

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0238-22

Date: December 6, 2022

Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") TO REPLENISH THE 110 CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. §820(O)

Purpose of this Legislation:

to approve \$1,875,231 from the UUFb to replenish all 110 Chapters' emergency fund accounts; waiving 12 N.N.C. §820(O).

OLC No. 22-297-1



5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 5:01pm; 12-06-22
Posting End Date: 12-11-22
Eligible for Action: 12-12-22

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

Introduced by:


(Prime Sponsor)

 
Tracking No. 0238-22

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND
FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO
NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED,
UNDESIGNATED FUND BALANCE ("UUF") TO REPLENISH THE 110
CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. §820(O)

BE IT ENACTED:

SECTION ONE. AUTHORITY.

- A. The Resources and Development Committee is a standing committee with oversight authority over the 110 Navajo Nation Chapters. 2 N.N.C. §500(C).
- B. The Navajo Nation established the Budget and Finance Committee is a standing committee with the authority to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §164(A)(9); 2 N.N.C. §300(A), §301(B)(2).
- C. The Naabik'iyáti' Committee has the responsibility to review all final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). As such, the Council may approve supplemental appropriations during the fiscal year. "Supplemental appropriations of General Funds within the current fiscal year are permitted, if and when additional sources of revenues above and beyond the initial or current revenue

1 projections are projected and which are also in excess of the reserve amount set forth at
2 §820(J).” 12 N.N.C. §820(L).

3 E. A “supplemental appropriation” is defined as: “[a]n appropriation of funds from the UUFB
4 during the fiscal year, outside of the annual Comprehensive Budget Process.” See Section
5 XIV.33 of the FY2023 Budget Instructions Manual.

6 F. The Title 12 restrictions on supplemental appropriations from the UUFB include:

7 1. Payment of recurring government operating expenses shall be from recurring revenues,
8 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
9 funds. 12 N.N.C. §820(E), §820(F).

10 2. Specifically, the UUFB shall not be used for recurring government expenditures or
11 operations. 12 N.N.C. §820(J), §820(L).

12 3. UUFB funds may be used only after the Controller determines whether or not such
13 revenues are subsidizing an imbalance between the Navajo Nation’s recurring revenues
14 and expenditures, and government expenditures shall only be authorized if a long-term
15 (3-year to 5-year year) forecast shows that the operating deficit will not continue;
16 otherwise, nonrecurring revenues are added to the UUFB account. 12 N.N.C. §820(F).

17 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the
18 full membership of the Navajo Nation Council. 12 N.N.C. §820(F), §880.

19 5. Pursuant to 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by the
20 Controller. Such review is also required because the Controller determines which
21 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

22 6. Pursuant to 12 N.N.C. §820(M) all UUFB funding requests must be submitted to the
23 Office of Management and Budget (“OMB”) for a budget impact analysis.
24

25 **SECTION TWO. FINDINGS**

26 A. Due to the heavy rainfall and snowfall expected for Winter 2022-23, all 110 Navajo Nation
27 Chapters have a vital and urgent need to replenish their emergency funds accounts, so they
28 all have the capacity to quickly respond to weather-related emergencies at the local level.

29 B. On behalf of the Chapters, the Division of Community Development (“DCD”) has submitted
30 a Supplemental Funding Proposal Summary (BIM-Appendix K), requesting \$1,875,231

(rounded up) from the Unreserved, Undesignated Fund Balance to provide the Chapters sufficient funds to replenish each of their Emergency Fund accounts back to the established amount of \$25,000. **EXHIBIT A.**

C. A comprehensive list showing each Chapters' individual funding need is attached hereto as **EXHIBIT B.** If the requested \$1,875,231 is approved, the Chapters will receive different dollar amounts as shown in **EXHIBIT B**, but all 110 Chapters will end up with the same balance of \$25,000 in their Emergency Fund accounts.

D. On behalf of the Chapters, DCD has provided the required Navajo Nation Budget Forms, attached hereto as **EXHIBIT C.**

E. The Office of the Controller's memorandum required by 12 N.N.C. §820(L) is attached as **EXHIBIT D.** The Controller has indicated that the proposed expenditures are considered "non-recurring" expenses; therefore approval of the requested UUFB funds complies with 12 N.N.C. §820(E) and §820(F).

F. The Office of Management and Budget has provided a budget impact analysis as required by 12 N.N.C. §820(M), attached as **EXHIBIT E.**

SECTION THREE.

A. The Navajo Nation hereby approves an appropriation of \$1,875,231 from the Unreserved, Undesignated Fund Balance for the 110 Navajo Nation Chapters Emergency Fund accounts. Each Chapter shall receive the designated dollar amount as shown in **EXHIBIT B**, so as to bring each Chapter's Emergency Fund account balance to \$25,000.

B. In accordance with 12 N.N.C. §820(J), this UUFB appropriation shall be from that amount of funds that exceeds the minimum fund reserve balance in the UUFB as determined by the Controller.

