

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:	
\Box (1) Public Health and Economic Impact	□ (2) Premium Pay
\Box (3) Government Services/Lost Revenue	\Box (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	□ Expenditure Plan incomplete
□ Supporting documentation missing	\Box Funds will not be obligated by
\Box Project will not be completed by 12/31/2026	12/31/2024
□ Ineligible purpose	□ Incorrect Signatory
□ Submitter failed to timely submit CARES reports	\Box Inconsistent with applicable NN or
\Box Additional information submitted is insufficient	federal laws
to make a proper determination	
Other Community	
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.

APPENDIX I

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

Part 1. Identification of parties.

Non-Governance Certified Chapter Mexican Springs Chapter			_,	Date prepared:	12/14/22
Chanter's P.O. Box 689	nhone	/email: 505	5-733-283	2/mexicansprings	@navejochapters.org
mailing address: Tohatchi, New Mexico 87325	websit	e (if any): m	springs.nava	jochapters.org	
This Form prepared by: Christine Sam	ph	one/email:		733-2832	
Community Services Coordinator			csam	@nnchapt	
CONTACT PERSON'S name and title				CONTACT PE	RSON'S Info
Title and type of Project: Bathroom Additions					
Chapter President: Roberta J. Becenti	phone & email:	505-339	-0585	bertbecent	@hotmail.com
Chapter Vice-President: Carol B. Muskett	phone & email:	505-879	-3700	cbmuskett(@naataanii.org
Chapter Secretary: Genevieve S. Jones	phone & email:	505-906	-1885	jonesgenevi	eve@ymail.com
Chapter Treasurer, Same as Chapter Secretary	phone & email:				
Chapter Manager or CSC: Christine Sam	phone & email:	505-733	-2832	csam@nav	ajochapters.org
DCD/Chapter ASO: Derek Echohawk, ASC ASO					/k@nndcd.org
List types of Subcontractors or Subrecipients that will be paid with FRF (if k	nown): <u>Navajo</u>	Contrac	ctors a	and Subcon	tractors
		<u></u>			document attached
Amount of FRF requested: 285,000.00 FRF funding period: 12/	14/22 - 09/3	0/26			
Annound of France requession	indit	ate Project sta	nting and a	anding/deadline dat	9

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 bathroom additions will be funded in the amount of \$285,000.00 to purchase materials and supplies needed to add a bathroom addition to community members homes. These projects are located within the community of Mexican Springs Chapter will help provide a basis infrastructure that help in the reduction of the spread of the COVID-19 and other viruses and illnesses.

document attached

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

The COVID-19 and other viruses has spread rapidly since 2020 because some community members don't have the means of hand washing sink, water and other basic infrastructure for this purpose. The recipients of the bathroom addition will benefit from this project by providing a facility to wash their hands and personal hygiene to help reduce the spread of COVID-19 and other illnesses.

(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:

December 2022: Chapter to approve and support ARPA projects through a resolution and submit Request Form and Expenditure plan to FRF office and DOJ for approval review; Spring 2023: work with DCD and FRF office to select a contractor to build these bathroom additions; Fall 2023: construction will beginning and completion by December 2026.

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

The Division of Community Development will oversee the project and the Mexican Springs Chapter will ensure project is in process and completed by December 2026.

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:

Each homeowner who will receive the bathroom additions will be responsible for the operation and maintenance costs for the bathroom additions upon completion.

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:

Other Public Health Services[^] 1.14

The Mexican Springs Chapter is requesting for funds to construct bathroom additions and purchases needed materials and supplies. The chapter will work with the Indian Health Services, Office of Environmental Health, and Navajo Tribal Utility Authority. The goal of the project is to provide water and sewer system for each recipient and help prevent the rapid spread of COVID-19 and other contagious viruses and illnesses.

document attached

Part 3. Additional documents.

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

Chapter resolution that supports and approves this project as well as list of recipients.

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:	ABM.	Approved by: RESOL Band
	signature of Preparen/CONTACT PERSON	signature of Chapter President (or Mice Ryssident)
Approved by:	signature of CSC	Approved by: Approved by: Approved by:
		Approved to submit fine from NUFREFO

