

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 0438
Date & Time Received: 3/31/23 at 16:48
Date & Time of Response: 04/10/23 at 14:40
Entity Requesting FRF: Lake Valley Chapter
Title of Project: Septic Tank Upgrade
Administrative Oversight: Division of Community Development
Amount of Funding Requested: \$100,000.00
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

Procedures):	easons/Paragraphs 5.E.(1)-(10) of FKF
Missing Form Supporting documentation missing Project will not be completed by 12/31/2026 Ineligible purpose Submitter failed to timely submit CARES reports Additional information submitted is insufficient to make a proper determination	Expenditure Plan incomplete Funds will not be obligated by 12/31/2024 Incorrect Signatory Inconsistent with applicable NN or federal laws
Other Comments:	
Name of DOJ Reviewer: Erika Pirotte	
Signature of DOI Reviewer. Erika Pirotte	Digitally signed by Erika Pirotte Date: 2023.04.10.14:38:34.06'00'

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.

FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN FOR JON-GOVERNANCE CERTIFIED CHA RES

Part 1, Identification of parties.

Non-Governance Certified Chapter Lake Valley	11/10/2022
Chapter's PO Box 190	Date prepared: 11/19/2022
mailing address: Crownpoint, NM 87313	phone/email: (505) 786-2190
	website (if any): lakevalley@navajochapters.org
This Form prepared by: Lucinda Begay Community Services Coordinator	phone/email: (505)786-2191/2184
CONTACT PERSON'S name and title	lucinda.begay@nnchapters.org CONTACT PERSON'S info
Title and type of Project: Septic Tank Upgrade	
Chapter President: Tony Padilla	_ phone & email: (505) 320-9902 tpadillajr@naataanii.org
Chapter Vice-President: Edison Tso	phone & email: (505) 860-8827 etso@naataanii.Org
Chapter Secretary: Betty S. Dennison	phone & email: (505)860-3109 bdennison@navajochapters.org
Chapter Treasurer: Betty S. Dennison	phone & email: (505) 860-3109 bdennison@navajochapters.org
Chapter Manager or CSC: Lucinda Begay	phone & email: (505)786-2190 lucinda.begay@nnchapters.org
DCD/Chapter ASO: Casey Begay	phone & email:
List types of Subcontractors or Subrecipients that will be paid with FRF (if kn	nown):
	document attached
Amount of FRF requested: 100,000 FRF funding period: 3/1	1/2023 to 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 and what COVID-related needs will be addressed:	the funds will be used, for what purposes, the location(s) to be served,
The Lake Valley Chapter will utilize the fund to upgradexisting homes. Replacing Septic tank is the safe and the pandemic. The Septic tank line is essential to imporevent of the virus. This project is the prevention to t	less repairing since it was utilitize extra during rove the health of well being and sanitation to
	☐ document attached
(b) Explain how the Program or Project will benefit the Navajo Nation, Nav	rajo communities, or the Navajo People:
The project will benefit the Lake Valley communities on the virus. The services will prevent from financial difficities in the services will prevent from financial difficities in the services with fix income.	of safe sanitation and to reduce of the affect of culty. This project will benefit the elders and high
	☐ 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: The Chapter will work diligently with the community of the dire need of projects. The challenges to prevent from incurring costs is to have the private contractor with the Navajo preferences listing to replace of the septic tanks. The Chapter will monitor the timelines to completing the projects ☐ document attached (d) Identify who will be responsible for implementing the Program or Project: The Lake Valley Chapter administration and Chapter Officials will coordinate, collaborate and communicate for the responsible for implementing the 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: The Lake Valley Chapter community members the owners of homes will maintain and operation cost for the project once complete. This will be the one time assistance due to families staying home more and the septic tank were utilized extra during the Covid arise during pandemic time. ☐ 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: 2.1 The Lake Valley Chapter community members has septic tank that was utilized more than usual during the pandemic time and executive order was made for families to stay at home. The consuming of the septic tanks in the community increased. document attached Part 3. Additional documents. List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A): Resolution **Budget Forms** 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: Approved by: signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President) Approved by: signature of CSC Approved to submit Myring NIVERTO for Review: signature of DCD Director

FY 2023

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page ___ of ___ BUDGET FORM 1

