LEGISLATIVE SUMMARY SHEET

Tracking No. 0021-21

DATE: February 12, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021 PURSUANT TO THE SIHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN ENACTED BY CO-57-16 AND AMENDED BY CMY-54-18

PURPOSE: If this legislation is approved, the 110 Navajo Nation Chapters will receive funding for hay, grain and livestock feed for distribution to ranchers and livestock owners through the Sihasin Fund Pasture Range and Forage Expenditure Plan.

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: _____________
Website Posting Time/Date: _____________
Posting End Date: 02-18-21
Eligible for Action: 02-19-21

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0021-21

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021 PURSUANT TO THE SIHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN ENACTED BY C0-57-16 AND AMENDED BY CMY-54-18

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee of the Navajo Nation Council is authorized to exercise oversight authority over, among other things, water, land, grazing, agriculture, livestock, wildlife, chapter activities, and economic and community development. 2 N.N.C. § 500 (C).

B. The Navajo Nation Council mandated the Resource and Development Committee to adopt an annual plan(s) for agriculture infrastructure projects to be funded through the Agriculture Infrastructure Fund. CO-57-16, as amended, Section Four (A) (6)(c).

SECTION TWO. FINDINGS

A. On November 3, 2016, the Navajo Nation Council passed Council Resolution CO-57-16, attached as **Exhibit A,** adopting the Síhasin Fund Pasture Range and Forage Expenditure Plan pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508; the President of the Navajo Nation signed CO-57-16 on November 13, 2016.

B. Among other things, CO-57-16 reserved $19,835,612.00 of Síhasin Funds to guarantee the insurance premiums necessary for the Nation's participation in the USDOA's Pasture, Rangeland, Forage Insurance Program for the 2017 and 2018 Crop Years. CO-57-16, Section Three, (C) (1). CO-57-16 was subsequently amended by CMY-54-18, attached as **Exhibit B,** to extend the Síhasin Fund reserve and guarantee for an additional five years through the end of the 2023 Crop Year.

C. CO-57-16, as amended, also requires that net insurance proceeds (aka: Indemnity Payments) be deposited in an Agriculture Infrastructure Fund and used to fund agriculture infrastructure projects on the Navajo Nation approved annually by the Resources and Development Committee after certain conditions are met, e.g., the Budget and Finance Committee enacts a fund management plan that, among other things, ensures that the Síhasin Fund is reimbursed for any expenditures and that annual amounts are reserved and accumulated to replace the Síhasin Fund guarantee at the end of 2023. CO-57-16, Section Four (A) (6) (c).

D. CO-57-16, as amended, defines "agriculture infrastructure projects" as, "including but not limited to, range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs." CO-57-16, Section Four (A)(5)(c).

E. CO-57-16 further establishes that agriculture infrastructure projects are to be implemented in compliance with a fund management plan approved by the Budget and Finance Committee. CO-57-16, Section Four (A) (6). The Budget and

Finance Committee adopted Resolution No. RDCAU-74-18, attached as **Exhibit C**, enacting the Agriculture Infrastructure Fund, Fund Management Plan.

F. As set forth in **Exhibit D**, the Navajo Nation Office of the Controller has provided an unaudited Income Statement and Balance Sheet for the Navajo Nation's Agriculture Infrastructure Fund and identified the unreserved unappropriated balance of the Agriculture Infrastructure Fund as $27,934,495 of November 30, 2020.

G. The U.S. Department of Health and Human Services declared a Public Health Emergency related to the novel coronavirus ("COVID-19") outbreak on January 31, 2020; and the World Health Organization declared a global pandemic due to COVID-19 on March 11, 2020.

H. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020 due to COVID-19 in Resolution No. CEM 20-03-11. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Emergency Orders 2020-001 through 2021-02 ("Public Health Emergency Orders") are incorporated by reference into this resolution.

I. COVID-19 is a highly contagious and potentially fatal respiratory virus that has severely impacted Navajo Nation communities and had a devastating impact upon the welfare of the Navajo People. Thousands of Navajos have experienced job loss resulting in severe financial hardship. The Navajo Nation Chapters have responded to the pandemic devastation by purchasing and providing essential items, such as food, water, fuel, and COVID-19 prevention equipment and supplies, for the health and well-being of needy individuals and families in their communities.

J. Navajo communities have also faced heavy snowfall and frigid temperatures during the 2020-2021 winter season, requiring Navajo Nation-wide emergency protective and mitigation activities for all Chapter communities, such as purchasing and supplying food, water, fuel, livestock feed, etc., to protect life, health, livestock, and property of their members.

K. The livelihood of Navajo ranchers and livestock owners throughout the Navajo Nation has also been negatively affected by the pandemic and winter weather which has left many without the financial means to procure the hay, grain and livestock feed necessary to sustain operations.

L. The use of Agriculture Infrastructure Funds to procure hay, grain and livestock feed for Navajo ranchers and livestock owners is within the allowable purposes set forth in CO-57-16, Section Four (A)(5)(c).

M. The Navajo Nation has determined that it is in the best interest of Navajo communities and the Navajo populace to provide Navajo ranchers and livestock owners with hay, grain and livestock feed to assist in sustaining their ranching and livestock operations.

SECTION THREE. APPROVAL OF AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021

A. The Navajo Nation hereby approves four million dollars ($4,000,000) from the Agriculture Infrastructure Fund to be distributed to the 110 Navajo Nation Chapters, as set forth in **Exhibit E**, per the Appropriation Act, 12 N.N.C. § 820 (O), Distribution to Chapters 50/50 formula as the Agriculture Infrastructure Fund Project Plan for 2021 (2021 Plan).

B. The funds distributed to Chapters under the 2021 Plan shall only be used to procure hay, grain, and livestock feed for distribution to community members. No other uses of the 2021 Plan funds are allowable.

SECTION FOUR. ADMINISTRATION OF AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021

A. The Agriculture Infrastructure Fund Project Plan Project Plan for 2021 (2021 Plan), shall be administered pursuant to the Agriculture Infrastructure Fund, Fund

Management Plan (AIF-FMP) enacted by RDCAU-74-18 and attached as **Exhibit C.**

B. The Division of Community Development shall provide administrative oversight of the 2021 Plan and coordinate with the Division of Agriculture to ensure that the Chapter purchases are within allowable Agriculture Infrastructure Fund expenditures as set forth in CO-57-16, Section Two (V)(3), attached as **Exhibit A.**

C. Notwithstanding AIF-FMP, Section V (F) (1), the Office of the Controller shall not release funds to any Chapter until they have received a resolution from the respective Chapter identifying the quantity of hay, grain and/or livestock feed to be procured by the Chapter and the method or criteria to be used to determine the quantity of hay, grain, and/or livestock feed to be distributed to eligible Chapter members.

SECTION FIVE. AMENDMENTS

The Agriculture Infrastructure Fund Project Plan for Crop Year 2021, adopted herein as **Exhibit C,** can be amended by the Resources and Development Committee from time to time as necessary to fulfill the mandates of CO-57-16 upon the recommendation of the Division of Natural Resources and Department of Agriculture.

EXHIBIT

A

CO-57-16

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND PASTURE RANGE AND FORAGE 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'íyáti' 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 Naabik'íyáti' Committee additionally has the authority to delegate its authority as appropriate for efficiency and streamlining of government process to appropriate entities and to establish a subcommittee that consists of committee members which the committee selects. 2 N.N.C. §§ 186 and 701 (B).

D. 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 and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §§ 301 (B) (2) and (5).

E. The Resource and Development Committee of the Navajo Nation Council has been empowered to exercise oversight authority over water, land, grazing and agriculture and is further empowered to establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources, including the enumerated power to promulgate rules and regulations governing the use and development of Navajo Nation lands. 2 N.N.C. §§ 500 (C) and (C) (1) and 501 (B) (1).

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 Sihasin 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, and that, when duly designated, the net proceeds of settlements or judgement awards of other litigation(s) brought against the

United States concerning its failure to ensure that the Navajo Nation received all funds due and owing under the United States' trust obligations and fiduciary duties, be deposited into the Sihasin 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 [Sihasin] 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, Sihasin 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 Sihasin 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 Sihasin 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'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Sihasin Fund Subcommittee to "review and evaluate the Public Hearing comments and recommendations from the Navajo People" and "recommend to the Naabik'íyáti' 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 Sihasin Fund)".

K. Between April 2015 and October 2016, the Sihasin Fund Subcommittee, assisted by the Office of Legislative Services, Office of the Speaker, and Office of Legislative Counsel, met on at least twenty-five (25) 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(s) for the Sihasin Fund Principal and Income consistent with the purposes set forth in the 2014 Act.

