

### **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 0428										
Date & Time Received: 3/30/23 at 14:41										
Date & Time of Response: 4/10/23 at 1026 am										
Entity Requesting FRF: Whippoorwill Chapter										
Title of Project: New House Electric and Powerline Extension Project										
Administrative Oversight: Division of Community Development										
Amount of Funding Requested: \$60,000										
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:										
2.10, Long term Housing Oceanty. Americable Housing										

### Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures): Expenditure Plan incomplete Missing Form Funds will not be obligated by Supporting documentation missing 12/31/2024 Project will not be completed by 12/31/2026 Incorrect Signatory Ineligible purpose Inconsistent with applicable NN or Submitter failed to timely submit CARES reports Additional information submitted is insufficient federal laws to make a proper determination Other Comments: Name of DOJ Reviewer: Rudy Anaya, Tax and Finance Unit 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 **GOVERNANCE-CERTIFIED CHAPTERS**

### Part 1. Identification of parties.

or Project(s) by December 31, 2026:

Governance-Certified Chapter Whippoorwill Chapter requesting FRF:	Date prepared: Nov 28, 2022								
Chapter's P.O. Box 279 mailing address: Pinon, Az 86510	phone & email: (928) 725-3728								
mailing address: Pinon, Az 86510	website (if any): whippoorwill@navajochapters.org								
This Form prepared by: Mareita 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: New Homes Electric and Po	owerline Extension Project								
Chapter President: Aaron Yazzie	phone & email: (928) 383-2751								
Chapter Vice-President: Gerald Ahasteen	phone & email: <u>(</u> 928) 781-7251								
Chapter Secretary: Phillip Tom Jr.	phone & email: (928) 675-7343								
Chapter Treasurer: Phillip Tom Jr.	phone & email: (928) 675-7343								
Chapter Manager or CSC: Mareita Denny	phone & email: (928) 725-3756								
DCD/Chapter ASO: Ella Kay	phone & email: (928) 725-3728								
List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter intends to contract this project to local businesses using DED Source List or Sole Source and coordinate with NTUA or OEH document attached  Amount of FRF requested: \$60,000.00 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 I and what COVID-related needs will be addressed:	now the funds will be used, for what purposes, the location(s) to be served,								
This Electric and Powerline Project is critical and on New House Construction. And application for utility NTUA work schedule. This portion of Electric and new house construction. New houses are provided particularly COVID and to control the spread of vir	y connection must be submitted earlier due to Powerline Extension will occur in conjunction with I to families whom are susceptible to virus								
	document attached								
(b) Explain how the Program or Project will benefit the Navajo Nation	Navajo communities, or the Navajo People:								
	andicapped, disabled Veterans, and any families of Ways for utilities to new house will first be studied ight of Way issue will be cleared by NTUA and BIA								
	☐ 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)

<sup>-</sup> Page 1 of 2 -

APPENDIX A

Electric and Powerline Extension application will be submitted for process on January 2024 for all new houses constructed by December 2025. NTUA will have schedule for this project and chapter should anticipate a holdup on project because other projects similiar to our will be ongoing. If so, chapter should make alternative plan to avoid any delays.
☐ document attached
(d) Identify who will be responsible for implementing the Program or Project:
Whippoorwill Chapter will implement this project and coordinate plans with NTUA.
(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:
Homeowners will be responsible for maintenance as required by NTUA from meter loop to the house. NTUA will be responsible from main powerline to meterbox. This is a standard respective cost operation duties between homeowners and NTUA.
(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:
Fiscal Recovery Fund expenditure categories- Housing Support: Other Housing Assistance 2.18
To complete New House Construction, basic utility connection budget is necessary.
☐ document attached
Part 3. Additional documents.
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):
Chapter Electric and Powerline Extension Resolution is attached.
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 Chapter President (or Vice-President)
Approved by: Approved by: Approved by: Signature of Objection Manager or CSC Approved by:
Approved to submit for Review:

