



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 #: HK0336

Date & Time Received: 12/16/22 14:04

Date & Time of Response: 12/22/22 at 1:41 Reissued: 8/1/23 at 3:51 pm

Entity Requesting FRF: Low Mountain Chapter

Title of Project: New Homes Waterline Extension Project

Administrative Oversight: Department of Water Resources

Amount of Funding Requested: \$48,000.00

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: 5.13 Drinking Water: Source

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: Error in oversight corrected to DWR.

Name of DOJ Reviewer: Navalyn R. Platero

Signature of DOJ Reviewer:  Reissued 8/1/23

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: 11/28/2022

Chapter's mailing address: PO BOX 4416 phone/email: 928-725-3700
Blue Gap, Arizona 86520 website (if any): lowmountainchapter

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: NEW HOMES WATERLINE EXTENSION.

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 Ann Charley phone & email: 928-386-3511 girlyazzie1947@hotmail.com

Chapter Treasurer: Roses Ann Charley phone & email: 928-386-3511 girlyazzie1947@hotmail.com

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

DCD/Chapter ASO: Robert Jumbo, ASO-ASC-DCD phone & email: 928-674-2251 rjumbo@nndcd.org

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

☐ document attached

Amount of FRF requested: 48,000.00 FRF funding period: Febraury 2023 - December 31, 2025
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:

This electric and powerline project is critical and connection must by planned before completion of new house construction. An application for water connection must be submitted earlier due to NTUA work load and schedule. Thsi portion of waterline extension will occur in conjunction with new house construction. New houses are provided to families whom are susceptible to virus particularly COVID and to control the spread of virus.

☐ document attached

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

New houses construction benefits the elderles, handicapped, disabled, and any families who lived in dilapidated shelters. Any rights of ways for waterline to new house will be first studies ir ROW can ve waived. Discussion of ROW issue will be cleared by NTUA and BIA before completion.

☐ 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:

Procurement time: Practice Sole Source Procurement beginning March 01, 2024.

Construction by NTUA.

Project Period: Begin March 13, 2023 and ending December 2025.

☐ document attached

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

Low Mountain chapter and the administration.

☐ 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:

Homeowners will be responsible for maintenance as required by NTUA from meter loop to the house. NTUA will be responsible from main waterline to meterbody. This is standard respective cost operation duties between homeowners and NTUA.

☐ 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:

Fiscal Recovery Fund expenditure categories - Housing Support: Other Housing Assistance 5.15

To complete new house construction, water connection budget is necessary.

☐ document attached

Part 3. Additional documents.

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

Low Mountain 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:

signature of Preparer CONTACT PERSON

Approved by:

signature of Chapter President (or Vice-President)

Approved by:

signature of CSC

Approved by:

signature of Chapter ASO

12/12/2022

Approved to submit
for Review:

signature of DCD Director

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>LOW MOUNTAIN CHAPTER</u> New home Waterline Extension		DCD/Executive	
Prepared By: <u>MAREITA DENNY, Chapter Manager</u>		Phone No.: <u>928-725-3700</u>		Email Address: <u>lowmountain@navajochapters.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 ARPA FUNDS	2023	1/1/23 - 12/31/26	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	0	48,000.00	48,000.00
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL			48,000.00	48,000.00

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: <u>Sonlasta Jim-Martin</u> <div style="display: flex; justify-content: space-between;"> <div> <u><i>Sonlasta Jim-Martin</i></u> Program Manager's Signature and Date </div> <div> <u>12/12/2022</u> Date </div> </div>	APPROVED BY: <u>Dr. Pearl Yellowman</u> <div style="display: flex; justify-content: space-between;"> <div> <u><i>Pearl Yellowman</i></u> Division Director / Branch Chief's Signature and Date </div> <div> <u>12.13.22</u> Date </div> </div>

FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 3
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.:

New

Program Name/Title:

LOW MOUNTAIN CHAPTER

New home
Waterline Extension**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 Waterline Extension.**Program Performance Measure/Objective:**Assist 3-Community Members with Waterline Extension.

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2. Goal Statement:**Program Performance Measure/Objective:**

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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.

Sonlasta Jim-Martin

Program Manager's Printed Name

Sonlasta Jim

12/12/2022

Program Manager's Signature and Date

Dr. Pearl Yellowman

Division Director/Branch Chief's Printed Name

Pearl Yellowman 12.13.22

Division Director/Branch Chief's Signature and Date

FY 2023

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

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Business Unit No.: _____	
LOW MOUNTIAN CHAPTER		New home Waterline Extension	
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 - Waterline Extension: Assist 3-Community Members with Waterline Extension @ \$12,000.00 = \$48,000.00.	48,000.00	48,000
OTAL		48,000.00	48,000.00

**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 \$48,000.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST AND EXPENDITURE PLANS AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT (ARPA) FOR LOW MOUNTAIN CHAPTER WATERLINE EXTENSION PROJECT TO ASSIST [3] 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. Low Mountain Chapter will be constructing 3 New houses for overcrowding and shortage of housing, which will need to be connected with waterline; **AND,**
4. According to a study from the Indian Health Services about 60% of Navajo families are without indoor plumbing for bathroom and drinking water; **AND,**
5. Insufficient access to indoor plumbing and drinking water is what are community members are struggling from, especially in areas of personal hygiene, therefore indoor plumbing facility is in dire need.

NOW, THEREFORE BE IT RESOLVED, THAT:

Supporting Resolution Requesting The Navajo Nation To Fund The Low Mountain Chapter In The Amount Of \$48,000.00 From The Navajo Nation Fiscal Recovery Funds Request And Expenditure Plans As Authorized By The American Rescue Plan Act (ARPA) For Low Mountain Chapter Waterline Extension Project to assist 3 Community members.

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 10th day of Nov, 2022.

Ben L. Gonnie
Ben L. Gonnie, Chapter President

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

Rose Ann Charley
Rose Ann Charley, Chapter Secretary/Treasurer