L. The Sihasin 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 Sihasin Funds for full direct project funding, unless such funds are to be repaid under a loan agreement, and instead must utilize the Sihasin 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 Sihasin 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 reports and comments made during Sihasin Fund Subcommittee meetings, the Subcommittee determined that the inadequacy of agriculture infrastructure within the Navajo Nation was detrimental to the establishment of a vibrant and sustainable agriculture economy on the Navajo Nation; that full or partial funding of Navajo Nation agriculture projects throughout the reservation could benefit each region within the Navajo Nation in providing financing and infrastructure capital to leverage funding from federal and state agencies for natural resources infrastructure development and conservation initiatives throughout the Navajo Nation; and that the implementation of sound conservation practices would allow ranchers, farmers and resource managers to adequately reduce sedimentation, reduce the threat of catastrophic fire, increase the amount of water for livestock and wildlife use, improve rangeland resources, and altogether better manage and sustain the Navajo Nation's natural resources.

O. In September of 2016, the Navajo Nation Division of Natural Resources' ("DNR"), through its Department of Agriculture ("DOA"), provided the Sihasin Fund Subcommittee with information, attached as Exhibit A, concerning the United States Department of Agriculture's ("USDA") Rainfall Index Pasture, Rangeland and Forage Pilot Insurance Program ("PRF Insurance Program") wherein USDA subsidizes 51% (fifty-one percent) to 59% (fifty-nine percent) of the cost of insurance coverage against lack of rainfall, based on a precipitation index, that an entity may procure to provide protection for pasture, rangeland and forage grown for the intended use of grazing by livestock or haying. *See also* www.rma.usda.gov/pubs/rme/fctsht.html.

P. The PRF Insurance Program is a risk management tool designed to insure decline in an area-based precipitation index value, determined by the National Oceanic and Atmospheric Climate Prediction Center ("NOAA CPC"), that is based on the long-term, historical, average precipitation for the same area of land for the same period of time; the PRF Insurance Program does not measure, capture or use the actual crop production of any producer or any of the actual crop production within the area; PRF Insurance Program coverage is based on the entire grid and is not based on individual farms or ranches or specific weather stations in the general area. Exhibit A; *see also* www.rma.usda.gov/pubs/rme/fctsht.html.

Q. The PRF Insurance Program applies NOAA CPC data to the grid area and two-month interval(s) that an entity chooses to insure; when the final grid index falls below the entities "trigger grid index", the entity may receive an indemnity. Exhibit A; *see also* www.rma.usda.gov/pubs/rme/fctsht.html.

R. In September of 2015, the PRF Insurance Program was expanded by USDA to include acreage defined by grids in the states of Arizona, New Mexico, Utah and Colorado and covering the whole of Navajo Nation trust and fee lands, with the exception that, as a general rule, leased lands must be insured by the individual lessee and allotments must be insured by the allottee. Exhibit A; *see also* www.rma.usda.gov/pubs/rme/fctsht.html.

S. The PRF Insurance Program benefits are paid in the form of an indemnity and based solely on the basis of lack of precipitation and indemnity options can include payouts once precipitation hits 90% of the average precipitation in the area and interval insured. Exhibit A; *see also* www.rma.usda.gov/pubs/rme/fctsht.html.

T. DOA provided the Sihasin Fund Subcommittee with information, attached as Exhibit B, that, based on NOAA CPC area-specific historical average precipitation data, if the PRF Insurance Program had been available over the last two decades and the Navajo Nation had insured 6,984,343.10 acres at an annual insurance premium cost of $19,835,612.00, the Nation would have received an indemnity payment above the premium cost in 19 (nineteen) out of the last 20 (twenty) years with an average yearly indemnity payment of $34,315,608.76 above the cost of the insurance premium and even without the USDA's subsidizing 51% (fifty-one percent) of the insurance premium, the Nation would have received an average yearly indemnity payout of a little over $14,000,000.00 above the cost of the insurance premium.

U. DOA also provided the Sihasin Fund Subcommittee with information that since it had not as yet identified a source of funding to guarantee the payment of insurance premiums, DOA has not applied to participate in the PRF Insurance Program on behalf of the Navajo Nation and that the completed application to participate in the PRF Insurance Program for the 2017 Crop Year was required to be signed by the Navajo Nation President and submitted to USDA by no later than November 1, 2016. Exhibit A; *see also* www.rma.usda.gov/pubs/rme/fctsht.html.

V. On September 30, 2016, the DNR-DOA presented a proposal, attached as Exhibit C, to the Sihasin Fund Subcommittee, to establish and fund the Navajo Nation Agriculture Infrastructure Fund as follows:

1. Authorize the DNR-DOA, on behalf of the Navajo Nation, to apply to USDA to participate in the PRF Insurance Program;

2. Reserve nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) of Sihasin Funds to guarantee annual Crop Year insurance premiums for 6,984,343.10 acres which shall only be draw-down from the Sihasin Fund if the PRF Insurance Program indemnity is insufficient to cover the insurance premium;

3. Approve the use of indemnity payments in excess of the amount necessary to guarantee the subsequent Crop Year's insurance premiums to fund agriculture infrastructure projects, including but not limited to: range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.

W. The Sihasin Fund Subcommittee has determined that the DNR-DOA proposal, dated September 30, 2016, attached as Exhibit C, addresses the lack of agricultural infrastructure and a stagnant agriculture economy on the Navajo Nation and therefore 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).

X. The Sihasin Fund Subcommittee has also determined that DNR-DOA's projection, based on NOAA CPC, historical average precipitation data, that it can turn a reserve and guarantee of nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) of Sihasin Funds into an annual net indemnity payment averaging above thirty-four million dollars

($34,000,000.00) satisfies the 2014 Act requirement that "leveraging of the [Sihasin] 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).

Y. The Sihasin Fund Subcommittee additionally determined that USDA's subsidy of fifty-one percent (51%) to fifty-nine percent (59%) of PRF Insurance Program premiums further satisfies the 2014 Act requirement that "leveraging of the [Sihasin] 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).

Z. The Sihasin Fund Subcommittee further determined that it was in the best long-term interest of the Navajo Nation and Navajo communities to reserve Sihasin Funds for DNR-DOA to ensure the payment of annual insurance premiums to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program and to use annual net indemnity payments to fund agriculture infrastructure projects on the Navajo Nation and recommends to the Navajo Nation Standing Committees and the Navajo Nation Council that nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) of Sihasin Funds be reserved for DNR-DOA as the Sihasin Fund Pasture Range and Forage Expenditure Plan, attached as Exhibit C, under section 2505 of the 2014 Act.

AA. After considering the recommendations of the Sihasin Fund Subcommittee, the Navajo Nation Council hereby determines that reserving Sihasin Funds for DNR-DOA to ensure the payment of annual insurance premiums to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program and using net indemnity payments to fund agriculture infrastructure projects fits within the priorities established under the July 20, 2015 <u>One Nation, One Voice</u> Navajo Nation Three Branch Agreement and that it is in the best interests of the Navajo Nation, as well as in the best interests of economic and community development and the revitalization of the agricultural economy within the Navajo Nation, to adopt the Sihasin Fund Pasture Range and Forage Expenditure Plan, attached as Exhibit C.

Section Three. Approval and Adoption of Expenditure Plan

A. The Navajo Nation hereby approves and adopts the Sihasin Fund Pasture Rangeland and Forage Expenditure Plan, attached and incorporated herein as Exhibit C, including the establishment of the Agriculture Infrastructure Fund.

B. The Navajo Nation hereby authorizes the Navajo Nation Division of Natural Resources and Department of Agriculture to apply, on behalf of the Navajo Nation, to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program.

C. The Navajo Nation hereby approves and adopts total funding, in the form of a reserve, from the Sihasin Fund in the amount of nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) to the Navajo Nation Division of Natural Resources to implement the Sihasin Fund Pasture Range and Forage Expenditure Plan and establish the Agriculture Reserve Fund as follows:

1. The nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) shall be reserved and remain in the Sihasin Fund until such time as the Nation is required to make USDA's Pasture, Rangeland, Forage Pilot Insurance Program premiums for the 2017 and 2018 Crop Years;

2. If the Navajo Nation's application to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program is denied, without right of appeal, the nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans as approved by Navajo Nation Council;

3. If the Navajo Nation's application to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program is accepted for acreage at a level requiring less than a premium of nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00), the excess of reserved Sihasin Funds shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans as approved by Navajo Nation Council;

4. At the end of the 2018 Crop Year, any portion of the nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) not used to pay USDA Pasture, Rangeland, Forage Pilot Insurance Program premiums shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans approved by Navajo Nation Council;

5. Any portion of the nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) of Sihasin Fund dollars used to pay USDA Pasture, Rangeland, Forage Pilot Insurance Program premiums shall be reimbursed and repaid to the Sihasin Fund from accrued insurance indemnity payments; and

6. If there are accrued indemnity funds remaining above the amount necessary to fund the subsequent Crop Year's insurance premiums and after the Sihasin Fund has been reimbursed for any actual expenditures, the accrued indemnity funds may be used to fund agriculture infrastructure projects as set forth below.

