



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 0426

Date & Time Received: 3/30/23 at 14:05

Date & Time of Response: 04/06/2023 1638

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: Septic Services Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$78,750.00

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 checked="" type="checkbox"/> (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):

- | | |
|--|--|
| <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: _____

Name of DOJ Reviewer: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte

Digitally signed by Erika Pirotte
Date: 2023.04.06 16:36:13 -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 GOVERNANCE-CERTIFIED CHAPTERS

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Whippoorwill Chapter Date prepared: 10/21/22
 Chapter's P.O. Box 279 phone & email: (928) 725-3728
 mailing address: Pinon, Az 86510 website (if any): whippoorwill@navajochapters.org
 This Form prepared by: Marieta Denny phone/email: (928) 725-3728
Chapter Manager whippoorwill@navajochapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Septic Sevices Project

Chapter President: Aaron Yazzie phone & email: (928) 383-2751
 Chapter Vice-President: Gerald Ahasteen phone & email: (928) 781-7269
 Chapter Secretary: Phillip Tom Jr. phone & email: (928) 675-7343
 Chapter Treasurer: Phillip Tom Jr. phone & email: (928) 675-7343
 Chapter Manager or CSC: Marieta Denny phone & email: (928) 725-3756
 DCD/Chapter ASO: Ella M. Kay phone & email: (928) 725-3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Project will be bid out and award project to responsible bidder and must be registered with Division of Economic Development's Source List. ☐ document attached

Amount of FRF requested: \$78,750 FRF funding period: May 01, 2023 to 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 chapter service area. This annual or bi-annual septic services has become a major expense for low-income families, since 60% of homes have 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 sevice. 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 over 50 families. With the number of families assisted, it will help the elderlies, handicaps and Veterans ease their monthly expenses and also provide a peace of mind.

☐ document attached

(c) 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:

APPENDIX A

Procurement period: Bidding, award and contract period- March 2023. Project period June 2023 and complete by December 2023. The only challenges we anticipate is availability of contractors within our remote area.

☐ document attached

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

Whippoorwill Chapter and staff will implement this project and oversee to completion.

☐ 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 their septic system and this service is one time assistance. However, chapter can assist with this septic service in the future if homeowner is an elder, handicap or disable Veteran.

☐ 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

It is important to protect families' health who are residing in rural community. Inspecting the system on annual basis of home septic system and avoiding overflow saves the system.

☐ document attached

Part 3. Additional documents.

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

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. 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 Chapter Manager or CSC

Approved by:


signature of DCD/Chapter ASO

Approved to submit
for Review:


signature of DCD Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 1
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Whippoorwill Chapter - Septic Service Project</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@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>5-01-2023</u> <u>12-31-2026</u>	78,750.00	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	0	78,750.00	78,750.00
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	78,750.00	78,750.00

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>James Adakai, Deputy Director</u> Program Manager's Printed Name <div style="text-align: center; margin-top: 10px;"> <u>3-70-23</u> Program Manager's Signature and Date </div>	APPROVED BY: <u>Calvin Castillo</u> Division Director / Branch Chief's Printed Name <div style="text-align: center; margin-top: 10px;"> <u>3/28/2023</u> Division Director / Branch Chief's Signature and Date </div>

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:

WHIPPOORWILL CHAPTER - SEPTIC SERVICE PROJECT**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 Pumping to registered community members.**Program Performance Measure/Objective:**Assist 150-Community Members with Waterline Extension infrastructure and connection.

						150	
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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.

James Adakai, Deputy Director
Program Manager's Printed Name

 3-30-23
Program Manager's Signature and Date

Calvin Castillo

Division Director/Branch Chief's Printed Name


Division Director/Branch Chief's Signature and Date

3/28/2023

FY 2023

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

**Page 3 of 3
BUDGET FORM 4**

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>WHIPPOORWILL CHAPTER - SEPTIC SERVICES PROJECT</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)
5710	Energy 5770 - Sewage: To assist 150-community members with Sewage pumping (Septic Services) @ \$525.00 = \$78750.00.	78,750.00	78,750.00
TOTAL		78,750.00	78,750.00

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



Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745



Mareita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-25

REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND REQUEST FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S SEPTIC SERVICE PROJECT SUBJECT TO BE FUND IN THE AMOUNT OF \$78,750.00 BY AMERICAN RESCUE PLAN ACT

WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, AND
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the Five Personnel and Property Management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24, AND
3. The funding from American Rescue Plan Act was received to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Water and Sewer: Other 5.18 and Housing Support: Other Housing Assistance 2.18, AND
4. The Office of Environment Health and Engineering under the 93-638 on yearly basis has continually bring clean water system to families in the remote area, including installation of septic system. However, certain families particularly the elderly realized there is a service cost to owning a septic tank, AND
5. Not just the elderly, but families with low income and overcrowded houses would need yearly service. Added to the situation, only one septic pumping service is available, and is thirty miles away and septic service includes travel and disposal cost, AND
6. This assistance conforms to our Chapter Mission Statement of protecting the public includes the elderlies, having service available for them provides a peace of mind and promotes their best interest.
7. Whippoorwill Chapter affirms that chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

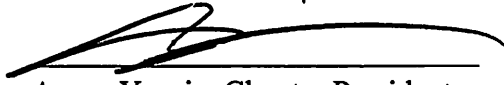
NOW, THEREFORE IT BE RESOLVE THAT:

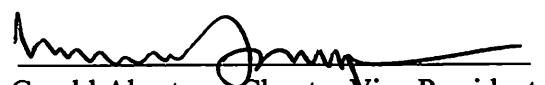
1. Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Request Form and Expenditure Plan for our Chapter's Septic Service Project subject to be fund in the amount of \$78,750.00 by American Rescue Plan act.

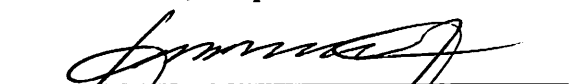
CERTIFICATION

We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a vote 4 in FAVOR, 0 OPPOSED, and 2 ABSTAINED on the November 4th, 2022.

Motioned by Reynold Joe Second by Johnny Naize


Aaron Yazzie, Chapter President


Gerald Ahasteen, Chapter Vice President


Phillip Tom Jr., Chapter Secretary/Treasurer

Jimmy Yellowhair, NN Council Delegate