PART I. Business l	Jnit No.:	NEW	Program Title:		LAKE VALLEY CHAPTER -S	upgra	Lank Lank Division/Branch:	NNDCD/	Executive
Prepared By: _	Lucii	nda Begay	Phone	No.:	(505) 786-2190 Emai	Address:	lakevalley	@navajochapters.c	rg
PART II. FUNDING	SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type	(A) NNC Approved	(B)	(C) Difference or
AARPA Funds		3/1/23 to 9/30/23	100,000.00	100%	2001 Personnel Expenses	Code	Original Budget	Proposed Budget	Total
									-
	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT				3000 Travel Expenses				
					3500 Meeting Expenses	-			
			n		4000 Supplies				
	The state of the s				5000 Lease and Rental				
					5500 Communications and Utilities	,		1.0	100.00
					6000 Repairs and Maintenance	6		100,000	100,00
					6500 Contractual Services			100,000	100,000
					7000 Special Transactions				
					8000 Public Assistance				
					9000 Capital Outlay				
					9500 Matching Funds				
MANAGEMENT CASCA COMMONDATION CONTINUES CALLED THE CASCA CONTINUES CALLED THE CASCA CONTINUES					9500 Indirect Cost				
						TOTAL	\$0.00	100,000.00	100,000
					PART IV. POSITIONS AND VEHICLES	3	(D)	(E)	
					Total # of Positions	Budgeted:	0	0	
		TOTAL:	\$100,000.00	100%	Total # of Vehicles	Budgeted:	0	0	1
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.									
SUBMITTED BY: James Adakai, Deputy Director APPROVED BY: Calvin Castillo, Division Director Program Manager's Printed Name Division Director / Branch Chief's Printed Name									
	Ph	ogram wanagers		9-27		Sion Directi		7/2023	
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 4 BUDGET FORM 2

PART I. PROGRAM INFORMATION:						_		
Business Unit No.: NEW Program Name/Tit	le: LAKE VAI	LEY CHAP	TER — 5	eptic	Tan	K Up	grad	l
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PORPOSE OF PROGRAM:				1		1	J	
Lake Valley Chapter Resolution No: LVC-OCT16-002								
DADT III. DDOOD AM DEDEODMANOE ODITEDIA.	1 4-4	OTD I		A==				
PART III. PROGRAM PERFORMANCE CRITERIA:	Goal	QTR Actual	Goal	QTR Actual	Goal	QTR Actual	4th Goal	QTR Actual
1. Goal Statement:	Marie							, notau
To provide the Septic Tank Upgrade to homes for safety and prevention of Virus								
Program Performance Measure/Objective:								
To assist with the septic tanks upgrade in Lake Valley community members	2		2		2		2	
2. Goal Statement:								
	entreaces.							
Program Performance Measure/Objective:		·		•	***************************************			
3. Goal Statement:								
	and the same of th							
Program Performance Measure/Objective:		1						
4. Goal Statement:								
D D (01)								
Program Performance Measure/Objective:		T T						
5. Goal Statement:							***************************************	
3. Goal Statement.								
Program Performance Measure/Objective:								
1 togram i erromance measure/objective.								
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROU	ICHI A DEVIE	WED						
James Adakai, Deputy Director	JOHET IVEAL	Cal	vin Cast	illo,Divis	sion Dire	ctor		
Program Manager's Printed Name		Divisio	on Director	/Branch Chi	ef's Printed	Name		
2-9-23					2/9	/2023		
Program Manager's Signature and Date	-	Division	Director/B	ranch Chief'	s Signature	and Date		
L								

FY 2023

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 4 BUDGET FORM 4

PART I. F	ROGRAM INFORMAT	TION·			
	Program Name/Title:		it No.:	NEW	
PART II. (A)	DETAILED BUDGET:	(B)		(0)	
(4)	T	(В)		(C) Total by	(D)
Object Code (LOD 6)		Object Code Description and Justification (LOD 7)		DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6200	External Contractors			(2000)	100,000
	6290	General Contractor Septic Tank Upgrade and new installation		100,000	100,000
				1	
777					
			TOTAL	100,000	100,000

THE NAVAJO NATION PROJECT BUDGET SCHEDULE

PART I. Business Unit No.: NEW		_					PART II.	Project Information
Project Title: Lake Valley Ch	apter - Septic Ta	nk Upgrade					Project Type:	Septic Upgrade
Project Description Installation	and upgrade of s	eptic tank					Planned Start Date:	3/1/2023
							Planned End Date:	9/30/2026
Check one box:	✓ Original Budg	get 🔲 Budg	et Revision [Budget Realloc	ation 🗌 Budge	et Modification	Project Manager:	Chapter Staff
PART III.	PART IV. Us	e Fiscal Year (FY)	Quarters to com	plete the informat	ion below. O = Oc	et.; N = Nov.; D = Dec., etc.	•	Expected Completion Date if
List Project Task separately; such as Plan, Design, Construct, Equip		FY:	2023			FY 2024		project exceeds 8 FY Qtrs.
or Furnish.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr. 3rd Qtr.	4th Qtr.	Date: 9/30/26
Plan Design Construct Completion	4	4	6	X				
PART V.	\$	\$	\$	\$	\$	\$ \$	\$	PROJECT TOTAL
Expected Quarterly Expenditures				10,000.00	85,000.00	5,000.00		\$100,000.00

