



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

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

**RFS/HK Review #:** HK0363

**Date & Time Received:** 12/20/2022 at 16:42

**Date & Time of Response:** 12/29/2022 at 17:00

**Entity Requesting FRF:** Mexican Water Chapter

**Title of Project:** Warehouse for Storage of Heavy Equipment and PPE Supplies

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$1,267,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

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

**U.S. Department of Treasury Reporting Expenditure Category:** 6.1, Provision of Government Services

**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: **Please note that we have modified the expenditure category from 1.5 (Personal Protective Equipment) to 6.1 (Government Services). Given the intended uses of the warehouse and the amount of funding involved, the government services category is a better fit for the Project.**

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: This Initial Eligibility Determination is based on the documents provided which we have assumed are true, correct, and complete. Should the Project or Program change in any material way after this initial determination, the requestor must seek the advice of NNDOJ. This 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.

## APPENDIX A

### THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN FOR GOVERNANCE-CERTIFIED CHAPTERS

#### Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Mexican Water Chapter Date prepared: 11/23/2022

Chapter's mailing address: Red Mesa TP#1019, HC 61 Box 38 phone & email: 928-429-0943 mexicanwater@navajochapters.org  
Teec Nos Pos, AZ 86514 website (if any): mexicanwater.navajochapters.org

This Form prepared by: Phoebe Begay, Sr. Accountant phone/email: 928-429-0943/0986/1054  
pcbegay@nnchapters.org

CONTACT PERSON'S name and title

CONTACT PERSON'S Info

Title and type of Project: Warehouse for storage of heavy equipment and PPE supplies

Chapter President: Curtis Yanito phone & email: 928-429-0943 cyanito@naataanii.org

Chapter Vice-President: Cassandra Beletso phone & email: 928-429-0943 cbeletso@unhsinc.org

Chapter Secretary: Clifford L. Sagg phone & email: 928-429-0943 csagg@navajochapters.org

Chapter Treasurer: Clifford L. Sagg phone & email: 928-429-0943 csagg@navajochapters.org

Chapter Manager or CSC: Phoebe Begay, Acting CM phone & email: 928-429-0943 mexicanwater@navajochapters.org

DCD/Chapter ASO: Calvin Tsosie phone & email: 928-429-0096 cetsosie@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): \_\_\_\_\_

Amount of FRF requested: 1,267,200.00 10/1/23 - 9/30/26 ☐ document attached  
\$1,760,468.00 FRF funding period: FY2022 - 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:

Funds will be used to purchase a warehouse which will be used to store PPE, food/water, other care packages for covid related patients. In addition to store the backhoe that the chapter will get to provide backhoe services for burial assistance for covid related deaths.

☐ document attached

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

The benefits of a warehouse is the safekeeping of supplies and equipment from vandalism, weather damage and extend the life of heavy equipment. Having supplies and equipment readily available will help covid patients and families upon request for assistance.

☐ document attached

(c) 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:



## APPENDIX A

☐ document attached

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

The Mexican Water Chapter and Administrative Service Center will be responsible for the implementation of the warehouse project.

☐ 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:

Once the project is completed, The Mexican Water Chapter will be responsible for the operations and maintenance costs using the chapter fundings.

☐ 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. The Mexican Water Chapter at its current location does not have a warehouse. There is an old warehouse at a different location but it is in a poor condition. In addition the roads are at times not passable which is hard to get to. This warehouse will be onsite and will be available to store backhoe and other PPE supplies to mitigate covid-19.

☐ document attached

### Part 3. Additional documents.

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

☐ 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: Shirley Begay  
signature of Preparer/CONTACT PERSON

Approved by:

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

Approved by: Shirley Begay  
signature of Chapter Manager or SAC

Approved by:

[Signature]  
signature of DCD/Chapter ASO

Approved to submit  
for Review:

[Signature]  
signature of DCD Director

FY 2023

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 3  
**BUDGET FORM 1**

PART I. Business Unit No.: NEW Program Title: Mexican Water Chapter Warehouse Division/Branch: Mexican Water Chapter  
Prepared By: Phoebe Begay, Sr. Accountant Phone No.: (928) 429-0943 Email Address: pcbegay@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 Funds	10/1/2023 9/30/2024	1,267,200	100%					
				2001 Personnel Expenses				-
				3000 Travel Expenses				-
				3500 Meeting Expenses				-
				4000 Supplies	6	223,500.00	223,500.00	223,500.00
				5000 Lease and Rental				-
				5500 Communications and Utilities	6	255,000.00	255,000.00	255,000.00
				6000 Repairs and Maintenance				-
				6500 Contractual Services	6	150,000.00	150,000.00	150,000.00
				7000 Special Transactions				-
				8000 Public Assistance				-
				9000 Capital Outlay	6	427,500.00	427,500.00	427,500.00
				9500 Matching Funds	6	211,200.00	211,200.00	211,200.00
				9500 Indirect Cost				-
				<b>TOTAL</b>		1,267,200.00	1,267,200.00	-
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Permanently Assigned Vehicles:		0	0	
<b>TOTAL:</b>		<b>1,267,200</b>	<b>100%</b>					

