

RESOLUTION OF THE
NAABIK'IYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD Navajo Nation Council---First Year, 2015

AN ACTION

RELATING TO NAABIK'ÍYÁTI'; CONCURRING WITH THE ACCEPTANCE OF A MONETARY GIFT OF \$10,000.26 FROM THE WINDHOVER FOUNDATION, INC. BY THE PRESIDENT OF THE NAVAJO NATION ON BEHALF OF THE NAVAJO NATION AND THE NAVAJO NATION OFFICE OF SCHOLARSHIP AND FINANCIAL ASSISTANCE; AND DIRECTING THE NAVAJO NATION OFFICE OF SCHOLARSHIP AND FINANCIAL ASSISTANCE TO RECORD THE \$10,000.26 MONETARY GIFT WITH THE ETHICS AND RULES OFFICE

BE IT ENACTED:

Section One. Findings

1. Gifts and donations can be made to the Navajo Nation. 2 N.N.C. §1010. Navajo Nation law provides that the President of the Navajo Nation, on behalf of the Navajo Nation, can either accept or decline offers of gifts and donations of property. Gifts or donations exceeding \$10,000, or estimated values thereof, must be approved by the Naabik'íyáti' Committee of the Navajo Nation Council. 2 N.N.C. §1011. All gifts and donations to the Navajo Nation remain property of the Navajo Nation. 2 N.N.C. §1010.
2. The Windhover Foundation, Inc. has offered \$10,000.26 gift/donation to the Navajo Nation Office of Scholarship and Financial Assistance for scholarship for Navajo students. The President of the Navajo Nation has accepted this gift/donations. See Exhibit "A."

Section Two. Concurrence; Signature authorization

The Navajo Nation hereby concurs with the President of the Navajo Nation's acceptance of the donation of \$10,000.26 from the Windhover Foundation, Inc. The President is authorized to sign the agreement attached as Exhibit "B" (reflecting the intent and purpose of this gift/donation).

Section Three. Business Units and Object Code(s); Recording of gift

1. For purposes of accounting and budgeting, and consistent with the intent and purpose of the gift/donation accepted herein, the Navajo Nation Office of Scholarships and Financial Assistance shall provide the Office of Management and Budget with the appropriate business unit and object code(s), as well as any necessary budget forms.
2. The Office of Navajo Nation Scholarship and Financial Assistance shall record the receipt of the gift/donation accepted here with the Ethics and Rules Office as required by 2 N.N.C. §1012.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Twin Arrows Casino & Resort, Leupp (Arizona), at which a quorum was present and that the same was passed by a vote of in 15 favor and 0 oppose, this 3rd Day of December, 2015



Honorable LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion : Raymond Smith, Jr.

Second : Davis Filfred



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

October 5, 2015

II. Richard Quadracci
Windhover Foundation, Inc.
N61W23044 Harry's Way
Sussex, WI 53089-3995



Yáár'ée'h Mr. Quadracci,

On behalf of the Navajo Nation, I offer our thanks and appreciation for the Windhover Foundation's generous gift of \$10,000.26 to the Navajo Nation Scholarship Fund. The foundation's gift will provide scholarships to Navajo students seeking a gateway to better options. Many of our young people graduate from high school and do not enter or complete college because of the high cost and the lack of financial assistance. An average of 17,000 students apply for scholarships annually and of those approximately 60 percent are denied due to limited funds. We foresee that the demand for scholarships will continue to grow as the population of the Navajo Nation increases. The Windhover Foundation's contribution is greatly appreciated, as the Navajo Nation needs highly educated young professionals to ensure the prosperity of our Nation.