D. The Sihasin Funds reserved for the Sihasin Fund Pasture Range and Forage Expenditure Plan may be further leveraged by the Navajo Nation through bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Sihasin 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 Sihasin Fund Pasture Range and Forage Expenditure Plan and Agriculture Infrastructure Fund as follows:

1. The Navajo Nation Controller shall determine whether the source of the reserved $19,835,612.00 will be Sihasin Fund Principal or Income or a combination of both;

2. The Sihasin Funds reserved for the Navajo Nation's participation in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program shall only be used to pay 2017 and 2018 Crop Year insurance premiums not covered by the applicable year's indemnity payment;

3. 2 N.N.C. §§ 933-936 is hereby waived and the Division of Natural Resources shall be responsible for complying with Navajo Nation procurement laws, regulations and policies in procuring the services of an insurance agent or carrier eligible to provide USDA Pasture, Rangeland, Forage Pilot Insurance in the capacity necessary to satisfy the Nation's needs, as well as the experience and expertise necessary to develop the Nation's application to the Pasture Rangeland and Forage Insurance Program for the 2017 Crop Year within the expedited time frame;

4. The Division of Natural Resources, with the assistance of the Office of the President and Vice-President, Office of the Controller and Department of Justice, shall be responsible for conducting due diligence on the insurance agent or carrier selected and reporting the results of such due diligence to the Budget and Finance Committee and Office of President & Vice-President before any insurance premiums are actually paid with the reserved Sihasin Funds;

5. The Office of the Controller and Office of Management & Budget shall work with the Division of Natural Resources and Department of Agriculture to establish a fund, herein called the Agriculture Infrastructure Fund, to:

   a. Receive and hold any and all indemnity payments from the USDA's Pasture, Rangeland, Forage Pilot Insurance Program;

   b. Use accrued indemnity payments to reimburse and repay Sihasin Funds actually expended; and

   c. Use any remaining indemnity payments in excess of the amount necessary to guarantee the subsequent Crop Year's insurance premiums to fund and implement agriculture infrastructure projects on the Navajo Nation, including but not limited to:

range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.

6. The Division of Natural Resources and its Department of Agriculture shall have the authority and responsibility to manage and administer the Agriculture Infrastructure Fund and implement agriculture infrastructure projects pursuant to a fund management plan approved by the Budget & Finance Committee which shall at least include provisions that:

   a. All interval indemnity payments received from the USDA's Pasture, Rangeland, Forage Pilot Insurance Program will be deposited into Fund when received by the Navajo Nation and invested as determined by the Office of the Controller with any realized interest earnings or investment income devoted to the implementation of agriculture infrastructure projects;

   b. During the first month after the end of each Navajo Nation Fiscal Year, withdrawals from and/or reserves within the Fund shall be made in the following order or priority:

      1. Annual USDA Pasture, Rangeland, Forage Pilot Insurance Program premiums covering no more acreage than insured the previous year;

      2. Repayment and reimbursement of any portion of the $19,835,612.00 of Sihasin Funds actually expended; and

      3. If there are additional funds remaining, upon the approval of the Budget & Finance Committee, those funds may either be used to

increase the acreage insured or to implement agriculture infrastructure projects on the Navajo Nation or a combination of both.

c. The Department of Agriculture, under the legislative oversight of the Resources and Development Committee, shall have the responsibility to administer, oversee and use indemnity funds allocated for agriculture infrastructure projects, consistent with an annual plan recommended by the Division of Natural Resources and approved by the Resources and Development Committee, for range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area, including administration costs;

d. The Department of Agriculture shall account for the money spent and such accounting or expenditure report shall be included as part of the Executive Branch's quarterly program report submitted to the Resources and Development Committee; and

e. The Department of Agriculture shall have the authority to enter into match funding, partnership, cooperative and other cost saving or cost sharing arrangements or leveraging agreements with Navajo Nation entities and enterprises, Navajo Nation chapters and other political subdivisions, other Navajo Nation programs and federal and state agencies and such agreements shall not be deemed procurement contracts subject to the Navajo Nation Procurement Act, 12 N.N.C. §§301 -371 or Navajo Business Opportunity Act 5 N.N.C. §§ 201-215.

7. The Division of Natural Resources and Department of Agriculture shall have the continuing authority and responsibility to further leverage the Agriculture Infrastructure Fund and shall present an annual

leveraging plan to the Resources and Development and Budget and Finance Committees during the first quarter of each Navajo Nation Fiscal Year.

8. The funds deposited into the Agriculture Infrastructure Fund shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N).

B. The Navajo Nation Controller, Director of the Division of Natural Resources and Program Manager of the Department of Agriculture shall jointly account for and be held accountable for the expenditure of allocated Síhasin Fund funds and shall arrange for an annual audit of the Agriculture Infrastructure Fund with such audit report(s) submitted to the Resources and Development, Budget and Finance and Naabik'íyáti' Committees, Office of the Controller and Office of the President and Vice-President on an annual basis.

C. The Division of Natural Resources shall report the status of the Síhasin Fund Pasture Range and Forage Expenditure Plan, specifically including the use and status of the Síhasin Funds and the status of the Agriculture Infrastructure Fund to the Resources and Development, Budget and Finance and Naabik'íyáti' Committees and Office of the President and Vice-President on a quarterly basis.

Section Five. Effective Date

The Síhasin Fund Pasture Range and Forage 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, Office of Management & Budget, Division of Natural Resources and Department of Agriculture, shall take all steps necessary to expeditiously implement the Síhasin Fund Pasture Range and Forage Expenditure Plan.

B. The Department of Agriculture shall develop a knowledge bank collecting and archiving information about the PRF Insurance Program and the Nation's participation.

C. All Navajo Nation programs named in this legislation shall be held accountable for the progress of tasks under their responsibility and control and shall report on a semi-annual basis to the Naabik'íyáti' Committee on the progress of 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 18 in favor and 4 opposed, this 27th day of October 2016.

LoRenzo Bates, Speaker
Navajo Nation Council

11-3-16
Date

Motion: Honorable Peterson B. Yazzie
Second: Honorable Otto Tso

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this 15th day of November 2016.

Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this ______ day of __________ 2016 for the reason(s) expressed in the attached letter to the Speaker.

____
Russell Begaye, President
Navajo Nation

CMY-54-18

EXHIBIT

B

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING CO-57-16, THE SÍHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN, TO EXTEND THE SÍHASIN FUND GUARANTEE

BE IT ENACTED:

Section One. Authority

A. 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. § 301 (B) (2).

B. The Resource and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over water, land, grazing and agriculture on the Navajo Nation. 2 N.N.C. § 500 (C) (1).

C. 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).

D. The Naabik'íyáti' Committee additionally has the authority to delegate its authority as appropriate for efficiency and streamlining of government processes to appropriate entities and to establish a subcommittee that consists of committee members, which the committee selects. 2 N.N.C. §§ 186 and 701 (B). The Naabik'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "recommend to the Naabik'íyáti' 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]".

E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

Section Two. Findings

A. On November 3, 2016, the Navajo Nation Council adopted Resolution No. CO-57-16, attached as **Exhibit A**, enacting the Sihasin Fund Pasture Range and Forage Expenditure Plan ("PRF Expenditure Plan") and creating the Agriculture Infrastructure Fund as a mechanism to fund agriculture infrastructure projects, including but not limited to: range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects. The President of the Navajo Nation signed CO-57-16 on November 13, 2016.

B. CO-57-16 authorized the Navajo Nation, through its Division of Natural Resources ("DNR") and Department of Agriculture ("NNDOA"), to enroll in the United States Department of Agriculture's ("USDOA") Rainfall Index Pasture, Rangeland and Forage Pilot Insurance Program ("PRF Insurance Program") wherein USDOA will pay between 51% and 59% of the Nation's annual insurance premium.

C. USDOA pays PRF Insurance Program benefits in the form of indemnity payments. CO-57-16 reserved nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612) of Sihasin Funds to guarantee any portion of the annual insurance premiums not off-set by the indemnity payments for Crop Years 2017 and 2018.

D. For Crop Year 2017 (January 1, 2017 through December 31, 2017), as detailed in **Exhibit B**, indemnity payments to the Nation exceeded the Nation's portion of the annual premium cost by seventeen million three hundred eighty-six four hundred fifty-five dollars ($17,386,455) and the reserved Sihasin Funds were fully maintained.

E. Pursuant to CO-57-16, the Sihasin Fund guarantee of the annual PRF Insurance Program premium expires at the end of 2018 Crop Year and the Agriculture Infrastructure Fund, adopted as part of the PRF Expenditure Plan, requires DNR and NNDOA to set-aside or reserve enough of the 2017 and 2018 Crop Year indemnity payments to guarantee the Nation's 2019 Crop Year insurance premium before any portion of the indemnity payments can be used to fund agriculture infrastructure projects, including but not limited to: range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects. CO-57-16, p. 10, Section Three C.6 and p. 11, Section Four A.5.c.

