



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: Reissued 07/14/23 at 17:00

Entity Requesting FRF: Lake Valley Chapter

Title of Project: Septic Tank Upgrade

Administrative Oversight: NNEPA - Surface and Ground Water Protection Department

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

FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NON-GOVERNANCE CERTIFIED CHAPTERS

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Lake Valley Date prepared: 11/19/2022

Chapter's mailing address: PO Box 190 phone/email: (505) 786-2190
Crownpoint, NM 87313 website (if any): lakevalley@navajochapters.org

This Form prepared by: Lucinda Begay phone/email: (505)786-2191/2184
Community Services Coordinator lucinda.begay@nnchapters.org
CONTACT PERSON'S name and title 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 known): _____
 document attached

Amount of FRF requested: 100,000 FRF funding period: 3/1/2023 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 the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

The Lake Valley Chapter will utilize the fund to upgrade the Septic Tank that are over 40 years old on existing homes. Replacing Septic tank is the safe and less repairing since it was utilize extra during the pandemic. The Septic tank line is essential to improve the health of well being and sanitation to prevent of the virus. This project is the prevention to the Covid-19.

document attached

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

The project will benefit the Lake Valley communities of safe sanitation and to reduce of the affect of the virus. The services will prevent from financial difficulty. This project will benefit the elders and high risk individuals with fix income.

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: Y.O. B...
signature of Preparer/CONTACT PERSON

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

Approved by: Y.O. B...
signature of CSC

Approved by: [Signature]
signature of Chapter ASO

Approved to submit for Review: [Signature]
signature of DCD Director

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 4
BUDGET FORM 1

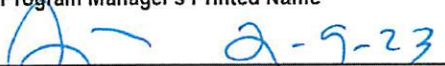

PART I. Business Unit No.: NEW Program Title: LAKE VALLEY CHAPTER - Septic Tank Upgrade Division/Branch: NNDCD/Executive
 Prepared By: Lucinda Begay Phone No.: (505) 786-2190 Email Address: lakevalley@navajochapters.org

| 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 |
|----------------------------|-------------------|------------|------------|-----------------------------------|----------------|----------------------------------|---------------------|-------------------------|
| AARPA Funds | 3/1/23 to 9/30/23 | 100,000.00 | 100% | 2001 Personnel Expenses | | | | |
| | | | | 3000 Travel Expenses | | | | |
| | | | | 3500 Meeting Expenses | | | | |
| | | | | 4000 Supplies | | | | |
| | | | | 5000 Lease and Rental | | | | |
| | | | | 5500 Communications and Utilities | | | | |
| | | | | 6000 Repairs and Maintenance | 6 | | 100,000 | 100,000 |
| | | | | 6500 Contractual Services | | | 400,000 | 400,000 |
| | | | | 7000 Special Transactions | | | | |
| | | | | 8000 Public Assistance | | | | |
| | | | | 9000 Capital Outlay | | | | |
| | | | | 9500 Matching Funds | | | | |
| | | | | 9500 Indirect Cost | | | | |
| | | | | TOTAL | | \$0.00 | 100,000.00 | 100,000 |
| TOTAL: | | | | 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: James Adakai, Deputy Director APPROVED BY: Calvin Castillo, Division Director
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name
[Signature] 2-9-23 [Signature] 2/9/2023
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

| | | | | | | | | | |
|---|--|---------|--|--|--------|---------|--------|---------|--------|
| PART I. PROGRAM INFORMATION: | | | | | | | | | |
| Business Unit No.: <u>NEW</u> | | | Program Name/Title: LAKE VALLEY CHAPTER - <u>Septic Tank Upgrade</u> | | | | | | |
| PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: Lake Valley Chapter Resolution No: LVC-OCT16-002 | | | | | | | | | |
| PART III. PROGRAM PERFORMANCE CRITERIA: | | | | | | | | | |
| | | 1st QTR | | 2nd QTR | | 3rd QTR | | 4th QTR | |
| | | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |
| 1. Goal Statement: <u>To provide the Septic Tank Upgrade to homes for safety and prevention of Virus</u> | | | | | | | | | |
| Program Performance Measure/Objective: <u>To assist with the septic tanks upgrade in Lake Valley community members</u> | | 2 | | 2 | | 2 | | 2 | |
| 2. Goal Statement: _____ | | | | | | | | | |
| Program Performance Measure/Objective: _____ | | | | | | | | | |
| 3. Goal Statement: _____ | | | | | | | | | |
| Program Performance Measure/Objective: _____ | | | | | | | | | |
| 4. Goal Statement: _____ | | | | | | | | | |
| Program Performance Measure/Objective: _____ | | | | | | | | | |
| 5. Goal Statement: _____ | | | | | | | | | |
| Program Performance Measure/Objective: _____ | | | | | | | | | |
| PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. | | | | | | | | | |
| <u>James Adakai, Deputy Director</u> Program Manager's Printed Name | | | | <u>Calvin Castillo, Division Director</u> Division Director/Branch Chief's Printed Name | | | | | |
|  Program Manager's Signature and Date | | | |  Division Director/Branch Chief's Signature and Date | | | | | |

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

| | | | |
|--|--|--|---|
| PART I. PROGRAM INFORMATION: | | | |
| Program Name/Title: <u>Lake Valley Chapter - Septic Tank Upgrade</u> | | Business Unit No.: <u>NEW</u> | |
| PART II. DETAILED BUDGET: | | | |
| (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) |
| 6200 | External Contractors | | 100,000 |
| 6290 | General Contractor Septic Tank Upgrade and new installation | 100,000 | |
| TOTAL | | 100,000 | 100,000 |

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

| | | | | | | | | | | | |
|---|--|---|----------|----------|-----------|----------------|--|----------|----------|--|--------------|
| PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Lake Valley Chapter - Septic Tank Upgrade</u> Project Description: <u>Installation and upgrade of septic tank</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 | | | | | | | PART II. Project Information Project Type: <u>Septic Upgrade</u> Planned Start Date: <u>3/1/2023</u> Planned End Date: <u>9/30/2026</u> Project Manager: <u>Chapter Staff</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. Date: <u>9/30/26</u> | |
| | | FY 2023 | | | | FY 2024 | | | | | |
| | | 1st Qtr. | 2nd Qtr. | 3rd Qtr. | 4th Qtr. | 1st Qtr. | 2nd Qtr. | 3rd Qtr. | 4th Qtr. | Date: 9/30/26 | |
| Plan | | | | | X | | | | | | |
| Design | | | | | X | | | | | | |
| Construct | | | | | | X | X | X | X | X | |
| Completion | | | | | | | | | X | | |
| PART V. | | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | PROJECT TOTAL | |
| Expected Quarterly Expenditures | | | | | 10,000.00 | 85,000.00 | 5,000.00 | | | | \$100,000.00 |



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*
Yideeskáadi Nitsáhákees **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:

1. 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
2. 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
3. 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
4. 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
5. 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



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*
Yideeskáądi Nitsáhákees **RICHELLE MONTOYA** *VICE PRESIDENT*

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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 |