin Fund at 12 N.N.C. § 2501 et seq. The President of the Navajo Nation signed Resolution No. CD-68-14 into law on December 31, 2014.
- E. The 2014 Act mandated that the net proceeds and earnings thereon received by the Navajo Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L, be deposited into the Síhasin Fund and managed and invested to

- provide financial support and/or financing for (1) the planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation; and/or (2) education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501 and § 2502 (A).
- F. The 2014 Act also established that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C § 2502 (B).
- G. The 2014 Act further established that with the exception of outstanding and accrued litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act at 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council. See 12 N.N.C. § 2505 (A).
- H. The 2014 Act states that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. See 12 N.N.C. §§ 2504 and 2505 (c).
- I. The Office of the Controller reported that as of January 1, 2016, the amount of the Síhasin Fund Principal is Four Hundred Eighty Seven million Nine Hundred Ninety Thousand Eight Hundred Forty One Dollars and Ninety One Cents (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75).
- J. On April 9, 2015, the Naabik'iyáti' Committee adopted NABIAP-20-15 establishing the Naabik'iyáti' Síhasin Fund Subcommittee to "review and evaluate the Public Hearing comments and recommendations from the Navajo People" and "recommend to the Naabik'iyáti' Committee and Navajo Nation

Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]."

- K. Between April 2015 and January 2016, the Naabik'íyáti' Síhasin Fund Subcommittee, assisted by the Office of Legislative Services, Office of the Speaker, and Office of Legislative Counsel, met on at least twelve (12) occasions in either work sessions or official meetings to review and evaluate the Public Hearing comments and recommendations from the Navajo People; hear proposals from Navajo Nation entities, chapters, programs and officials; and develop an expenditure plan for the Síhasin Fund Principal and Income consistent with the purposes set forth in the 2014 Act.
- L. The Naabik'íyáti' Síhasin Fund Subcommittee determined that for an expenditure plan to fully meet the leveraging criteria of the 2014 Act, the expenditure plan shall not rely on Síhasin Funds for full direct project funding, unless such funds are to be repaid under a loan agreement, and instead must utilize the Síhasin Funds for (1) match funding, joint funding, contribution funding, cost-share funding or similar weighted uses of the funds; (2) reimbursement funding; and/or (3) loan or bond financing or guarantee.
- M. The Naabik'íyáti' Síhasin Fund Subcommittee also determined that the 2014 Act allowed for the adoption of multiple expenditure plans and that it would be prudent for the Navajo Nation to adopt integrated, yet distinct, expenditure plans for regional-level infrastructure planning and development in four broad infrastructure areas or categories consistent with the purposes of the 2014 Act: Water and Natural Resource Infrastructure Development; Economic Development; Community Development; and Housing Development.
- N. After reviewing the comments submitted during the Public Hearings and town hall meetings, as well as the comments made during Naabik'íyáti' Síhasin Fund Subcommittee meetings, the Subcommittee determined that the lack of

employees, as well as residents and visitors to the surrounding communities; (2) the protection of personal property belonging to patrons and employees of the casino, residents of and visitors to the surrounding communities, as well personal property belonging to NNGE and Navajo Nation; and (3) the protection of structures and other real property belonging to the NNGE, Navajo Nation and residents of the surrounding communities.

- P. In September of 2015, the NNGE presented the 23rd Navajo Nation Council and Office of President & Vice-President with information that the that the lack of a police and fire station at the Twin Arrows Casino Resort also increased the potential liability to the Navajo Nation in response to an emergency at Twin Arrows considering the long distance from Leupp Fire District and the Dilkon Police District.
- Q. In September of 2015, the NNGE also presented the 23rd Navajo Nation Council and Office of the President & Vice-President with information that pursuant to Section 13 of the Navajo Nation and State of Arizona Gaming Compact ("Gaming Compact") signed on January 3, 2003, the Navajo Nation agreed to provide sufficient emergency, medical, fire and law enforcement services to Navajo Nation's gaming facility within the Arizona portion of the Navajo Nation.
- R. The Naabik'íyáti' Síhasin Fund Subcommittee was presented with information the NNGE, in coordination with the Navajo Nation Division of Public Safety ("NNDPS"), seek to construct a 15,000 sq. ft. Twin Arrows Police & Fire Substation ("Substation") to address the obstacles stated above and ensure compliance with the Gaming Compact. The Substation will house Fire Department personnel, Navajo Police Officers and emergency medical responders; provide living quarters, offices and sufficient space to house a ladder truck and a Fire and Rescue vehicle.
- S. Although NNGE has already expended substantial funding for pre-construction and other public safety activities, after construction is completed, NNGE will transfer all ownership and title of the Substation to the Navajo Nation and the Substation will be operated by NNDPS.