The Navajo Nation is treated as a State for purposes of determining the deductibility of charitable contributions and gifts. IRC §7871(a)(1)(A). The Navajo Nation qualified for this status when the Secretary of the Treasury, after consultation with the Secretary of the Interior, determined that the right to exercise one or more of its substantial governmental functions has been delegated to the Indian tribal government pursuant to IRC §7871(d). The Secretary of the Treasury has provided a list of Indian tribal governments that are to be treated similarly to states for specified purposes under the Internal Revenue Code. One of the purposes includes charitable contributions to or for the use of the tribal government. The list of Indian tribal governments includes the Navajo Nation of Arizona, New Mexico and Utah. Rev. Proc. 2002-64, 2002-2 C.B. 717. Therefore, the Navajo Nation is treated as a state for purposes of IRC §170. The Taxpayer Identification Number is TIN: 86-0092335. Questions regarding the Navajo Nation's tax status may be directed to the Tax Unit, Navajo Nation Office of the Attorney General at (928) 871-6932.

Sincerely,

THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Russell Begaye".

Russell Begaye, President

WINDHOVER FOUNDATION, INC.

GRANT AGREEMENT

PLEASE READ CAREFULLY



The Windhover Foundation, Inc. ("Windhover") agrees to make the following Grant to Navajo Nation Scholarship & Financial Assistance ("Grantee") and Grantee agrees to accept such Grant subject to agreeing to the terms and conditions in this Grant Agreement.

AMOUNT OF GRANT: \$10,000.26
AT THE REQUEST OF: H. Richard Quadracci

SPECIFIC PURPOSES OF THE GRANT

The purpose of the Grant is in support of: Donation.

AGREEMENT BY GRANTEE

1. PURPOSE: The Grantee agrees to use the Grant solely for the specific purpose of the Grant described above.
2. TAX EXEMPT STATUS. The Grantee certifies that it is exempt from Federal income taxes under IRC Section 7871 (a)(1)(A) of the Internal Revenue Code and is not a private foundation under Section 509(a) of the Code.
3. PLEDGE. The Grantee certifies that the Grant will not fulfill all or a portion of a pledge by anyone other than Windhover.
4. IMPERMISSIBLE BENEFIT. The Grantee certifies that neither Windhover nor any individual or entity (other than Grantee and its appropriate charitable purposes) will receive anything more than an incidental benefit as a result of the Grant, including but not limited to membership fees with more than incidental benefits, tuition, dues, admission to charitable or other events, goods bought at auction, etc.
5. REVERSION OF GRANT. All or any portion of the Grant shall be returned to the Grantor in the event that any or all of the grant is not expended for the purposes authorized by the Grantor or is used in violation of the terms of this Agreement.

Executed by or on behalf of Grantor and Grantee as follows:

GRANTOR: Windhover Foundation, Inc.

GRANTEE: Navajo Nation Scholarship &
Financial Assistance

BY: _____
Megan Schall

BY: _____

TITLE: Administrative Accountant

TITLE: _____

DATE: August 11, 2015

DATE: NOV 01 2015



Department of Diné Education
Office of Navajo Nation Scholarship & Financial Assistance
P.O. Box 1870 • Window Rock, Arizona 86515
Ph: 928.871.7444 • Toll-Free: 1.800.243.2956 • Fax: 928.871.7410




Russell Begaye
President

Jonathan Nez
Vice President

Memorandum

Date: October 21, 2015

To: Honorable Jonathan Hale, Chairperson
Health, Education and Human Services Committee

From: Rose Graham, ONNSFA Department Manager 

Subject: **2 NNC 164: 4879 Windhover donation.**

This memorandum serves to request your assistance to sponsor this legislation. The legislation is determined legally sufficient by Navajo Department of Justice and therefore, ready for the Nabik'iyati' Committee consideration.

The Navajo Nation President has accepted this donation from the Windhover Foundation. The next step is for the 'The Nabik'iyati' Committee to concur with the President's acceptance of funds.

Your assistance in this regard is appreciated.

I can be reached at Extension 7444 if other information is needed. Thank you.