C. Pursuant to 12 N.N.C. §820(N), the UUFB funds approved herein shall not lapse at the end of Fiscal Year 2023, so long as each Chapter budgets these funds in the subsequent fiscal year for the same emergency purposes.

D. The Navajo Nation hereby waives 12 N.N.C. §820(O) (the Chapter 50/50 formula) to allow for this supplemental appropriation of UUFB funds to all 110 Chapters, in the dollar amounts specified in **EXHIBIT B.**

1 **SECTION FOUR. EFFECTIVE DATE**

2 The provisions of this Action shall become effective in accordance with 2 N.N.C. §221(B) and
3 with 2 N.N.C. §164(A)(17).
4

5 **SECTION FIVE. SAVINGS CLAUSE**

6 If any provision of this Action is determined invalid by the Supreme Court of the Navajo Nation
7 or by any Navajo Nation District Court, without appeal to the Navajo Nation Supreme Court,
8 the remainder of this Action shall remain valid as the law of the Navajo Nation.
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Appendix K

EXHIBIT A

THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

RECEIVED
OCT 20 2022
NAVJO NATION
COMMUNITY DEVELOPMENT

PART I. Business Unit No.: 108014-108123 Program Title: Navajo Nation Chapter Emergency Funds
Division/Branch: Community Development/Executive Amount Requested: \$1,875,230.64 Prepared By: Lydell Davis
Phone No.: (928) 871-7246 Email Address: ldavis@nndcd.org

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:

Provide financial resources to the Navajo Nation Chapters that are in need of Emergency funding. Emergency funding will be used for seasonal emergencies allowing Chapters to provide protective measures and remediation. Replenishing Chapter Emergency budgets code 17 to support Chapters with disaster relief funds in the event of seasonal emergencies, such as the recent monsoon weather.

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

UUFB

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.

Pearl J. Johnson 10.26.22 [Signature] 28 OCT 22
REVIEWED BY: Division Director's Signature / Date RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

Central Agency

Black Mesa	22,156.00	25,000.00	2,844.00
Blue Gap/Tachee	20,943.00	25,000.00	4,057.00
Chinle	-	25,000.00	25,000.00
Forest Lake	56,399.00	25,000.00	-
Hard Rock	31,392.00	25,000.00	-
Lukachukai	32,772.00	25,000.00	-
Many Farms	113.00	25,000.00	24,887.00
Nazlini	305.00	25,000.00	24,695.00
Pinon	-	25,000.00	25,000.00
Round Rock	6,354.00	25,000.00	18,646.00
Tsaile/Wheatfields	47,779.00	25,000.00	-
Tse Ch'izhi (Rough Rock)	20,900.00	25,000.00	4,100.00
Tselani/Cottonwood	18,525.00	25,000.00	6,475.00
Whippoorwill	8,876.00	25,000.00	16,124.00
Total:	266,514.00		151,828.00

Wind System Balances as of 6/30/2022

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

Eastern Agency

Alamo	11,817.00	25,000.00	13,183.00
Baahaali	6,110.00	25,000.00	18,890.00
Baca-Prewitt	3,721.00	25,000.00	21,279.00
Becenti	12,325.00	25,000.00	12,675.00
Casamero Lake	(80.00)	25,000.00	25,080.00
Chichiltah	15,635.00	25,000.00	9,365.00
Church Rock	(9,672.00)	25,000.00	34,672.00
Counselor	78,849.00	25,000.00	-
Crownpoint	(30,791.00)	25,000.00	55,791.00
Huerfano	11,236.00	25,000.00	13,764.00
Iyanbito	(16,195.00)	25,000.00	41,195.00
Lake Valley	2,278.00	25,000.00	22,722.00
Littlewater	(4,190.00)	25,000.00	29,190.00
Manuelito	4,482.00	25,000.00	20,518.00
Mariano Lake	14,036.00	25,000.00	10,964.00
Nageezi	1,858.00	25,000.00	23,142.00
Nahodishgish	13,078.00	25,000.00	11,922.00
Ojo Encino	20,876.00	25,000.00	4,124.00
Pinedale	935.00	25,000.00	24,065.00
Pueblo Pintado	20,876.00	25,000.00	4,124.00
Ramah	(4,044.00)	25,000.00	29,044.00
Rock Springs	25,202.00	25,000.00	-
Smith Lake	(14,092.00)	25,000.00	39,092.00
Thoreau	(99,689.00)	25,000.00	124,689.00
Tohajiilee	(67,286.00)	25,000.00	92,286.00
Torreón/Star Lake	14,844.00	25,000.00	10,156.00
Tsayatoh	2,880.00	25,000.00	22,120.00
Tse' li'Ahi (Standing Rock)	(6,437.00)	25,000.00	31,437.00
Tse Lichii (Red Rock)	1,648.00	25,000.00	23,352.00
White Horse Lake	4,131.00	25,000.00	20,869.00
White Rock	3,000.12	25,000.00	21,999.88
Total:	17,341.12		811,709.88

