



**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 #:** \_\_\_\_\_

**Date & Time Received:** \_\_\_\_\_

**Date & Time of Response:** \_\_\_\_\_

**Entity Requesting FRF:** \_\_\_\_\_

**Title of Project:** \_\_\_\_\_

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

**Amount of Funding Requested:** \_\_\_\_\_

**Eligibility Determination:**

- ☐ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |  |   |
|--|---|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue  | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

**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: \_\_\_\_\_

\_\_\_\_\_

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Name of DOJ Reviewer: \_\_\_\_\_

Signature of DOJ Reviewer: 

**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](mailto: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.



## APPENDIX A

### 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: Red Mesa Chapter Date prepared: 12/28/2022

Chapter's P.O. Box 422 phone/email: (928) 672-2915  
mailing address: Montezuma Creek, UT 84534 website (if any): redmesa@navajochapters.org

This Form prepared by: Calvin Tsosie, Acting CSC phone/email: (928) 429-0096  
cetsoisie@nndcd.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: Herman Farley phone & email: 928.270.8882 hfarley@naataanii.org  
Chapter Vice-President: Marilyn Holly phone & email: 435.444.9638 mholly@naataanii.org  
Chapter Secretary: Marlene Dee-Ben phone & email: 435.220.1062 mdeeben@navajochapters.org  
Chapter Treasurer: Marlene Dee-Ben phone & email: 435.220.1062 mdeeben@navajochapters.org  
Chapter Manager or CSC: Calvin Tsosie, Acting phone & email: 928.429.0096 cetsoisie@nndcd.org  
DCD/Chapter ASO: Sarah Harrison phone & email: 928.489.8199 sharrison@nndcd.org

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

Amount of FRF requested: 1,267,200.00 FRF funding period: - 10/1/2022-9/30/2026  
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:

The funds will be applied towards purchasing a new warehouse to store heavy equipment, food, water, PPE Supplies to mitigate COVID-19. The backhoe and purchase will go towards burial assistance of COVID-19 related deaths.

☐ document attached

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

There is no Warehouse to house the heavy equipment to provide burial assistance of COVID related deaths and to store PPE, food, water, and other supplies and materials. The Warehouse will provide shelter for heavy equipment from weather damage, vandalism and extend the life expectancy of the heavy equipment.

☐ 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

## APPENDIX A

Program(s) or Project(s) by December 31, 2026:

The estimated construction date and completion is November 2024 or sooner.

☐ document attached

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

The Red Mesa Chapter and the Kayenta ASC will be responsible for the construction and completion 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:

Upon completion of the Warehouse, the Red Mesa Chapter will be responsible for the operation and maintenance costs using the Navajo Nation Funds.

☐ 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 Red Mesa Chapter has a very small warehouse that is dilapidated and in need of an upgrade and is not structurally sound. The warehouse will house the heavy equipment and much needed PPE for the community,

☐ document attached

### Part 3. Additional documents.

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

Budget forms 1,2 & 4, Chapter Resolution RMC-01-010623

☐ Chapter Resolution attached

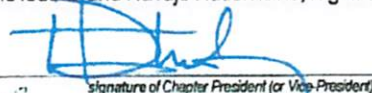
### Part 4. Affirmation by Funding Recipient.

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

Approved to submit  
for Review:

  
signature of DCD Director



FY 2023

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 3  
BUDGET FORM 1

<b>PART I. Business Unit No.:</b> <u>NEW</u>		<b>Program Title:</b> <u>Red Mesa Chapter Warehouse/PPE Supplies</u>		<b>Division/Branch:</b> <u>DCD/ASC</u>	
<b>Prepared By:</b> <u>Calvin Teosie, Acting</u>		<b>Phone No.:</b> <u>(928) 653-3656</u>		<b>Email Address:</b> <u>ceteosie@nndcd.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
NNFRF	10/1/22-9/30/23	1,267,200.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies	6		223,500	223,500
				5000 Lease and Rental				
				5500 Communications and Utilities	6		255,000	255,000
				6000 Repairs and Maintenance				
				6500 Contractual Services	6		150,000	150,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay	6		427,500	427,500
				9500 Matching Funds	6		211,200	211,200
				9500 Indirect Cost				
				<b>TOTAL</b>		\$0.00	1,267,200.00	1,267,200

<b>PART IV. POSITIONS AND VEHICLES</b>		<b>(D)</b>		<b>(E)</b>	
Total # of Positions Budgeted:		0		0	
Total # of Vehicles Budgeted:		0		0	

<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>	
<b>SUBMITTED BY:</b> <u>James Adakai, Deputy Director</u> <div style="text-align: center;">   <u>5-15-23</u>  Program Manager's Signature and Date </div>	<b>APPROVED BY:</b> <u>Calvin Castillo, Division Director</u> <div style="text-align: center;">   <u>5/15/2023</u>  Division Director / Branch Chief's Signature and Date </div>

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

<b>PART I. PROGRAM INFORMATION:</b>																								
Business Unit No.: <u>NEW</u>			Program Name/Title: <u>Red Mesa Chapter-Warehouse/PPE Supplies</u>																					
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>																								
Resolution # <u>RMC-01-010823</u>																								
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>																								
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1st QTR		2nd QTR		3rd QTR		4th QTR																		
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual																	
1. Goal Statement: <u>To purchase a new warehouse.</u> Program Performance Measure/Objective: <u>To obtain 3 quotes using the Procurement Process to purchase a new warehouse.</u>																								
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<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>																								
<u>JAMES ADAKAI, Deputy Director</u> Program Manager's Printed Name				<u>Calvin Castillo, Division Director</u> Division Director/Branch Chief's Printed Name																				
<u>25 5-15-23</u> Program Manager's Signature and Date				<u>5/15/2023</u> Division Director/Branch Chief's Signature and Date																				