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



The Navajo Nation Dr. Buu Nygren President

Yideeską adi Nitsahakees RICHELLE MONTOYA VICE PRESIDENT

LAKE VALLEY CHAPTER

Danny Simpson, Council Delegate | Tony Padilla, President | Edison Tso, Vice President | Betty S. Dennison, Secretary/Treasurer Janice Padilla, Land Board | Lucinda Begay, Community Service Coordinator | Accounts Maintenance Specialist - Vacant

LVC-MAR19-035

RESOLUTION OF LAKE VALLEY CHAPTER

LAKE VALLEY CHAPTER AFFIRMS THAT THE CHAPTER WILL ONLY USE AWARDED FISCAL RECOVERY FUNDS AND IMPLEMENT THIS FRF EXPENDITURE PLAN IN COMPLIANCE WITH THE AMERICAN RESCUE PLAN ACT (ARPA), ARPA REGULATIONS, AND APPLICABLE FEDERAL AND NAVAJO NATION LAWS, REGULATIONS, AND POLICIES.

WHEREAS:

- Lake Valley Chapter is a certified Navajo Nation Chapter Government, which was created pursuant to the Navajo Nation Council Resolution No. C-J25-55, is delegated governmental authority with respect to local matters consistent with Navajo laws, including customs, traditions, and fiscal matters; and
- Lake Valley Chapter is empowered by the Navajo Nation Council to review all matters affecting the community to make favorable decisions in the best interest for the general health, safety and welfare of chapter membership through implementation solutions for economic development, cultural preservation, recreation, solid waste management, elderly care, quality housing, public safety, road maintenance; educational support for community students; and
- Lake Valley Chapter communities understand that in pursuant to the Navajo Nation Code (NNC) Title 26, Local Governance Act, which allows chapters to make decisions over local matters. This authority in the long run all improve community decision-making by allowing committees to excel and flourish, enable Navajo leaders to lead toward a prosperous future, and improve the strength and sovereignty of the Navajo Nation; through adoption of this Act, chapters are compelled to govern with responsibility and accountability to the local citizens; and
- Lake Valley Chapter community met on February 6, 2023 Planning Meeting to discuss and plan upcoming business items to be placed on the agenda. Council Delegate Danny Simpson provided Chapters under his oversight of equal distribution of \$8,802,340.00 divided by 8 Chapters that equals to \$1,100,292.50 each Chapter, therefore, Lake Valley Chapter will be receiving \$1,100,292.50, so the current AMERICAN RESCUE PLAN ACT (ARPA) Expenditures Plan Adjustments to reflect the amount of \$1,100,000.00 for Lake Valley Chapter Infrastructures Project was done. However, Taylor Pinto (LDA to Council Delegate Danny Simpson) emailed Lake Valley Chapter on March 8, 2023 with information that NN Department of Justice recommended language be added to ARPA Resolution that was previously submitted; and
- Lake Valley Chapter community adopted Resolution No. LVC-MAR19-035 presented on March 19, 2023 to support the language amended that ARPA Expenditure Plan will only be use awarded Fiscal Recovery Funds accordingly as stated, which is in the best interest of community membership of Lake Valley Chapter.

NOW THEREFORE BE IT RESOLVED THAT:

Lake Valley Chapter of the Navajo Nation hereby approves recommended language by Department of Justice (DOJ) affirms that Lake Valley Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the AMERICAN RESCUE PLAN ACT (ARPA), ARPA Regulations, and Applicable Federal and Navajo Nation Laws, Regulations, and Policies. (ATTACHMENT OF EXPENDITURE PLAN)

CERTIFICATION

WE HEREBY CERTIFY that the foregoing resolution was duly considered by the Lake Valley Chapter at a duly called chapter meeting at Lake Valley (New Mexico) Navajo Nation, at which a quorum was present and that same was passed by a vote of eight (8) in favors, zero (0) opposed and four (4) abstained on this 19th day of March 2023. Motion by Nancy Yazzie; and second by Larry Montoya.

Mr. Tony Padilla Jr., Chapter President

Mr. Edison Tso, Chapter Vice President

Mrs. Betty Dennison, Chapter Secretary / Treasurer

Mr. Danny Simpson, Council Delegate

LAKE VALLEY CHAPTER

Danny Simpson, Council Delegate | Tony Padilla, President | Edison Tso, Vice President | Betty S. Dennison, Secretary/Treasurer Janice Padilla, Land Board | Lucinda Begay, Community Service Coordinator | Accounts Maintenance Specialist – Vacant

LAKE VALLEY CHAPTER ARPA PROJECT REQUEST | 1.1 MILLION

Drill Water Well	\$500,000
Bathroom Addition/Renovation	\$200,000
Chapter Renovation HVAC System	\$150,000
Septic Tank Upgrade	\$100,000
Septic Tank Cleaning	\$100,000
Waterline Powerline Row Agent	\$50,000
TOTAL	\$1,100,000