



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: _____

- ☐ 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

[illegible]

Name of DOJ Reviewer: _____

Signature of DOJ Reviewer: _____

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 NNDNJ Initial Eligibility Determination is based on the documents provided, which NNDNJ 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 NNDNJ. 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: Tohatchi Chapter Date prepared: 2/17/2023

Chapter's mailing address: P.O. Box 287 Tohatchi, NM 87325 phone/email: (505) 733-2845
website (if any): Tohatchi@navajochapters.org

This Form prepared by: Janice Begay phone/email: (505) 733-2845
Office Specialist mallison@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Community Cemetery Extension

Chapter President: Harry Moore, Jr. phone & email: (505) 870-9082 smoore@naataani.org

Chapter Vice-President: Mike Halona phone & email: (505) 797-1822 mhalona@nnld.org

Chapter Secretary: Jean Crawford phone & email: (505) 400-2836 jcrawford@navajochapters.org

Chapter Treasurer: Jean Crawford phone & email: (505) 400-2836 jcrawford@navajochapters.org

Chapter Manager or CSC: Maria Allison phone & email: (505) 733-2845 mallison@nnchapters.org

DCD/Chapter ASO: Dereck Echohawk phone & email: (505) ddechohawk@nndcd.org

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

Amount of FRF requested: \$84,175 FRF funding period: 05/01/2023 - 09/30/2026
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:

This project will improve and upgrade the Tohatchi Community & Veterans Cemetery. The spread of COVID-19 resulted in the loss of life that requires an expansion of the cemetery; Tohatchi shares the cemetery with District 14 and requires increased capacity for the future. Funds will purchase security gates, fencing, signage, and parking area improvement materials.

☐ document attached

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

This project will benefit Tohatchi and District 14 by providing an adequate and improved cemetery with expanded capacity. Tohatchi Community experienced community member losses during the COVID-19 Pandemic requiring community cemetery improvements including fencing for security and safety.

☐ 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 project will encumber funds by December 31, 2024 with all funds fully expended by December 31, 2026.

☐ document attached

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

The Tohatchi Chapter will be responsible for implementing and completing the project by September 2026. Navajo Nation DCD will provide oversight.

☐ 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:

Tohatchi Chapter will be responsible for the operation, maintenance, and repair of the cemetery upon project 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:

Public Sector Capacity: Effective Service Delivery: 3.4

Pursuant to the U.S. Treasury guidelines and funding objectives, this powerline extension project addresses conditions that contributed to poor public health and economic outcomes during the COVID-19 Pandemic. Providing a community cemetery improves effective service delivery; meets infrastructure and environmental health needs. The community will receive available burial plots for interring family members lost due to COVID-19.

☐ document attached

Part 3. Additional documents.

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

Tohatchi Community Chapter Resolution Number: TOH: 030-03-2023 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 Preparer/CONTACT PERSON

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

Approved by: 
signature of CSC

Approved by: 
signature of Chapter ASO

Approved to submit
for Review: 
signature of DCD Director

FY 2023

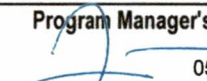
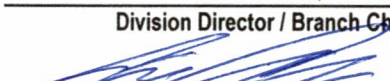
**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page ____ of ____
BUDGET FORM 1

PART I. Business Unit No.: <u>New</u>		Program Title: <u>Tohatchi Chapter - Community Cemetary</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Maria Allison</u>		Phone No.: <u>(505) 733-2845</u>		Email Address: <u>mallison@nnchapters.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 Fiscal Recovery Funds	05/01/23-09/30/26	\$84,175	100%	2001 Personnel Expenses	6	0	\$8,441	\$8,441
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies	6	0	\$75,734	\$75,734
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	\$84,175	\$84,175

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 Addakai, Deputy Director</u> <div align="center">Program Manager's Printed Name</div> <div align="center"></div> <div align="center"><u>05/17/2023</u></div> <div align="center">Program Manager's Signature and Date</div>	APPROVED BY: <u>Calvin Castillo, Executive Director</u> <div align="center">Division Director / Branch Chief's Printed Name</div> <div align="center"></div> <div align="center"><u>5/17/2023</u></div> <div align="center">Division Director / Branch Chief's Signature and Date</div>

FY 2023

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

Page ___ of ___
BUDGET FORM 2

PART I. PROGRAM INFORMATION:Business Unit No.: New

Program Name/Title:

Tohatchi Chapter - Community Cemetery**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 improve and upgratde Tohatchi cemetary with fencing for security and safety**Program Performance Measure/Objective:**Mend the current cemetary fencing and to include signs and parking lot.

						1	
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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 Addakai, Deputy Director**Program Manager's Printed Name**05/17/2023**Program Manager's Signature and Date**Calvin Castillo**Division Director/Branch Chief's Printed Name****Division Director/Branch Chief's Signature and Date**

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATIONPage ____ of ____
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: _____		Business Unit No.: _____	
Tohatchi Chapter - Community Cemetery			
New			
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)
8500	Infrastructure (Non Cap)		\$84,175.00
8555	Chapter Projects - Community Cemetery	\$84,175.00	
	Purchase supplies (fence, gate, sign and landscape) for Tohatchi Community and hire laborers		
TOTAL		\$84,175.00	\$84,175.00

Page ____ of ____
PROJECT FORM

[illegible]

FOR OMB USE ONLY:	Resolution No:	FMS Set Up Date:	Company No:	OMB Analyst:
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THE NAVAJO NATION TOHATCHI COMMUNITY CHAPTER

Post Office Box 287 Tohatchi, New Mexico 87325 Tel: (505) 733-2845/2846 FAX: (505) 733-2847

Harry "Sonny" Moore, Jr. Chapter President

W. Mike Halona Chapter Vice-President

Jean Crawford Chapter Secretary/Treasurer

Gerald Moore Grazing Official

Nathan Notah Council Delegate

RESOLUTION OF THE TOHATCHI CHAPTER

SUPPORTING AND APPROVING TOHATCHI CHAPTER'S EXPENDITURE PLANS FOR PROJECTS LISTED UTILIZING THE NAVAJO NATION FISCAL RECOVERY FUND FOR CEMETERY EXPANSION FENCING IN THE TOTAL AMOUNT OF \$84,175.

WHEREAS:

TOH: 030-03-2023

1. Pursuant to NNC Section 3(A), the Tohatchi Chapter is a duly recognized certified Chapter of the Navajo Nation Government as listed as 11 NNC. Part 1, Section 10.
2. Pursuant to 26 NNC Section 1(B), the Tohatchi Chapter is vested with the authority to review all matters affecting community to make appropriate corrections when necessary and to make recommendations to the Navajo Nation and other local agencies for appropriate actions.
3. The American Rescue Plan Act (ARPA) of 2021 was passed by the US Senate on March 6, 2021 and signed into law by President Biden on March 11, 2021.
4. Executive Order No. 008-2021, establishing the Navajo Nation Fiscal Recovery Fund (NNFRF) Office dedicated to overseeing and implementing the Coronavirus State and Local Fiscal Recovery Funds program authorized by the American Rescue Plan Act (ARPA). The establishment of the office was authorized through Resolution CJY-41-21, which was approved by the 24th Navajo Nation Council and signed into law in August.
5. The devastating effects of COVID-19 on the Navajo Nation, including employment losses, business closures, food and housing insecurity, and other economic disparities.
6. The Fiscal Recovery Funds are intended to support governmental efforts to mitigate and contain the spread of COVID-19, as well as to respond to the health, social and economic impacts of COVID-19 suffered by community members, schools, clinic, and businesses.
7. The Navajo Nation Fiscal Recovery Fund Office (NNFRF Office) shall be a clearinghouse that will coordinate, facilitate and implement Fiscal Recovery Fund (FRF) responsibilities. The NNFRF ensures expenditure reviews of FRF eligibility determination.
8. The allocation in the amount of \$1.7 million is the largest allocation made in history to the Tohatchi Chapter which will begin the constructions of waterline extension, powerline extension, solar systems, Navajo Nation Cistern/Septic System, House Wiring, and two (2) homes will be built for two (2) community members.
- ✓ 9. The Tohatchi Chapter ("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:

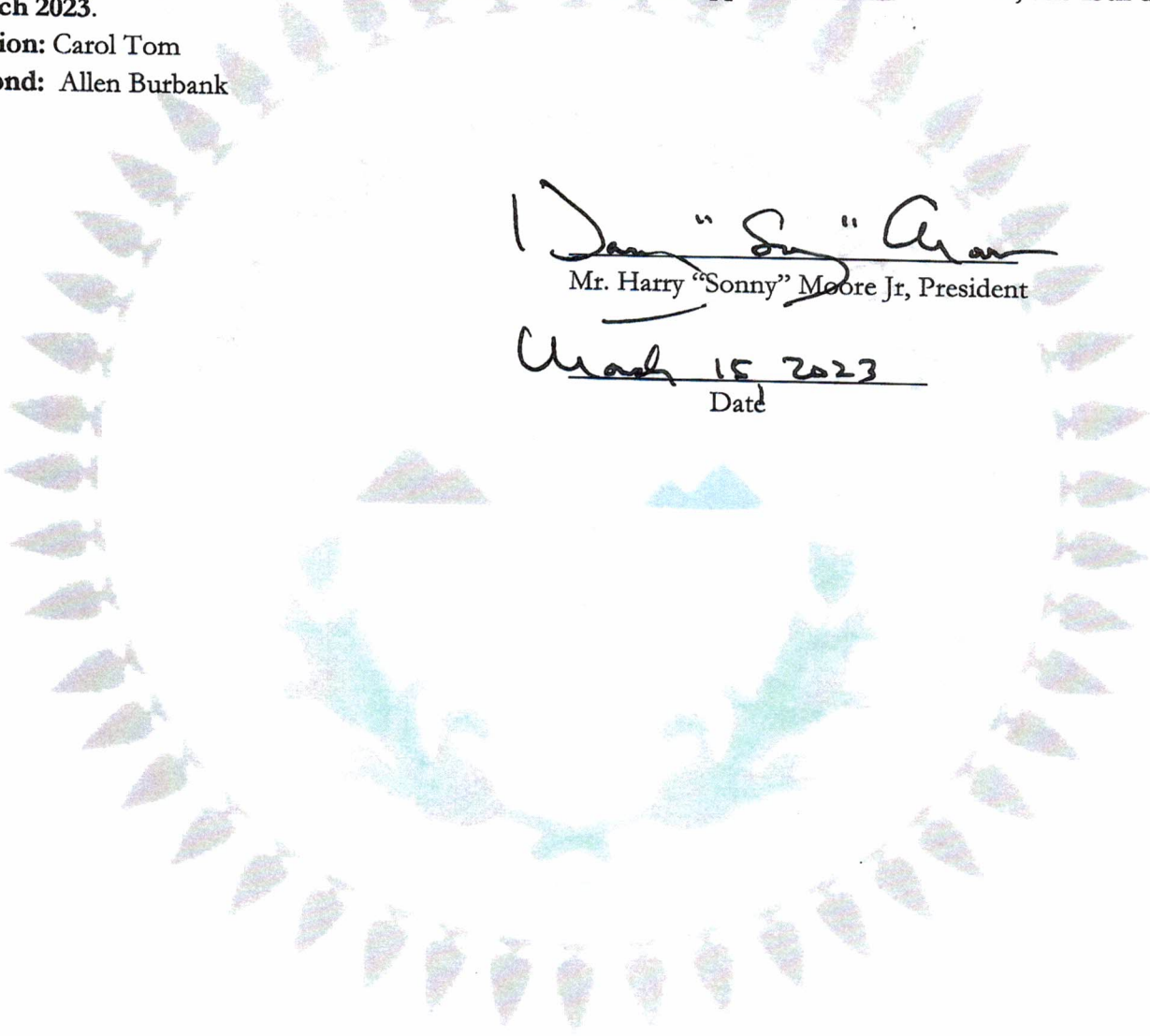
The Tohatchi Chapter hereby supports and approves the expenditures for the **Cemetery Expansion Fencing** in the total amount of **\$84,175.00** as shown in the attach spreadsheet.

CERTIFICATION

We hereby certify that the foregoing resolution was approved by the Tohatchi Chapter at a duly called meeting held at Tohatchi Chapter (Navajo Nation), NM at which a temporary authorized reduced quorum was present and the same was passed by a vote of 14 in favor, 0 opposed, 3 abstained, this **15th day of March 2023**.

Motion: Carol Tom

Second: Allen Burbank


Harry "Sonny" Moore Jr
Mr. Harry "Sonny" Moore Jr, President

March 15 2023
Date

**Tohatchi Community Chapter
American Rescue Plan Act (ARPA)**

Tohatchi Community Cemetary

#	Names	Column3	Column4
6	Cementary Fencing (Materials)		
	Materials for Comenty Fencing	\$75,734	
	Personnel Cost - PEP Workers (4) for Three Weeks		
	a. Skilled Carpenter (1):		
	120 hrs = 3 weeks		
	\$22.00 p/h for 120 hours	\$2,640	
	b. Laborers (3):		
	120 hrs x 3 Laborers = 3 weeks		
	\$14.00 p/h for 120 hours	\$5,040	
	Total Personnel Cost	\$7,680	
	Taxes:		
	FICA - 6.2%	\$476	
	Medicare - 1.45%	\$111	
	SUTA - 1.56%	\$120	
	Worker's Comp -	\$54	
	Total Personnel Taxes	\$761	
	Sub Total (Personnel Cost)	\$8,441	
	Sub Total		\$84,175