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3 BUDGET FORM 1

PART I.	Business Unit No.:	New	Program Title:	MEXIC	AN SPRINGS CHAPTER BATHROOM AD	DITIONS	Division/Branch:	DCD/Executi	ve				
Pr	epared By: CHRISTIN	IE SAM, CSC	Phone	No.:	505-733-2832 Email	Address:	csam@nnchapters.org						
PART II.	FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type	(A) NNC Approved	(B)	(C) Difference or				
NN Fisca	al Recovery Funds	9130126	285,000.00	100%		Code	Original Budget	Proposed Budget	Total				
					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	6	0	285,000	285,000				
					7000 Special Transactions								
					8000 Public Assistance				1				
					9000 Capital Outlay								
					9500 Matching Funds								
					9500 Indirect Cost								
						TOTAL	\$0.00	285,000.00	285,000				
					PART IV. POSITIONS AND VEHICLES		(D)	(E)					
					Total # of Positions E	Budgeted:	0	0]				
		TOTAL:	\$285,000.00	100%	Total # of Vehicles E	Budgeted:	0	0	1				
PART V	. I HEREBY ACKNOWLEDG	E THAT THE INI	FORMATION CON	TAINED	IN THIS BUDGET PACKAGE IS COMPLE	TE AND AC	CCURATE.						
SUBM	ITTED BY: J	ames Adakai, De	puty Director		APPROVED BY:	Calvin C	Castillo, Executive Dire	ctor					
	Pro	gram Manager's	Printed Name		Divis	ion Directo	or / Branch Chief's Pr	Inted Name	-				
		72	2-1		23	E,	E 21	13/23	-				
	Progra	am Manager's Sl	gnature and Date	-	Division	Director /	Branch Chief's Signa	ture and Date					

FY 2023

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FY 2023

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Page 2 of 3 BUDGET FORM 2

PAR	RT I. PROGRAM INFORMATION:							No Colores I de Colores Co								
	Business Unit No.:	New	Program Name/Title:	e: MEXICAN SPRINGS CHAPTER BATHROOM ADDITIONS												
PAR	RT II. PLAN OF OPERATION/RESOLUT	TION NUMBER/PURPOSE OF PR	OGRAM:					فلأنقص متجريده البكواني والت	النسبة الألقاع كالكرك التخفط							
PAF	TIII. PROGRAM PERFORMANCE CR	ITERIA:	ĺ		QTR		QTR		QTR	4th						
			[Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual					
1	. Goal Statement:															
	To build bathroom additions for family a															
	Program Performance Measure/Obje		-							·······						
	Will construct 19 homes with Bathroom	additions by end of FY 2026.								19						
2	2. Goal Statement:															
	1 1															
	Program Performance Measure/Obje	ective:														
3	. Goal Statement:															
	Program Performance Measure/Obje	ective:														
4	I. Goal Statement:															
	Program Performance Measure/Obje	ective:														
									-	_						
1	5. Goal Statement:															
	Program Performance Measure/Obje	ective:														
		the second s														
PA	RT IV. I HEREBY ACKNOWLEDGE TH		HAS BEEN THOROUGH	ILY REVIE	WED.			and the second se								
		dakai, Deputy Director					stillo, Execut									
	Program Mana	ger's Printed Name			Divisi	on Director	Branch Ch	er's Printe	d Name							
		5-1	3-23			20	600	413	123							
	Program Manager	's Signature and Date		-	Division	Director/B	ranch Chief	s Signatur	e and Date							
-																

FY 2023

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THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 3 BUDGET FORM 4

	ROGRAH INFORMATION: Program Name/Title:	MEXICAN SPRINGS CHAPTER BATHROOM ADDITIONS	Business Unit No.:	New	
ART II. I (A)	DETAILED BUDGET:	(B)		(C)	(D)
Object Code LOD 6)		Object Code Description and Justification (LOD 7)		Total by DETAILED Object Code (LCD 6)	Total by MAJOR Object Code (LOD 4)
	Subcontractual Services 6990 - Contruct Bathrooms			285,000	285,000
				285,000	285,00

