



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:

- | | |
|--|---|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay |
| <input type="checkbox"/> (3) Government Services/Lost Revenue | <input type="checkbox"/> (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

Name of DOJ Reviewer: _____

Disclaimers:

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.

To'Hajiilee
Chapter
Wastewater
Lagoon

NAVAJO NATION FISCAL RECOVERY FUND



DOCUMENT CHECKLIST

TO DOJ for Non Governance Certified Chapters

Submit all documents according to this checklist. If all documents are not attached, packet will be returned to division/program.

Division/Program Information:

Date Submitted: 11/21/2022

Program/Division: DCD/To'Hajiilee Navajo Chapter

Contact Person: Sherrilyn Apache

Phone: 505-908-2732

Email: sapache@nnchapters.org

Documents needed for processing:

- ☒ Appendix A - Request Form & Expenditure Plan
- ☒ Appendix B - Budget Forms (Form 1, 2, 3, 4, 5, Appendix J as needed)
- ☒ Approved Chapter Resolution supporting the project
- ☒ Required Signatures:
 - ☐ Preparer
 - ☐ Chapter President/Vice President
 - ☐ Chapter Manager/CSC
 - ☐ DCD ASC
 - ☐ DCD Division Director
 - ☐ NNFRFO Director

Notes:

Reviewed by:

NN Fiscal Recovery Fund Office

Date

DISCLAIMER: For guidance purposes only. Additional information may be required.

Navajo Nation Fiscal Recovery Fund Office (NNFRFO)
PO BOX 2469, Window Rock, Arizona 86515
(928)309-5532

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: To'Hajiilee Navajo Chapter Date prepared: 09/08/2022

Chapter's mailing address: P.O. Box 3398 phone/email: (505) 908-2732 tohajiilee@navajochapters.org
To'Hajiilee, New Mexico 87026-3398 website (if any): tohajiilee.navajochapters.org

This Form prepared by: Jimmy R Secatero - Chapter President phone/email: 505-288-6525 / jsecatero@naataanii.org
Sherrilyn Apache / Community Services Coordinator 505-908-2732/2730 sapache@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: To'Hajiilee Chapter Wastewater Lagoon - ARPA 5.1 Clean Water: Centralized Wastewater Treatment

Chapter President: Jimmy R Secatero phone & email: 505-288-6525 jsecatero@naataanii.org
Chapter Vice-President: Nora J Morris phone & email: 505-415-2700 nmorris@naataanii.org
Chapter Secretary: Francesca Abeita phone & email: 505-321-2925 fabeita@navajochapters.org
Chapter Treasurer: Francesca Abeita phone & email: 505-321-2925 fabeita@navajochapters.org
Chapter Manager or CSC: Sherrilyn Apache phone & email: 505-908-2732 sapache@nnchapters.org
DCD/Chapter ASO: Gurena Adeky phone & email: 505-488-8476 gadeky@nndcd.org

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

☐ document attached

Amount of FRF requested: \$ 434,113 FRF funding period: Start: Spring 2023; End Date: 12/31/2026

Indicate Project starting and ending/deadline date

11/23 - 12/31/26

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:

To'Hajiilee Chapter requests funds for the planning and design of a wastewater lagoon to serve an area containing existing homes, government health service buildings and planned social/public service buildings to be constructed in the near future. A new convenience store/laundromat will also be served and construction of the building is planned to start soon. To'Hajiilee is an isolated Eastern Navajo community with limited services available to residents. As a result, COVID-19 damaged our community much more than other developed Chapters on the Nation. Completion of the lagoon will allow these new buildings to help relieve the hardships residents have been suffering with, particularly due to the pandemic, and provide critical services To'Hajiilee is presently unable to provide. ☐ document attached

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

The lagoon will serve homes, a health clinic and a new police station, new school and new c-store/laundromat. Staying clean prevents the spread of COVID-19 and community members must travel 40 miles to do their laundry, purchase necessities to survive and exposing themselves to greater risk of contracting the disease. This project will also allow new development to provide improved economic growth/jobs and attract other commercial businesses to the community. ☐ 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:

The sewer lagoon project is planned to begin with planning and design in the spring of 2023. Planning and design services will be provided by a professional civil engineering firm to design the lagoon. Planning and design of this project are anticipated to be completed by June 2025.

☐ document attached

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

Jason John, Director, Navajo Department of Water Resources

☐ 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:

After the project is constructed, operation and maintenance will be provided by To'Hajiilee Chapter. Navajo Tribal Utility Authority (NTUA) has indicated they would provide assistance with the Chapter's wastewater operational program. They stated they would help to make this project successful and provide assistance when needed, especially if emergencies arise. The entities utilizing the wastewater infrastructure will contribute to the ongoing maintenance costs via water payments.

☐ 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:

To'Hajiilee's sewer lagoon comes under the Fiscal Recovery category 5.1 Clean Water: Centralized Wastewater Treatment. This endeavor comes under the wastewater classification because it is a new construction endeavor to replace dated septic tank systems and expand wastewater capacity for the area. The new sewer lagoon will help a typically overlooked Navajo community grow and prosper. As stated earlier, completion of this project will benefit To'Hajiilee not only by directly providing needed infrastructure to allow for critically needs services, but also by attracting other commercial industries and providing new jobs for the residents of To'Hajiilee.

☐ document attached

Part 3. Additional documents.

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

A budgetary cost estimate was completed by a professional engineering firm (Souder, Miller & Associates). Once funding is provided, planning, easement/land acquisitions, legal and topographical surveys and design of the lagoon will be completed, following the Nation's procurement process, as has been recently completed for the Chapter's water improvements 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:

Approved by:

Approved by:

Approved by:

Approved to submit
for Review:

Signature of Preparer/CONTACT PERSON

Signature of CSC

Signature of Chapter President (or Vice-President)

Signature of Chapter ASO

Signature of DCD Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

| | | | | | |
|---------------------------------------|--|---|--|--|--|
| PART I. Business Unit No.: <u>new</u> | | Program Title: <u>To'Hajiilee Chapter <i>Waste Water Lagoon</i></u> | | Division/Branch: <u>DCD/ASC</u> | |
| Prepared By: <u>Jimmy Secatero</u> | | Phone No.: <u>505-908-2732</u> | | Email Address: <u>jsecatero@naataanii.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 |
|----------------------------|-------------------|------------|------------|-----------------------------------|----------------|--|------------------------|-------------------------------|
| CJY-41-21-ARPA NNFRF | 1/1/23-12/31/24 | 434,113.00 | 100% | 2001 Personnel Expenses | | | | |
| <i>CJY-21-22</i> | | | | 3000 Travel Expenses | | | | |
| | | | | 3500 Meeting Expenses | | | | |
| | | | | 4000 Supplies | | | | |
| | | | | 5000 Lease and Rental | | | | |
| | | | | 5500 Communications and Utilities | | | | |
| | | | | 6000 Repairs and Maintenance | | | | |
| | | | | 6500 Contractual Services | 6 | | 434,113 | 434,113 |
| | | | | 7000 Special Transactions | | | | |
| | | | | 8000 Public Assistance | | | | |
| | | | | 9000 Capital Outlay | | | | |
| | | | | 9500 Matching Funds | | | | |
| | | | | 9500 Indirect Cost | | | | |
| | | | | TOTAL | | \$0.00 | 434,113.00 | 434,113 |

| 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>Sonlatsa Jim-Martin</u> | | APPROVED BY: <u>Bidah Becker, Director, DNR</u> | |
| Program Manager's Printed Name | | Division Director / Branch Chief's Printed Name | |
| <i>Sonlatsa Jim-Martin</i> | | <i>Bidah Becker</i> | |
| Program Manager's Signature and Date | | Division Director / Branch Chief's Signature and Date | |
| 12/05/2022 | | 5 December 2022 | |

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:

To'Hajiilee Chapter

Waste
Water Lagoon**PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:**

Pursuant to RDCO-79-16: A) The Department of Water Resources shall provide stewardship to manage, provide comprehensive water planning, compile information on existing surface and groundwater resources, coordination of the development and utilization of the Navajo Nation's waters to manage existing uses and to plan for future adequate water resources for domestic, industrial, agricultural, recreation, wildlife, aquatic life and other beneficial uses for maximum beneficial use to enhance the natural and human environment and exercise the sovereignty of the Navajo Nation over its waters; etc.

PART III. PROGRAM PERFORMANCE CRITERIA:**1. Goal Statement:**

To construct a new sewer lagoon for To'Hajiilee

Program Performance Measure/Objective:

To construct a new sewer lagoon for To'Hajiilee

| FY2023 | | FY2024 | | | | | |
|--------|--------|--------|--------|------|--------|------|--------|
| Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |

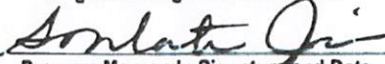
X

X

2. Goal Statement:**Program Performance Measure/Objective:****3. Goal Statement:****Program Performance Measure/Objective:****4. Goal Statement:****Program Performance Measure/Objective:****5. Goal Statement:****Program Performance Measure/Objective:****PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.**

Sonlatsa Jim-Martin

Program Manager's Printed Name

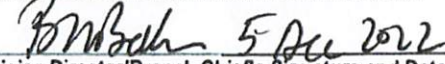


Program Manager's Signature and Date

12/05/2022

Biddah Becker, Director, DNR

Division Director/Branch Chief's Printed Name



Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATIONPage 3 of 3
BUDGET FORM 4

| PART I. PROGRAM INFORMATION: | | | |
|------------------------------|--|--|------------------------------------|
| Program Name/Title: _____ | | To'Hajiilee Chapter <u>Wastewater Lagoon</u> | Business Unit No.: _____ 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) |
| | 6500 Contractual Services Project management and design of sewer lagoon | 434,113 | \$ 434,113 |
| TOTAL | | \$ 434,113 | \$ 434,113 |

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

TO'HAJIILEE NAVAJO CHAPTER

Canoncito Band of Navajos

PO Box 3398 To'Hajiilee, New Mexico 87026

Phone: (505) 908-2732/2730 Email: To'hajiilee@Navajochapters.org

Jimmy R. Secatero, President
Nora J. Morris, Vice-President
Francesca Abeita, Secretary/Treasurer
Evangeline Willie, Land Board
Jamie Henio, Council Delegate
Sherrilyn Apache, Community Service Coordinator

RESOLUTION: TNC-22-11-055

RESOLUTION OF THE TO'HAJIILEE NAVAJO CHAPTER/CANONCITO BAND OF NAVAJOS TO APPROVE AND SUPPORT ARPA FUNDING FOR TO'HAJIILEE WASTEWATER LAGOON PROJECT AND AFFIRMING COMPLIANCE WITH ARPA AND OTHER APPLICABLE LAWS AND REGULATIONS

WHEREAS:

1. To'Hajiilee Navajo Chapter/Canoncito Band of Navajos is a certified government, pursuant to 26 N.N.C., Section 3 (A) of the Navajo Nation Government, as listed as 11 N.N.C., Part 1, section 10, and delegated government authority with respect to local matters consistent with Navajo Law, including customs, traditions and fiscal matter; and
2. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos is empowered, pursuant to 26 N.N.C., Section 1 (B) is vested with authority to review all matters affecting the community and to make favorable decision when necessary and make recommendation(s) to Navajo Nation and other in the best interest of the community membership for appropriate actions; and
3. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos currently manages and protects 77,899 acres of Canoncito Band Land and provides services to 2,832 enrolled members of the Canoncito Band, who are experiencing significant hardship due to COVID-19 pandemic; and
4. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos finds that one the most critical needs facing our community is to build a new wastewater lagoon to serve existing homes, government health service buildings, and planned developments; and
5. The Navajo Nation has received funds from the American Rescue Plan Act (ARPA) which may be used for wastewater infrastructure that meets the urgent public health and safety needs of the community; and
6. The ARPA funds come with strict rules and regulations that must be complied with.

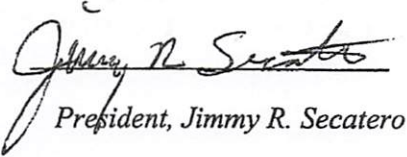
NOW, THEREFORE, BE IT RESOLVED THAT:

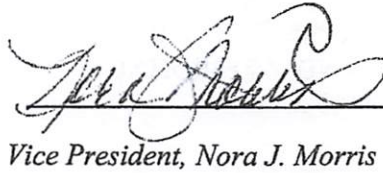
1. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos supports and requests ARPA funding for the To'Hajiilee Wastewater Lagoon Project to mitigate the impact of COVID -19 in the community.
2. The To'Hajiilee Navajo Chapter/Canoncito Band of Navajos affirms that the Chapter will only use awarded funds in compliance with the ARPA, the ARPA regulations, and all other applicable Navajo Nation and Federal laws and regulations.

RESOLUTION: TNC-22-11-055

CERTIFICATION

We hereby certify that this forgoing resolution was duly considered by the To'Hajiilee Chapter Membership at a duly called virtual meeting at which a quorum was present and that an approval was passed with a vote of 11 IN FAVOR, 00 OPPOSED and 01 ABSTENTION this 15th day of November 2022, Motion by: Nora J. Morris Second by: Evangeline Willie


President, Jimmy R. Secatero


Vice President, Nora J. Morris

Secretary/Treasurer Francesca Abeita

RESOLUTION: TNC-22-11-055