Substation will house Fire Department personnel, Navajo Police Officers and emergency medical responders; provide living quarters, offices and sufficient space to house a ladder truck and a Fire and Rescue vehicle.

- S. Although NNGE has already expended substantial funding for pre-construction and other public safety activities, after construction is completed, NNGE will transfer all ownership and title of the Substation to the Navajo Nation and the Substation will be operated by NNDPS.
- T. In September of 2015, NNGE informed the Navajo Nation Council and Office of President & Vice-President that the Substation project is shovel ready once the Navajo Nation approves a funding source.
- U. The Naabik'íyáti' Síhasin Fund Subcommittee has determined that the Twin Arrows Police & Fire Station Expenditure Plan, attached as Exhibit A, submitted by NNGE in coordination with NNDPS meets the 2014 Act requirement for the "planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation". See 12 N.N.C. §2502 (A) (1).
- V. The Naabik'íyáti' Síhasin Fund Subcommittee has also determined that the substantial funding NNGE has already expended for pre-construction and other public safety activities for the Twin Arrows Police & Fire Station satisfies the 2014 Act requirement that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C § 2502 (B).
- W. The Naabik'íyáti' Síhasin Fund Subcommittee hereby recommends to the Navajo Nation Standing Committees and the Navajo Nation Council that the Twin Arrows Police & Fire Station be funded through the Síhasin Fund as the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan under section 2505 of the 2014 Act.

Section Three. Approval and Adoption of Expenditure Plan

- A. The Navajo Nation hereby approves and adopts the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan, attached and incorporated herein as Exhibit A.
- B. The Navajo Nation hereby approves the appropriation and expenditure of Síhasin Fund Principal and/or Interest to NNGE in the amount of \$4,500,000.00 (four million five hundred thousand dollars) in Navajo Nation Fiscal Year 2016 for funding the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan.
- C. The appropriation to NNGE may be further leveraged by bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Síhasin Fund Earnings for repayment and financing costs upon the recommendation of the Budget & Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

Section Four. Approval and Adoption of Expenditure Plan Administration

- A. The Navajo Nation hereby approves administration of the Síhasin Fund Twin Arrows Police & Fire Substation Economic/Community Development Expenditure Plan as follows:
 - 1. The appropriation to NNGE shall be released by the Office of the Controller to NNGE pursuant to a Construction Plan.
 - 2. The appropriation to NNGE shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be returned to or deposited in the Síhasin Fund principal or Navajo Nation General Fund until such time as all the Twin Arrows Police & Fire Substation, as set forth in Exhibit A, is fully completed.
 - 3. The appropriation to NNGE shall be administered pursuant to a Grant Agreement approved by the Budget & Finance Committee which shall at least include provisions that (1) NNGE shall have the authority and

responsibility to administer and use the appropriated Síhasin Funds solely to design, plan and construct the Twin Arrows Police & Fire Substation set forth in Exhibit A; and (2) NNGE shall return any cost-saving or appropriated funds otherwise not used to the Síhasin Fund once the Twin Arrows Police & Fire Substation is completed.

4. NNGE shall account for the money spent out of the appropriation(s) and shall administer the appropriated funds pursuant to a Fund Management Plan which shall include that the accounting and financial records for the funds shall be kept separate from other NNGE funds and accounts.

- B. NNGE shall report the status of the construction of the Twin Arrows Police & Fire Substation, as well as the status of the Síhasin Fund Twin Arrows Police & Fire Substation Economic/Community Development Expenditure Plan to the Naabik'íyáti' Committee and Office of the President & Vice-President on a quarterly basis.

Section Five. Effective Date

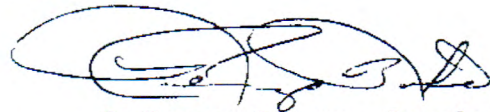
The Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Six. Directives

- A. All Navajo Nation programs, specifically including, but not limited to, the Office of Controller and Office of Management & Budget, shall take all steps necessary to expeditiously implement the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan consistent with the provisions set forth above.
- B. NNGE and Navajo Nation programs named in this legislation shall be held accountable for the progress of projects under their responsibility and control after the funds for such projects have been distributed by the Office of Controller and shall report on a semi-annual basis to the Navajo Nation Council on the progress for their respective tasks.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 3 opposed, this 20th day of April 2016.