Wind System Balances as of 6/30/2022

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

Fort Defiance Agency

Bahastl'ah' (Twin Lakes)	9,345.00	25,000.00	15,655.00
Cornfields	1.00	25,000.00	24,999.00
Coyote Canyon	8,166.00	25,000.00	16,834.00
Crystal	17,829.00	25,000.00	7,171.00
Dilkon	(46,802.00)	25,000.00	71,802.00
Fort Defiance	14,974.00	25,000.00	10,026.00
Ganado	1,020.00	25,000.00	23,980.00
Greasewood Springs	4,437.33	25,000.00	20,562.67
Houck	1,659.00	25,000.00	23,341.00
Indian Wells	5,574.50	25,000.00	19,425.50
Jeddito	7,370.41	25,000.00	17,629.59
Kin Dah Lichii (Kinlichee)	3,723.00	25,000.00	21,277.00
Klagetoh	25,803.00	25,000.00	-
Low Mountain	37.00	25,000.00	24,963.00
Mexican Springs	8,579.00	25,000.00	16,421.00
Nahata Dziil	25,954.00	25,000.00	-
Naschitti	13,156.00	25,000.00	11,844.00
Oak Springs	9,917.00	25,000.00	15,083.00
Red Lake #18	25,988.00	25,000.00	-
Sawmill	3,235.00	25,000.00	21,765.00
St. Michaels	42,206.00	25,000.00	-
Steamboat	8,098.00	25,000.00	16,902.00
Teesto	-	25,000.00	25,000.00
Tohatchi	454.00	25,000.00	24,546.00
Tse' Si Ani (Lupton)	4,360.00	25,000.00	20,640.00
White Cone	26,595.00	25,000.00	-
Wide Ruins	13,562.00	25,000.00	11,438.00

Total:	235,241.24		461,304.76
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Wind System Balances as of 6/30/2022

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

Northern Agency

Aneth	63,687.00	25,000.00	-
Beclabito	68,039.00	25,000.00	-
Cove	16,729.00	25,000.00	8,271.00
Gadii' Ahi/To'koi	29,949.00	25,000.00	-
Mexican Water	-	25,000.00	25,000.00
Nenahnezad	36,768.00	25,000.00	-
Newcomb	5,188.00	25,000.00	19,812.00
Red Mesa	10,027.00	25,000.00	14,973.00
Red Valley	69,273.00	25,000.00	-
Rock Point	4,496.00	25,000.00	20,504.00
San Juan	12,146.00	25,000.00	12,854.00
Shiprock	4,113.00	25,000.00	20,887.00
Teec Nos Pos	27,022.00	25,000.00	-
Tiis Tsoh Sikaad (Burnham)	6,361.00	25,000.00	18,639.00
Toadlena/Two Grey Hills	14,495.00	25,000.00	10,505.00
Tolikan (Sweetwater)	12,518.00	25,000.00	12,482.00
Tooh' Haltsooi (Sheep Springs)	12,209.00	25,000.00	12,791.00
Tse Alnaotz'ii (Sanostee)	27,260.00	25,000.00	-
Tse Daa Kaan (Hogback)	21,607.00	25,000.00	3,393.00
Upper Fruitland	23,321.00	25,000.00	1,679.00
Total:	465,208.00		181,790.00

Wind System Balances as of 6/30/2022

A	B	C	D
Agency/Chapter	WIND Balances Month End 9/30/2022	\$25,000 Threshold	Amount Needed to bring Column B to \$25,000 threshold:

Western Agency

Bodaway-Gap	12,700.00	25,000.00	12,300.00
Cameron	25,301.00	25,000.00	-
Chilchinbeto	13,696.00	25,000.00	11,304.00
Coalmine Canyon	15,585.00	25,000.00	9,415.00
Coppermine	-	25,000.00	25,000.00
Dennehotso	9,453.00	25,000.00	15,547.00
Kai' Bii To (Kaibeto)	(631.00)	25,000.00	25,631.00
Kayenta	32,567.00	25,000.00	-
LeChee	-	25,000.00	25,000.00
Leupp	371.00	25,000.00	24,629.00
Navajo Mountain	28,237.00	25,000.00	-
Oljato	57,749.00	25,000.00	-
Shonto	5,612.00	25,000.00	19,388.00
To' Nanees' Dizi'	-	25,000.00	25,000.00
Tolani Lake	1,136.00	25,000.00	23,864.00
Tonalea/Red Lake	20,900.00	25,000.00	4,100.00
Ts'ah Bii Kin (Inscription House)	1,470.00	25,000.00	23,530.00
Tsidii To'ii (Birdsprings)	1,110.00	25,000.00	23,890.00
Total:	225,256.00		268,598.00

Grand TOTAL 1,209,560.36

1,875,230.64

Agency	Amount Needed
Central Agency	151,828.00
Eastern Agency	811,709.88
Fort Defiance Agency	461,304.76
Northern Agency	181,790.00
Western Agency	268,598.00
Grand Total:	1,875,230.64