FY 2023

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 3  
**BUDGET FORM 4**

<b>PART I. PROGRAM INFORMATION:</b>			
Program Name/Title: <u>Red Mesa Chapter Warehouse/PPE Supplies</u>		Business Unit No.: <u>NEW</u>	
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
			1,287,200
6380	Supplies: Foundation and Concrete slab on grade	223,500	
5500	Communication and Utilities: Estimated cost and infrastructure.	255,000	
6102	Contractual Services: Plan and Design	150,000	
6380	Building Materials: Estimated cost for the Pre-Engineered Building only	427,500	
6911	Monthly Funds: Contingency Plans (initial 20%)	211,200	
<b>TOTAL</b>		<b>1,287,200</b>	<b>1,287,200</b>



**RED MESA CHAPTER**  
Red Mesa, Navajo Nation, Utah



Resolution# RMC-07-011923

**AN ACTION SUPPORTING RED MESA CHAPTER CONSTRUCTION OF A NEW WAREHOUSE PROJECT TO BE INCLUDED AS PART OF THE DELEGATE REGION PLAN FOR HONORABLE COUNCIL DELEGATE CURTIS YANITO.**

**WHEREAS:**

1. Pursuant to the Local Governance Act, 26 N.N.C. §§ 1 et. Seq., the Red Mesa Chapter is certified as a political subdivision of the Navajo Nation; and
2. Pursuant to the Local Governance Act, 26 N.N.C. § 1 (B) 2, the Red Mesa Chapter is allowed to make decisions over local matters; and
3. Pursuant to Navajo Nation Councils Resolution No. CJY-41-21 and Budget and Finance Committee Resolution No. BFS-31-21, a duly approved Chapter Resolution is required when requesting for the use of Fiscal Recovery Funds (FRF) under the American Rescue Plan Act of 2021 (ARPA) and therefore this Chapter Resolution must include "a statement supporting the Project and affirming that the Chapter will only use awarded Funds in compliance with the ARPA, the ARPA Regulations, and all other applicable Navajo Nation and federal laws and regulations"; and
4. Pursuant to Navajo Nation Council Resolution No. CJN-29-22, each of the twenty-four (24) Delegate Regions were allocated eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) Chapter and Regional Projects and each Navajo Nation Council Delegate is responsible for compiling and selecting projects for their Delegate Region Projects Plan; and
5. The Red Mesa Chapter Construction of a New Warehouse Project is being submitted in the amount of \$1,267,200.00, for consideration to be selected as part of the Delegate Region Plan for the purpose of purchasing supplies/materials, communications and utilities costs, and contractual services to construct a 50' x 80', 4000 square feet warehouse, to store PPEs, water, wood, coal, food, and heavy equipment to mitigate the COVID-19 Pandemic; and
6. If, and when, the Project is selected, the Council Delegate will add the Project as part of the Delegate Region Plan and will thereafter sponsor legislation to be approved by the Navajo Nation Council. is a duly recognized certified under Title 26 N.N.C., Section G-1, of the Navajo Nation and is vested with the authority and responsibility to plan and implement projects in the interest of the community; and


**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Red Mesa Chapter hereby respectfully supports the Construction of a New Warehouse Project for consideration for the Delegate Region Project Plan; and
2. The Red Mesa Chapter affirms that the Chapter will only use awarded funds in compliance with the ARPA, the ARPA Regulations, and all other applicable Navajo Nation and Federal Laws and Regulations.

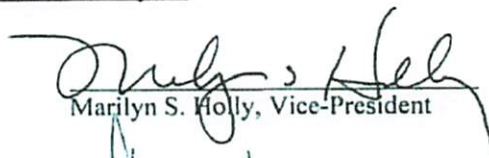
**CERTIFICATION**


We hereby certify that the foregoing resolution was duly considered by the Red Mesa Chapter at a duly called meeting in Red Mesa, Utah, Navajo Nation, Arizona, at which a quorum was present and that the same was passed, with three-quorum rule, by a vote of 17 in Favored; 00 Opposed, and 02 Abstained, this 19<sup>th</sup> day of January 2023.

**Motioned by: Mr. Allen Holly Seconded by: Mr. Edward Tapaha**

  
Herman Farley, President

  
Marlene Dec-Ben, Secretary/Treasurer

  
Marilyn S. Holly, Vice-President

  
Curtis Yanito, Council Delegate



**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

Page 1 of 2  
**PROJECT FORM**

<b>PART I. Business Unit No.:</b> <u>NEW</u> Project Title: <u>Red Mesa Chapter House Renovation</u> Project Description: <u>The Red Mesa Chapter will be renovating the existing Chapter House</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															<b>PART II. Project Information</b> Project Type: <u>Renovation Project</u> Planned Start Date: <u>1-Dec-23</u> Planned End Date: <u>30-Sep-26</u> Project Manager: <u>Calvin Tsosie</u>															
<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	<b>PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.</b>																								Expected Completion Date if project exceeds 8 FY Qtrs.					
	FY <u>2024</u>												FY <u>2025</u>																	
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date					
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Bid and receive quotes			X	X																										
Bid Selection and DOJ Review				X	X	X																								
Renovation of Chapter House										X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Project Closeout																														

**THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE**

Page 2 of 2  
**PROJECT FORM**

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<b>PART V.</b> Expected Quarterly Expenditures	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL																																																																																																																																													
	48,000.00			84,000.00			29,520.00																		\$521,520.00																																																																																																																																													

FOR OMB USE ONLY:    Resolution No: \_\_\_\_\_    FMIS Set Up Date: \_\_\_\_\_    Company No: \_\_\_\_\_    OMB Analyst: \_\_\_\_\_