LoRenzo Bates, Speaker
Navajo Nation Council

4/20/16

Date

Motion: Honorable Davis Filfred
Second: Honorable Jonathan L. Hale

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1 05 (C) (10), on this 10th day of August 2016.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1 05 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation



Navajo Nation Gaming Enterprise

Ph. 505.905.7100 Fax: 505.905.7240

Post Office Box 1700 Church Rock, NM 87311 Shipping Address: 249 E. NM 118 St. Hwy Church Rock, NM 87311



July 30, 2013

Casey Begay, Director
Capital Improvement Office
P.O. Box 1510
Window Rock, AZ 86515

RE: Twin Arrows Police/Fire Substation Proposal

Dear Mr. Begay,

On behalf of the Navajo Nation Gaming Enterprise (NNGE), I respectfully submit the attached Twin Arrows Police/Fire Substation proposal for project funding consideration, as well as consideration for the Navajo Nation Bond Proposal. We are working in coordination with the Navajo Division of Public Safety to establish a substation at Twin Arrows to ensure a timely police, fire and emergency medical response for the Twin Arrows Navajo Casino Resort and surrounding Navajo communities.

The proposed development location is within NNGE's existing 405 acre Business Site Lease. Included in the proposal packet is the survey plat, environmental, archeological and biological clearances, conceptual design, schematic, site plan and proposed budget. The NNGE has developed the necessary infrastructure, including electricity, water, wastewater, and telecommunications. These systems are readily available for the substation.

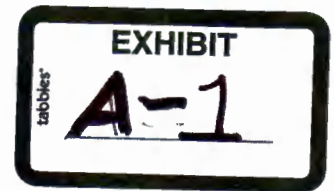
Thank you for your review and consideration of this request. Should you have any questions, please call me at (505) 870-6749, or Derrick Watchman, CEO, NNGE, at (505) 870-6328. Or, you may contact Mr. John Billison, Executive Director for the Navajo Division of Public Safety at (928) 871-6581.

Sincerely,

Michelle Dotson, Special Projects Manager
Navajo Nation Gaming Enterprise

ATTACHMENTS: Twin Arrows Substation Proposal

xc: Derrick Watchman, John Billison, Arbin Mitchell, Katherine Benally, Edmund Yazzie, Lorenzo Bates



TRIBAL GRANT AGREEMENT

between the NAVAJO NATION and

NAVAJO NATION GAMING ENTERPRISE

P.O. Box 1700
249 E. NM 118 St. Hwy
Church Rock , NM 87311

ACCOUNT NO.: C01586

Pursuant to Navajo Nation Council Resolution No. CAP-20-16 (attached hereto and marked as Exhibit "A"), the Navajo Nation (hereafter referred to as "Nation") adopted the Sihasin Fund Twin Arrows Police & Fire Station Economic Community/Development Expenditure Plan pursuant to Resolution No. CD-68-14 and 12 N.N.C. §§ 2501-2508, in the form of a tribal grant in the amount of \$4,500,000.00 to the Navajo Nation Gaming Enterprise, (hereafter referred to as "Grantee").

This Grant Agreement (Agreement) which is agreed to by and between the Nation and the Grantee shall govern and coordinate implementation of the grant.

I. Provisions on General Requirements.

- A. This Agreement contains all terms and conditions agreed to by the parties and shall become effective upon approval by the President. No other understanding, oral or otherwise, regarding the subject matter shall be deemed to exist or to bind any of the parties. Any and all proposed modifications to this Agreement shall be made in writing and only those items approved by the Nation shall be valid.
- B. This Agreement is made in Window Rock, AZ (Navajo Nation). All disputes and/or concerns shall be resolved under Navajo Nation Law. Nothing in this Agreement shall be construed as a waiver of the sovereign immunity of the Nation and the Grantee.
- C. Use of the grant is subject to the provisions of CAP-20-16, the Sihasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan, and the Fund Management Plan approved by the Budget and Finance Committee, copies of which are attached hereto as Exhibits A and B and made a part hereof, and all Navajo Nation laws, which are applicable to the Navajo Nation Gaming Enterprise including: Navajo Nation Appropriations Act, 12 N.N.C. Chapter 7; Navajo Business and Procurement Act, 12 N.N.C. §1501 *et. seq.*; Navajo Nation Business Opportunity Act, 5 N.N.C. §201-215; and Navajo Preference in Employment Act, 15 N.N.C. §601-619.
- D. The Grantee recognizes that, pursuant to 12 N.N.C. § 800, the Nation is responsible to assure that grant funds are properly accounted for in its own separate fund. Therefore, the Nation upon reasonable notice has the right to make periodic reviews of all books, records and documents of the Grantee, which relate to expenditures, direct or indirect, incurred by Grantee under this Agreement. See 12 N.N.C. § 850 (E).

E. The Grantee shall monitor the daily operation of the grant activities to assure compliance with this Agreement and that performance goals are achieved. The Grantee will submit an accounting of the funds of each quarter, that being December 31, 2016, March 31, 2017, June 30, 2017, September 30, 2017, and December 31, 2017. The Grantee will also submit the audited financial statements when completed for years ending December 2016 and December 2017.

