



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 #: HK 0433

Date & Time Received: 3/30/23 at 15:11

Date & Time of Response: 04/06/23 at 1620

Entity Requesting FRF: Low Mountain Chapter

Title of Project: Septic Services

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$67,200.00

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):

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

Other Comments: _____

Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte

Digitally signed by Erika Pirotte
Date: 2023.04.06 16:19:53 -06'00'

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: 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: 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 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): Edgewater Septic Pumping.

☐ document attached

Amount of FRF requested: 67,200.00 FRF funding period: December 14, 2022 - December 31, 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:

This septic service project is to remove/pump sludge and scum from septic tank for families residing within the chapter service area. This annual or bi-annual septic services has become a major expense for low income families, since 60% of homes has water. This community is in rural and remote area located within once land disputed area. This project is a preventive maintenance service and assisting families whom are unable to pay for pumping service. Cleaning septic level is preventive health measure at this period due to constant threat of COVID.

☐ document attached

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

Maintaining the health of the families and community are best practice for keeping families safe from COVID. This project will service 128 families. With the number of families assisted, it will help the families secure their careful hygiene.

☐ 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, 2023.

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

☐ document attached

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

Low Mountain chapter and the administgration.

☐ 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:

Residents will be responsible for the operation and maintenance of the septic tank system.

☐ 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:

Clean Water: Decentralized Wastewater 5.3

Addressing rural homes waste by pumping septic tank and maintenance of leach field if 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. C.JY-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>		<u>Septic Services</u>		<u>Division Branch</u>		DCD/Executive	
Prepared By: <u>MAREITA DENNY, Project 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>12/1/22 - 12/31/26</u>	67,200.00	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>6</u>	67,200.00	67,200.00
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL			67,200.00	67,200.00

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

Septic Services**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:To assist with Septic Services to registered community members.Program Performance Measure/Objective:Assist 128 community members with septic services.

				64		64	
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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

P. 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:			
ame/Title:		LOW MOUNTAIN CHAPTER <u>Septic Services</u>	Business Unit No.: <u>New</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)
8500	Waste/Water <u>Infrastrure - (Non-cap)</u> 8550 - Waste/Water: To assist 128-Community Members with Sewage pumping (Septic Service) @ \$525.00 = \$67,200.00.	67,200.00	67,200.00
TOTAL		67,200.00	67,200.00

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Low Mountain Chapter Septic Service Project</u> Project Description: <u>To pump septic tank for community members in dire need to prevent back up for indoor plumbing.</u> Check one box: ☒ Original Budget ☐ Budget Revision ☐ Budget Reallocation ☐ Budget Modification		PART II. Project Information Project Type: <u>Septic Services Project</u> Planned Start Date: <u>12/14/2022</u> Planned End Date: <u>12/31/2026</u> 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 12/31/2026					
	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
General Requirements										X																				
Award Contract with draw down @ 50%											X																			
Construction (Pumping Services)												X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Completion/Close Out																														X
PART V.	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL					
Expected Quarterly Expenditures	0.00			0.00			0.00			33,600.00			0.00			0.00			0.00			33,600.00			\$67,200.00					

FOR OMB USE ONLY:

Resolution No: _____

FMIS Set Up Date: _____

Company No: _____

OMB Analyst: _____

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

SUPPORTING RESOLUTION REQUESTING THE NAVAJO NATION TO FUND THE LOW MOUNTAIN CHAPTER IN THE AMOUNT OF \$67,200.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST AND EXPENDITURE PLANS AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT (ARPA) FOR THE SEPTIC SERVICES PROJECT TO ASSIST 128 COMMUNITY MEMBERSHIP.

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 septic system services projects are very critically needed and requires health officials' concerns and coordination with the local Chapter Officials and the Administrative 2021 community needs assessments, 128 homes were determined in dire need of pumping services; 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 repairing and/or service pumping for 128 homes; 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 \$67,200.00 From The Navajo Nation Fiscal Recovery Funds Request And Expenditure Plans as authorized by the American Rescue Plan Act (ARPA) For The Septic System Pumping Projects to assist 128 community membership.
2. Low Mountain Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nations laws, regulations, and policies.

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, abstained on this 10th day of Nov., 2022.

Ben L. Gonnle
Ben L. Gonnle, Chapter President

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

Rose Ann Charley
Rose Ann Charley, Chapter Secretary/Treasurer

RBG/rbg