



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 #: HK 0549

Date & Time Received: 06/09/23 at 17:03

Date & Time of Response: 06/15/23 at 17:00

Entity Requesting FRF: Tselani-Cottonwood Chapter

Title of Project: Septic and Cistern System Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$522,752.00

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:
5.5 Clean Water: Other Sewer Infrastructure

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: Erika Pirotte

Signature of DOJ Reviewer: Erika R. Pirotte

Digitally signed by Erika R. Pirotte
Date: 2023.06.15 12:36:15 -06'00'

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 NON-GOVERNANCE CERTIFIED CHAPTERS

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Tselani-Cottonwood Chapter Date prepared: 05/17/2023

Chapter's mailing address: PO Box 1138 phone/email: (928) 725-3763
Chinle, Arizona 86503 website (if any): tselani@nnchapters.org

This Form prepared by: Charlene Wallace phone/email: (928) 725-3763
Coordinator cwallace@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Septic and Cistern System Project

Chapter President: Thomas Gorman phone & email: (928) 675-5881

Chapter Vice-President: Nelson Charley, Sr. phone & email: (928) 349-0064

Chapter Secretary: Elliot Bryant phone & email: (928) 349-2680

Chapter Treasurer: Elliot Bryant phone & email: (928) 349-2680

Chapter Manager or CSC: Charlene Wallace phone & email: (928) 725-3763

DCD/Chapter ASO: Robert Jumbo phone & email: (928) 674-2320

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Navajo Tribal Utility Authority
 document attached

Amount of FRF requested: \$522,752.00 FRF funding period: 06/05/2023 to 12/31/2026
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:

The primary intent is to provide running water and eliminate any health risk to the community. Water is a necessity to ensure the quality of life to our community. During this unpredictable pandemic families are practicing social distancing, which means less traveling to collect water. Connecting homes with cistern or water connection will also prevent families on going out in public.

document attached

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

The outcome of the project is to have all recipients of new septic & cistern system or waterline connection which will result in a better quality of life by having proper cleanliness of self being and positive impact of good health.

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:

The funding not being incurred or release for construction to proceed, is a challenge faced by the Chapter. Date of completion is 12/31/26. Funds will be encumbered before that.

document attached

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

Navajo Tribal Utility Authority and Navajo Engineering & Construction Authority

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:

NTUA and Homeowners

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:

5.15 NN Water Line Extension/Septic System/Projects for homes

document attached

Part 3. Additional documents.

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

Updated Chapter Proposal and Chapter Resolution

Chapter 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:

Chapter's Preparer:

Wallace
signature of Preparer/CONTACT PERSON

Approved by:

[Signature]
signature of Chapter President (or Vice-President)

Approved by:

Wallace
signature of CSC

Approved by:

Robert [Signature]
signature of Chapter ASO

Approved to submit for Review:

[Signature] 5/23/23
signature of DCD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: NEW Program Title: Tselani-Cottonwood Chapter *Septic and Cistern System Project* Division/Branch: Community Development
 Prepared By: Charlene Wallace Phone No.: 928-725-3763 Email Address: cwallace@nnchapters.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 (Column B - A)		
ARPA	06/05/23-12/31/26	522,752.00	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				
				8000	Public Assistance				
				9000	Capital Outlay	6	522,752.00	522,752.00	
				9500	Matching Funds				
				9500	Indirect Cost				
				TOTAL			\$0.00	522,752.00	522,752.00
TOTAL:				\$522,752.00	100%				

PART IV. POSITIONS AND VEHICLES

Total # of Positions Budgeted:

(D)	(E)

Total # of Permanently Assigned Vehicles:

(D)	(E)

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

James Adakai, Program Manager
 SUBMITTED BY: Program Manager's Printed Name

Calvin Castillo, DCD Division Director
 APPROVED BY: Division Director/Branch Chief's Printed Name

[Signature] 5-23-23
 SUBMITTED BY: Program Manager's Signature and Date

[Signature] 5/23/23
 APPROVED BY: Division Director/Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title:

Tselani-Cottonwood Chapter

Septic and Cistern

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

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.

System Project

PART III. PROGRAM PERFORMANCE CRITERIA:

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

1. Program Performance Area:

Infrastructure: Septic, Cistern/Waterline & Leach Field

Goal Statement:

To provide running water & septic system for 27 families

					27				
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2. Program Performance Area:

Goal Statement:

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3. Program Performance Area:

Goal Statement:

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4. Program Performance Area:

Goal Statement:

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5. Program Performance Area:

Goal Statement:

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

James Adakai, Program Manager

Program Manager's Printed Name

Program Manager's Signature and Date

[Signature] 5-23-23

Calvin Castillo, DCD Division Director

Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date

[Signature] 5/23/23

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Tselani-Cottonwood Chapter	Business Unit No.: _____
		<i>Septic and Cistern System Project</i>	NEW
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
9042	9000 Capital Outlay <i>9000 Infrastructure</i> Water/Wastewater To install septic, cistern/waterline connection and leach field to 27 families within Tselani-Cottonwood community.	522,572.00	522,752.00
TOTAL		522,572.00	522,752.00

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

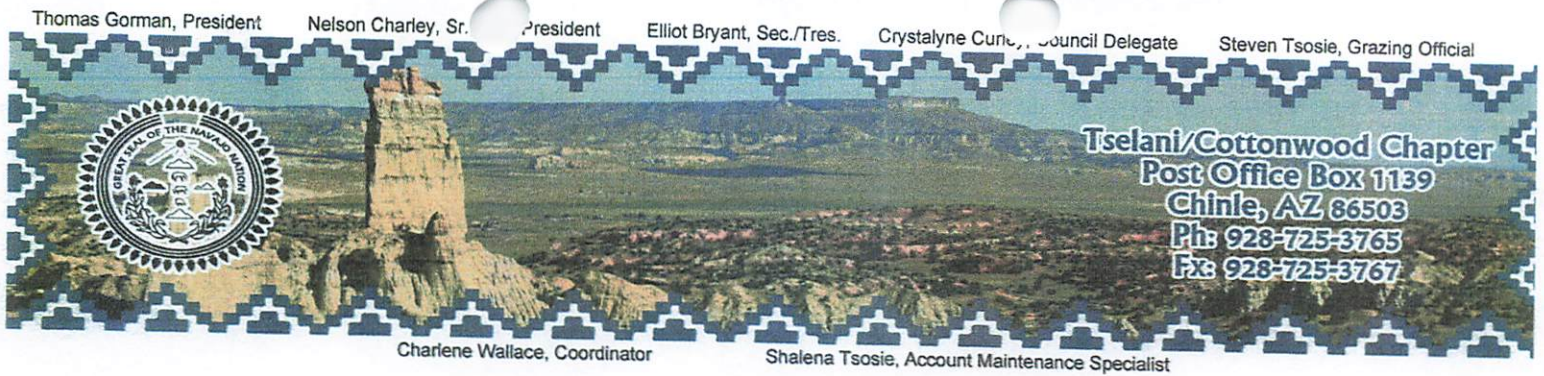
PART I. Business Unit No.: <u>NEW</u> Project Title: <u>5.15 NN Water Line Extension/Septic System/Projects for Homes Tseloni-Cottonwood Sehead Cistern Sys Proj -</u> Project Description: <u>Connect waterline/Cistern, Septic & Leach field for 27 homes</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification															PART II. Project Information Project Type: <u>Water/Wastewater</u> Planned Start Date: <u>6/5/2023</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Andrea Dawes</u>															
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 2023										FY 2024																			
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.								
	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
06/05/2023 - 10/31/2023 NTUA Assessment/OEH Assessment										x	x	x	x	x																
11/01/2023 - 01/31/2024 Pre Construction														x	x	x														
02/01/2024-12/31/2026 Construction of project for 27 homes																		x	x	x	x	x	x	x	x	x	x			
PART V.	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL					
Expected Quarterly Expenditures							87,125.00			87,125.00			87,125.00			87,125.00			87,126.00			87,126.00			\$52,752.00					

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: ssa.752 -

Chapter Name: Tselani-Cottonwood Chapter Chapter Email: tselani@navajochapters.org

Chapter Manager: Charlene Wallace, CSC Chapter Phone: (928) 725-3763/65

Title	Content
Project Details	Scattered Septic, Cistern, Waterline and leachfield installation.
Project Description	To install 1000 gallon cistern tanks, septic tanks and leachfield to 27 homes that have been waiting for years. There are 6 Veteran homes and 21 non-Veteran homes that are on the waiting list with OEH and with no funding source the families will wait for many more years.
Project Objective	The community is in dire need of infrastructure and the Chapter is in support of assisting our local community members with domestic waterline system.
Project Cost	\$522,752.00
Impact to the Community	Assist families with indoor plumbing, having proper cleanliness of self being and a positive impact of good health.



RESOLUTION OF THE TSELANI-COTTONWOOD CHAPTER

TSEL-23-782

REQUESTING THE NAVAJO TRIBAL UTILITY AUTHORITY, DIVISION OF COMMUNITY DEVELOPMENT AND NAVAJO NATION FISCAL RECOVERY FUND OFFICE TO ENCUMBER AMERICAN RESCUE PLAN ACT FUNDING TO ASSIST WITH INSTALLING THE SEPTIC TANKS, LEACH FIELD AND 1000 GAL CISTERN TANKS TO 27 FAMILIES

WHERE AS:

1. The Tselani-Cottonwood Chapter is governed by the Navajo Nation Code Title 26 Local Governance Act as a unit of government with delegated authority to make decision over local matters that are consistent with the existing Navajo laws; AND
2. The Tselani-Cottonwood Chapter is delegated the authority to make decision over the local matters that are consistent with existing Navajo Laws including custom and tradition; AND
3. Navajo Nation is in dire need of infrastructure and Tselani/Cottonwood Chapter is in support of assisting our local community members with domestic waterline system; AND
4. The Chapter has compiled a list of community members who were identified through the Chapter for this project of installing septic tanks, leach fields and 1000 gal cistern tanks or waterline hook up. Map (Exhibit 'A'); AND

Lee Chee (Veteran)	109°52'39.31"W, 36° 1'49.39"N
Elouise James (Vet. Widow)	109°44'39.03"W, 35°58'6.52"N
Lemuel George (Veteran)	109°53'8.79"W, 36°6'17.66"N
Karen Smiley (Veteran)	109°52'42.25"W, 36°2'48.73"N
Harold James (Veteran)	109°47'60.37"W, 35°58'07.68"N
Ireen Gorman-Laurance (Vet.)	109°41'41.35"W, 36°3'27.93"N
Joe Naize	109°53'55.6"W, 36°07'47.2"N
Lionel Plummer	109°56'12.84"W, 36°3'53.44"N
Charmaine Tsosie	109°54'55.51"W, 36°3'38.63"N
Janet Burbank	109°47'3.20"W, 36°4'29.06"N
Dennis Begay	109°42'32.88"W, 36°1'53.02"N
Elroy Chee	109°43'7.92"W, 36°0'24.19"N
Dorothea Lee	109°42'30.98"W, 36°0'23.56"N
Alanis Wanenka	109°42'03.12"W, 36°0'15.13"N
Shirley Marie Chee	109°42'02.34"W, 36°0'15.62"N
Sylvia Wanenka	109°42'01.10"W, 36°0'16.69"N
Elouise Talcua	109°47'09.27"W, 35°58'09.32"N
Majel Brown	109°46'04.37"W, 35°56'40.48"N
Dempsey Raye	109°44'11.4"W, 36°10'41.2"N
Dorothy Poola	109°47'38.04"W, 35°54'28.09"N