F. The Grantee shall submit all required reports and financial statements for this Agreement to:

Office of the Controller
THE NAVAJO NATION
P. O. Box 3150
Window Rock, Arizona 86515

G. The Grantee agrees to hold harmless and indemnify the Nation against any and all losses, liabilities or other causes of action of any type whatsoever, which the Nation is subjected to or otherwise incurs in regard, directly or indirectly, to this Agreement and the relationship between the Nation and the Grantee.

H. The Nation recognizes the responsibilities assigned to the Grantee and agrees not to infringe upon the operation of the Grantee, nor attempt to modify its policies and procedures, except as provided for in this Agreement.

I. The Grantee will maintain and account for funds in a separate fund. Maintenance of this account shall be monitored by Grantee and reported to the Nation. Periodic audits of this account must be conducted to ensure proper accountability.

II. Amount of Grant, Term of Funding, Completion Date, and Transfer of Ownership.

A. The total amount authorized by the Nation for disbursement to the Grantee shall not exceed \$4,500,000.00. The release of grant funds to the Grantee shall be pursuant to Section VI of this Agreement.

B. Pursuant to Resolution No. CAP-20-16, Section 4(A)(2), the grant will not lapse on an annual basis.

C. Pursuant to Resolution No. CAP-20-16, Section 4(A)(3), upon approval of the Grant Agreement by the Budget and Finance Committee, the Grantee shall have the authority and responsibility to administer and use the appropriated Sihasin Funds solely to design, plan construct the Twin Arrows Police & Fire Substation; and (2) the Grantee shall return any cost-savings or appropriated funds otherwise not used, to the Sihasin Fund once the Twin Arrows Police & Fire Substation is completed.

D. The construction of the Twin Arrows Police & Fire Substation shall be completed no later than September 30, 2017.

- E. Pursuant to Resolution No. CAP-20-16, Section 2(S), upon completion of the construction of the substation, NNGE will transfer all ownership and title of the Substation to the Navajo Nation and the Substation will be operated by NNDPS.

III. Responsibilities of Navajo Nation offices involved.

A. Office of Management and Budget (OMB).

1. Pursuant to 12 N.N.C. § 850 (C), the OMB shall assist the Grantee in developing and monitoring the Grantee's established program goals consistent with the attached Construction Plan, Project Budget Summary (Appendix J Forms and OMB Form 2), and the Sources and Uses Form (attached hereto and marked as Exhibit "B," "C," "D," and "E" respectively).
2. Pursuant to 12 N.N.C. § 850 (B), in coordination with the Office of the Controller, perform Quarterly Program Assessment on the Grantee; and provide related reports to the Office of the Controller and Budget and Finance Committee for use and action as appropriate.

B. Office of the Controller (OOC) (as Oversight Division).

1. Pursuant to 12 N.N.C. § 820 (M), the Office of the Controller shall coordinate budget preparation, adoption and implementation of the Funds including authorizing total disbursement to the Grantee.
2. Assure that any performance deficiencies by the Grantee are addressed and recommend the necessary remedial action to the appropriate Navajo Nation authority.
3. Shall perform its responsibilities specified at 12 N.N.C. § 850 (A) of the BIM.

C. Office of the Controller. (as Controller).

Shall perform its responsibilities specified at 12 N.N.C. § 850(A) of the Appropriation Act.

D. Office of Auditor General (OAG).

1. Shall audit reasonably relevant grant related records of Grantee to determine that the terms and conditions of this Agreement are carried out. This authority to audit shall remain with the OAG for three (3) years after the term of this Agreement expires.
2. If the Grantee falls under the application of the Single Audit Act and 2 CFR Part 200 Subpart F, Audit Requirement, the Grantee is required to provide the Nation, through the Navajo Nation OMB and the OAG, a copy of the Single Audit Report within sixty (60) days of its issuance by an independent auditor. However, the receipt of such Single Audit Report will in no way limit the authority of the OAG to audit the Grantee.

- E. Oversight Committee(s), Navajo Nation Council, and the President shall perform their respective responsibilities outlined at 12 N.N.C. § 840.

IV. Financial Management Requirements.

- A. Pursuant to 2 N.N.C. § 223 (A), as amended, this Agreement is contingent upon availability of appropriation by the Navajo Nation Council.
- B. Pursuant to 12 N.N.C. § 810(Q), the Grantee shall limit expenditure of the grant funds to the approved budget and performance plan in accordance with the terms of this Agreement.
- C. The Grantee shall not pledge nor otherwise assign any monies due under this Agreement or any claim arising there under, to any party or parties, bank, trust company or other financing institutions.

