



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):

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

Other Comments: _____

Name of DOJ Reviewer: _____

Signature of DOJ Reviewer: MRodis

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: Crystal Chapter Date prepared: 11/13/22

Chapter's mailing address: PO Box 775 Navaio, NM 87328 phone/email: 505.777.2800, cryst@na website (if any): https://crystal@navajochapters.org

This Form prepared by: Kristin Damon phone/email: 505.777.2800
Community Services Coordinator kdamon@nnchapters
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Crystal Chapter Warehouse

Chapter President: Patricia Slim phone & email: 928.206.8562, pslim@naata
Chapter Vice-President: LaVerne Johnson phone & email: 505.906.1205, ljohnson@na
Chapter Secretary: Marchelle Hardy phone & email: 505.979.2850, mhardy@na
Chapter Treasurer: Marchelle Hardy phone & email: 505.979.2850, mhardy@na
Chapter Manager or CSC: Kristin Damon phone & email: 505.777.2800, kdamon@nr
DCD/Chapter ASO: Derek Echohawk phone & email: 928.266.3153, ddechohawk@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): CPMD Estimate, Eagle Ready Mix, Michele's Ready Mix document attached

Amount of FRF requested: \$1.266M FRF funding period: 1/1/23 - 12/31/26
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:

Purchase a 50'x80'x18' metal warehouse for the Chapter. The Chapter has no external structure for storing COVID related PPEs, MREs, sanitation items, cleaning supplies, bulk storage of non-perishable food, bottled water, heating products such as wood, coal and wood pellets. Other emergency home repair mostly serving our senior population and Chapter repair/maintenance require building materials storage, for example, the Emergency Roofing project. Materials for requested ARPA projects will require storage including Bathroom Additions/Renovations, Rural Addressing, and Solar Lighting.

document attached

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

The warehouse will be utilized for storing donated pandemic related goods, packaging and distribution to Chapter Members. The storage warehouse will be a facility in the supply chain to consolidate products prior to distribution. Stored materials will improve member's safety, reduce transportation costs, and improve community response time.

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:

January 2023 – December 31, 2026.

document attached

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

DCD CPMD, Crystal Chapter Community Service Coordinator, Crystal Chapter Officials, Project Manager

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:

There are no plans to run water to the warehouse. Costs associated with maintenance and operations will be built into future fiscal year budgets. Negotiations for warehouse related deliverables by contractors/sub-contractors will include an extended coverage warranty.

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:

1.14 Other Public Health Services - Crystal Chapter needs 'enclosed' storage for delivery of PPEs, MREs, sanitation, water, non-perishable food, and heating supplies such as wood, coal and wood pellets. All items need to be in a lockable secure structure to prevent theft. Crystal has heavy equipment including a road grader, two backhoes, and tractor, all requiring coverage in order to insure through Risk Management. Crystal also has projects requiring storage of construction materials used to repair homes when inclement weather damages the area.

document attached

Part 3. Additional documents.



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

Crystal Warehouse - Appendix A additional text
Crystal (smaller) Warehouse Purpose Scope of Work
Crystal (smaller) Warehouse Quotes
CRY-11-2022-030

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 CSC

Approved by: 
signature of Chapter President (or Vice-President)
Approved by:  12/15/2022
signature of Chapter ASO
Approved to submit for Review: 
signature of DCD Director

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 1
BUDGET FORM 1

PART I. Business Unit No.: New Program Title: Crystal Chapter Warehouse Division/Branch: Div of Community Development
 Prepared By: Kristin Damon Phone No.: 505.777.2800 Email Address: kdamon@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 or Total
NN Fiscal Recovery Funds	<u>11/23-12/31/26</u> <u>2023-2026</u>	\$1,266,000.00	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	<u>6</u>		<u>\$1,266,000.00</u>	<u>1,266,000</u>
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	<u>1,266,000.00</u>	<u>1,266,000.00</u>
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		<u>6</u>	<u>6</u>	
				Total # of Vehicles Budgeted:		<u>6</u>	<u>6</u>	
		TOTAL:	\$1,266,000.00	100%				