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THE NAVAJO NATION PROJECT BUDGET SCHEDULE

Page 1 of 1 PROJECT FORM *

4

PART I. Business Unit No .: NEW																						PAR	T U.			Proje	ect inf	orma	tion	
Project Title: MEXICAN SPI	RINGS	CHA	PTER	BATH	ROO	MAD	DITIO	N														Project Type: Bathroom Additions								
Project Description To Constru	Construct 8'X14' bathroom additions with ADA bathroom fixtures, running water, electrical services												Planned Start Date: 12/14/22																	
													Planned End Date: 29/30/ 26																	
Check one box:	٧o										Proje	ect Man	ager:	Chris	ristine Sam															
PART III.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.														Ev	Expected Completion Date i														
List Project Task separately; such	h FY 2023 FY 2024														oject e															
as Plan, Design, Construct, Equip or Furnish.		lst Qtr			and Qt	r		Ird Qt			th Qt		1st Qtr.			2	nd Qt			Brd Qt			4th Qt	r		0	913	10/2	26	
	0	N	D	J	F	M	A	M	J	Jul	A	S	0	N	D	J	F	M	A	M	J	Jul	A	S	0	N	D	J	F	м
Finance (Securing Funds)			х	x	x	x																								
Initiate RFP for contractors								x	x	x																				
Planning and Selection											x	×	×	X																
Execute Contract																x	x	x	x											
-																														
Construction																				x	X	х	X	X	X	X	X	X	X	
					- 1																									
		Ļ						Ļ		<u> </u>			-	Ļ			L			Ļ			Ļ		_				TAL	Ц
PART V. Expected Quarterly Expenditures		\$		-	\$		+	\$		+	\$		┢	\$		-	\$		2	\$	00		\$		╂──		\$285			
Experied quarterly Expericitlies		_		<u> </u>			1			1			1						2	55,000.		L		_	1		<i>φ</i> 200,	000.0		
FOR OMB USE ONLY: Resolution No: FMIS Set Up Date: Company No: OMB Analyst:																														



Roberta J. Becenti, President Carol B. Muskett, Vice President Genevieve S. Jones, Sec./Treasurer

Hon. Nathan Notah, Council Delegate Vincent Muskett, Grazing Official Christine Sam, Comm. Service Coord.

P.O. Box 689 Tohatchi, NM 87325

RESOLUTION OF THE MEXICAN SPRINGS CHAPTER RESOLUTION NUMBER: MS-03-2023-06

SUPPORTING AND APPROVING THE MEXICAN SPRINGS CHAPTER'S NAVAJO NATION FISCAL RECOVERY FUNDS PROJECT EXPENDITURE PLANS FOR THE BATHROOM ADDITIONS IN THE AMOUNT OF \$285,000.00.

WHEREAS:

- 1. Mexican Springs Chapter is a certified Chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the nest interest of the community. See generally 2 N.N.C. §4021 et seq. and 26 N.N.C. §103; and
- 2. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is governing body of the Navajo Nation; and
- 3. By resolution CAP-34-98, the Navajo Nation Council approved the "Local Governance Act", wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo to address matters of local concern with Navajo law, custom, and tradition; and
- 4. The American Rescue Plan Act (ARPA) Fiscal Recovery Funds were allocated to the Navajo Nation to support our efforts to respond to the impacts of COVID-19, funds are allocated to develop our Nation's basic infrastructure and improve the lives of our Navajo citizens. Many citizens have always had to live without running water, clean drinking water, electricity and other basic services to support their daily activities, health and welfare; and
- 5. Pursuant to Navajo Nation Council resolution number CJY-41-21, approved the establishment of the Navajo Nation Fiscal Recovery Fund and the Expenditure authorization project thereunder, waiving certain provisions of the Navajo Nation Appropriations Act, Amending 12 N.N.C. § 334 to Authorize emergency procurements, authorizing reimbursement of the SIHASIN funds and undesignated unreserved fund balance, authorizing central support and regulatory cost funding, authorizing funding to complete defunded Navajo Nation CARES Fund Expenditure Plans,

Page Two (2)

Resolution NO: MS-03-2023-06

Re: Supporting and Approving the Mexican Springs Chapter's FRF expenditure plans for the Bathroom Additions in the amount of \$285,000.00.

authorizing the Establishment of a Navajo Nation Fiscal Recovery Fund Office within the Office of the President and Vice-President.

- 6. Pursuant to Resolution number BFS-31-21, the Budget and Finance Committee of the Navajo Nation Council approved the Navajo Nation Fiscal Recovery Fund application procedures, forms, and expenditure plan template, pursuant to CJY-41-21; and
- 7. Pursuant to Navajo Nation Council resolution number CJN-29-22, approved the Navajo Nation Fiscal Recovery Fund Expenditure Plans for chapter and regional projects, public safety emergency communications, E911, and rural addressing projects, cyber security, public health projects, hardship assistance, water and wastewater projects, broadband projects, home electricity connection and electric capacity projects, housing projects and manufactured housing facilities, bathroom addition projects, construction contingency funding, and reduced administrative funding.
- 8 The Mexican Springs Chapter 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.

NOW THEREFORE BE IT RESOLVED THAT:

The Mexican Springs Chapter hereby supports and approves the attached FRF expenditure plans for Bathroom Additions in the amount of \$285,000.00.

C-E-R-T-I-F-I-C-A-T-I-O-N

I certify that the foregoing resolution was duly considered by the Mexican Springs Chapter at a duly called meeting, in Mexican Springs, New Mexico, Navajo Nation, at which a quorum was present and the same was passed by a vote of <u>18</u> in favor, <u>00</u> opposed and <u>01</u> abstained, this 10^{th} day of MARCH, 2023.