V. Reporting Requirements.

- A. Pursuant to 12 N.N.C. § 850 (A) and (C) the Grantee shall submit quarterly narrative performance and financial status reports to the Nation. In addition, the Program Performance Criteria (Form 2) shall be submitted with quarterly narrative performance and financial status reports to the Naabik'iyati Committee, the Office of the President and Vice President, OMB and OOC. The Program Performance Criteria report shall contain a comparison of the actual accomplishments to the objectives established for the period. Where the output of the work can be quantified, useful information such as numbers, shall be provided. The reasons for slippage shall be explained if established objectives are not met. *These reports must be received by Office of Controller within ten (10) working days after the end of each fiscal year quarter (December 31, 2016, March 31, 2017, June 30, 2017, September 30, 2017, and December 31, 2017).*
- B. The final report shall be due 90 days after project completion. If a justified request is submitted by the Grantee, the Navajo Nation may extend the due date.

VI. Payment of Grant Funds to Grantee.

Standard Initial Request. The Nation will disburse the total grant amount of \$4,500,000.00 to the Grantee immediately upon the Budget and Finance Committee's approval of the Grant Agreement and the Fund Management Plan pursuant to a Construction Plan.

VII. Enforcement (remedies for non-compliance).

If the Grantee fails to comply with any term of this Agreement, the Nation may take any of the following actions, as appropriate in the circumstances:

A. The Nation shall provide the Grantee an opportunity to resolve any non-compliance with the terms of this Agreement. Based on the nature and magnitude of the non-compliance, OOC shall allow the Grantee 10 to 20 working days to resolve the problem.

B. Wholly terminate the Agreement.

VIII. Modification, Close Out or Termination of the Agreement.

A. Any and all modifications to this Agreement shall be handled pursuant to Section I.A. above.

B. The Agreement modification type listed below shall be considered for approval by the authority specified. OMB shall provide guidance for which option applies.

1) OMB, jointly with OOC, may modify the Agreement if the proposed modification will not change the intent of the appropriation.

2) The Navajo Nation Council must approve the proposed modification, if the modification will change the intent of the appropriation.

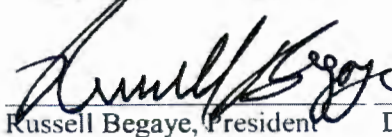
C. This Agreement may be terminated by the Navajo Nation upon recommendation by OOC when the Grantee fails to address non-compliance with this Agreement. The Grantee shall be provided reasons for the termination, effective date and any related substantive information.

In witness hereof, the undersigned below, have entered into this Agreement:


THE GRANTEE:


Richard Williamson
Interim Chief Executive Officer
Navajo Nation Gaming Enterprise
11/02/16
Date

THE NAVAJO NATION:


Russell Begaye, President
Office of the President/Vice President
The Navajo Nation
11-10-16
Date

OFFICE OF THE CONTROLLER


Jim Parris
Controller
Office of the Controller
Window Rock, Arizona 86515
11-08-2016
Date

*** End of the Agreement ***

OFFICE OF THE PRESIDENT & VICE PRESIDENT
REQUEST FOR SERVICES

Date of request: 11/8/14

Name:

Robert Willie / Savannah Brown

Dept:

OOC - Gen. Asst.

Phone Number:

x 16125

EMAIL:

rwillie@nnooc.org / sbrown@nnooc.org

Please Check:

164 Review No. ☒

6750

Support letter ☐

Description of Service:

Sihasin gaming police / fire station grant

Deadline:

ASAP

Reason:

Need to start grant ASAP

RECOMMENDATIONS: (Authorized Personnel Only)*

OK

NOV - 8 2016

Called:

For document pickup Date:

Time:

Called:

For document pickup Date:

Time:

Picked up by:

Date/Time

:

PLEASE PRINT NAME

Document No. 006750Date Issued: 09/16/2016**SECTION 164 REVIEW FORM**Title of Document: Sihasin gaming police/fire station Grant Contact Name: WILLIE, ROBERTProgram/Division: OFFICE OF THE CONTROLLEREmail: rwillie@nnooc.org Phone Number: 928-871-6125

Division Director Approval for 164A:

Robert Willie L.R.R. 11-2-2016

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

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

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

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

<input checked="" type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: <u>Review</u>	Date: <u>9/19/16</u>	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: <u>Legal - See Memo</u>	Date: <u>9-21-16</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. OOC: <u>Review</u>	Date: <u>9/19/16</u> <u>11-2-2016</u>	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: <u>[Signature]</u>	Date: <u>10-20-16</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:		<u>11-2-16</u>	
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☒ **RESUBMITTAL**
(Oct. 2016)



DOJ	
10/31/16 @ 1046a	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 006750#2	
SAS #:	
UNIT: TFEU	