PART I. Business Unit No.: 108014-108123		Program Title: NN Chpater Emergency Replenishment Funds		Division/Branch: Division of Community Development/Executive					
Prepared By: Lydell Davis		Phone No.: (928) 871-7246		Email Address: ldavis@nndcd.org					
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
UUFB		FY23	1,875,230.64	100%	2001 Personnel Expenses				
					3000 Travel Expenses				
					3500 Meeting Expenses				
					4000 Supplies				
					5000 Lease and Rental				
					5500 Communications and Utilities				
					6000 Repairs and Maintenance				
					6500 Contractual Services				
					7000 Special Transactions				
					8000 Public Assistance			1,875,231	1,875,231
					9000 Capital Outlay				
					9500 Matching Funds				
					9500 Indirect Cost				
					TOTAL		\$0.00	1,875,230.64	1,875,231
					PART IV. POSITIONS AND VEHICLES				
					Total # of Positions Budgeted:				
					Total # of Vehicles Budgeted:				
					Total: 0				
					Total: 0				
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.									
SUBMITTED BY: Sonlisa Jim-Martin, ASC Department Manager II		APPROVED BY: Pearl Yellowman, Executive Director		Division Director / Branch Chief's Printed Name					
Program Manager's Printed Name		Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date					
Sonlisa Jim-Martin		10/25/2022		Pearl Yellowman 10.26.22					

PART I. PROGRAM INFORMATION:		Business Unit No.: 108014-108123		Program Name/Title: NN Chipater Emergency Replenishment Funds																																									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:																																													
CAP-34-08: 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:																																													
1. Goal Statement:		<table border="1"> <thead> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> <th>Goal</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td colspan="2">Secure NN Chapters with financial resource for community emergency response.</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Program Performance Measure/Objective:</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Implement emergency management plan with financial resources appropriated.</td> <td colspan="2">110</td> <td colspan="2">110</td> <td colspan="2"></td> </tr> </tbody> </table>				1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Secure NN Chapters with financial resource for community emergency response.								Program Performance Measure/Objective:								Implement emergency management plan with financial resources appropriated.		110		110			
1st QTR		2nd QTR		3rd QTR		4th QTR																																							
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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.																																													
Sonlata Jim-Martin, ASC Department Manager II		Pearl Yellowman, Executive Director																																											
Program Manager's Printed Name		Division Director/Branch Chief's Printed Name																																											
Signature: <i>Sonlata Jim</i> 10/25/2022		Signature: <i>Pearl Yellowman</i> 10-26-22																																											
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date																																											

PART I. PROGRAM INFORMATION: Program Name/Title: <u>NN Chpater Emergency Replenishment Funds</u> Business Unit No.: <u>108014-108123</u>			
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8705	8000 ASSISTANCE Chapter 8715 Grant Funds to assist the Chapters with monsoon relief efforts. CNA Chapters 151,828.00 ENA Chapters 811,709.88 FDA Chapters 461,304.76 NNA Chapters 181,790.00 WNA Chapters 268,598.00 <hr/> 1,875,230.64	1,875,230.64	1,875,230.64
TOTAL		1,875,230.64	1,875,230.64

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum:

To: 2 NNC § 164 Reviewers
Delegates & 2 NNC '164 Reviewers
Navajo Nation Government
Robert Willie

From: Robert Willie, Accounting Manager
Office of the Controller

Date: December 2, 2022

Subject: UUFB- NN Chapters Emergency Funds

The Office of the Controller has reviewed the above referenced document.

1. The un-audited balance of the UUFB is \$22,165,889 as of October 31, 2022.
2. This request is for funding chapters to bring their emergency funds account back to \$25,000. A total amount needed is not given in the letter requesting the balance of the UUFB.
3. This request would be considered NON-RECURRING for funding level for emergency funds for the chapters.

If you should have any questions, you can contact me at tribal extension X6070.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Memorandum:

To: 2 NNC § 164 Reviewers
Delegates & 2 NNC '164 Reviewers
Navajo Nation Government
Robert Willie

From: Robert Willie, Accounting Manager
Office of the Controller

Date: November 9, 2022

Subject: 0164-019704-UUFB- NN Chapters Emergency Funds - \$1,875,230.64

The Office of the Controller has reviewed the above referenced document.

1. The un-audited balance of the UUFB is \$22,165,889 as of October 31, 2022.
2. This request is for a total of \$1,875,230.64 for the Navajo Nation Chapters Emergency Replenishment. Amounts are determined by the WIND system as of 09/30/22 and bringing the chapters up to the funding level of \$25,000. Funding will be utilized for emergency needs of the chapters. Request states that the funding will be used for seasonal emergencies allowing chapters to provide protective measures and remediation. The next line states to support chapters with disaster relief funds in the event of seasonal emergencies.
3. This request would be considered **Non-RECURRING** for preventive measures and providing emergencies funding needs for the Navajo Nation Chapters, however if this request is made each year it would become a recurring cost.

If you should have any questions, you can contact me at tribal extension X6070.