F. On February 26, 2018, NNDOA presented information to the Sihasin Subcommittee that because CO-57-16 currently requires DNR and DOA to reserve or set-aside 2017 and 2018 Crop Year indemnity payments sufficient to guarantee the 2019 Crop Year PRF Insurance Program premiums, the amount of the 2017 Crop Year net identity proceeds of $17,386,455 that can be spent on agriculture infrastructure projects in calendar years 2018 and 2019 will be minimal.

G. Given that the Nation has pressing immediate needs to implement drought mitigation measures, feral horse reduction, and other conservation measures, the Sihasin Subcommittee recommends to the Naabik'iyáti' Committee and Navajo Nation Council that it is in the overall best long-term interests of the Navajo Nation to amend CO-57-16 to extend the Sihasin Fund guarantee of the PRF Insurance Program annual premiums for two additional years through the 2020 Crop Year, so that a large portion of the current net indemnity proceeds of $17,386,455 can be used to implement agriculture infrastructure projects in calendar years 2018 and 2019.

Section Three. Amending Resolution No. CO-57-16

The Navajo Nation hereby amends Navajo Nation Council Resolution No. CO-57-16 as follows:

Section Three. Approval and Adoption of Expenditure Plan

* * *

C. The Navajo Nation hereby approves and adopts total funding, in the form of a reserve, from the Sihasin Fund in the amount of nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) to the Navajo Nation Division of Natural Resources to implement the Sihasin Fund

Pasture Range and Forage Expenditure Plan and establish the Agriculture Reserve Fund as follows:

1. The nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) shall be reserved and remain in the Sihasin Fund until such time as the Nation is required to make USDA's Pasture, Rangeland, Forage Pilot Insurance Program premiums for the 2017 ~~and 2018~~ through 2023 Crop Years;

* * *

4. At the end of the ~~2018~~ 2023 Crop Year, any portion of the nineteen million eight hundred thirty-five thousand six hundred twelve dollars ($19,835,612.00) not used to pay USDA Pasture, Rangeland, and Forage Pilot Insurance Program premiums shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans approved by Navajo Nation Council;

* * *

Section Four. Approval and Adoption of Expenditure Plan Administration

A. The Navajo Nation hereby approves administration of the Sihasin Fund Pasture Range and Forage Expenditure Plan and Agriculture Infrastructure Fund as follows:

   2. The Sihasin Funds reserved for the Navajo Nation's participation in the USDA's Rangeland, and Forage Pilot Insurance Program shall only be used to pay 2017 ~~and 2018~~ through 2023 Crop Year insurance premiums not covered by the applicable year's indemnity payment;

   * * *

Section Four. Effective Date

The amendments to Navajo Nation Council Resolution No. CO-57-16, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505 (A).

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 17 in favor and 00 opposed, on this 17th day of May 2018.

Seth Damon, Speaker Pro Tem
23rd Navajo Nation Council

May 21, 2018
Date

Motion: Honorable Lee Jack, Sr.
Second: Honorable Herman M. Daniels

Speaker Pro Tem Damon not voting

EXHIBIT C

RDCAU-74-18

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE COMMITTEES; APPROVING AND ADOPTING THE AGRICULTURE INFRASTRUCTURE FUND FUND MANAGEMENT PLAN AS MANDATED BY THE SÍHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN ENACTED BY CO-57-16 AND AMENDED BY CMY-54-18

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). The Navajo Nation Council mandated the Budget of Finance Committee to adopt a fund management plan to administer the Agriculture Infrastructure Fund. CO-57-16, as amended, Section Four (A) (6).

B. The Resources and Development Committee of the Navajo Nation Council has oversight of the Division of Natural Resources. The Department of Agriculture is within the Division of Natural Resources. 2 N.N.C. § 501(C)(1).

C. The Budget and Finance Committee of the Navajo Nation Council is authorized to review the management of all funds and to approve Fund Management Plans upon the recommendation of the appropriate oversight committee. 2 N.N.C. §§ 301 (B) (2) and (14).

Section Two. Findings

A. On November 3, 2016, the Navajo Nation Council passed Council Resolution CO-57-16, attached as **Exhibit A,** adopting the Síhasin Fund Pasture Range and Forage Expenditure Plan pursuant to CD-68-14 and 12 N.N.C. §§2501-2508; the President of the Navajo Nation signed CO-57-16 on November 13, 2016.

B. Among other things, CO-57-16 reserved $19,835,612.00 of Sihasin Funds to guarantee the insurance premiums necessary for the Nation's participation in the USDOA's Pasture, Rangeland, Forage Insurance Program for the 2017 and 2018 Crop Years. CO-57-16, Section Three, (C) (1). CO-57-16 was subsequently amended by CMY-54-18, which is attached as **Exhibit B**, to extend the Sihasin Fund reserve and guarantee for an additional five years through the end of the 2023 Crop Year.

C. CO-57-16, as amended, also requires that net insurance proceeds, also referred to as indemnity payments, be deposited in an Agriculture Infrastructure Fund and used to fund agriculture infrastructure projects after certain conditions are met; *e.g.*, the Sihasin Fund is reimbursed for any expenditures and annual amounts are reserved and accumulated to replace the Sihasin Fund guarantee at the end of 2023. CO-57-16, Section Four (A) (6) (c).

D. CO-57-16 further establishes that the Division of Natural Resources and its Department of Agriculture have the authority and responsibility to manage and administer the Agriculture Infrastructure Fund and implement agriculture infrastructure projects pursuant to a fund management plan approved by the Budget and Finance Committee. CO-57-16, Section Four (A) (6).

E. The proposed Agriculture Infrastructure Fund Fund Management Plan, attached as **Exhibit C**, was vetted through the Executive Branch's Executive Review process, attached as **Exhibit D.**

Section Three. Approval

A. The Navajo Nation hereby approves the Agriculture Infrastructure Fund Fund Management Plan, attached as **Exhibit C**, as the fund management plan mandated by CO-57-16, Section Four (A) (6).

B. The Navajo Nation hereby adopts the Agriculture Infrastructure Fund Fund Management Plan attached as **Exhibit C.**

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, and 0 opposed, on this 15th day of August 2018.

Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Walter Phelps
Second: Honorable Leonard Pete

Chairperson Alton Joe Shepherd not voting.

EXHIBIT

C

AGRICULTURE INFRASTRUCTURE FUND
FUND MANAGEMENT PLAN

Section I. Establishment and Purpose

In November of 2016, the Navajo Nation approved Resolution No. CO-57-16, *Adopting the Sihasin Fund Pasture Range and Forage Expenditure Plan*. CO-57-16 was subsequently amended by CMY-54-18. Utilizing Sihasin Funds, CO-57-16, as amended, established a seven-year guarantee, ending in 2023, for the Nation's participation in the U.S. Department of Agriculture's ("USDOA") Pasture Rangeland Forest Pilot Insurance Program. CO-57-16, as amended, also established the Agriculture Infrastructure Fund and provided that net insurance proceeds ("Indemnity Payments") are to be deposited in the Agriculture Infrastructure Fund and, after certain conditions are met, used to fund agriculture infrastructure projects on the Navajo Nation as defined in CO-57-16 and approved annually by the Resources and Development Committee.

In addition, CO-57-16, as amended, requires that the Division of Natural Resources and its Department of Agriculture manage and administer the Agriculture Infrastructure Fund pursuant to a fund management plan approved by the Budget and Finance Committee.

The purpose of this Agriculture Infrastructure Fund Fund Management Plan ("FMP") is to satisfy the fund management plan requirements of CO-57-16, as amended, and to clarify the administration and management of the Agriculture Infrastructure Fund to ensure the accountability of such funds, as well as the timely implementation of the approved agriculture infrastructure projects. To that end, this FMP is excused from the requirements of BFMY-38-02 and BFN-187-03.

Section II. Authority

A. The Navajo Nation established the Agriculture Infrastructure Fund pursuant to Resolution No. CO-57-16 to only fund and implement agriculture infrastructure projects on the Navajo Nation, including but not limited to:

> range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.

B. Pursuant to 2 N.N.C. § 500 (C), the Resources Development Committee ("RDC") of the Navajo Nation Council shall exercise oversight authority over, among other things, water, land, agriculture, chapter activities, and economic and community development. Consistent with this authority, CO-57-16 sets forth that RDC shall approve an annual plan of agriculture infrastructure projects to be funded through the Agriculture Infrastructure Fund.

C. Pursuant to 2 N.N.C. § 301 (B), the Budget and Finance Committee ("BFC") of the Navajo Nation Council is authorized to review the management of all funds and to approve Fund Management Plans pursuant to the recommendation of the appropriate oversight committee, RDC in this instance. Consistent with this authority, CO-57-16 sets forth that BFC shall approve a fund management plan to manage and administer the Agriculture Infrastructure Fund and implement agriculture infrastructure projects.