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	10/31/2016	DIVISION:	OOC-Finance
CONTACT NAME:	Robert Willie/Savanah Brown	DEPARTMENT:	General Accounting
PHONE NUMBER:	X6125	E-MAIL:	rwillie@nnooc.org/sbrown@nnooc.org
TITLE OF DOCUMENT: <i>FW 2203 in gaming police/fire station grant</i>			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	<i>OCT 31 1:40pm</i>	REVIEWING ATTORNEY/ADVOCATE:	<i>Jana</i>
DATE TIME OUT OF UNIT:			
ATTORNEY / ADVOCATE COMMENTS			
<i>Legally sufficient</i>			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
<i>Jana Werner</i>	<i>11-2-16 8:58am</i>	<i>Rob Brown</i>	<i>11-2-16 9:04a</i>
DOJ Secretary Called: <i>Savanah B.</i> for Document Pick Up on <i>11/2/16</i> at <i>10:35</i> By <i>CR</i>			
PICKED UP BY: (Print)		DATE / TIME:	

NNDOJ/DRRF-July 2013

Sponsor's COPY

Police & Fire Station at Twin Arrows

Construction Plan

Project Owner NNGE
Account Number: C01586

1 PROJECT GOAL

To construct a Police and Fire Station at Twin Arrows for the Navajo Nation Division of Public Safety providing police, fire, and emergency medical services to the public.

2 PROJECT OBJECTIVES

- A. To construct a facility that meets the functional needs of the Division of Public Safety and includes them in the design process and decisions, while blending the facility into Twin Arrows surroundings.
- B. To commission the facility for occupancy 9 months following construction "Notice To Proceed".
- C. To fiscally and prudently manage the project funds on behalf of the Navajo Nation.
- D. To partner with the Division of Public Safety in providing for the safety of the public and ensuring the facility and operation meets the requirements of the Navajo Nation / Arizona Gaming Compact.
- E. Provide preference in hiring for Navajo construction contractors and workers through application of the Navajo Business Opportunity Act.

3 FACILITY DESCRIPTION

Building Occupant: Division of Public Safety (DPS)

- Navajo Police Department (NPD)
- Navajo Fire Department (NFD)
- EMS Service Provider (EMS)

Building Specifications:

- 15,000 Square Feet (S.F.)
 - Police & EMS 5,258 S.F. 35%
 - Fire 9,742 S.F. 65%

Pre-fabricated metal building for 3 bay garage with standard construction methods for the fire and police offices with sleeping quarters attached to the garage bays.

Building Components:

Police Station

- Offices (offices, reception area, 911 dispatch, record keeping room, evidence storage, windowless holding room , booking office, common area for desks and EMS office)
- Large training room
- Office for EMS personnel
- Men and Women restrooms

Fire Station

- 3-bay garage for two fire trucks and one emergency vehicle (ambulance)
- Storage facilities for equipment
- Men and women living / sleeping quarters for fire fighters (7 sleeping rooms, day room, dining room and kitchen area)
- Offices (two offices, one training room and one record keeping room)
- Men and Women restrooms (includes showers and lockers)
- Laundry room
- Weight room

4 PROJECT BUDGET: \$4,500,000 SIHASIN FUNDS

Source of Funds:

\$4,500,000 Sihasin Funds was recommended by the Sihasin Subcommittee, approved by Council, certified by Speaker on April 28, 2016 and signed by President Begay August 10, 2016

5 PROJECT SCHEDULE: 9 MONTHS FROM “NOTICE TO PROCEED”

Preconstruction:

April – Aug 2016	Sihasin Legislation
	Grant and Fund Management Plan
	Approved Plan Review
	RFQ/P for CMAR and other services
Sep 2016	Board Approval of contracts
	Construction Permit
Oct 2017	Notice to Proceed

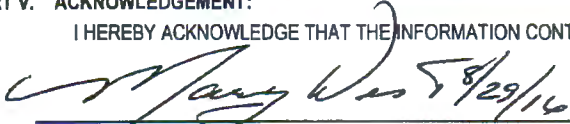

Construction:	(Contingency for winter construction conditions)
Oct 2016 – Sep 30 2017	<p>Mobilization and Site Prep</p> <p>Utility Line Extensions (water, waste water, electric, fiber)</p> <p>Construction of Facility</p> <p>Off Site Paving</p> <p>Landscaping</p> <p>Connect Utilities, IT, Telecomm</p> <p>Commissioning & Furnishing</p> <p>Permits and Certificate of Occupancy</p> <p>Start Up Operations</p>

