



**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 #: HK0312

Date & Time Received: 12/16/22 13:46

Date & Time of Response: 12/28/2022 5:00 PM

Entity Requesting FRF: Low Mountain Chapter

Title of Project: Drainage/Septic System Project - Failed Septic Services

Administrative Oversight: \_\_\_\_\_

Amount of Funding Requested: \$140,000.00

**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: **Kristen A. Lowell**

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Low Mountain Chapter Date prepared: 10/26/2022

Chapter's mailing address: PO Box 4416 phone/email: (928) 725 - 3700 / lowmountain@navajochapters.org  
Blue Gap, AZ. 86520 website (if any): http://lowmountain.ndes.org

This Form prepared by: Mareita Denny, Project Manager. phone/email: (505) 979 - 3001 / mareitajdenny@yahoo.com  
Roger George, Chapter Vice President. (928) 401 - 1935 / rgeorge@naataanii.org  
*CONTACT PERSON'S name and title* *CONTACT PERSON'S info*

Title and type of Project: Drainage/ Septic System Project - Failed Septic Services

Chapter President: Ben L. Gonnie phone & email: (928) 313 - 8726 / m63563963@gmail.com

Chapter Vice-President: Roger B. George phone & email: (928) 401 - 1935 / rgeorge@naataanii.org

Chapter Secretary: Rose A. Charley phone & email: (928) 386 - 3511 / girlyazzie1947@hotmail.com

Chapter Treasurer: Rose A. Charley phone & email: (928) 386 - 3511 / girlyazzie1947@hotmail.com

Chapter Manager or CSC: Ella Nelson, AMS / Acting CSC phone & email: (928) 814 - 7122 / enelson@navajochapters.org

DCD/Chapter ASO: Robert Jumbo, ASO - ASC / DCD phone & email: rjumbo@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): NTUA, I.H.S. OR CONTRACTOR  
 document attached

Amount of FRF requested: \$140,000.00 FRF funding period: January 1, 2023-December 31, 2024  
*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:

Drainage/Septic System Project/Failed Septic Services: According to LMC project plans, the 2021 needs assessments, approximately 18 homes were in dire need of drainage septic/system replacements. Homes built in the early 1960s and drainage/septic systems installed early 1980s and in May and June 2022 many of these systems have failed to operate or function properly for home ownership. The LMC did give the Sterling Foundation a price quote of \$262,566.00 for the replacement project but they deemed this to be costly and excessive for the foundation to assist funding the drainage system project.

With the COVID-19 pandemic still on the Navajo Nation, the local official's concerns are in some homes where there are more than one family. It's critical when the family needs to quarantine and go into isolation due to COVID-19 infection of other family members. The overcrowding and closeness within these home situations become critical that leads to rampant unchecked growth or spread of COVID-19 infections of the whole household.

Upon completion of the proposed drainage/septic system, replacement projects will effectuate a better living condition for all the family members and improve their health environments as well.

document attached

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

Whether we know it or not, living conditions within our communities have been cited as comparable to third world living (Gallup independent) It is impossible to succinctly describe the many factors that have contributed to the challenges that our communities face today, but the following facts about the most pressing issues of economic, health and better homes gives a hint of what life is like for many of our chapter's memberships. The lack of better homes is a public health crisis where some family, due to the pandemic, the LMC may have some of the worst social and economic outcomes. We are more likely to be negatively affected by funding cuts, lack of the same and policy changes. We can just hope for the best with this ARPA funding request. The Navajo Nation can learn from this and can be very beneficial.

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:

ARPA funding meeting the specified needs will expedite to carry or cause to go with haste completion on or before December 31st, 2024 or fully expand funds and completion of project by December 31st, 2026. Precise scheduling and commitment, funding can be incurred by December 31st, 2024.

document attached

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

Main responsibility with the appointed project manager and community service coordinator in coordination with Chapter officials. Chapter advisements and some trainings to home ownership with primary responsibilities and maintenance upkeep.

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:

Selected home ownerships will be charged with operations and maintenance upkeep and costs for the project once completed prospectively. Maybe deferred to the Navajo Nation Aging Services Program.

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 Under this category, because bathrooms are an important support necessity for cleanliness, especially for the elderly population, people with disabilities, single parents, children and oldster veterans.

document attached

**Part 3. Additional documents.**

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

- 1. Existing chapters, proposal for support information
- 2. June 4th, 2022 Kee Allen Begay Jr. Delegates memorandum.
- 3. others.

