



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: _____

Date & Time Received: _____

Date & Time of Response: _____

Entity Requesting FRF: _____

Title of Project: _____

Administrative Oversight: _____

Amount of Funding Requested: _____

Eligibility Determination:

- FRF eligible
- FRF ineligible
- Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
- (2) Premium Pay
- (3) Government Services/Lost Revenue
- (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: _____

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: _____

Name of DOJ Reviewer: _____

Signature of DOJ Reviewer: _____

Disclaimers:

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

THE NAVAJO NATION
FISCAL RECOVERY FUNDS **REQUEST FORM & EXPENDITURE PLAN**
FOR EXTERNAL ENTITIES

Part 1. Identification of parties.

External Entity requesting FRF: Navajo Townsite Community Development Corporation Date prepared: 06/07/2023

External Entity's mailing address: P.O. Box 876 Navajo, New Mexico 87328 phone/email: (505)777-2245 website (if any): www.navajotownsite.org

This Form prepared by: Prestene Garnenez Executive Director phone/email: (505)777-2245 pgarnenez@navajotownsite.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Removal of Burned/Blighted NTCDC Housing Units (Phase I) in Navajo, NM

External Entity's CEO (or equivalent): Prestene Garnenez phone & email: (505)777-2245

Board President: Jonathan Hale phone & email: (928)255-3909

Board Treasurer or Financial Officer: Anthony Belletete phone & email: (505)777-2245

Funding Recipient will be working with: Division of ~~Community~~/Economic Development on the Project
indicate name of Director of assistance Division and Division, if none, indicate "NN President and OPVP"
and same will be submitting the Funding Request Package for Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Contractors with certifications to inspect and abate asbestos and lead and perform demolition and proper disposal. document attached

Amount of FRF requested: \$300,000.00 FRF funding period: July 1, 2023 through June 30, 2026
indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

NTCDC manages for the Navajo Nation 115 housing units, of which 50+, are in various states of decay and destruction. We request for funds to help remove some of these blighted units with priority to units that are burned or partially burned. Other blighted units (those with significant safety issues) will be prioritized to abate/demolish. These units are more than 60 years old, where of those test, many have asbestos containing material or lead which requires proper abatement and disposal. Upon removal the land will be utilized to rebuild new modern, efficient and sustainable housing for the community of Navajo. NM. document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:

Many tribal members are in need of homes (more than 30,000 homes are needed) with safe access to water and sanitation. Further the current vacant and vandalized units are an environmental and health hazard to the local community, as they are built with ACM which could potentially be released into the air, water, and soil as the buildings continue to deteriorate or are set ablaze by arsonists or accidentally. The blighted units contribute to the overall depressing state of Navajo, NM. document attached

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

Upon funding, NTCDC expects the following timeline:

- 1) Advertise RFS from qualified certified contractors (July 2023).
- 2) Select contractors to conduct work estimate to 4-5 months (October 2023-February 2024).
- 3) Reporting & Closeout (March-June 2024)

document attached

(d) Identify who will be responsible for implementing the Program or Project:

Navajo Townsite Community Development Corporation
Prestene Garnenez, Executive Director

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

Navajo Townsite Community Development Corporation will provide operations and maintenance of new units and maintenance of the vacant units for redevelopment. Future O&M costs will be covered by revenue generated from the rental properties once rebuild has been completed.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

3.10 Housing Support: Affordable Housing

document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A)

Budget
NTCDC W-9
NTCDC IRS Tax Exemption Letter
NTCDC Board Resolution

Board Resolution attached

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY 41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies

External Entity's Preparer:

[Signature]
signature of Preparer (CONTRACT PERSON)

Approved by

[Signature]
signature of Board Chair (President)

Approved by

[Signature]
signature of External Entity's CEO (or equivalent)

Approved to submit for Review:

[Signature]
signature of Director of a assisting Division

-OR- Approved to submit for Review:

signature of NN President

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page ___ of ___
BUDGET FORM 1

PART I. Business Unit No.: New Program Title: Navajo Townsite Community Development Corporation Division/Branch: _____
 Prepared By: Prestene Gamenez Phone No.: (505)777-2245 Email Address: pgamenez@navajotownsite.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
ARPA <u>Fiscal Recovery Funds</u>	<u>7/1/23-6/30/24</u>	300,000.00	<u>100%</u>	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	6		300,000	300,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	300,000.00	300,000
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:				
				Total # of Vehicles Budgeted:				
TOTAL:		\$300,000.00	<u>100%</u>					