D. Pursuant to C0-57-16, as well as their respective plans of operation as set forth in the Navajo Nation Code and/or by Navajo Nation Council or Committee resolution and the Navajo Nation Appropriation Act, 12 N.N.C. §§ 800 *et. seq*, as amended, the Office of the Controller ("Controller") and the Office of Management and Budget ("OMB") have the authority to administer the funding to implement the Agriculture Infrastructure Fund projects and other fund uses as set forth in CO-57-16, as amended.

E. Pursuant to C0-57-16, as well as their respective plans of operation as set forth in the Navajo Nation Code and/or by Navajo Nation Council or Committee resolution, the Division of Natural Resources ("DNR") and Department of Agriculture ("NNDOA") have the authority to recommend an annual agriculture infrastructure projects plan to RDC and to administer, manage, oversee and use Agriculture Infrastructure Funds to implement approved agriculture infrastructure projects.

Section III. Administration – General

A. This FMP is intended to supplement the operable Budget Instruction Manual ("BIM") and unless contradicted or excepted by CO-57-16, as amended, or by provisions of this FMP, the BIM is to be followed.

B. Although BFC approved resolutions BFMY-38-02 and BFN-38-03 in 2002 and 2003 to guide the establishment of Fund Management Plans for programs generating revenues, Section VI of the FY 2019 BIM allows for the establishment of Fund Management Plans outside of those resolutions. The Agriculture Infrastructure Fund is not funded by program generated revenues. As such, BFMY-38-02 and BFN-38-03 do not guide or apply to this FMP.

C. Projects funded through the Agriculture Infrastructure Fund are not subject to BIM budget timelines and budget review and approval requirements. Agriculture Infrastructure Fund projects and administrative costs approved by RDC do not require subsequent committee approval of the detailed budget forms.

D. Funds deposited in the Agriculture Infrastructure Fund shall not lapse on an annual basis and any amounts not subject to this FMP's set-aside or reserve provisions shall be available for allocation to agriculture infrastructure projects as approved by RDC.

E. Agriculture Infrastructure Fund project funding shall not lapse until funded projects are (1) completed and closed-out; or (2) canceled or defunded as approved by RDC. Cost savings or unspent funds attendant to completed, canceled or defunded projects shall be returned to the Agriculture Infrastructure Fund.

F. Expenditures of Agriculture Infrastructure Funds shall comply with the laws of the Navajo Nation, including but not limited to the Navajo Business Opportunity Act and the Navajo Nation Ethics in Government Law.

Section IV. Administration – Indemnity Payments

A. The Controller shall establish the Agriculture Infrastructure Fund, which may include a sub-fund(s) or account(s), e.g., a holding account and/or investment account, to receive, house, and disburse Indemnity Payments (insurance proceeds) received from USDOA.

B. *Before* any Indemnity Payments can be used to fund agriculture infrastructure projects, the Controller shall first set-aside or reserve the following amounts, *in the order listed*, from the net Indemnity Payments received each farm year (calendar year):

1. Any Sǐhasin Funds actually remitted to the USDOA for payment of insurance premiums. This amount shall be reimbursed to the Sǐhasin Fund.
2. Any prior year set-aside or reserve shortages.
3. $2,833,658.86 which is one seventh (1/7th) of the Sǐhasin Fund guarantee of $19,835,612.00. The purpose of this reserve is to ensure that a funding source is available to support the annual insurance premiums when the Sǐhasin Fund guarantee expires after seven (7) years at the end of 2023.
4. Any increase in the current year's insurance premiums above the previous year's insurance premiums. CO-57-16, as amended, requires that BFC approve any increase in insurance premiums due to an increase in the acreage insured.

C. *After* all of the annual set-aside and reserve provisions set forth above have been satisfied, net Indemnity Payments shall be eligible to fund agriculture infrastructure projects as approved by RDC. If eligible funds are not used to fund current year agriculture infrastructure projects, such funds shall carry-over and remain eligible to fund subsequent year agriculture infrastructure projects.

D. The Controller shall invest the Agriculture Infrastructure Fund, including the set-aside and reserve funds, with the degree of care exercised by a reasonable and prudent manager of investments intended to produce maximum growth of the investment with a high degree of safety as appropriate to support the purposes set forth in this FMP. If approved by BFC, any or all of the realized earnings from such investment(s) shall be available for expenditure on agriculture infrastructure projects beginning in 2024.

Section V. Administration – Project Funds

A. By the end of October each year, DNR and NNDOA shall recommend an agriculture infrastructure projects plan, which may include administrative costs, to RDC for approval. The total amount of such plan shall not exceed the amount of eligible funds set forth through Section III.C. above. The agriculture infrastructure projects included on the plan must comply with Section Four (A) (5) (c) of CO-57-16, i.e., Range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.

B. In addition to total funding for each project, Agriculture infrastructure projects recommended by DNR and NNDOA shall identify the Department(s) or Program(s) responsible for managing and implementing the project or components thereof. If RDC approves project(s) to be managed and implemented by Departments or Programs outside of DNR, DNR and NNDOA shall retain authority and responsibility to ensure that such funding is used only for projects meeting CO-57-16's criteria.

C. The Office of the Controller has the authority to make payments out of the Agriculture Infrastructure Fund for projects and administrative costs approved by RDC without subsequent oversight committee budget approval. The approval of Project Summary Forms and budget documents shall be through Official Executive Review.

D. Matching and Cost-Share funds from external sources or other Navajo Nation funds shall be processed and administered in accordance with this FMP, unless specifically prohibited by the funding requirements or agreement.

E. Allowable administrative expenditures must be directly tied to project implementation and may include, but will not be limited to, the following categories: personnel; travel expenses; supplies; lease, communications and utilities; contractual services; non-capital expenditures; and capital expenditures.

F. Consistent with other applicable provisions of this FMP, Departments and Programs shall comply with BIM Section VII, PROJECT BUDGETING AND ACCOUNT SET-UP, as subsequently amended, and submit BIM Appendix J PROJECT FORMS, as subsequently amended, to OMB for project account and budget set-up subject to the following:

   1. The legislation approving the project and project funding shall be identified as CO-57-16 and proposal packets, e.g., chapter resolutions, shall not be required.

   2. The funding source for each project shall be identified as the Agriculture Infrastructure Fund.

   3. Departments and Programs shall include a project start and end date on Appendix J Project Forms. OMB shall report, in writing, any project that is not projected to be completed within 8 quarters (two years), as well as any project that is not completed by its end date, to DNR, OPVP, BFC, and RDC.

   4. The Department or Program shall attach a written statement to their Appendix J Project Forms defining the project and delineating the specific purposes for which the project funds can be expended and/or utilized. Example: The purpose of the project is to establish farming infrastructure and project funds will be utilized for purchase of farm equipment such as tractors, blades, etc., infrastructure, demolition and site cleanup, architectural design.

5. Projects that are to be leveraged with or match funded by other funding sources must include a commitment letter or resolution from the appropriate agency or entity verifying the amount of contribution and showing that the amount has been encumbered.

Section VI. Accounting

A. The records and books of accounts for the Agriculture Infrastructure Fund shall be kept separate and apart from other Navajo Nation funds with their own balance sheet and revenue and expenditure statement.

B. The recipient of Infrastructure Funds shall account for the money spent and progress achieved. Departments and Programs shall include the accounting as part of their quarterly program reports submitted to RDC, BFC and the Navajo Nation Council. Non-governmental entities and LGA Certified Chapters shall submit a quarterly account report to the same entities.

C. DNR and NNDOA shall coordinate with the Office of the Auditor General to request an annual audit of the funds provided through this FMP.

Section VII. Reporting and Close-out

A. At the end of each quarter, the responsible Department or Program shall provide written update project status reports to the DNR Director, RDC, BFC, OOC, OMB and OPVP. Such reports will include the status of the project(s), expenditures and fund balance of each project.

B. When a project is completely implemented, the responsible Department or Program shall provide a memorandum, concurred to by DNR, to OMB and OOC stating that the project is complete with all close out tasks complete and that the project account can be closed.

Section VIII. – Amendments

This FMP is intended to be amended by BFC when the Síhasin Fund guarantee expires at the end of 2023. In the interim, this FMP may be amended by BFC with the recommendation of RDC.

EXHIBIT
D

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

Memorandum:

TO: Seth Damon, Speaker
24th Navajo Nation Council

FROM: Robert Willie, Accounting Manager

DATE: December 31, 2020

RE: Agriculture Infrastructure Fund

Attached you will find the unaudited Income Statement and Balance sheet (Exhibit A) for the Agriculture Infrastructure Fund as of November 30, 2020.

The unaudited un-appropriated balance of the Agriculture Infrastructure Fund as of November 30, 2020, is $27,934,495 (see Exhibit A, footnote 1). Exhibit A shows the composition of the Agriculture Infrastructure Fund.

In the first two months of FY 2021 the Agriculture Infrastructure Fund (Exhibit A) has collected $14,900, footnote 2, in revenue/contributions, the total expenditures are $393,330, footnote 3. The excess of expenditures over revenues is $378,430, footnote 4.