SECTION 164 REVIEW FORMTitle of Document: WINDHOVER FOUNDATION SCHSHP DONATION Contact Name: GRAHAM, ROSEProgram/Division: DEPT OF DINE EDUCATIONEmail: rosegraham@navajo-nsn.gov Phone Number: 928-871-7444/7424

Division Director Approval for 164A: _____

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

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

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	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)			
	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

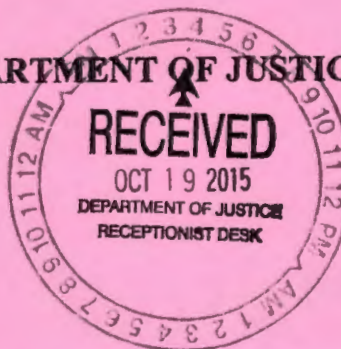
<input checked="" type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: _____	Date: <u>10/7/15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. OMB: <u>Reviewed on 2/20/15 by all members</u>	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: <u>Reviewed</u>	Date: <u>10/13/15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. OAG: <u>[Signature]</u>	Date: <u>10/24/15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: <u>100</u>	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
10-19-15 4:15pm
DATE / TIME
<input checked="" type="checkbox"/> 7 Day Deadline
DOC #: 004879
SAS #:
UNIT: H59u

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

CLIENT TO COMPLETE			
DATE OF REQUEST: 10/19/2015		ENTITY/DIVISION: Education	
CONTACT NAME: Rose Graham		DEPARTMENT: NN Scholarship	
PHONE NUMBER: 871-7444		E-MAIL: rosegraham@navajo-nsn.gov	
TITLE OF DOCUMENT: Windhover Donation			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 10/20 @ 8:30		REVIEWING ATTORNEY/ADVOCATE: MB	
DATE/TIME OUT OF UNIT: 10/21 @ 141		LS	
DOJ ATTORNEY / ADVOCATE COMMENTS			
One change to make to agreement under paragraph #2 - 787 to 7871.			
Otherwise sufficient.			
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
Michelle Begay	10/21/15 10:57	Kandis Martino	10/21/15 11:50am
DOJ Secretary Called: Left vm		for Document Pick Up on 10/21 at 141 By: Shmidt	
PICKED UP BY: (PRINT)		DATE / TIME:	

PROPOSED LEGISLATION
OF THE NABIK'İYATI' COMMITTEE

23rd NAVAJO NATION COUNCIL – First Year, 2015

INTRODUCED BY:
TRACKING NO. _____

AN ACTION RELATING TO A DONATION, ACCEPTING \$10,000.26 FROM THE WINDHOVER FOUNDATION, INC., PURSUANT TO 2 N.N.C. §1010.

WHEREAS:

1. The President of the Navajo Nation shall, for and on behalf of the Navajo nation, accept or decline gifts of property, provided that any such acceptance or refusal of a gift of property, provided that any such acceptance or refusal of a gift of an estimated value in excess of one thousand dollars shall be with the concurrence of the Government Services Committee of the Navajo Nation Council. All gifts to the Navajo Nation shall be and remain the property of the Navajo Nation.
2. The Government Services Committee is no longer a committee of the Navajo Nation Council. The Nabik'iyati' Committee replaces the Government Services Committee pursuant to § 5 of Legislation CAP-10-11.
3. The Windhover Foundation, Inc. has donated \$10,000.26 to the Office of Navajo Nation Scholarship and Financial Assistance.
4. President Russell Begaye has accepted the donation in the amount of \$10,000.26 on behalf of the Office of Navajo Nation Scholarship and Financial Assistance, attached as Exhibit "A."
5. Windhover Foundation, Inc. has asked the Navajo Nation to sign the attached "Grant Agreement." The Grant Agreement is attached as Exhibit "B."
6. It is best of the Navajo Nation for the Nabik'iyati' Committee of the Navajo Nation Council to concur with the President's acceptance of the Windhover Foundation, Incorporated's donation of \$10,000.26.

BE IT ENACTED:

The Nabik'iyati' Committee of the Navajo Nation Council hereby concurs with President Russell Begaye's acceptance of \$10,000.26 on behalf of the Office of Navajo Nation Scholarship and Financial Assistance for the benefit of Navajo college students.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Nabik'iyati' Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation, Arizona at which a quorum was present and the same was passed by a vote of ___ in favor, ___ opposed, this ___ day of October, 2015.