MOTIONED BY: Vincent Muskett

SECONDED BY: William Nez, Sr.

Roberta J. Becenti, President



Roberta J. Becenti, President Carol B. Muskett, Vice President Genevieve S. Jones, Sec./Treasurer



Hon. Nathan Notah, Council Delegate Vincent Muskett, Grazing Official Christine Sam, Comm. Service Coord.

P.O. Box 689 Tohatchi, NM 87325

RESOLUTION OF THE MEXICAN SPRINGS CHAPTER RESOLUTION NUMBER: MS-01-2023-02

SUPPORTING AND APPROVING THE MEXICAN SPRINGS CHAPTER'S NAVAJO NATION FISCAL RECOVERY FUNDS PROJECT EXPENDITURE PLANS BY DELETING POWERLINE EXTENSION AND ADDING HOUSEWIRING PROJECT.

WHEREAS:

- 1. Mexican Springs Chapter is a certified Chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the nest interest of the community. See generally 2 N.N.C. §4021 et seq. and 26 N.N.C. §103; and
- 2. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is governing body of the Navajo Nation; and
- 3. By resolution CAP-34-98, the Navajo Nation Council approved the "Local Governance Act", wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo to address matters of local concern with Navajo law, custom, and tradition; and
- 4. The American Rescue Plan Act (ARPA) Fiscal Recovery Funds were allocated to the Navajo Nation to support our efforts to respond to the impacts of COVID-19, funds are allocated to develop our Nation's basic infrastructure and improve the lives of our Navajo citizens. Many citizens have always had to live without running water, clean drinking water, electricity and other basic services to support their daily activities, health and welfare; and
- 5. Pursuant to Navajo Nation Council resolution number CJY-41-21, approved the establishment of the Navajo Nation Fiscal Recovery Fund and the Expenditure authorization project thereunder, waiving certain provisions of the Navajo Nation Appropriations Act, Amending 12 N.N.C. § 334 to Authorize emergency procurements, authorizing reimbursement of the SIHASIN funds and undesignated unreserved fund balance, authorizing central support and regulatory cost funding, authorizing funding to complete defunded Navajo Nation CARES Fund Expenditure Plans, Page

Two (2) Resolution NO: MS-01-2023-02 Re: Supporting and Approving the chapter's FRF projects expenditure plans.

authorizing the Establishment of a Navajo Nation Fiscal Recovery Fund Office within the Office of the President and Vice-President.

- 6. Pursuant to Resolution number BFS-31-21, the Budget and Finance Committee of the Navajo Nation Council approved the Navajo Nation Fiscal Recovery Fund application procedures, forms, and expenditure plan template, pursuant to CJY-41-21; and
- 7. Pursuant to Navajo Nation Council resolution number CJN-29-22, approved the Navajo Nation Fiscal Recovery Fund Expenditure Plans for chapter and regional projects, public safety emergency communications, E911, and rural addressing projects, cyber security, public health projects, hardship assistance, water and wastewater projects, broadband projects, home electricity connection and electric capacity projects, housing projects and manufactured housing facilities, bathroom addition projects, construction contingency funding, and reduced administrative funding.
- 8. After thorough assessment the chapter feels that the need for house writing is critical for the community of Mexican Springs.

NOW THEREFORE BE IT RESOLVED THAT:

The Mexican Springs Chapter hereby supports and approves on the following ARPA projects and expenditure plans in the amount of \$1,760,467.90. This resolution supersedes all prior resolutions and priorities for the chapter's ARPA projects and are identified as:

- a. Bathroom Additions \$285,000.00
- b. Community cemetery expansion \$100,000.00
- c. Home Renovations \$200,000.00
- d. 3 Complete Homes \$750,000.00
- e. House wiring Project \$425,467.90

Three (3) Resolution NO: MS-01-2023-02 Re: Supporting and Approving the chapter's FRF projects expenditure plans.

C-E-R-T-I-F-I-C-A-T-I-O-N

I certify that the foregoing resolution was duly considered by the Mexican Springs Chapter at a duly called meeting, in Mexican Springs, New Mexico, Navajo Nation, at which a quorum was present and the same was passed by a vote of <u>21</u> in favor, <u>00</u> opposed and <u>01</u> abstained, this 17th day of JANUARY, 2023.

Roberta J. Becentil President

csam/01.03.2023

Motion: Vincent Muskett

Second: Joseph Bitsie, Jr