6 PROJECT TEAM RESPONSIBILITIES:

NNGE	<p>Project Owner providing:</p> <p>Project Management, pre-construction through warranty</p> <p>Grant administration, financial tracking & reporting</p> <p>Legal & Compliance</p> <p>Contracting, Purchasing, FF&E & Logistics</p> <p>IT/AV/Telecomm, Surveillance procurement & installation</p> <p>Utilities Tie-in to Twin Arrows infrastructure</p>
NFD	Building Occupant – input into program and design, signs Cert. of Occ.
NPD	Building Occupant – input into program and design
NTUA	Utilities and telecomm extensions and connections
NDOT	Road – offsite paving to driveway connections (coordination by NNGE)
Code Reviewer	Plan Reviews, inspections and material testing
Owner's Rep	Project coordination with Owner, Project Manager, A&E, Construction
Architects / Engineers	Plans, Specifications, Review Submittals & Requests for Information
CMAR	Construction Manager at Risk, management of cost, schedule, quality, safety

**THE NAVAJO NATION
PROJECT BUDGET SUMMARY**

**Page 1 of 2
PROJECT FORM 1**

PART I. Business Unit No.: <u>NEW - CO1586</u> Project Title: <u>Sihasin Fund- Twin Arrows Public Safety Building</u>			
Division/Branch: <u>Navajo Nation Gaming Enterprise</u> Chapter: <u>Leupp</u> Agency: <u>Western</u>			
Prepared By: <u>Adam Parker</u> Phone No.: <u>(505) 862-3826</u>			
PART II. Check one: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revision <input type="checkbox"/> Reallocation <input type="checkbox"/> Modification			
Project Funds/Source(s)	Appropriation End Date	Amount	% of Total
Sihasin Fund	9/30/2017	\$4,500,000	100%
TOTAL:		\$4,500,000	100%
PART III. Budget at LOD 4		PART IV. Project Information	
9000 - Capital Outlay	\$4,500,000	Project Type: <u>Construction/Grant</u>	
		Planned Start Date: <u>October 2016</u>	
		Planned End Date: <u>June 2017</u>	
		Project Manager: <u>Mary West (505) 879-2736 (See P. 2)</u>	
		FOR OMB USE ONLY	
		Resolution No.: _____	
		FMIS Set Up Date: _____	
		Company No.: _____	
		OMB Analyst: _____	
TOTAL	\$4,500,000		
PART V. ACKNOWLEDGEMENT:			
I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED ON THIS FORM IS COMPLETE AND ACCURATE.			
 SUBMITTED BY: Dept. Director Signature / Date		 VERIFIED BY: Div. Director Signature / Date	

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: C01586

Program Name/Title: NNGE-Police & Fire Substation

PART II. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Police & Fire Substation Construction

Goal Statement:

Complete pre-construction, mobilization and construction site preparation.

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
100%							

2. Program Performance Area:

Police & Fire Substation Construction

Goal Statement:

Complete construction framing, interior MEP and structured cabling.

		100%					
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3. Program Performance Area:

Police & Fire Substation Construction

Goal Statement:

Complete facility interior.

				100%			
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4. Program Performance Area:

Police & Fire Substation Construction

Goal Statement:

Facility commissioning complete.

						100%	
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5. Program Performance Area:

Goal Statement:

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6. Program Performance Area:

Goal Statement:

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**THE NAVAJO NATION
PROJECT BUDGET AND JUSTIFICATION**

**Page 2 of 2
PROJECT FORM 2**

PART I. Business Unit No.: <u>NEW - C01586</u> Project Title: <u>Sihasin Fund- Twin Arrows Public Safety Building</u>				
PART II.				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
5	6	9050	Buildings Project Contact Information Project Director: Mary West Executive Director of Development Navajo Nation Gaming Enterprise PO Box 1700 Church Rock, NM 87311 505-879-2736 PH 928-213-5793 FAX mwest@nnge.org Project Financial Director: Adam Parker Director of Financial Planning & Analysis Navajo Nation Gaming Enterprise PO Box 1700 Church Rock, NM 87311 505-862-3826 PH 928-213-5793 FAX AdamParker@nnge.org	\$4,500,000
PAGE TOTAL:				\$4,500,000

TWIN ARROWS NAVAJO CASINO RESORT

Exhibit D

28-Sep-16

SOURCES/USES

Police and Fire Station at Twin Arrows

Acct. No. C01586

SOURCES:		USES:	
Sihasin Funds	\$ 4,500,000	Hard Construction Costs	
Acct. No.: C01586		GMP	\$ 2,167,319
		General Contractor Fees & Insurance	\$ 350,000
		Utilities	\$ 300,000
		Off Site Paving	\$ 350,000
		Navajo Nation Sales Tax	\$ 158,365
		Sub Total Hard Costs	\$ 3,325,684
		Soft Costs	
		Builder's Risk Insurance	\$ 15,000
		Architectural Fees	\$ 153,000
		Field Engineering/Misc Consultants	\$ 50,000
		Plan Review / Building & Special Inspections	\$ 65,245
		Consultants and Owner's Representative	\$ 245,000
		Navajo Nation Sales Tax	\$ 15,000
		Sub Total Soft Costs	\$ 543,245.00
		FF&E	\$ 405,350.00
TOTAL Police and Fire Station PROJECT SOURCES	\$ 4,500,000	TOTAL Police and Fire Station PROJECT USES	\$ 4,274,279
		Owner's Contingency	\$ 225,721
		Subtotal	\$ 4,500,000
		Total Project Uses with Contingency	\$ 4,500,000