Chairperson
Nabik'iyati' Committee of the Committee of the Navajo Nation Council



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

October 5, 2015

H. Richard Quadracci
Windhover Foundation, Inc.
N61W23044 Harrys Way
Sussex, WI 53089-3995

Yáát'ééh Mr. Quadracci,

On behalf of the Navajo Nation, I offer our thanks and appreciation for the Windhover Foundation's generous gift of \$10,000.26 to the Navajo Nation Scholarship Fund. The foundation's gift will provide scholarships to Navajo students seeking a gateway to better options. Many of our young people graduate from high school and do not enter or complete college because of the high cost and the lack of financial assistance. An average of 17,000 students apply for scholarships annually and of those approximately 60 percent are denied due to limited funds. We foresee that the demand for scholarships will continue to grow as the population of the Navajo Nation increases. The Windhover Foundation's contribution is greatly appreciated, as the Navajo Nation needs highly educated young professionals to ensure the prosperity of our Nation.

The Navajo Nation is treated as a State for purposes of determining the deductibility of charitable contributions and gifts. IRC §7871(a)(1)(A). The Navajo Nation qualified for this status when the Secretary of the Treasury, after consultation with the Secretary of the Interior, determined that the right to exercise one or more of its substantial governmental functions has been delegated to the Indian tribal government pursuant to IRC §7871(d). The Secretary of the Treasury has provided a list of Indian tribal governments that are to be treated similarly to states for specified purposes under the Internal Revenue Code. One of the purposes includes charitable contributions to or for the use of the tribal government. The list of Indian tribal governments includes the Navajo Nation of Arizona, New Mexico and Utah. Rev. Proc. 2002-64, 2002-2 C.B. 717. Therefore, the Navajo Nation is treated as a state for purposes of IRC §170. The Taxpayer Identification Number is TIN: 86-0092335. Questions regarding the Navajo Nation's tax status may be directed to the Tax Unit, Navajo Nation Office of the Attorney General at (928) 871-6932.

Sincerely,

THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Russell Begaye", written over a horizontal line.

Russell Begaye, *President*



Department of Diné Education
Office of Navajo Nation Scholarship & Financial Assistance
P.O. Box 1870 • Window Rock, Arizona 86515
Ph: 928.871.7444 • Toll-Free: 1.800.243.2956 • Fax: 928.871.7410




Russell Begaye
President

Jonathan Nez
Vice President

Memorandum

Date: October 15, 2015

To: Michelle Begay, Attorney
HSGU/DOJ

From: Rose Graham, ONNSFA Department Manager 

Subject: **2 NNC 164: 4879 Windhover donation.**

This document is ready for DOJ review. Ms. Francisco of Office of Management and Budget issued memorandum the identifying requirements with concurrence from Mr. Beyal, but they failed to sign the review cover sheet or state what it is they are asking for. I can only assume that OMB will not sign the document until the budget packets are attached. This is a perfect example of how OMB gives programs the bureaucratic run-around.

Therefore, OMB has reviewed this document as required by 2 NNC 164, which is evident by their issuance of a memo.

The completed budget forms will be provided upon approval by the legislative body and sent it to OMB for processing.

I can be reached at Extension 7444 if other information is needed. Thank you.




THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO : 164 Reviewers

FROM : 
Nanette Francisco, Senior Budget Analyst
Office of Management and Budget

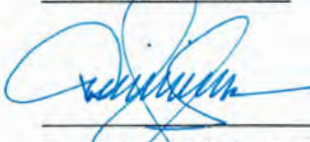
DATE : October 8, 2015

SUBJECT : 164# 004879: Windhover Foundation Scholarship Donation

1. Budget forms 1-6 are needed to show the business unit and object codes where the funds are to be budgeted. They are not attached.
2. Budget Form 2 (Program Performance Criteria) needs to be completed along with other budget forms. The form indicates how the funding is applied and what the goals are for the program for the fiscal year.

Contact OMB at 871-6046 if there are any questions and/or concerns regarding this memorandum.