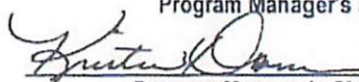

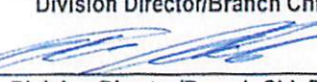
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Sonlata Jim Martin, Administrative Service Center Department Manager
 Program Manager's Printed Name: Sonlata Jim Martin
 Program Manager's Signature and Date: [Signature] 12/15/2022

APPROVED BY: Dr. Pearl Yellowman, Executive Director
 Division Director / Branch Chief's Printed Name: Dr. Pearl Yellowman
 Division Director / Branch Chief's Signature and Date: [Signature] 12.15.22

FY 2023

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:									
Business Unit No.: <u>New</u>			Program Name/Title: <u>Crystal Chapter Warehouse</u>						
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: <u>Crystal Chapter Resolution CRY-2022-11-30</u>									
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>New warehouse to store & protect COVID related supplies, provide cover for heavy equipment to qualify for Risk Manage. Insurance</u>									
Program Performance Measure/Objective:									
2. Goal Statement: <u>100% completion of warehouse before 12/31/26</u>									
Program Performance Measure/Objective:									
3. Goal Statement:									
Program Performance Measure/Objective:									
4. Goal Statement:									
Program Performance Measure/Objective:									
5. Goal Statement:									
Program Performance Measure/Objective:									
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
<u>Kristin Damon</u> Program Manager's Printed Name			<u>James Adakai, Deputy Director</u>			<u>Calvin Castillo, Executive Director</u> Division Director/Branch Chief's Printed Name			
 Program Manager's Signature and Date		<u>1/11/23</u>		 Program Manager's Signature and Date		 Division Director/Branch Chief's Signature and Date		<u>1/18/23</u>	

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Crystal Chapter Warehouse</u>		Business Unit No.: <u>New</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)
6500	Contractual Services		1,266,000
6960	Subcontracted Services		
6990	Subcontracted Services (Contractors to construct Crystal Chapter Warehouse)	1,266,000	
TOTAL		1,266,000	1,266,000

THE NAVAJO NATION PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: <u>New</u>	PART II. Project Information																														
Project Title: <u>Crystal Chapter Warehouse</u>	Project Type: <u>Crystal Chapter Warehouse</u>																														
Project Description <u>New warehouse to store & protect COVID related supplies, provide cover for heavy equipment to qualify for Risk Manage. Insurance</u>	Planned Start Date: <u>3/1/2023</u>																														
	Planned End Date: <u>12/31/2026</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	Project Manager: <u>Leanord Mose, CPMD</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.						
	23												FY 24																		
	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	
Pre-construct Warehouse Requirements						X	X																								
- NTUA Consultation						X	X																								
Land accessment / preparation						X	X																								
Warehouse structure acquisition							X	X		X	X		X	X		X	X		X	X		X	X								
Construction								X		X	X		X	X		X	X		X	X		X	X								
Electricity installation											X	X										X	X								
Inspection																							X	X							
PART V.	\$			\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL			
Expected Quarterly Expenditures							1,266,000.00																					\$1,266,000.00			

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____



PO Box 775, Navajo, New Mexico 87328

Phone: (505)777-2800 & Fax (505)777-2805

CRY-11-2022-030

RESOLUTION OF THE CRYSTAL CHAPTER

SUPPORTING THE CHAPTER PROPOSAL OF THE NAVAJO NATION GOVERNMENT FOR THE AMERICAN RESCUE PLAN ACT OF 2021 BY AND THROUGH THE NAVAJO FISCAL RECOVERY FUND FOR ENUMERATED CHAPTER PROJECTS

WHEREAS:

1. Pursuant to 26 N.N.C §3.A. The Crystal Chapter is a duly recognized certified Chapter of the Navajo Nation Government as listed as 11 N.N.C., Part 1, §10; and
2. Pursuant to 26 N.N.C §1.B., the Crystal Chapter is vested with the authority to review all matters affecting community to make appropriate corrections when necessary and to make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. On March 6, 2021, the U.S. Congress approved the American Rescue Plan Act of 2021; and on March 11, 2021, the U.S. President Joe Biden signed it into law; and
4. The Navajo Nation received 1.9 billion of funding through the American Rescue Plan Act of 2021; and established the Navajo Fiscal Recovery Fund ("FRF") Office to oversee the application for proposals for the ARPA projects for Navajo chapters; and
5. The Navajo Division of Community Development is identified in the Navajo Nation Council Resolution C is managing the Navajo chapter governance of the ARPA proposals submission for the 110 Navajo governance chapters. Crystal Chapter initially submitted infrastructure proposal for their respective chapter; and
6. The Navajo Nation has identified six ARPA related activities which includes powerline, housing wiring, waterline, bathroom additions, and rural addressing; and
7. In 2021, the Crystal Chapter initially identified three community projects, ARPA related activities which are as follows: A. Rural Addressing B. Bathroom Addition C. Warehouse; and
8. The Crystal Chapter subsequently conducted its assessments, data collection and the projects are ready for funding; and submit a letter from Crystal Chapter Officials listing propriety projects; and
9. The Crystal Chapter is submitting six projects for the American Rescue Plan Act ("ARPA") proposal to the Navajo Nation Division of Community Development according to the project checklist and the ARPA guidelines. Projects serving individual community members and their families rather than the community are on "needs based." The following are the identified APRA projects for the funds of proposed capital items:
 - a. Infrastructure of Electricity, water access, bathroom additions, bathroom renovations – The Crystal community still has families lacking basic necessities to keep minimum sanitation because of lack of water, lack of bathroom, and lack of electricity. These lack of

infrastructures adversely affect the community members because they cannot improve their well-being to keep their homes and family sanitized to fight the pandemic.


- b. Storage Warehouse, 50 ft. x 80 ft. x 18ft. – to store perishable food items, medical supplies, equipment that will be used in emergency situations; particularly to combat devastation of dealings with the COVID-19 pandemic. We need to store heavy equipment to keep them mechanically functioning to assist community members during the loss of their family members as result of COVID-19 pandemic.
- c. One (1) Three-quarter ($\frac{3}{4}$) ton 4x4 Truck
- d. Twenty (20) foot Gooseneck trailer with five feet ramps
- e. Rural Addressing project by obtaining Street signs within Crystal Community
- f. Five (5) solar street lights to be located at the entrance to Chapter House, turn-off from highway Navajo Route 12 to chapter parking lot.

NOW THEREFORE BE IT RESOLVED THAT:

- A. The Chapter hereby supports the proposal of the Navajo Nation government for the American Rescue Plan Act/Fiscal Recovery Funds as intended to support governmental efforts to mitigate and contain the spread of COVID-19, as well as to respond to the health, social and economic impacts of COVID-19 suffered by residents and businesses. In accordance with Section 9901 or ARPA, Fiscal Recovery Funds shall only be used for following:
 1. To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits; or aid to impacted industries such as tourism, travel, and hospitality.
 2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.
 3. To provide government services to the extent of the reduction in Navajo Nation revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the emergency; and
 4. To make necessary investment in water, sewer, or broadband infrastructure.
- B. Under the direction of the FRF Expenditure Plan Budget Crystal Chapter is supporting the Project and affirming that the Chapter will only use awarded Funds in compliance with the ARPA, the ARPA Regulations, and all other applicable Navajo Nation and federal laws and regulations. This provision does not apply to formula-based distributions of Fiscal Recovery Funds to Non-Governance Certified Chapters.
- C. The Crystal Chapter leadership and its community members support the proposal of the above-mentioned capital items for ARPA/FRF funding according to the American Rescue Plan Act appropriations regulations and guidelines.

CERTIFICATION

I, hereby certify the foregoing resolution was duly considered by the Crystal Chapter at a duly called chapter meeting at Crystal (Navajo Nation), New Mexico which a quorum was present and that same was motioned by Charlene Chee and seconded by Louise Q. Mark by votes of (18) in favor, (00) opposed and (03) abstained this 20th day of November 2022.



Patricia Slim, Chapter President