THE NAVAJO NATION


JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO: Navajo Nation 164 Reviewers

FROM:


Dominic Beyer, Executive Director
Office of Management and Budget

DATE: December 1, 2022

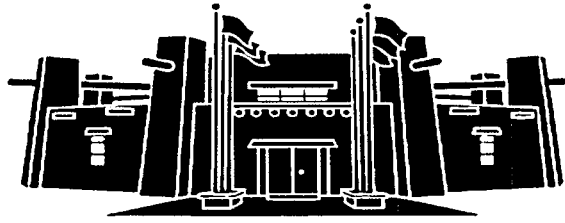
SUBJECT: Review of 164 document #019704, Division of Community Development for 110 Navajo Nation Chapters' emergency funds in amount of \$1,875,230.64 from UUFB.

Pursuant to 12 NNC 820 (M) requiring OMB reviewed the subject document and provides the following information

1. Chapter Fund Balances from Navajo Nation FMIS or Navajo Nation Chapters' Wind System is as of 9/30/22, end of FY 2022. FY 2023 started October 1, 2022 and all Chapters were allocated General Funds. In previous years the Auditor General's office monitored Chapter expenditures and provided periodic reports. New Chapters expenditure is not available yet.
2. The Appropriation Act, Section 820, O; Distributions to Chapter, provides guidance on this. The language is: "Where not otherwise prohibited by existing law, any appropriation intended for distribution to all chapters of the Navajo Nation shall be allocated as follows: fifty percent (50%) of the appropriation shall be divided equally among all chapters and the remaining fifty percent (50%) shall be divided proportionately among the chapters using a percentage equal to that figure which the number of registered voters in each chapter bears to the whole of registered Navajo Nation voters as determined by the most current voter registration figures available as of the date of the appropriation...." As proposed, a waiver of this section may be required. DOJ should advise.
3. Some Chapters have deficit spending; e.g. Tohajiilee-\$67,286, Thoreau-\$99,609, Smith Lake-\$14,092, Standing Rock-\$6,437, Ramah-\$4,044, Iyanbito-\$16,195, Crownpoint-\$30,791, Churchrock-\$9,672, and Dilkon-\$46,802. The additional funding would cover these deficits and leave a balance of \$25,000. How do these deficits occur?
4. Some Chapters have balances far exceeding the \$25,000 threshold amount; e.g. Forest Lake \$55,399, Counselor \$78,849, Beclabito-\$68,039, St. Michaels \$42,206, and etc., there are others.

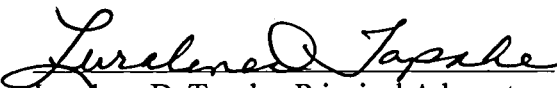
Contact OMB at (928) 871-6570 if there are any questions and/or concerns regarding this memorandum.

xc: OMB file
DCD



MEMORANDUM

To: Hon. Eugene Tso, Member
Law & Order Committee
24th Navajo Nation Council

From: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

Date: December 6, 2022

Subject: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") TO REPLENISH THE 110 CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. §820(O)**

The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your cooperation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0238-22_

SPONSOR: Eugene Tso

TITLE An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$1,875,231 from the Unreserved, Undesignated Fund Balance ("UUFb") to Replenish the 110 Chapters' Emergency Fund Accounts; Waiving 12 N.N.C. § 820(O)

Date posted: December 6, 2022 at 5:01 PM

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

Written comments may be mailed to:

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

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

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

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

LEGISLATION NO.: 0238-22

SPONSOR: Honorable Eugene Tso

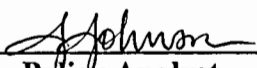
TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$1,875,231 from the Unreserved, Undesignated Fund Balance ("UUFB") to Replenish the 110 Chapters' Emergency Fund Accounts; Waiving 12 N.N.C. § 820(O)

Posted: December 06, 2022 at 5:01 PM

5 DAY Comment Period Ended: December 11, 2022

Digital Comments received:

Comments Supporting	1) Stephen Silversmith
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Felicia A. Singer 2) Aaron Edsitty



**Policy Analyst
Office of Legislative Services**

December 12, 2022; 9:15 AM
Date/Time

0238-22

Stephen Silversmith <ssilversmith@navajochapters.org>

Sun 12/11/2022 5:50 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Delray Tom <dtom@nnchapters.org>; Iyanbito Chapter <iyanbito@navajochapters.org>;

2 attachments (636 KB)

ICH67 07.022.045.pdf; ICH67 11.021.082.pdf;

Good day,

The Iyanbito Chapter supports the efforts made within the subject legislation to replenish all 110 Chapter Emergency Fund Accounts as documented by both resolutions attached herein.

The Iyanbito Chapter understands it is essential that local governments maintain an adequate level of emergency fund balance to mitigate current and future risks. Therefore, the Iyanbito Chapter strongly expresses its support for the initiative taken to consider replenishing our emergency fund account to address emergency planning and respond to state of emergency declarations for the greater good of our community.

The Iyanbito Chapter appreciates the opportunity to comment on Legislation 0238-22 and looks forward to continued coordination with stakeholders of the Navajo Nation to address the 110 Chapter Emergency Fund Accounts accordingly.