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3 BUDGET FORM 1

PART I. Business Unit No.:	NEW	Program Title:	WHIPP	OORWILL CHAPTER - Electric and Power	erline Ext.	Division/Branch:	DCD/Executi	ive			
	eita Denny	Phone			l Address:	whippoorwill@navajochapters.org					
PART II. FUNDING SOURCE(S) NN ARPA FUNDS	Fiscal Year /Term 5-01-2023 /2-31-2026	Amount 60,000.00	% of Total 100%	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total			
THE ART AT ONDS	12-31-2026	00,000.00	10070	2001 Personnel Expenses		Original Duaget	r roposed budget	Iotai			
	1	10.5.1		3000 Travel Expenses	1						
				3500 Meeting Expenses				3			
				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	60,000.00	60,000.00			
				9000 Capital Outlay							
				9500 Matching Funds							
				9500 Indirect Cost							
					TOTAL	\$0.00	60,000.00	60,000.00			
				PART IV. POSITIONS AND VEHICLES	_	(D)	(E)				
×				Total # of Positions I	Budgeted:	0	0				
	TOTAL:	\$60,000.00	100%	Total # of Vehicles I		0	0				
			TAINED	IN THIS BUDGET PACKAGE IS COMPLE	TE AND AC	CURATE.	·	14			
SUBMITTED BY: <u>James A</u>	da Kai, Deput	y Director		APPROVED BY:		Calvin Castillo		_			
Pr	ogram Manager's	Printed Name		Divis	ion Directo	or / Branch Chief's Pr	inted Name	* 1			
Progr	ram Manager's Sig	gnature and Date	0-73	Division	Director/	Branch Chief's Signa	3/28/2023 sture and Date	-			

FY 2023

# THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Page 2 of 3 BUDGET FORM 2

PARI	I. PROGRAM INFORMATION:										
	Business Unit No.:	NEW	Program Name/Title:	WHIPP	OORWILL (	CHAPTER -	ELECTRIC	AND POW	ERLINE EXT	ENSION PR	ROJECT
PART	II. PLAN OF OPERATION/RES	DLUTION NUMBER/PU	RPOSE OF PROGRAM:								
PART	III. PROGRAM PERFORMANCE	E CRITERIA:			QTR	2nd	QTR	3rd	QTR	4th	QTR
			[	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
	Goal Statement:										
-	To assist community members wit		nfrastructure.								
	Program Performance Measure		-		,		***************************************	,			
-	Assist 3-Clients with Powerline Ex	tnsion Infrastructure.								3	
2. (	Goal Statement:										
_			-								į
ı	Program Performance Measure	Objective:	-		<b>,</b>		·	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			,
_											
3. (	Goal Statement:										
_		- Automotive and the second									
ı	Program Performance Measure/	Objective:	_		·	***************************************	***************************************	····		····	
_						***************************************					
4. (	Goal Statement:										
-			and the second s								
	Program Performance Measure	Objective:	_				***************************************	·	,	***************************************	
_		6		~~~		V.					
5. (	Goal Statement:										
-		·	· .				4				
F	Program Performance Measure/	Objective:	_		400000000000000000000000000000000000000						
_			1								
PART	IV. I HEREBY ACKNOWLEDGE	THAT THE ABOVE IN	FORMATION HAS BEEN THOROUGH	LY REVIE	WED.					normania de la constanta de la	
	James Ada Ka	ci, Deputy Directo anager's Printed Name	)r		- B: : :		Calvin Castil				
	Program M	anager's Printed Name			Divisio	n Director	Branch Chi	er's Printed	Name		
		5-	30-27			100			3/28/2023		
	Program Man	ager's Signature and D	Pate		Division	Director/Br	anch Chief	s Signature	and Date		

# THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 3 BUDGET FORM 4

PART I. P	PROGRAM INFORMATION:	145101	
	Program Name/Title: WHIPPOORWILL CHAPTER - Electric and Powerline Extension Project Business Unit No.:	NEW	
PART II.	DETAILED BUDGET:	<b>/0</b> )	(7)
(A)	(B)	(C) Total by	(D) Total by
Object		DETAILED	MAJOR
Code	Object Code Description and Justification (LOD 7)	Object Code	Object Code
(LOD 6)		(LOD 6)	(LOD 4)
8500	Infrastructure - (non-cap)		60,000.00
l	8540 - Powerline Extension: Assist 3-Community Members with Powerline Extension @ \$60,000.00	60,000.00	
1			
1			
1			
1			
	TOTAL	60,000.00	60,000.00