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

Sonlatsa Jim-Martin, ASC Department Manager

SUBMITTED BY: Program Manager's Printed Name & Signature /Date

Sonlatsa Jim-Martin 12/19/2022  
SUBMITTED BY: Program Manager's Signature and Date

APPROVED BY: Division Director/Branch Chief's Printed Name

APPROVED BY: Division Director/Branch Chief's Signature and Date

12.16.22



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

## PART I. PROGRAM INFORMATION:

Business Unit No.:

0-NEW

Program Name/Title:

Mexican Water Chapter

Warehouse

## 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 to the chapter membership.

## 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:

To purchase a new warehouse.

Goal Statement:

To obtain 3 quotes using the Procurement Process to purchase warehouse

0		0		0		1	
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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.

Sonlatsa Jim-Martin, ASC Department Manager

Program Manager's Printed Name

Sonlatsa Jim

12/19/2022

Program Manager's Signature and Date

[Signature]  
Division Director/Branch Chief's Printed Name[Signature]  
Division Director/Branch Chief's Signature and Date

12-16-22

FY 2023THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATIONPage 3 of 3  
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Mexican Water Chapter</u>		Business Unit No.: <u>0 NEW</u>	
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
	5500 Communicatons and Utilities		1,267,200.00
4000	Supplies: Foundation and concrete slab on grade	223,500.00	
5500	Communication and Utilities: Estimated cost and infrastructure	255,000.00	
6500	Contractural Services: Plan and Design	150,000.00	
9000	Capital Outlay: Estimated cost for the Pre-Engineered Building only	427,500.00	
9500	Matching Funds: Contingency Plans (inflation 20%)	211,200.00	
TOTAL		1,267,200.00	1,267,200.00



## MEXICAN WATER CHAPTER



Red Mesa TP#1019, HC 61 Box 38 • Teec Nos Pos, AZ 86514 • (928) 429-0986

# Mexican Water Chapter

MWCDEC06-016

## RESOLUTION OF MEXICAN WATER CHAPTER

**APPROVING THE APPENDIX A, THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST FORM AND EXPENDITURE PLAN FOR MEXICAN WATER CHAPTER'S CONSTRUCTION OF A NEW WAREHOUSE PROJECT FOR STORAGE OF PPE's, WATER, WOOD, COAL, FOOD AND HEAVY EQUIPMENT.**

### WHEREAS,

1. Pursuant to 26 N.N.C., Section 102 (B); which permits Mexican Water Chapter to exercise local governance authorities contained within 26 N.N.C. Section 103, with the exception of land administration authority pursuant to 26 N.N.C. Section (D) (1); and
2. Pursuant to 26 N.N.C., Section 3 (A) the Mexican Water Chapter is a recognized certified Chapter of the Navajo Nation government, as listed at 11 N.N.C. part 1, section 10; and
3. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA); and
4. The Mexican Water Chapter is requesting funding from the ARPA funding pool in the amount of \$1,267,200.00 for a 3 Bay 50' by 80', 4,000 square feet warehouse; the funds will be used for the construction of a new warehouse for the secure storage of PPEs, water wood, coal, food and other valuable asset; and to mitigate the COVID-19 Pandemic; and
5. The current Mexican Water Chapter warehouse is in dilapidated condition, the roof is leaking and is located at the old chapter property in Arizona; and
6. The Mexican Water Chapter is requesting the new warehouse to be built on Mexican Water Chapter property in Utah; and
7. The Mexican Water Chapter will advertise through the Navajo Times newspaper for an invitation for bid to potential vendors operating on and off the Navajo Nation, announcing a Competitive Sealed Bidding.

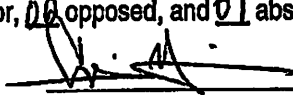
### NOW THEREFORE BE IT RESOLVED THAT;

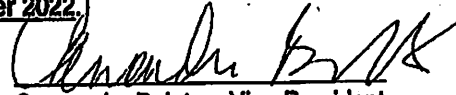
1. The Mexican Water Chapter hereby approves Appendix A, the Navajo Nation Fiscal Recovery Funds Request Form and Expenditure Plan for Mexican Water Chapter's construction of a new warehouse project for the requested funding amount of \$1,267,2000 for a 3 Bay 50' by 80', 4,000 square feet warehouse; attached as Appendix "A".
2. The Mexican Water Chapter Administration will be responsible for the implementation of the warehouse project and to maintain the operation and its maintenance cost.
3. The Mexican Water Chapter Administration shall initiate the Construction of the New Warehouse Project in Fiscal Year 2023, and the estimated date of completion of the project will be before December 31, 2026.



