



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 #: HK0334

Date & Time Received: 12/16/22 14:07

Date & Time of Response: 12/22/22 17:00

Entity Requesting FRF: Low Mountain Chapter

Title of Project: Cell Tower Project w/CellularOne - Tower Construction Plans

Administrative Oversight: Broadband

Amount of Funding Requested: \$700,000.00

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: 1.14 Other Public Health 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: _____

Name of DOJ Reviewer: MacArthur Stant

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: Cell Tower Project w/CellularOne - Tower Construction Plans

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): Smith Bagley, Inc. DBA Cellular One of Northeast Arizona

☒ document attached

Amount of FRF requested: \$700,000.00 FRF funding period: NOVEMBER 14, 2022-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:

Cell Tower Project w/ CellularOne: Basically, ARPA Funds to be used for Cellular Tower Construction Cost. Covid-19 high priority for expanded telecommunication services for health standards, social services, well being, and Covid-19 mitigation for the LMC (4) community areas.

☒ document attached

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

The broadband buildout plans for the Navajo Nation is vital in that unserved and underserved Navajo people can be adequately served. Important for the Navajo people to become connected and stay connected. Communication for schools, public safety, hospitals, and government are necessary for bridging the gap between rural chapters and the Navajo Nation.

☒ 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:

Planning/Design & Construction June 30th, 2023, lack of collaboration or spending plan problems. Not meeting local goals and objectives. e.g., Navajo Nation government reneged on cell tower construction project previously was under the Defunded Cares Act and held up again when funds were reactivated. NTUA used untrue statement lease problem with NLD and land use fee NLD waived the issue.

☒ document attached

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

Low mountain chapter officials, administration, Smith Bagley, Inc. DBA CellularOne, 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:

Smith Bagley, Inc. CellularOne. Navajo Nation budget, Low mountain chapter?

☐ 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:

5.17 Broadband: Other Projects

This Project falls under these categories because building a cell tower impacts some part of each category listed, making it very beneficial.

Prior Cares Act NTUA unspent funds reverted to Navajo Nation Hardship Funds to cause the project with no practical significance.

☒ document attached

Part 3. Additional documents.

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

1. CellularOne Documents
2. Resolutions
3. Support Letters
4. Other Information
5. Emails
6. Memorandums

☐ 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]
signature of Preparer/CONTACT PERSON

Approved by:

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

Approved by:

[Signature]
signature of CSC

Approved by:

[Signature]
signature of Chapter ASO

12/12/2022

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.: <u>New</u>		Program Title: <u>LOW MOUNTAIN CHAPTER</u>		<u>Cell Tower</u>		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	<u>11/14/22 - 12/31/24</u>	700,000.00	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				0
				9000 Capital Outlay	6	<u>0</u>	700,000.00	700,000.00
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL			700,000.00	700,000.00

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

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

Cell Tower**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:Establish a Community Cellular Tower.

Program Performance Measure/Objective:

Establish 1-Cellular Tower in the community for emergency purposes.

						1	
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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.

Sonlata Jim-Martin

Program Manager's Printed Name

Sonlata Jim-Martin12/12/2022

Program Manager's Signature and Date

Dr. Pearl Yellowman

Division Director/Branch Chief's Printed Name

Pearl Yellowman12.13.22

Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

Page 3 of 3

BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>LOW MOUNTIAN CHAPTER <i>Cell Tower</i></u>		Business Unit No.: <u><i>New</i></u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Description and Justification (LOD 7)		Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
9020	Infrastructure		700,000.00
	9036 - Communication: Construct 180' Cellular Tower Education and Emergency (E911) use for the community membership @ \$750,000.00 = \$750,000.00.	700,000.00	
TOTAL		700,000.00	700,000.00

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>NEW</u>										PART II. Project Information									
Project Title: <u>Low Mountain Chapter Cellular Tower Project</u>										Project Type: <u>Cellular Tower Project</u>									
Project Description: <u>Construction of Cellular Tower with Cellular One</u>										Planned Start Date: <u>11/14/22</u>									
										Planned End Date: <u>12/31/24</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>Mareita Denny</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.	
	FY 2023								FY 2024									
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Date 12/31/2024									
1) Land Withdrawal Resolution		X																
2) Land Survey/Archaeological Survey HPD Compliance/Biological Survey and EA						X												
3) Plan & Design							X											
4) Draw Sole Source Contract - Cellular One - Submit Contract to DOJ - Award Contract								X		X								
5) Construction - Inspection by Phases - Project Completion - Final Inspection									X	X	X	X	X	X	X	X	X	X
6) Close Out - Final Payout																		X
																		X
PART V.	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL
Expected Quarterly Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$700,000.00

FOR OMB USE ONLY:

Resolution No: _____

FMIS Set Up Date: _____

Company No: _____

OMB Analyst: _____

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

RELATED TO THE NAVAJO NATION CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM, HEREBY RECOMMENDING AND APPROVING FUNDING LOW MOUNTAIN CHAPTER IN THE AMOUNT OF \$ 700,000.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS (NNFRF) AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT TOWARD THE LOW MOUNTAIN CHAPTER CELL TOWER CONSTRUCTION PLANS WITH CELLULARONE.

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 finds that using the NNFRF for the LMC Cell Tower Project with CellularOne is in the best interest of the LMC community and the local Navajo Chapter membership and COVID-19 mitigation high priority for expanded telecommunication services for health standards, social services, well-being as the state of being happy, healthy, or prosperous; **AND,**
4. The Navajo Nation Broadband buildout plans is vital in that unserved and underserved local Navajo people can be adequately served to become connected and stay connected, communication for Schools, Public Safety, Hospital, and government, etc. are necessary for bridging the gap between our rural Chapter community and the Navajo Nation.

NOW, THEREFORE BE IT RESOLVED THAT:

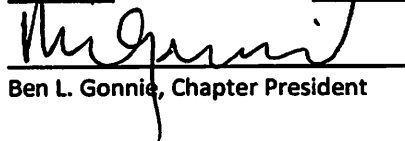
1. Related To The Navajo Nation Coronavirus State And Local Fiscal Recovery Funds Program, Hereby Recommending And Approving Funding Low Mountain Chapter In The Amount Of \$ 700,000.00 From The Navajo Nation Fiscal Recovery Funds (NNFRF) As Authorized By The American Rescue Plan Act Toward The Low Mountain Chapter Cell Tower Construction Plans With CellularOne.

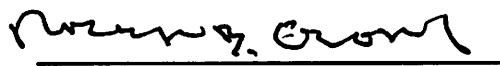
Motion By: John Pekin

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 19th day of November, 2022.


Ben L. Gonnie, Chapter President


Roger B. George, Chapter Vice President


Rose Ann Charley, Chapter Secretary

RBG/rbg