Should you have any questions, please feel free to contact me or Ms. Delray Tom, Community Service Coordinator, at dtom@nnchapters.org.

Respectfully,

--

Stephen Silversmith, Secretary/Treasurer

Iyanbito Chapter - The Navajo Nation

P: 505- M: 505-870-8920

W: www.navajochapters.org | E: ssilversmith@navajochapters.org

A: - Post Office Box Fort Wingate, NM 87316

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RESOLUTION
OF THE
IYNABITO CHAPTER
THE NAVAJO NATION

No. ICH67 07/22-045

REAFFIRMING IYANBITO CHAPTER'S REQUEST TO REPLENISH AND PROVIDE FULL ALLOCATION OF THE EMERGENCY FUND ACCOUNT TO ADDRESS NECESSARY PROTECTION OF PUBLIC HEALTH, ENSURING PUBLIC SAFETY, AND WELL-BEING TO PROVIDE ECONOMIC STABILITY FOR THE IYANBITO CHAPTER COMMUNITY BY ENSURING THE EMERGENCY FUND ACCOUNT AMOUNT TO BE \$27,332.83.

WHEREAS:

1. Pursuant to Navajo Tribal Council Resolution W-30-55, and reaffirmed by Resolution CMY-23-79, the Council certifies and authorizes the Iyanbito Chapter as a Navajo Chapter; and
2. Pursuant to 26 N.N.C., Section 1, (B)(1)(2) and Section 103, the Iyanbito Chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to local matters consistent with Navajo Nation laws; and
3. Pursuant to ICH67 11/21-082, the Iyanbito Chapter reaffirms its stance on requesting the replenishment of funds utilized to purchase firewood approved by the Administrative Service Center of the Division Community Development;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Iyanbito Chapter hereby reaffirms Iyanbito Chapter's request to replenish and provide full allocation of the Emergency Fund account to address necessary protection of public health, ensuring public safety, and well-being to provide economic stability for the Iyanbito Chapter community by ensuring the Emergency Fund account amount to be \$27,332.83.

CERTIFICATION

We hereby certify the foregoing resolution was duly considered by the Iyanbito Chapter at a duly called Regular Chapter meeting at Iyanbito, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a vote of 16 in favor, 00 opposed, and 01 abstained, this 24th day of July 2022.

Motion by: Eugene Marshall
Second by: Samantha Chee

Seneca Becenti, President

Jay Chee, Vice-President

Stephen Silver Smith, Secretary/Treasurer



**RESOLUTION
OF THE
IYANBITO CHAPTER
THE NAVAJO NATION**

No. ICH67 11/021-082

STRONGLY REQUESTING THE REPLENISHMENT AND FULL ALLOCATION FUNDING OF THE IYANBITO CHAPTER EMERGENCY FUND ACCOUNT TO ADDRESS NECESSARY PROTECTION OF PUBLIC HEALTH, ENSURING PUBLIC SAFETY AND WELL-BEING AND PROVIDE ECONOMIC STABILITY FOR THE IYANBITO CHAPTER COMMUNITY BY ENSURING THE THRESHOLD AMOUNT TO BE \$25,000.00.

WHEREAS:

1. Pursuant to Navajo Tribal Council Resolution W-30-55, and reaffirmed by Resolution CMY-23-79, the Council certifies and authorizes the Iyanbito Chapter as a Navajo Chapter; and
2. Pursuant to 26 N.N.C., Section 1, (B)(1)(2) and Section 103, the Iyanbito Chapter is recognized as a local government entity and delegated certain authorities and responsibilities with respect to local matters consistent with Navajo Nation laws; and
3. The Iyanbito Chapter was given approval to purchase firewood for local community members in need by the Division of Community Development, Administrative Service Center; and
4. The Administrative Services Center stated the Iyanbito Chapter will receive a full reimbursement from the Navajo Nation CARES funds for the subject purchase; and
5. Said reimbursement did not come forth as it was stated by the Administrative Service Center the Office of the Controller did not authorize this particular transaction to follow the federal stipulations of the CARES funding regulations; and
6. Thereby leaving the Iyanbito Chapter with a negative balance of \$18,527.53 in the Iyanbito Chapter Emergency Fund account as of November 2020; and
7. The Iyanbito Chapter seeks assistance to correct the misguided information provided to replenish the Iyanbito Chapter Emergency Fund account balance to a full allocation of \$25,000.00 to be used for the sole purpose of assisting the Iyanbito community membership in accordance with the Fiscal Year 2022 Budget Instruction Manual guidance;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Iyanbito Chapter strongly requests the replenishment and full allocation funding of the Iyanbito Chapter Emergency Fund Account to address necessary protection of public health, ensuring public safety and well-being and provide economic stability for the Iyanbito Chapter community by ensuring the threshold amount to be \$25,000.00.