**CERTIFICATION**

We, hereby certify that the foregoing resolution was duly considered by the Mexican Water Chapter membership, at a duly called Chapter Meeting at which a quorum was present and that the same was enacted by a vote of 25 in favor, 0 opposed, and 0 abstained, this 06<sup>th</sup> day of December 2022.

  
Curtis Yanito, President

  
Cassandra Beletso, Vice-President

  
Clifford L. Sagg, Secretary/Treasurer

**PRELIMINARY COST ESTIMATE FOR A PRE ENGINEERED  
WAREHOUSE FOR HEAVY EQUIPMENT STORAGE.**

**3 Bay 50' X 80', 4,000 Square Feet**

**Preliminary Cost Per Square Footage.....\$ 264.00**

**Plans and Design.....\$150,000.00**

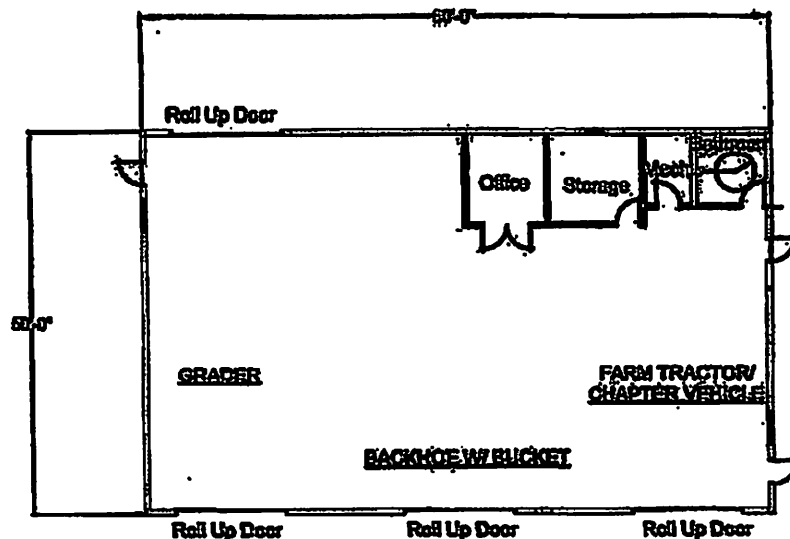
**Estimated Cost for the Pre-Engineered Building only.....\$427,500.00**

**Estimated Cost for Utilities and Infrastructure .....\$255,000.00**

**Foundation and Concrete Slab on Grade.....\$223,500.00**

**TOTAL COST      \$1,055,000.00**

**NOTE: COST MAY VARY ACCORDING TO SITE AND SOIL CONDICTIONS**



### 3-BAYS METAL WAREHOUSE BUILDING FLOOR PLAN

#### STRUCTURE:

- A. Size: 67' X 50' With 14' / 48' Height - Three (3) Bays
- B. 67'6" Concrete Foundation of Concrete
- C. Heavy Duty Steel Frame - Withstand 80 MPH
- D. Manual Roll Up Bay Doors
- E. Ceiling Hardware and Fans
- F. Wall Mounted Exhaust Fans
- G. Industrial Mounted and Sky Lights
- H. Electric Installation (Power line) - Maximum Amps allowed to Accommodate Equipment:

- Mechanical LR
- Air Compressor
- Welding Machine

I. Adequate Space for excess fluid storage (oil, transmission, gas)

J. Heavy Equipment: Motor Grader, Backhoe w/ Bucket, Farm Tractor, Chapter Vehicle, Gooseneck and Utility Trailer

#### UTILIZATION:

##### WATER:

There will be water or no water to the new Metal Warehouse Facility, depending on the Chapter's preference. Safety measures are in place to prevent or aide in the safety system will be installed according to Risk Management and NFPA Requirements. In addition, restroom facilities are located in the Chapter and near the Warehouse Facility.

##### OPERATIONS:

Please take notice that hours of operations and heavy equipment traffic is limited to 8 am to 5 pm and only as requested by community members and Chapters. It is rare that heavy equipment is operation at its full function of 8 am to 5 pm, Monday thru Friday.



### **Mexican Water Chapter Construction of New Warehouse**

**Table :** Displays the Project Cost Estimate for a 3 Bay 50'x80', 4,000 square feet

<b>Preliminary Cost Per Square Foot</b>	<b>\$ 316.80</b>
<b>Plan and Design</b>	<b>150,000.00</b>
<b>Estimated Cost for the Pre-Engineered Building only</b>	<b>427,500.00</b>
<b>Estimated Cost for Utilities and Infrastructure</b>	<b>255,000.00</b>
<b>Foundation and Concrete Slab on Grade</b>	<b>223,500.00</b>
<b>Contingency (Inflation): 20%</b>	<b>211,200.00</b>
<b>Total Cost</b>	<b>\$ 1,267,200.00</b>

**NOTE:** Cost may vary according to site and soil condition

**Image :** Displays the location of the Mexican Water Chapter Proposed New Warehouse Construction Site  
In proximity of Mexican Water Chapter.