There was an amount of $19,277,820 that was recommended for projects for this fund on November 3,2020. These Business Units have not been set up at this point in time so the available fund balance will be reduced by this amount once the budgets have been established in the FMIS. Any other proposed legislations currently going through the process will not be reflected in this balance until those resolutions have been approved.

Also attached are the projects(Exhibit B) associated with this fund as of November 2020. Total revised budgets total $14,085,500 actual expenditures $4,089,323.17, Open commitments of $1,315,568.46 and total remaining budget of $8,680,608.37.

Thank you, if you should have any question please feel free to call me at tribal extension X6125.

NAVAJO NATION OFFICE OF THE CONTROLLER
P.O.BOX 3150 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-6398 · FAX: (928) 871-6026

EXHIBIT A

THE NAVAJO NATION
Agriculture Infrastructure Fund
Combining Balance Sheet
November 30, 2020 (Unaudited)

Assets		
Current Assets:		
Cash and cash equivalents	$	1,604,166
Investments		36,319,486
Receivables:		
Accounts Receivable		22,020
Prepaid expenses		
Total Current Assets		37,945,672
Long Term Assets:		
Receivables		
Plant, Property & Equipment		
Total Long Term Assets		-
Total Assets	$	37,945,672
Liabilities and Fund Balances		
Current Liabilities:		
Accounts Payable	$	15,000
Accruals		
Other Liabilities		
Total Current Liabilites		15,000
Long Term Liabilities		
Long term debt		
Other LT Liabilities		
Total Long Term Liabilities		-
Fund Balances:		
Unreserved		27,934,495 (1)
Committed		8,680,608
Assigned		1,315,568
Total Fund Balances		37,930,672
Total Liabilites and fund balances	$	37,945,672

THE NAVAJO NATION

Combining Statement of Revenues, Expenditures and Changes in Fund Balance
November 30, 2020 (Unaudited)

Revenues:		
Revenues, net	$	14,900 (2)
Total Revenue		14,900
Expenditures:		
Total Expenditures		(393,330) (3)
Excess (deficit) of revenues over expenditures		(378,430) (4)

(1) - Unapproriated Balance Available, Note that there was a recommended amount of $19,277,820 for projects that is not reflected in this available balance
(2) - Revenue Collected
(3) - Total Expeditures
(4) - Total Expeditures over revenues

Prepared by General Accounting
12/29/2020

EXHIBIT B

NAVAJO NATION
Agriculture Infrastructure Fund Projects
As of November 30, 2020

		Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
C01790	CLIMATE MONITORING SUPPORT YR1	50,000.00			50,000.00		1
C01791	DWR RED WILLOW FARM YR1	297,000.00			297,000.00		1
C01792	DWR WINDMILL PROJECTS YR1	3,900,000.00	2,031,943.68	875,374.29	992,682.03	0.75	0.25
C01793	DWR EARTHEN DAM REPAIRS YR1	1,200,000.00	306,978.48		893,021.52	0.26	0.74
C01794	COPPERMINE LIVSTCK WTRLINE YR1	327,000.00			327,000.00		1
C01795	GREASEWOOD LIVSTCK WTRLINE YR1	496,000.00	29,210.00	46,608.20	420,181.80	0.15	0.85
C01796	BURNSIDE WELLPUMP POWRLINE YR1	115,000.00	3,754.00		111,246.00	0.03	0.97
C01797	TOLANILAKE LIVSTCK WTRLINE YR1	208,500.00	90,500.00		118,000.00	0.43	0.57
C01798	AGRICULTURE SERVICE CNTERS YR1	1,100,000.00	81,838.10	16,077.30	1,002,084.60	0.09	0.91
N01437	NNDA HORSE MANAGEMENT YR 1	1,000,000.00	501,897.07	134,477.42	363,625.51	0.64	0.36
N01438	HERD COMPLIANCE INCENTIVE YR 1	500,000.00	216,875.00		283,125.00	0.43	0.57
N01439	RANCHERS SUPPLE FEED DIST YR 1	500,000.00	214,372.71	23,231.25	262,396.04	0.48	0.52
N01440	TRIBAL RANCH INFRA IMPRVMT YR1	1,000,000.00	119,098.03		880,901.97	0.12	0.88
N01441	DRYLAND/FARMLAND RECOVERY YR1	400,000.00			400,000.00		1
N01442	AREA WIDE FENCING(RMU,ETC)YR 1	400,000.00			400,000.00		1
N01443	LIVESTOCKPROCESSG FACILITS YR1	500,000.00			500,000.00		1
N01444	TECH CAPACITY BLDG & CONSV YR1	400,000.00	52,777.24		347,222.76	0.13	0.87
N01445	AGR CONSERVATION CORP YR 1	400,000.00	106,780.02		293,219.98	0.27	0.73
N01446	FORESTRY DROUGHT MITIGATIONYR1	120,000.00	58,230.77		61,769.23	0.49	0.51
N01447	F&W CLIMATECHG/DROUGHT MIT YR1	300,000.00	94,953.51		205,046.49	0.32	0.68
N01448	F&W WATER CONSRV&CATCHMNTS YR1	266,000.00			266,000.00		1
N01449	F&W WOODLAND HABITAT TRTMT YR1	114,000.00	30,114.56		83,885.44	0.26	0.74
N01450	F&W NTVSEED/RIPARIN RESTRTNYR1	122,000.00			122,000.00		1
N01451	LCR(LEUPP)ALLV AQUIFR STDY YR1	370,000.00	150,000.00	219,800.00	200.00	1	
	Total:	14,085,500.00	4,089,323.17	1,315,568.46	8,680,608.37	0.38	0.62

Prepared By General Accounting

NAVAJO NATION

C and N Accounts - Agriculture Infrastructure Fund Projects

Per Resolution RDCD-100-18 (Year 1)

January 8, 2021

	Business Unit No.	Program	Title	Budget Information				
				Revised Budget	Expenditures	Encumb-rances	Budget Available	% Expensed of Total
1	C01790	DWR	CLIMATE MONITORING SUPPORT YR1	50,000.00			50,000.00	0.00
2	C01791	DWR	DWR RED WILLOW FARM YR 1	297,000.00			297,000.00	0.00
3	C01792	DWR	DWR WINDMILL PROJECTS YR 1	3,900,000.00	2,094,248.84	850,518.41	955,232.75	75.51
4	C01793	DWR	DWR EARTHEN DAM REPAIRS YR 1	1,200,000.00	306,978.48		893,021.52	25.58
5	C01794	DWR	COPPERMINE LIVSTCK WTRLINE YR 1	327,000.00			327,000.00	0.00
6	C01795	DWR	GREASEWOOD LIVSTCK WTRLINE YR 1	496,000.00	29,210.00	78,742.10	388,047.90	21.76
7	C01796	DWR	BURNSIDE WELLPUMP POWRLINE YR 1	115,000.00	3,754.00		111,246.00	3.26
8	C01797	DWR	TOLANI LAKE LIVSTCK WTRLINE YR 1	208,500.00	90,500.00		118,000.00	43.41
9	N01451	DWR	LCR (LEUPP) ALLV AQUIFR STDY YR 1	370,000.00	150,000.00	219,800.00	200.00	99.95
			DWR Total:	**6,963,500.00**	**2,674,691.32**	**1,149,060.51**	**3,139,748.17**	**54.91**
1	C01798	AGR	AGRICULTURE SERVICE CENTERS YR 1	1,100,000.00	112,549.23	14,361.17	973,089.60	11.54
2	N01437	AGR	NNDA HORSE MANAGEMENT YR 1	1,000,000.00	586,915.39	67,477.42	345,607.19	65.44
3	N01438	AGR	HERD COMPLIANCE INCENTIVE YR 1	500,000.00	216,875.00		283,125.00	43.38
4	N01439	AGR	RANCHERS SUPPLE FEED DIST YR 1	500,000.00	221,355.97	23,231.25	255,412.78	48.92
5	N01440	AGR	TRIBAL RANCH INFRA IMPRVMT YR 1	1,000,000.00	119,098.03	49,600.00	831,301.97	16.87
6	N01441	AGR	DRYLAND/FARMLAND RECOVERY YR 1	400,000.00			400,000.00	0.00
7	N01442	AGR	AREA WIDE FENCING (RMU,ETC) YR 1	400,000.00			400,000.00	0.00
8	N01443	AGR	LIVESTOCK PROCESSG FACILITIES YR 1	500,000.00			500,000.00	0.00
9	N01444	AGR	TECH CAPACITY BLDG & CONSV YR 1	400,000.00	57,106.14	2,802.84	340,091.02	14.98
10	N01445	AGR	AGR CONSERVATIO CORP YR 1	400,000.00	115,893.76		284,106.24	28.97
			Agriculture Total:	**6,200,000.00**	**1,429,793.52**	**157,472.68**	**4,612,733.80**	**25.60**
1	N01446	FORESTRY	FORESTRY DROUGHT MITIGATION YR 1	**120,000.00**	**58,230.77**		**61,769.23**	**48.53**
1	N01447	F&W	F&W CLIMATE CHG/DROUGHT MIT YR 1	300,000.00	112,782.05		187,217.95	37.59
2	N01448	F&W	F&W WATER CONSRV & CATCHMNTS YR 1	266,000.00	75,000.00		191,000.00	28.20
3	N01449	F&W	F&W WOODLAND HABITAT TRTMT YR 1	114,000.00	30,114.56		83,885.44	26.42
4	N01450	F&W	F&W NTVSEED/RIPARIN RESTRTN YR 1	122,000.00			122,000.00	0.00
			Fish & Wildlife Total:	**802,000.00**	**217,896.61**	**0.00**	**584,103.39**	**27.17**
				14,085,500.00	**4,380,612.22**	**1,306,533.19**	**8,398,354.59**	**40.38**