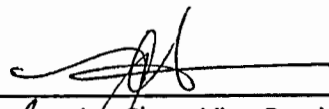
CERTIFICATION

We hereby certify the foregoing resolution was duly considered by the Iyanbito Chapter at a duly called Regular Chapter meeting at Iyanbito, Navajo Nation, New Mexico, at which a quorum was present and that the same was passed by a vote of 29 in favor, 00 opposed, and 01 abstained, this 21st day of November 2021.

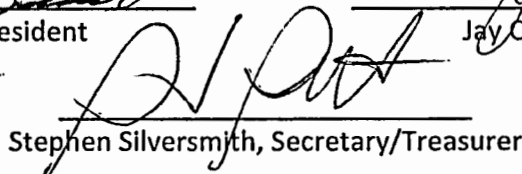
Motion by: Anson Arviso
Second by: Michael Tsosie



Seneca Becenti, President



Jay Chee, Vice-President



Stephen Silversmith, Secretary/Treasurer

0238-22

Felicia A John <fjohn@nnchapters.org>

Wed 12/7/2022 2:07 PM

To: comments <comments@navajo-nsn.gov>;

As more and more COVID-19 and other variant cases are confirmed throughout the Navajo Nation, the numbers continue to rise. As the crisis extends beyond health, it has and continues to impact jobs, education, food security, the environment and more. As the pandemic continues to affect lives, funding has grown to respond to existing and emerging needs. More funding is needed, as well as those in larger based communities, to combat the coronavirus. Funding the response has been critical, with the Navajo Nation government required to invest big to keep our economies moving. More funding into our Emergency Fund Account-Fund 17 is needed, look into FEMA packets for reimbursements to get Chapters out of the negative, as they were assisting with emergencies that impacted the community.

Respectfully, Crownpoint Community-Eastern Agency.

--

Felicia A. Singer, AMS

Crownpoint Chapter

Eastern Agency

P. 505-786-2130

F. 505-786-2136

W. www.crownpoint.navajochapters.org

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0238-22

Crownpoint Chapter <crownpoint@navajochapters.org>

Thu 12/8/2022 9:13 AM

To: comments <comments@navajo-nsn.gov>;

Good morning Council Delegates,

Since the COVID-19 pandemic started in March 2020, Crownpoint Chapter has spent over \$230,000 in Fund 01 General and in Fund 17 Emergency combined for food and supply purchases for the community to fight the COVID-19 virus, and to employ PEP employees for helping with food and supply distribution and to assist with water at our watering point and at the trash transfer station free of charge at the start of the pandemic. We have submitted documentation to FEMA for reimbursement, however as of today we have not been reimbursed. As with all other FEMA reimbursements, it will take a few years for our chapter to get a reimbursement. Please consider the Actual Expenditure Reports from the MIP software for the correct Emergency Expenditure amount starting from March 13, 2020 to current for all Navajo Nation Chapters. The fund balances from the WIND System for chapters are not the actual expenditures accumulated since the pandemic, it is only a balance amount left in a fund account.

Respectfully,

Aaron Edsitty
Community Services Coordinator

--

Crownpoint Chapter
PO Box 336
Crownpoint, NM 87313
Phone: 505-786-2130-2131
Fax: 505-786-2136

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**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**LEGISLATION #0238-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF") TO REPLENISH THE 110 CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. § 820(O). *Sponsor: Honorable Eugene Tso*
*Co-Sponsor: Honorable Daniel E. Tso***

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Budget and Finance Committee.

Respectfully submitted,



Rickie Nez, *Chairperson*
Resources and Development Committee of
the 24th Navajo Nation Council

Date: December 14, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Thomas Walker, Jr. **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland;
Wilson C. Stewart, Jr.
Opposition: None
Excused: None
Not Voting: Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

**ROLL CALL
VOTE TALLY SHEET**

**LEGISLATION #0238-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$1,875,231 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFBS") TO REPLENISH THE 110 CHAPTERS' EMERGENCY FUND ACCOUNTS; WAIVING 12 N.N.C. § 820(O). *Sponsor: Honorable Eugene Tso*
*Co-Sponsor: Honorable Daniel E. Tso***

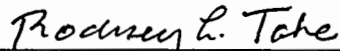
Date: December 14, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Thomas Walker, Jr. **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excused: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



Rodney L. Tate, *Legislative Advisor*
Office of Legislative Services

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

LEGISLATION NO.: 0238-22

SPONSOR: Honorable Eugene Tso

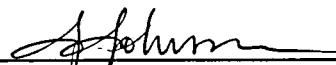
TITLE: An Action Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$1,875,231 from the Unreserved, Undesignated Fund Balance ("UUFB") to Replenish the 110 Chapters' Emergency Fund Accounts; Waiving 12 N.N.C. § 820(O)

Posted: December 06, 2022 at 5:01 PM

5 DAY Comment Period Ended: December 11, 2022

Digital Comments received:

Comments Supporting	1) Many Farms Chapter Government 2) Rita Capitan 3) Jordan Etcitty
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Policy Analyst
Office of Legislative Services**