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

SUBMITTED BY: Prestene Gamenez, Executive Director, NTCDC APPROVED BY: Jonathan Hale, Board Chairman, NTCDC
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name
Prestene Gamenez 6/17/23 Jonathan Hale
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

Jonathan Hale
6/17/2023

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:									
Business Unit No.: <u>New</u>			Program Name/Title: <u>Navajo Townsite Community Development Corporation</u>						
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: The mission of Navajo Townsite Community Development Corporation (NTCDC) is to provide safe, affordable, quality homes to the community of Navajo, NM (Red Lake #18 Chapter)									
PART III. PROGRAM PERFORMANCE CRITERIA:									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: <u>NTCDC plans to abate/demolish burned & blighted units for redevelopment</u>									
Program Performance Measure/Objective: <u>A total of 12 burned/blighted units will be abated/demolished</u>		X	X						
2. Goal Statement: <u>NTCDC plans to abate/demolish approx. 10 blighted units for redevelopment</u>									
Program Performance Measure/Objective: <u>A total of 10-12 additional units will be abated/demolished by the of QTR 2 in FY 2024</u>				X	X				
3. Goal Statement: <u>Program Performance Measure/Objective:</u>									
4. Goal Statement: <u>Program Performance Measure/Objective:</u>									
5. Goal Statement: <u>Program Performance Measure/Objective:</u>									
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
<u>Prestene Gamenez, Executive Director, NTCDC</u> Program Manager's Printed Name  Program Manager's Signature and Date <u>4/7/23</u>					<u>Jonathan Hale, Board Chair, NTCDC</u> Division Director/Branch Chief's Printed Name  Division Director/Branch Chief's Signature and Date <u>7/7/23</u>				

FY 2023

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:
 Program Name/Title: Navajo Townsite Community Development Corporation Business Unit No.: New

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)
6	Project: To abate and/or demolish blighted housing units within the community of Navajo, NM (Red Lake #18 Chapter) with priority to remove 12 burned units and 10-12 unburned blighted units (vacant). The target will be between 20-24 units to be abated of asbestos/lead and/or demolished.	300,000	300,000
TOTAL		300,000	300,000

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>New</u> Project Title: <u>Removal of Blighted/Burned Units (Phase I)</u> Project Description: <u>The project includes hiring of certified asbestos inspectors, inspection, removal (abatement) and demolition of blighted/burned housing units managed by Navajo Townsite Community Development Corporation located throughout the community of Navajo, NM</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification													PART II. Project Information Project Type: _____ Planned Start Date: <u>7/1/23</u> Jul-23 Planned End Date: <u>6/30/26</u> Jun-26 Project Manager: _____																	
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct., N = Nov., D = Dec., etc.													Expected Completion Date if project exceeds 8 FY Qtrs.																
	FY _____						FY _____																							
	1st Qtr		2nd Qtr			3rd Qtr			4th Qtr			1st Qtr.		2nd Qtr.			3rd Qtr			4th Qtr.			Date							
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
1.) Advertise RFS from qualified certified contractors (preferably Priority 1) with asbestos/lead inspection & abatement certifications										X	X	X																		
2.) Select contractors to conduct inspection, abatement, and demolition and proper disposal of burned/blighted units.													X	X	X	X	X													
3.) Complete reporting and close out																		X	X	X										
PART V.	\$		\$			\$			\$			\$		\$			\$			PROJECT TOTAL										
Expected Quarterly Expenditures									45,000.00			200,000.00		50,000.00			5,000.00			330,000.00										

**RESOLUTION OF THE BOARD OF DIRECTORS
OF
THE NAVAJO TOWNSITE COMMUNITY DEVELOPMENT CORPORATION**

**Supporting and Approving Navajo Townsite Community Development Corporation's
Request for Navajo Nation Fiscal Recovery Funds Under the American Rescue Plan Act of
2021 in the Amount of \$300,000 for the Removal of Blighted, Vacant and Condemned
Public Rental Units Managed for the Navajo Nation by Navajo Townsite Community
Development Corporation**

WHEREAS:

1. The Navajo Townsite Community Development Corporation (NTCDC) is a duly chartered non-profit community development organization incorporated on January 24, 1989, under the laws of the Navajo Nation of which the NTCDC Board of Directors is empowered to regulate the NTCDC operational affairs and to provide for the administrative and financial well-being of the NTCDC program; and
2. The Board of Directors of the NTCDC acknowledges that NTCDC, by authority of the Management Agreement, manages 118 public rental units currently owned by the Navajo Nation; and
3. The Board of Directors of NTCDC recognizes that 53 of those 118 public rental units have been vacant, have fallen into severe disrepair, condemned, vandalized, or burned; and
4. The Board of Directors of NTCDC recognizes that such physical blight can invite more crime like burglary, home invasions, arson, assaults, the manufacture and sales of illegal substances, and other illegal activities; and
5. NTCDC recognizes and acknowledges the community of Navajo, New Mexico which lies within Red Lake #18 Chapter currently experiences overall community deterioration that contributes to job losses, closure of small businesses, and abandonment of other facilities; and
6. The Red Lake #18 Chapter pursuant to chapter resolution R1 C-05-21-23 approved to support the NTCDC in seeking funding to remove the blighted, vacant, and condemned houses it manages within the community of Navajo, New Mexico; and
7. NTCDC seeks support from the Navajo Nation to assess, abate, and demolish the approximately 20 of the 53 condemned/burned units with Phase I: Demolition of burned units, demolition of units up to the amount of \$300,000.00 which will make way for new developments including new housing, economic and community development, and infrastructure projects.
8. The American Rescue Plan Act of 2021 was approved by the United States Congress on March 10, 2021, and signed into law by the President of the United States, Joseph Biden, on March 11, 2021, in the amount of \$1,900,000,000,000.00 (\$1.9 trillion); and

9. The Navajo Nation is receiving \$1,800,000,000.00 (\$1.8 billion) of funding through the American Rescue Plan Act of 2021; and
10. The Fiscal Recovery Funds are to be used for the response to the "COVID-19 public health emergency... including assistance to households, small businesses, and non-profit" per Exhibit 5 of Navajo Nation Fiscal Recovery Fund Application Procedures, Forms, and Expenditure Plan; and
11. Honorable Council Delegate, Dr. Andy Nez, represents the Fort Defiance, Red Lake #18, Sawmill and Crystal Chapters, where the community of Navajo lies within Red Lake #18 Chapter boundaries and within Honorable Delegate Dr. Nez's representative area; and
12. Honorable Council Delegate Dr. Nez has received several funding requests through the Navajo Nation Fiscal Recovery Funds Under the American Rescue Plan Act of 2021 and to whom NTCDC submitted their proposal for funding to benefit the community of Navajo, New Mexico (pop.2,000+).

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors of the NTCDC re-approves the Resolution NTCDC 23-06 and supporting and approving a request for Navajo Nation Fiscal Recovery Funds Under the American Rescue Plan Act of 2021 (i) requesting the funding in the amount of \$300,000; (ii) assess, abate, and demolish the approximately 20 of the 53 condemned/burned units with Phase I: Demolition of burned units, demolition of units to the amount of \$300,000.00; (iii) NTCDC affirms that awarded funds will be used in compliance with ARP A, the ARP A Regulations, and all other applicable Navajo Nation and federal laws and regulation; and
2. The Board of Directors of the NTCDC hereby requests the Navajo Nation Administrative Oversight provide technical assistance in the requirements needed in requesting for Navajo Nation Fiscal Recovery Funds Under the American Rescue Plan Act of 2021; and
3. The Board of Directors authorizes the NTCDC Executive Director to work with representatives of the Navajo Nation to execute the purpose and intent of this Resolution NTCDC 23-06.

CERTIFICATION

I hereby certify that the foregoing Resolution NTCDC 23-06 was duly considered by the Board of Directors of NTCDC at its duly called meeting in Navajo, New Mexico at which a quorum was present and that same was passed by a vote of 14 in favor, 0 opposed and 1 abstained, this 13th day of June 2023.

Motioned by: Joan Todecheenie

Second by: Willie Tracy, Jr.



Jonathan Hale, Chairman
Board of Directors of NTCDC



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF GOOD STANDING

To all to Whom these Presents Shall Come, Greetings:

I, the Director of the Business Regulatory Department, DO HEREBY CERTIFY
that

NAVAJO TOWNSITE COMMUNITY DEVELOPMENT CORPORATION

File Number: 100055

a Corporation organized under the laws of the Navajo Nation Corporation Act, did
incorporate on _____ January 24th, 1989 _____.

I FURTHER CERTIFY that this corporation has filed all affidavits and annual
reports and has paid all annual filing fees required to date and, therefore, is in good
standing within the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Code. Done at
Window Rock, Arizona, the Capital of the
Navajo Nation, this _____ 2nd _____
day of _____ February, 2023 _____ A.D.

Director, Business Regulatory
Division of Economic Development
Notah C. Silversmith