NNOMB/dsam
January 12, 2021

EXHIBIT

E

Fiscal Year 2021
Navajo Nation Chapter 50/50 Allocation for $4,000,000 (Pasture Land Forage)

	Business Unit	Districts	Chapters	Number of Registered Voters	50% Equal Distribution	50% Registered Voters		Total Chapter Allocation
CHINLE AGENCY								
1	108014	4	Black Mesa	480	18,181.81	8,349.12	$	26,530.93
2	108016	4	Forest Lake	498	18,181.81	8,662.21	$	26,844.02
3	108017	4	Hardrock	713	18,181.81	12,401.92	$	30,583.73
4	108021	4	Pinon	1,571	18,181.81	27,325.97	$	45,507.78
5	108024	4	Tachee/Blue Gap	827	18,181.81	14,384.83	$	32,566.64
6	108027	4	Whippoorwill	774	18,181.81	13,462.95	$	31,644.76
7	108015	10	Chinle	3,549	18,181.81	61,731.30	$	79,913.11
8	108019	10	Many Farms	1,279	18,181.81	22,246.92	$	40,428.73
9	108020	10	Nazlini	820	18,181.81	14,263.08	$	32,444.89
10	108023	10	Tse Chizhi	711	18,181.81	12,367.13	$	30,548.94
11	108026	10	Tselani/Cottonwood	1,157	18,181.81	20,124.85	$	38,306.66
12	108018	11	Lukachukai	1,066	18,181.81	18,542.00	$	36,723.81
13	108022	11	Round Rock	817	18,181.81	14,210.89	$	32,392.70
14	108025	11	Tsaile/Wheatfields	1,265	18,181.81	22,003.41	$	40,185.22
			SUBTOTAL	**15,527**	**254,545.34**	**270,076.58**	**$**	**524,621.92**

Fiscal Year 2021
Navajo Nation Chapter 50/50 Allocation for $4,000,000 (Pasture Land Forage)

	Business Unit	Districts	Chapters	Number of Registered Voters	50% Equal Distribution	50% Registered Voters	Total Chapter Allocation
EASTERN AGENCY							
15	108030	15	Becenti	678	18,181.81	11,793.13	$ 29,974.94
16	108033	15	Casamero Lake	551	18,181.81	9,584.09	$ 27,765.90
17	108037	15	Crownpoint	1,069	18,181.81	18,594.18	$ 36,775.99
18	108040	15	Lake Valley	398	18,181.81	6,922.81	$ 25,104.62
19	108041	15	Littlewater	644	18,181.81	11,201.73	$ 29,383.54
20	108045	15	Nahodishgish	492	18,181.81	8,557.84	$ 26,739.65
21	108048	15	Pueblo Pintado	449	18,181.81	7,809.90	$ 25,991.71
22	108053	15	Standing Rock	635	18,181.81	11,045.19	$ 29,227.00
23	108055	15	Torreon	1,028	18,181.81	17,881.03	$ 36,062.84
24	108057	15	Whitehorse Lake	546	18,181.81	9,497.12	$ 27,678.93
25	108058	15	Whiterock	325	18,181.81	5,653.05	$ 23,834.86
26	108029	16	Baca Prewitt	1,246	18,181.81	21,672.92	$ 39,854.73
27	108031	16	Baahaali	862	18,181.81	14,993.62	$ 33,175.43
28	108034	16	Chichiltah	1,400	18,181.81	24,351.60	$ 42,533.41
29	108035	16	Church Rock	1,957	18,181.81	34,040.05	$ 52,221.86
30	108039	16	Iyanbito	754	18,181.81	13,115.07	$ 31,296.88
31	108042	16	Manuelito	739	18,181.81	12,854.16	$ 31,035.97
32	108043	16	Mariano Lake	760	18,181.81	13,219.44	$ 31,401.25
33	108047	16	Pinedale	1,085	18,181.81	18,872.49	$ 37,054.30
34	108050	16	Red Rock	1,530	18,181.81	26,612.82	$ 44,794.63
35	108051	16	Rock Springs	1,272	18,181.81	22,125.16	$ 40,306.97
36	108052	16	Smith Lake	580	18,181.81	10,088.52	$ 28,270.33
37	108054	16	Thoreau	1,240	18,181.81	21,568.56	$ 39,750.37
38	108056	16	Tsayatoh	862	18,181.81	14,993.62	$ 33,175.43
39	108036	19	Counselor	519	18,181.81	9,027.48	$ 27,209.29
40	108038	19	Huerfano	1,501	18,181.81	26,108.39	$ 44,290.20
41	108044	19	Nageezi	931	18,181.81	16,193.81	$ 34,375.62
42	108046	19	Ojo Encino	588	18,181.81	10,227.67	$ 28,409.48
43	108032	21	To'hajiilee	1,001	18,181.81	17,411.39	$ 35,593.20
44	108028	22	Alamo	1,008	18,181.81	17,533.15	$ 35,714.96
45	108049	23	Ramah	1,183	18,181.81	20,577.10	$ 38,758.91
			SUBTOTALS	27,833	563,636.11	484,127.09	$ 1,047,763.20

Fiscal Year 2021
Navajo Nation Chapter 50/50 Allocation for $4,000,000 (Pasture Land Forage)

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]
FORT DEFIANCE AGENCY								
46	108062	7	Dilcon	1,115	18,181.81	19,394.31	$	37,576.12
47	108066	7	Indian Wells	877	18,181.81	15,254.53	$	33,436.34
48	108067	7	Jeddito	797	18,181.81	13,863.01	$	32,044.82
49	108070	7	Low Mountain	735	18,181.81	12,784.59	$	30,966.40
50	108080	7	Teesto	818	18,181.81	14,228.29	$	32,410.10
51	108083	7	Whitecone	733	18,181.81	12,749.80	$	30,931.61
52	108060	14	Coyote Canyon	1,012	18,181.81	17,602.72	$	35,784.53
53	108073	14	Mexican Springs	824	18,181.81	14,332.65	$	32,514.46
54	108074	14	Naschitti	1,148	18,181.81	19,968.31	$	38,150.12
55	108081	14	Tohatchi	1,151	18,181.81	20,020.49	$	38,202.30
56	108082	14	Bahastł aa	1,376	18,181.81	23,934.14	$	42,115.95
57	108059	17	Cornfields	828	18,181.81	14,402.23	$	32,584.04
58	108064	17	Ganado	1,229	18,181.82	21,376.22	$	39,558.04
59	108068	17	Kinlichee	1,305	18,181.82	22,699.17	$	40,880.99
60	108069	17	Klagetoh	834	18,181.82	14,506.59	$	32,688.41
61	108071	17	Greasewood Springs	921	18,181.82	16,019.87	$	34,201.69
62	108079	17	Steamboat	1,026	18,181.82	17,846.24	$	36,028.06
63	108084	17	Wide Ruins	805	18,181.82	14,002.17	$	32,183.99
64	108061	18	Crystal	746	18,181.82	12,975.92	$	31,157.74
65	108063	18	Fort Defiance	2,724	18,181.82	47,378.25	$	65,560.07
66	108065	18	Houck	1,098	18,181.82	19,098.61	$	37,280.43
67	108072	18	Lupton	679	18,181.82	11,810.52	$	29,992.34
68	108085	18	Nahata Dziil	976	18,181.82	16,976.54	$	35,158.36
69	108075	18	Oak Springs	628	18,181.82	10,923.43	$	29,105.25
70	108076	18	Red Lake	641	18,181.82	11,149.55	$	29,331.37
71	108077	18	Sawmill	924	18,181.82	16,072.05	$	34,253.87
72	108078	18	St. Micheals	2,173	18,181.82	37,795.16	$	55,976.98
			[illegible]	[illegible]	[illegible]	[illegible]	$	[illegible]

Fiscal Year 2021
Navajo Nation Chapter 50/50 Allocation for $4,000,000 (Pasture Land Forage)