FOR OMB USE ONLY:

Resolution No:

# THE NAVAJO NATION PROJECT BUDGET SCHEDULE

PART I.	Business Unit No.:	NE	W											•									PAI	RT II.			Pro	ect l	nform	ation	<del>=</del>			
	Project Title: Whippoo																						Pro	ect Ty	pe:	Pow	erline	Exte	ension	Proje	ct_			
	Project Description Power	erline E	xtensi	ion for	new (	unit ho	ouses.																Plar	nned S	tart D	ate:1	dey	01	. 21	32:	3			
			_																		'										2020			
	Check one box:	<b>7</b>	Origina	al Bud	get		] Budg	jet Re	vision		Bu	dget R	tealloc	ation		Budg	get Mo	odifica	tion					ect Ma							_			
PART III.	st Project Task separately; such as		T IV.	Us	e Fisc	al Yea	ar (FY		ters to	com	plete	the inf	format	ion be	elow.	0=0	Oct.; N	= No			c., etc					7 Ext	ected	i Con	npletic	on Date	e if			
	Plan, Design, Construct, Equip or	`—			_		FY	2023									,		FY 2	2024						project exceeds 8 FY Qtrs.								
	Furnish.		1st Qt	r.	2	2nd Q	tr.		3rd Qt	r.		4th Qt	r.		1st Qt	r.	2	2nd Qt	r.	3	3rd Qt	r.		4th Qt	r.		Da	Dec. ite:	31,2	026	1			
General Require	rements	0	N	D	J	F	М	Α	М	J	Jul X	A	S	0	N	D	J	F	М	Α	М	J	Jul	A	s	0	N	D	J	F	М			
Design/Enginee Sole Source Co Construction Completion/Clo	er ontract Award										^	X	X	x	×	x	x	x	x	x	x	X	x	x	x	×	x	x	x	x				
																										# &	571	.43	48	ક <b>ા</b>	43			
PART V.			\$			\$			\$			\$			\$			\$			\$			\$			PRO	DJEC	T TO	ΓAL	_			
Expect	ted Quarterly Expenditures		0.00						0.00		8,5	571.4	13	<u> </u>	571.L	13_	<u> 18,4</u>	571.	45	<u> 18,</u>	571	43	8,	571	.43			\$60,0	00.00					

Company No:

OMB Analyst:

FMIS Set Up Date:



# 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-23-29

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 NEW ELECTRIC AND POWERLINE EXTENSION PROJECT SUBJECT TO BE FUND IN THE AMOUNT OF \$60,000.00 BY AMERICAN RESCUE PLAN ACT

#### WHEREAS:

- 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
- The Navajo Nation received American Rescue Plan Act fund to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Drinking Water: Other water infrastructure, AND
- 4. Whippoorwill Chapter has prepared project under American Rescue Plan Act to construct New Homes within the chapter service area with plan to connect electric or extend powerlines to complement the newly constructed house, AND
- 5. Most selected families house will be built near existing powerline and waterline to qualify for a waiver of Right of Way by NTUA that will avoid a lengthy process, these type of cooperation between the agencies have always been in the best interest of the people.

#### **NOW THEREFORE IT BE RESOLVE THAT:**

- The Whippoorwill Chapter hereby requests the Department of Justice and Division of Community
  Development to accept our completed Fiscal Recovery Fund Form and Expenditure Plan for
  chapter's New Electric and Powerline Extension Project subject to be funded in amount of
  \$60,000.00 from American Rescue Plan Act.
- 2. Whippoorwill Chapter hereby affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

#### **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  $\underline{04}$  in FAVOR,  $\underline{0}$  OPPOSED, and  $\underline{02}$  ABSTAINED on the November  $4^{th}$ , 2022.

Motioned by <u>Raymond Joe</u>	Second by Johnny Naize
A area Vicinia Progident	Gerald Ahasteen, Chapter Vice President
Aaron Yazzie, Chapter President	Geraid Aliasteen, Chapter vice President
Philip Tom Jr., Chapter Secretary/Treasurer	Jimmy Yellowhair, NN Council Delegate
Albert Wartz, Grazing Official	