CONCURRENCE



Dominic Beyer, Executive Director
Office of Management and Budget

2 NACS/64: This has been reviewed. Maybe they forget to sign the SAS sheet. RYN 10/9/15





Department of Diné Education
Office of Navajo Nation Scholarship & Financial Assistance
P.O. Box 1870 • Window Rock, Arizona 86515
Ph: 928.871.7444 • Toll-Free: 1.800.243.2956 • Fax: 928.871.7410



Russell Begaye
President

Jonathan Nez
Vice President

October 5, 2015

H. Richard Quadracci
Windhover Foundation, Inc.
N61W23044 Harrys Way
Sussex, WI 53089-3995

Yáát'ééh Mr. Quadracci,

On behalf of the Navajo Nation, Vice President Jonathan Nez and I offer our thanks and appreciation for the Windhover Foundation's generous gift of \$10,000.26 to the Navajo Nation Scholarship Fund. The foundation's gift will provide scholarships to Navajo students seeking a gateway to better options. Many of our young people graduate from high school and do not enter or complete college because of the high cost and the lack of financial assistance. An average of 17,000 students apply for scholarships annually and of those approximately 60 percent are denied due to limited funds. We foresee that the demand for scholarships will continue to grow as the population of the Navajo Nation increases. The Windhover Foundation's contribution is greatly appreciated as the Navajo Nation needs highly educated young professionals to ensure the prosperity of our Nation.

The Navajo Nation is treated as a state for purposes of determining the deductibility of charitable contributions and gifts. IRC §787(a)(1)(A). The Navajo Nation qualified for this treatment when the Secretary of the Treasury, after consultation with the Secretary of the Interior, determined that the right to exercise one or more of its substantial governmental functions has been delegated to the Indian tribal government pursuant to IRC §7871(d). The Secretary of the Treasury has provided a list of Indian tribal governments that are to be treated similarly to states for specified purposes under the Internal Revenue Code. One of the purposes includes charitable contributions to or for the use of the tribal government. The list of Indian tribal governments includes the Navajo Nation of Arizona, New Mexico and Utah. Rev. Proc. 2002-64, 2002-2 C.B. 717. Therefore, the Navajo Nation is treated as a state for purposes of IRC §170. The Taxpayer Identification Number is TIN: 86-0092335. Questions regarding the Navajo Nation's tax status may be directed to the Tax Unit, Navajo Nation Office of the Attorney General at (928) 871-6932.

Sincerely,

THE NAVAJO NATION

Russell Begaye
President

WINDHOVER FOUNDATION, INC.

GRANT AGREEMENTPLEASE READ CAREFULLY

The Windhover Foundation, Inc. ("Windhover") agrees to make the following Grant to Navajo Nation Scholarship & Financial Assistance ("Grantee") and Grantee agrees to accept such Grant subject to agreeing to the terms and conditions in this Grant Agreement.

AMOUNT OF GRANT: \$10,000.26
AT THE REQUEST OF: H. Richard Quadracci

SPECIFIC PURPOSES OF THE GRANT

The purpose of the Grant is in support of: Donation.

AGREEMENT BY GRANTEE

1. PURPOSE: The Grantee agrees to use the Grant solely for the specific purpose of the Grant described above.
2. TAX EXEMPT STATUS. The Grantee certifies that it is exempt from Federal income taxes under IRC Section 787 (a)(1)(A) of the Internal Revenue Code and is not a private foundation under Section 509(a) of the Code.
3. PLEDGE. The Grantee certifies that the Grant will not fulfill all or a portion of a pledge by anyone other than Windhover.
4. IMPERMISSIBLE BENEFIT. The Grantee certifies that neither Windhover nor any individual or entity (other than Grantee and its appropriate charitable purposes) will receive anything more than an incidental benefit as a result of the Grant, including but not limited to membership fees with more than incidental benefits, tuition, dues, admission to charitable or other events, goods bought at auction, etc.
5. REVERSION OF GRANT. All or any portion of the Grant shall be returned to the Grantor in the event that any or all of the grant is not expended for the purposes authorized by the Grantor or is used in violation of the terms of this Agreement.

Executed by or on behalf of Grantor and Grantee as follows:

GRANTOR: Windhover Foundation, Inc.

GRANTEE: Navajo Nation Scholarship &
Financial Assistance

BY: _____
Megan Schall

BY: _____

TITLE: Administrative Accountant

TITLE: _____

DATE: August 11, 2015

DATE: _____