	Business Unit	Districts	Chapters	Number of Registered Voters	50% Equal Distribution	50% Registered Voters Distribution	Total Chapter Allocation
SHIPROCK AGENCY							
73	108093	9	Mexican Water	612	18,181.82	10,645.12	$ 28,826.94
74	108096	9	Red Mesa	1,161	18,181.82	20,194.43	$ 38,376.25
75	108098	9	Rock Point	1,199	18,181.82	20,855.40	$ 39,037.22
76	108103	9	To likan	852	18,181.82	14,819.68	$ 33,001.50
77	108104	9	TeeNosPos	1,017	18,181.82	17,689.69	$ 35,871.51
78	108086	12	Aneth	1,503	18,181.82	26,143.18	$ 44,325.00
79	108087	12	Beclabito	566	18,181.82	9,845.00	$ 28,026.82
80	108089	12	Cove	507	18,181.82	8,818.75	$ 27,000.57
81	108090	12	Gadii Ahi	549	18,181.82	9,549.30	$ 27,731.12
82	108092	12	Tse'daa'Kaan (Hogback)	1,226	18,181.82	21,325.04	$ 39,506.86
83	108095	12	Newcomb	586	18,181.82	10,192.88	$ 28,374.70
84	108097	12	Red Valley	914	18,181.82	15,898.11	$ 34,079.93
85	108100	12	Tse alnaaozlii	1,427	18,181.82	24,821.23	$ 43,003.05
86	108101	12	Sheep Springs	624	18,181.82	10,853.85	$ 29,035.67
87	108102	12	Shiprock	4,975	18,181.82	86,533.15	$ 104,714.97
88	108105	12	Toadlena/Two Grey Hills	866	18,181.82	15,063.20	$ 33,245.02
89	108088	13	T'iistosoh Sikaad (Burnh	510	18,181.82	8,870.94	$ 27,052.76
90	108094	13	Nenahnezad	1,289	18,181.82	22,420.86	$ 40,602.68
91	108099	13	San Juan	652	18,181.82	11,340.88	$ 29,522.70
92	108091	13	Upper Fruitland	1,962	18,181.82	34,127.02	$ 52,308.84
			SUBTOTALS	22,997	363,636.40	400,007.71	$ 763,644.11

Fiscal Year 2021
Navajo Nation Chapter 50/50 Allocation for $4,000,000 (Pasture Land Forage)

	Business Unit	Districts	Chapters	Number of Registered Voters	50% Equal Distribution	50% Registered Voter Distribution		Total Chapter Allocation
WESTERN AGENCY								
93	108111	1	Coppermine	772	18,181.82	13,428.66	$	31,610.48
94	108114	1	Kaibeto	1,103	18,181.82	19,185.58	$	37,367.40
95	108116	1	LeChee	953	18,181.82	16,576.49	$	34,758.31
96	108120	1	Tonalea	1,316	18,181.82	22,890.50	$	41,072.32
97	108113	2	Tsah Bii Kin	708	18,181.82	12,314.95	$	30,496.77
98	108118	2	Navajo Mountain	607	18,181.82	10,558.15	$	28,739.97
99	108121	2	Shonto	1,205	18,181.82	20,959.78	$	39,141.60
100	108107	3	Bodaway/Gap	1,099	18,181.82	19,116.00	$	37,297.82
101	108108	3	Cameron	817	18,181.82	14,210.89	$	32,392.71
102	108110	3	Coalmine Canyon	725	18,181.82	12,610.65	$	30,792.47
103	108123	3	Toh Nanees Dizi	3,201	18,181.82	55,676.19	$	73,858.01
104	108106	5	Birdsprings	618	18,181.82	10,749.49	$	28,931.31
105	108117	5	Leupp	1,155	18,181.82	20,090.07	$	38,271.89
106	108122	5	Tolani Lake	523	18,181.82	9,097.06	$	27,278.88
107	108109	8	Chilchinbeto	774	18,181.82	13,462.95	$	31,644.77
108	108112	8	Dennehotso	1,132	18,181.82	19,690.00	$	37,871.82
109	108115	8	Kayenta	2,322	18,181.82	40,384.86	$	58,566.68
110	108119	8	Oljato	1,473	18,181.82	25,621.36	$	43,803.18
			SUBTOTAL	20,503	327,272.76	356,623.63	$	683,896.39

GRAND TOTAL	114,983	2,000,000	2,000,000	4,000,000

Registered Voters as of 01/14/2021

Chinle Agency	$	524,621.92
Eastern Agency	$	1,047,763.20
Fort Defiance Agency	$	980,074.38
Shiprock Agency	$	763,644.11
Western Agency	$	683,896.39
Grand Total:	$	4,000,000.00

FY 2021

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

BUDGET FORM 1

PART I. Business Unit No.: 108014-108123 Program Title: 110 Navajo Nation Chapters (PastureLandForage) Division/Branch: Division of Community Development

Prepared By: Melinda Ciocco Phone No.: 928.871.7260 Email Address: melindaciocco@navajo-nsn.gov

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total
Sihasin Funds	10-1-2020 to 9-30-21	4,000,000.00	100%
		TOTAL: $4,000,000.00	100%

PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference (Column B - A)
2001 Personnel Expenses				0
3000 Travel Expenses				0
3500 Meeting Expenses				0
4000 Supplies				0
5000 Lease and Rental				0
5500 Communications and Utilities				0
6000 Repairs and Maintenance				0
6500 Contractual Services				0
7000 Special Transactions				0
8000 Public Assistance	1		4,000,000	4,000,000
9000 Capital Outlay				0
9500 Matching Funds				0
9500 Indirect Cost				0
TOTAL			4,000,000	4,000,000

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:		
Total # of Vehicles Budgeted:		

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

Sherylene Yazzie, Chief of Staff, Legislative Branch
SUBMITTED BY: Program Manager's Printed Name

2/12/21
SUBMITTED BY: Program Manager's Signature and Date

Hon. Seth Damon, Speaker/24th Navajo Nation Council
APPROVED BY: Division Director/Branch Chief's Printed Name

2/12/2021
APPROVED BY: Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: 108014-108123 **Program Name/Title:** 110 NAVAJO NATION CHAPTERS

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: CAP-34-98: To direct the Chapter Administration and management control system, by promoting efficiency and accountability to the Chapter membership, and to effectuate plans of action to improve the standard of living for the Chapter membership.

PART III. PROGRAM PERFORMANCE CRITERIA:

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: To ensure all 110 NN Chapters receive services and goods **Program Performance Measure:**			110					
2. Goal Statement: To distribute services to all 110 Chapters: hay, feed, and grain **Program Performance Measure:**			110					
3. Goal Statement: **Program Performance Measure:**			110					
4. Goal Statement: **Program Performance Measure:**								
5. Goal Statement: **Program Performance Measure:**								

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

Sherylene Yazzie, Interim Chief of Staff
Program Manager's Printed Name

2/12/21
Program Manager's Signature and Date

Hon. Seth Damon, Speaker/24th Navajo Nation Council
Division Director/Branch Chief's Printed Name

2/12/2021
Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:

Program Name/Title: 110 Navajo Nation Chapters **Business Unit No.:** 108014-108123

PART II. DETAILED BUDGET:

(A) Object Code (LOD 6)	(B) Object Code Description and Justification (LOD 7)	(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
	8000 ASSISTANCE		$ 4,000,000.00
	Funds for Pasture Land Forage for the 110 Navajo Nation Chapters using the 50/50 formula.	$ 4,000,000.00	
	FUNDS WILL NOT BE USED FOR ANY OTHER PURPOSE!!!		
8705	CHAPTER		
	8715: Grant		
		TOTAL 4,000,000	4,000,000

EASTERN AGENCY	$ 1,047,763.20
FORT DEFIANCE AGENCY	$ 980,074.38
NORTHERN AGENCY	$ 763,644.11
WESTERN AGENCY	$ 683,896.39
CHINLE AGENCY	$ 524,621.92
TOTAL:	$ 4,000,000.00

Appendix K

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: 108014-108123 Program Title: 110 Navajo Nation Chapters

Division/Branch: Division of Comm Dev. nount Requested: $4,000,000.00 Prepared By: Melinda Ciocco

Phone No.: 928-871-7260 Email Address: melindaciocco@navajo-nsn.gov

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Assistance for farmers and ranchers during the Covid-19 pandemic for livestock and forage.

PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:

N/A

PART IV. AFFIRMATION IS PROVIDED THAT THE BUDGET AND PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL AS A PRIORITY.

Sherylene Yazzie, Chief of Staff, Legislative Branch

REVIEWED BY: Division Director's Signature / Date

2/22/2021

Hon. Seth Damon, Speaker,24th NN Council

RECOMMEND SUPLEMENTAL: Branch Chief's Signature / Date

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Wilson Stewart (Sponsor)
Honorable Seth Damon (Co-Sponsor)
24th Navajo Nation Council

FROM: Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: February 12, 2021

SUBJECT: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE AGRICULTURE INFRASTRUCTURE FUND PROJECT PLAN FOR CROP YEAR 2021 PURSUANT TO THE SIHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE PLAN ENACTED BY CO-57-16 AND AMENDED BY CMY-54-18**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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 ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.