**NAVAJO NATION GAMING ENTERPRISE
TWIN ARROWS POLICE & FIRE SUBSTATION
FUND MANAGEMENT PLAN**

I. Establishment

On December 13, 2014, the 22nd Navajo Nation Council adopted Resolution No. CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014 (hereinafter "2014 Act") and establishing the Navajo Nation Síhasin Fund at 12 N.N.C. §2501 et seq. The President of the Navajo Nation signed Resolution No. CD-68-14 into law on December 31, 2014.

In September of 2015, the Navajo Nation Gaming Enterprise ("NNGE") presented the 23rd Navajo Nation Council and Office of the President & Vice President with information that the lack of a police and fire substation at the Twin Arrows Casino Resort increased the potential liability to the Navajo Nation in response to an emergency at Twin Arrows considering the long distance from Leupp Fire District and Dilkon Police District.

In September of 2015, the NNGE also presented the 23rd Navajo Nation Council and Office of the President & Vice-President with information that pursuant to Section 13 of the Navajo Nation and State of Arizona Gaming Compact ("Gaming Compact") signed on January 3, 2003, the Navajo Nation agreed to provide sufficient emergency, medical, fire and law enforcement services to Navajo Nation's gaming facility within the Arizona portion of the Navajo Nation.

Consistent with the mandates of the 2014 Act, the Navajo Nation approved Resolution No. CAP-20-16, adopting the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan, attached and incorporated herein as Exhibit A.

The Navajo Nation Gaming Enterprise Twin Arrows Police & Fire Station Fund Management Plan (hereinafter "Fund") is hereby established. The Fund Management Plan shall be approved by the Budget and Finance Committee of the Navajo Nation Council.

II. Purpose

The purpose of the Síhasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan is to authorize the appropriation and expenditure of Síhasin Fund principal and/or interest in the amount of \$4,500,000.00 (four million five hundred thousand dollars) to the NNGE in Navajo Nation Fiscal Year 2016 to fund the design, development, construction and to fully equip the Twin Arrows Police & Fire Station.

III. Administration

- A. The total appropriation of \$4,500,000.00 shall be released by the Office of the Controller to NNGE pursuant to a Construction Plan.
- B. The appropriation to NNGE shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be returned to or deposited in the Síhasin Fund principal or Navajo Nation General Fund until such time as the Twin Arrows Police & Fire Substation project, as set forth in Exhibit A, is fully completed.
- C. The total appropriation to NNGE shall be administered pursuant to a Grant Agreement approved by the Budget and Finance Committee which shall at least include the following provisions:
 - (1) NNGE shall have the authority and responsibility to administer and use the appropriated Síhasin Funds solely to design, plan, construct and fully equip the Twin Arrows Police & Fire Substation set forth in Exhibit A; and
 - (2) NNGE shall return any cost-saving or appropriated funds otherwise not used to the Síhasin Fund once the Twin Arrows Police & Fire Substation is completed.
- D. The NNGE shall have the authority and responsibility to expend the total appropriated funds of \$4,500,000.00 as set forth in Exhibit A.

IV. Fund Management

A. Fund Accounting and Audit Requirements

- (1) The day-to-day fund accounting shall be performed by the NNGE, Finance Department in accordance with generally accepted accounting principles.
- (2) The accounting and financial records for the funds shall be kept separate from other NNGE funds and accounts.
- (3) Upon completion of the project, an audit shall be conducted and a final report submitted to the Speaker of the Navajo Nation Council and the Office of the President & Vice-President

B. Fund Reporting

- (1) The NNGE shall report the status of the construction of the Twin Arrows Police & Fire Substation, as well as the status of the Síhasin Fund Twin Arrows Police & Fire Substation Economic/Community Development Expenditure Plan to

the Naabik'iyati' Committee and Office of the President & Vice President on a quarterly basis.

(2) The NNGE and Navajo Nation programs named in Resolution No. CAP-20-16, shall be held accountable for the progress of projects under their responsibility and control after the funds for such project has been distributed by the Office of the Controller and shall report on a semi-annual basis to the Navajo Nation Council on the progress for their respective tasks.

V. Effective Date:

The effective date of the Fund shall be upon approval of the Budget and Finance Committee of the Navajo Nation Council.

VI. Amendments

This Fund Management Plan may be amended from time to time by the Budget and Finance Committee of the Navajo Nation Council upon the recommendation of the Navajo Nation Gaming Enterprise.

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA