



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:

- | | |
|--|---|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay |
| <input type="checkbox"/> (3) Government Services/Lost Revenue | <input type="checkbox"/> (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: Rodgerick Begay

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: Torreon/Star Lake Chapter Date prepared: 03/02/2023
 Chapter's mailing address: PO Box 1024, Cuba, New Mexico 87013 phone/email: 505-731-2336 torreon@navajochapters.org
 website (if any): torreon.navajochapters.org
 This Form prepared by: Evangeline Tachine, CSC phone/email: 505-731-2336 etachine@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Septic Repair/Replace Failed Septic Systems & Clean Out

Chapter President: Vacant phone & email: _____
 Chapter Vice-President: Mario Atencio phone & email: 505-731-2336 mariortorreonvp@gmail.com
 Chapter Secretary: Sherry Begaye phone & email: 505-731-2336 sherry_wb@yahoo.com
 Chapter Treasurer: Sherry Begaye phone & email: 505-731-2336 sherry_wb@yahoo.com
 Chapter Manager or CSC: Evangeline Tachine, CSC phone & email: 505-731-2336 etachine@nnchapters.org
 DCD/Chapter ASO: _____ phone & email: _____

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): _____
☐ document attached

Amount of FRF requested: \$630,000.00 FRF funding period: March 2023 - December 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:

Torreon Chapter Septic Repair/Replace Failed Septic Systems & Clean Out project funds will address the dire need of waste water system installation/replacement/upgrade/improvement of the septic, cistern, and sewer cells/ponds in the chapter community. During the COVID-19 pandemic stay-at-home orders, some septic/leechfield systems were overloaded or have failed. The funds will be used for repair & replace the failed septic systems and for clean outs.

☐ document attached

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

The project will provide essential and proper waste water system to homes within the Torreon Chapter community, to promote sanitation, prevent any waste water system related illnesses to human and livestock, and to prevent environmental damages. These factors will directly address one of the major healthy sanitation needs that is connected to the ongoing COVID-19 pandemic.

☐ 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 project start date will be March 2023 with the end project date of December 31, 2026, with all funding being encumbered before December 31, 2024. Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

☐ document attached

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

Torreon Chapter Community Services Coordinator will implement the project with coordination from the Division of Community Development.

☐ 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:

Upon completion of the project, the home owner will be responsible for the operation and maintenance.

☐ 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:

5.4: Clean Water: Combined Sewer Overflows

The project will help address groundwater contamination resulting from faulty septic units and septic tank overloads; and will promote healthy living environments conducive to mental and physical wellness.

☐ document attached

Part 3. Additional documents.

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

Chapter Resolution and Budget Forms attached.

☐ Chapter Resolution attached

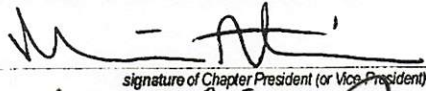
Part 4. Affirmation by Funding Recipient.

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:

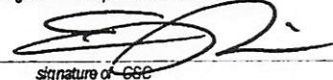

signature of Preparer/CONTACT PERSON

Approved by:

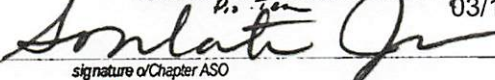

signature of Chapter President (or Vice-President)

03/15/2023

Approved by:


signature of GSE

Approved by:


signature of Chapter ASO

Approved to submit
for Review:


signature of DCD Director

Page 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:				
Program Name/Title:		Torreon Septic Systems Repairs & Clean Out		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)	
8000	Assistance		630,000	
8550	Water/Wastewater:			
	Assist Community Members			
	Assist 75 Community Members with Septic Clean Out	30,000		
	75 homes x \$400 = \$30,000			
	Assist 60 community members with Failed Septic Systems	600,000		
	60 homes x \$10,000 = \$600,000			
TOTAL		630,000	630,000	

FY 2023


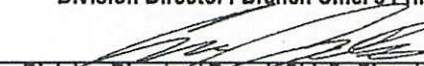
**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Torreon Septic Systems Repairs & Clean Out</u>		Division/Branch: <u>DCD/Executive Branch</u>	
Prepared By: <u>Evangeline Tachine, CSC</u>		Phone No.: <u>505-731-2336</u>		Email Address: <u>etachine@nnchapters.org</u>	

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
NN Fiscal Recovery Funds	FY23-26	630,000.00	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	6		630,000	630,000
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	630,000.00	630,000

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.	
SUBMITTED BY: <u>James Adakai, Deputy Director</u> Program Manager's Printed Name <div style="text-align: center;">  Program Manager's Signature and Date <u>3-14-23</u> </div>	APPROVED BY: <u>Calvin Castillo, Division Director</u> Division Director / Branch Chief's Printed Name <div style="text-align: center;">  Division Director / Branch Chief's Signature and Date <u>3/14/2023</u> </div>

FY 2023THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title:

Torreon Septic Systems Repairs & Clean Out

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:

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

1. Goal Statement:

Septic Clean Out for Community Members

Program Performance Measure/Objective:

Assist 75 homes for Septic Clean Out for qualified community members

20		20		20		15	
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2. Goal Statement:

Repair & Replace Failed Septic Systems for Community Members

Program Performance Measure/Objective:

Assist 60 homes for Repair & Replacement of septic systems for community members

15		15		15		15	
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3. Goal Statement:

Program Performance Measure/Objective:

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4. Goal Statement:

Program Performance Measure/Objective:

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5. Goal Statement:

Program Performance Measure/Objective:

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

James Adakai, Deputy Director

Program Manager's Printed Name

Program Manager's Signature and Date

Calvin Castillo, Division Director

Division Director/Branch Chief's Printed Name

Division Director/Branch Chief's Signature and Date

3/14/2023



Torreon/Star Lake Chapter

P.O. Box 1024 * Cuba, New Mexico 87013 *(505)731-2336

torreon@navajochapters.org -Fax# 505-731-1514



George Tolth
Council Delegate

Lydell Rafael
President

Mario P. Atencio
Vice President

Sherry Begaye
Secretary/Treasurer

Alex Sandoval
Land board

Evangeline Tachine
Coordinator

Cecelia Toledo
Accounts Maintenance Specialist

RESOLUTION OF TORREON/STAR LAKE CHAPTER

TSL #04/2023-44

AMENDING & SUPPORTING THE REQUEST AND APPROVAL OF THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR TORREON/STAR LAKE CHAPTER IN THE AMOUNT OF \$1,100,292.50 FOR THE FOLLOWING CHAPTER PROJECTS LISTING OF THE TORREON/STAR LAKE CHAPTER.

WHEREAS:

1. The Torreon/Star Lake Chapter is a recognized chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C.4021 et seq. and 26 N.N.C. §102; and
2. Pursuant 2 N.N.C. § 102 (a), the Navajo Nation Council is governing the body of the Navajo Nation; and by resolution CAP-34-98, the Navajo Nation Council approved the "Local Governance Act" wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo Nation to address matters of local concern with Navajo Law, Custom, and Tradition; and
3. The Torreon/Star Lake Chapter is a non-certified Chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C. 4021 et seq. and 26 N.N.C. §103; and
4. The Torreon/Star Lake Chapter realized the Navajo Nation Council approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region Project Plans approved by the Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. §164 (A)(17) and 2 N.N.C. §§ 1005 (C)(10),(11), and (12); and
5. The purpose of the NNFRF and the Chapter and Regional Projects Expenditure Plans, "Delegate Region" shall mean all the Navajo Nation Chapters, both LGA Certified and Non-LGA Chapters and Townships represented by a Navajo Nation Council Delegate; and
6. The Torreon/Star Lake Chapter realized the Fiscal Recovery Funds costs must be incurred by December 31, 2024, meaning that the Navajo Nation must obligate FRF funds by that date. Treasury's Final Rule provides that "incurred" shall have the same meaning given to "financial obligation" under the Uniform Guidance at 2 CFR 200.1: "Financial obligations, when referencing a recipient's or sub-recipient's use of funds under a Federal award, means orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment"; and
7. The Torreon/Star Lake Chapter realized the Fiscal Recovery Fund period performance runs from March 3, 2021, until December 31, 2026, meaning that all FRF-funded projects must be completed, and funds must be fully expended by December 31, 2026; and

8. The Torreon/Star Lake Chapter recognizes the need for these projects to improve the quality of life for its residents while combating and recovering from COVID-19 and the number of requests is only a fraction of what the chapter needs to substantially improve the community of Torreon/Star Lake Chapter for a safe, healthy, and habitable home environment.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Requesting, Accepting, Supporting and Approving CJN-290-22, American Rescue Plan Act (ARPA) Funding in the amount of \$1,100,292.50 million for the Torreon/Star Lake Chapter to be utilized for Torreon Priority One (1) Septic Repair/Replace Failed Septic Systems & Clean Out, and Priority Two (2) House Wiring and Rewiring of Older Homes, and Affirming that Torreon/Star Lake Chapter will only use awarded Funds in compliance with the American Rescue Plan Act Regulations and all other applicable Navajo Nation and Federal Laws Regulation; and
2. The Torreon/Star Lake Chapter hereby approves and identified projects for the American Rescue Plan Act and prioritized these projects as follows:

PROJECTS DESCRIPTION:	CATEGORY:	AMOUNT:
1. Repair/Replace Failed/Clean Out Septic Systems	5.4	\$630,000.00
2. House Wiring & Rewiring of Older Homes	2.18	\$470,000.00

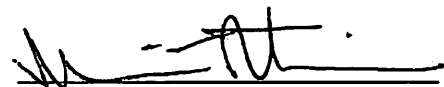
C-E-R-T-I-F-I-C-A-T-I-O-N


We, HEREBY CERTIFY that the foregoing resolution was duly considered by the Torreon/Star Lake Chapter at a duly called community chapter meeting at Torreon/Star Lake Chapter of the Navajo Nation, (Sandoval County), New Mexico at which a quorum was present and that same was approved by a vote of 25 in favor, 0 opposed, and 2 abstained, on the 5th day of April 6, 2023.

Motion made by MILTON JIM SR.

Seconded by: EDWARD LARGO


Lydell Rafael, President


Mario P. Atencio, Vice-President


Sherry Begaye, Secretary/Treasurer