December 22, 2022; 4:25 PM

Date/Time

MANY FARMS CHAPTER GOVERNMENT

P.O. BOX 185

MANY FARMS, ARIZONA 86538

PHONE: (928) 781-3605 FAX: (928) 781-3608

Email: manyfarms@navajochapters.org



Kee Allen Begay Jr., Delegate 24th Navajo Nation Council

Katherine O. Arthur, President

Aljerino Tsedah, Vice President

Jacqueline Begaye, Secretary/Treasurer

Francine Harrison, CSC

Lewanda A. Ben, AMS

Roland Tso, Grazing Representative

Resolution of the Many Farms Chapter

MF-21-12-2022

SUPPORTING LEGISLATION: 0238-22, An Action Relating to Resources and Development Committee, Budget and Finance, and Naabik'iyati' Committees, and the Navajo Nation Council; Approving \$1,875,231 from the Unreserved, Undesignated Fund Balance ("UUF") to Replenish the 110 Chapters' Emergency Fund Accounts; Waiving 12N.N.C. § 820 (O)

WHEREAS:

1. Pursuant to CMY-23-79, the Many Farms Chapter is a certified chapter of the Navajo Nation vested with authority and responsibilities to provide and enact on all matters affecting the community; and
2. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) that allows Many Farms Chapter to make decisions over local matters; and
3. The Many Farms Chapter Resolution MF-05-10-2022 as shown in **Exhibit A** and Navajo Nation Commission on Emergency Management Resolution CEM 22-08-01 as shown in **Exhibit B**; The Many Farms Chapter hereby supports the request to Replenish the 110 Chapters' Emergency Fund Accounts; Waiving 12N.N.C. § 820; (O); and
4. It is the purpose of this Resolution to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas; and
5. The Conditions which have brought about this Legislation are: heavy precipitation and flooding, and burn-outs; resulting in actual evacuations of families from their homes, damages to or destruction of substantial amounts of property including but not limited to homes, vehicles and/or equipment, fields, livestock, roads; and
6. Pursuant to the above referenced Legislation: 0238-22; represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable regulations, and laws, including without limitation all rules and laws regarding the Emergency Fund Accounts.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Many Farms Chapter hereby supports LEGISLATION: 0238-22, An Action Relating to Resources and Development Committee, Budget and Finance, and Naabik'iyati' Committees, and the Navajo Nation Council; Approving \$1,875,231 from the Unreserved, Undesignated Fund Balance ("UUF") to Replenish the 110 Chapters' Emergency Fund Accounts; Waiving 12N.N.C. § 820 (O)

CERTIFICATION

We, hereby certify that the foregoing resolution was considered by the Many Farms Chapter at a duly called meeting in Many Farms, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 11 in favor, 0 opposed and 1 abstained this 12th day of DECEMBER 2022.

Motion: ANSON EISHITY

Second: WILLANDER CHARLEY

Katherine O. Arthur, Chapter President

Aljerino Tsedah, Vice President

Jacqueline Begaye, Secretary/Treasurer

Kee A. Begay, Jr., Council Delegate

Roland Tso, Grazing Committee

0238-22

Rita Capitan <rcapitan@naataanii.org>

Mon 12/12/2022 5:50 PM

To:comments <comments@navajo-nsn.gov>;

My name is Rita Capitan. I would like to request that this legislation be approved. Our chapter had approximately \$40,000 in the Emergency Account before COVID struck. Our Chapter began to get telephone calls in March 2020 for help.. Covid illnesses prevented community members from getting food and to pay for their utilities. The chapter purchased \$50 Basha food cards and assisted with \$50 utility payments towards their bills to ease the sudden pandemic scare, which was an unknown predicament to the whole nation. There was so much illness and quarantined members of our community. The anxiety was huge as we lost so many individuals in and around our community. Our Emergency Account soon declined. We had hoped that the CARES ACT funds would replenish our funds, but that became a disappointing HOPE. Because our funds are in the RED, we are now unable to hold an account in case of Emergencies at this point. We need our Emergency Account replenished now..

Thank You,

Rita Capitan .

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Comments for Legislation 0238-22

J. Etcitty <jetcitty@gmail.com>

Tue 12/20/2022 11:07 AM

To:comments <comments@navajo-nsn.gov>;

Cc:Jamie Henio <jhenio@navajo-nsn.gov>;

Good Afternoon Honorable Delegates,

I am in full support of this legislation. As a Chapter Official in the previous term, the community was given funds for an emergency response through the CARES Funding Distribution to chapters. The reasoning for the To'Hajiilee Chapter being in the negative is that we have received approval from the Administrative Service Center (ASC) through the Navajo Nation Office of the Controller's (NNOOC) to purchase firewood using chapter funds, and the NNOOC was suppose to reimburse the chapter. The supporting documents were sent and approvals were made, however, the chapter NEVER received reimbursement.

During that time, we were expecting a second load of wood, but because of denial, that purchase was never made, and since then, the chapter was never reimbursed.

Jordan Etcitty

To'Hajiilee Navajo Chapter

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