Chapter Resolution attached

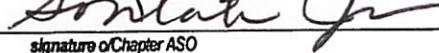
**Part 4. Affirmation by Funding Recipient.**

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)

Approved by:   
signature of CSC

Approved by:  12/12/2022  
signature of Chapter ASO

Approved to submit for Review:  NMF2FO  
signature of DCD Director

FY 2023

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: New Program Title: LOW MOUNTAIN CHAPTER Drainage / Septic System Division / Branch DCD/Executive  
 Prepared By: MAREITA DENNY, Project Manager Phone No.: 928-725-3700 Email Address: lowmountain@navajochapters.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 ARPA FUNDS	<u>1/1/23 - 12/31/24</u>	140,000.00	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	<u>0</u>	140,000.00	140,000.00
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL			140,000.00	140,000.00
TOTAL: \$140,000.00 100%				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	

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

SUBMITTED BY: Sonlasta Jim-Martin APPROVED BY: Dr. Pearl Yellowman  
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name  
Sonlasta Jim 12/12/2022 Pearl Yellowman 12.13.22  
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

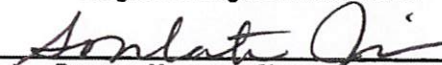
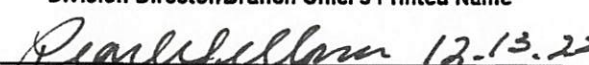
THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

**PART I. PROGRAM INFORMATION:**  
 Business Unit No.: New Program Name/Title: LOW MOUNTAIN CHAPTER Drainage/Septic system

**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: Assist community members with Drainage/Septic Replacement. Program Performance Measure/Objective: Assist 14-Community Members with Drainage/Septic Replacement due to failure of system.							14	
2. Goal Statement:  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>Sonlatsa Jim-Martin, Department Manager II</u> Program Manager's Printed Name  Program Manager's Signature and Date 12/12/2022	<u>Dr. Pearl Yellowman, Division Director</u> Division Director/Branch Chief's Printed Name  Division Director/Branch Chief's Signature and Date 12-13-22
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THE NAVAJO NATION  
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:  
 Program Name/Title: LOW MOUNTAIN CHAPTER *Drainage/Septic System* Business Unit No.: *New*

PART II. DETAILED BUDGET:		(C)	(D)
(A)	(B)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
Object Description and Justification (LOD 7)			
8500	Infrastructure (non-cap) 8550 - Water/Wastewater: Assist 14-Community Members with Drainage/Septic System Replacement @ \$10,000.00 = \$140,000.00.	140,000.00	140,000.00
TOTAL		140,000.00	140,000.00

**RESOLUTION OF THE (LMC)  
LOW MOUNTAIN CHAPTER  
NAVAJO NATION GOVERNMENT**

**SUPPORTING RESOLUTION REQUESTING THE NAVAJO NATION TO FUND THE LOW MOUNTAIN CHAPTER IN THE AMOUNT OF \$140,000.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST AND EXPENDITURE PLANS AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT (ARPA) FOR THE DRAINAGE/SEPTIC SYSTEM REPLACEMENT PROJECT FOR FAILED SYSTEM FOR COMMUNITY MEMBERS.**

**WHEREAS:**

1. Pursuant to Title 26 N.N.C., § 3 (A) and as listed pursuant to Title 11 N.N.C., Part 1 § 10 the LMC is a duly recognized certified Chapter of the Navajo Nation government and as such may preserve or promote community interests; **AND,**
2. Pursuant to Title 26 N.N.C., § 1 (B) the LMC is a duly certified Chapter of the Navajo Nation Government and recognized as a local tribal entity vested with the authority to review all matters affecting the community and to make appropriate recommendations to the Navajo Nation concerning matters that are in the best interest of the community; **AND,**
3. The Low Mountain Chapter recognizes that the financing of the Community drainage/septic system replacement projects are very critically needed and requires health officials' concerns and coordination with the local Chapter Officials and the Administrative 2021 community needs assessments, 14 homes were determined in dire need of drainage/septic replacement; **AND,**
4. A lot of the older homes built in the 1960s and the drainage/septic systems installed in the early 1980s, the homeowners are experiencing these difficulties and tripled with COVID-19 still on the Navajo Nation and existing home conditions with respect to need of replacing system; **AND,**
5. Completion of the proposed Low Mountain Chapter Septic System Pumping project, the effected community members can be able to benefit to a better healthy living standards and improved good health esp. as an actively sought goals or the state of being happy and overall healthy situated family homes.

**NOW, THEREFOR BE IT RESOLVED, THAT:**

1. Supporting Resolution Requesting The Navajo Nation To Fund The Low Mountain Chapter In The Amount Of \$140,000.00 From The Navajo Nation Fiscal Recovery Funds Request And Expenditure Plans as authorized by the American Rescue Plan Act (ARPA) For The Drainage/Septic System Replacement Projects to assist 14 community membership.

Motion By: John Pekin

Second By: Sullivan John

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

We hereby certify that the foregoing Chapter resolution was duly considered by the Low Mountain Chapter at a duly-called Chapter meeting at Low Mountain Chapter, Low Mountain (Navajo Nation), Arizona, at which a quorum was present and that the same was passed by a vote of 11 in favor, 0 opposed, 2 abstained on this 10<sup>th</sup> day of Nov., 2022.

Ben L. Gonnig  
Ben L. Gonnig, Chapter President

Roger B. George  
Roger B. George, Chapter Vice President

Rose Ann Charley  
Rose Ann Charley, Chapter Secretary/Treasurer