



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:

- (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: _____

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures):

- 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: _____

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.** 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: Lake Valley Date prepared: 11/19/2022

Chapter's PO Box 190 mailing address: Crownpoint, NM 87313 phone/email: (505) 786-2190
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 job

Title and type of Project: Waterline/Powerline ROW Agent

Chapter President: Tony Padilla phone & email: (505) 3209902 tpadilla@naataanii.org

Chapter Vice-President: Edison Tso phone & email: (505)3608827/etso@navajochapters.org

Chapter Secretary: Betty S. Dennison phone & email: (505)860-3109bdennison@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 ASCO: Myrtis Begay phone & email: mbegay@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): _____

document attached

Amount of FRF requested: 50,000 FRF funding period: 3/1/2023 to 9/30/2026
Indicate Project starting and ending/finish 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 establish a position for an employment to complete the waterline and or powerline ROW Agent where as needed for the membership of Lake Valley community to existing homes within over two miles to extend from the line. The waterline and or powerlines are essential to improve the homeliving standard and to decrease 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 Navajo communities of safe living standard and to reduce the affect of the virus. This project will benefit the young, elders and high risk individuals.

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:

Based on the funding, the project end date will be December 31, 2026 with all funds being incurred before December 31, 2024 Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

document attached

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

Jemez Mountains Electric Cooperative (JMEC) provides electricity in the area. JMEC would be contracted to maintain the electric line.

document attached

(h) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively.

NTUA contract with JMEC will be responsible for operations and maintenance once the project is completed.

document attached

(i) State which of the 68 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 best fits the proposed Program or Project falls under, and explain the reason why.

This project is covered under Expenditure Category 2.18: Other Housing Support. By providing electricity to homes that currently do not have electric, ARPA provided these funds to the chapters to make necessary investments in Powerline infrastructure. This is a necessary investment in powerline infrastructure.

document attached

Part 3. Additional documents.

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

Chapter Resolution approved and accepted on the community project.

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: Amuel By, Esq.
Signature of Chapter Preparer

Approved by: Damen Augustine
Signature of Chapter President

Approved by: Amuel By
Signature of Chapter Preparer

Approved by: [Signature]
Signature of Chapter President

Approved to submit for Review: [Signature]
Signature of Reviewer

FY 2023


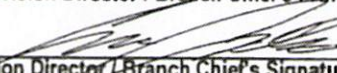
**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 4
BUDGET FORM 1

| | | | | | |
|---------------------------------------|--|-------------------------------------------------------------------------|--|-----------------------------------------------------|--|
| PART I. Business Unit No.: <u>NEW</u> | | Program Title: <u>LAKE VALLEY CHAPTER-Waterline/Powerline ROW Agent</u> | | Division/Branch: <u>NNDCD/Executive</u> | |
| Prepared By: <u>Lucinda Begay</u> | | Phone No.: <u>(505) 786-2190</u> | | Email Address: <u>lakevalley@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 |
|----------------------------|-------------------|-----------|------------|-----------------------------------|----------------|-------------------------------------|------------------------|----------------------------|
| AARPA Funds | 3/1/23 to 9/30/26 | 50,000.00 | 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 | 4 | | 50,000 | 50,000 |
| | | | | 7000 Special Transactions | | | | |
| | | | | 8000 Public Assistance | | | | |
| | | | | 9000 Capital Outlay | | | | |
| | | | | 9500 Matching Funds | | | | |
| | | | | 9500 Indirect Cost | | | | |
| | | | | TOTAL | | \$0.00 | 50,000.00 | 50,000 |

| | | | |
|---------------------------------|--|-----|-----|
| 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>James Adakai, Deputy Director</u> Program Manager's Printed Name | APPROVED BY: <u>Calvin Castillo, Director</u> Division Director / Branch Chief's Printed Name |
|  Program Manager's Signature and Date |  Division Director / Branch Chief's Signature and Date |

6-13-23
06/13/2023

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title: LAKE VALLEY CHAPTER-Waterline/Powerline ROW Agent

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

Lake Valley Chapter Resolution No: LVC-FEB12-026

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 the Lake Valley Chapter to perform consent signatures on Land Status

Program Performance Measure/Objective:

To complete of access for construction of the project

| | | | | | | | |
|---|--|---|--|---|--|---|--|
| 1 | | 1 | | 1 | | 1 | |
|---|--|---|--|---|--|---|--|

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.

James Anakou, Deputy Director

Program Manager's Printed Name

[Signature] 6-13-23

Program Manager's Signature and Date

Calvin Castillo, Director

Division Director/Branch Chief's Printed Name

[Signature] 06/13/2023

Division Director/Branch Chief's Signature and Date

FY 2023

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 4
BUDGET FORM 4

| PART I. PROGRAM INFORMATION: | | | |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------|
| Program Name/Title: <u>LAKE VALLEY CHAPTER-Waterline/Powerline ROW Agent</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) |
| | 6500 Contractual Services: 6530 Consulting Fee for ROW Agent on Waterline/Powerline projects for Community members. | 50,000 | 50,000 |
| TOTAL | | 50,000 | 50,000 |

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|---|--------------|-----------|---|---|---------------------------------------------------------------------------------|-----|---|----|---|---|---------------|---|---|---|---|---|---|-----|---|---|---|---|---|---|---|---|
| PART I. Business Unit No.: <u>NEW</u> Project Title: <u>Lake Valley Chapter-Waterline/Powerline ROW Agent</u> Project Description: <u>To complete the access for construction of the projects</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>Waterline/Powerline ROW Agent</u> Planned Start Date: <u>3/1/2023</u> Planned End Date: <u>9/30/2026</u> Project Manager: <u>Chapter Administration</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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | FY <u>24</u> | | | | FY <u>25</u> | | | | Expected Completion Date if project exceeds 8 FY Qtrs. Date <u>9/30/2026</u> | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | 1st Qtr. | | 2nd Qtr. | | | 3rd Qtr. | | | 4th Qtr. | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | 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 |
| Plan Design Construct Completion | | | | | | | | | | █ | | █ | | | █ | | | █ | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | \$ | | \$ | | | \$ | | | \$ | | | \$ | | | PROJECT TOTAL | | | | | | | | | | | | | | | |
| PART V. Expected Quarterly Expenditures | | | | | | | | | | 5,000.00 | | 5,000.00 | | | 15,000.00 | | | 25,000.00 | | | | | | \$50,000.00 | | | | | | | | | | | | | | | |

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



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*
Yideeskáadi 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 |