



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

**DEPARTMENT OF JUSTICE**  
**INITIAL ELIGIBILITY DETERMINATION**  
**FOR NAVAJO NATION FISCAL RECOVERY FUNDS**

**RFS/HK Review #:** HK0349

**Date & Time Received:** 12/20/22 10:56

**Date & Time of Response:** 01/06/23 17:00

**Entity Requesting FRF:** Upper Fruitland Chapter

**Title of Project:** Moveable Restroom Shower Combo

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$175,000.00

**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

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U.S. Department of Treasury Reporting Expenditure Category: 1.14 Other Public Health Services

**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 |  |

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Upper Fruitland Chapter Date prepared: Dec 1, 2022

Chapter's mailing address: Upper Fruitland Chapter phone & email: (505) 960-5032 upperfruitland@navajochapters.org  
P.O. Box 1257 Fruitland, NM 87416 website (if any): www.upperfruitland.org

This Form prepared by: Alvis Kee, Manager phone/email: (505) 960-5032  
akee@nnchaptrs.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Moveable Restroom Shower Combo

Chapter President: Lynelle Etsitty phone & email: (505) 208-0201 lcetsitty@naataanii.org  
Chapter Vice-President: Lisa Byrd phone & email: (505) 686-2224 lbyrd@naataanii.org  
Chapter Secretary: Dora Smith phone & email: (505) 686-7544 dasmith@navajochapters.org  
Chapter Treasurer: Dora Smith phone & email: (505) 686-7544 dasmith@navajochapters.org  
Chapter Manager or CSC: Alvis Kee phone & email: (505) 215-4471 akee@nnchapters.org  
DCD/Chapter ASO: Eliza-Beth Washburne phone & email: (505) 368-1020 eliza-beth@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Vip To Go, 115 B South Wagon Wheel  
Boerne, Texas 78015 ☐ document attached

Amount of FRF requested: 175,000.00 FRF funding period: Starting Jan 2023 ending Feb 2024  
Indicate Project starting and ending/deadline date

01/01/2023 - 12/30/2026

**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 purchasing a moveable trailer with six stations of restroom and shower combinations will serve residences that were severely impacted from COVID-19 because of their lack of lavatory and showers to maintain their hygiene. The high volume number of homes on the Navajo Nation lack access to water and wastewater services which contributed to major sanitation deficiencies connected to the soaring outbreak of COVID-19.

☒ document attached

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

The elevated number of homes upon the Navajo Nation lack access to one or more of the following utilities; electricity, water, wastewater and broadband. Residents of the United States require these utilities to ensure they live healthy in their daily lives; therefore, this moveable restroom and shower combination will provide access for citizens lacking at least two of these utilities. This asset will assist in promoting public health and economic stimulus.

☐ 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:



The Chapter Manager will be delegated the responsibility for budgeting, procurements, liaison with various entities and local citizens on progress up until the project and required documentations are completed applicable to this project.

☐ document attached

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

Based upon the funding, the project completion date will be December 31, 2026 with all funds being incurred before December 31, 2024. The Navajo Nation Budget forms are attached and illustrate the phase goals per quarter of funding period.

☐ 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:

The chapter administration will ensure the property is entered upon the Upper Fruitland Chapter's fixed assets and tasked with the responsibility of budgeting for the fixed asset's operation and maintenance.

☐ 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:

**WATER AND SEWER. 5.3 Clean Water: Decentralized Wastewater REVENUE REPLACEMENT. 6.1 Provision of Government Services**  
Pursuant to the U.S. Treasury guidelines and funding objectives, this Upper Fruitland Community Cemetery will address the conditions that contributed to the poor health and economic outcomes during the Pandemic. By concentrating in areas with limited economic opportunities and connecting residents with public assistance building healthier environments such as: government services to support communities conducive to mental and physical wellness. The exacerbation of health disparities during the Pandemic and role of pre-existing social vulnerabilities are responsive to the public health impact of the pandemic. This fixed asset will support a healthier environment. Access to government services that facilitates sustainable economic, social growth and drastically increase the quality of life and healthcare provided.

☐ document attached

### Part 3. Additional documents.

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

FRUI-2022-12-305

☐ 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-44-24, 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

12/19/2022

Approved to submit  
for Review:

  
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 108091</u>		Program Title: <u>Upper Fruitland Chapter</u>		Division/Branch: <u>Div. of Comm. Develop.</u>	
Prepared By: <u>Alvis Kee</u>		Phone No.: <u>505.960.5032</u>		Email Address: <u>akee@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
ARPA Funds	<u>1/01/2023 - 12/31/2026</u>	<u>\$175,000.00</u>	<u>100%</u>	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				
				9000 Capital Outlay	<u>6</u>	<u>175,000</u>	<u>175,000</u>	<u>175,000</u>
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		<b>\$0.00</b>	<b>175,000</b>	<b>175,000</b>

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	<u>0</u>	<u>0</u>
Total # of Vehicles Budgeted:	<u>0</u>	<u>0</u>

**TOTAL: \$175,000.00 100%**

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>Dr. Pearl Yellowman</u>
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name
<u>Sonlatsa Jim</u> 12/19/2022	<u>Pearl Yellowman</u> 12.16.22
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date



FY 2023

**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

Page 2 of 3  
BUDGET FORM 2**PART I. PROGRAM INFORMATION:**

Business Unit No.:

NEW  
-100091-

Program Name/Title:

Upper Fruitland Chapter

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

To provide citizens with the quality of life necessary to get through the COVID-19 Pandemic

**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 purchase a six-station restroom/shower combination trailer

Program Performance Measure/Objective:

To provide residents with an opportunity to use restrooms and showers during pandemic

1		50		50		50	
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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.**

Sonlatsa Jim-Martin

Program Manager's Printed Name

Sonlatsa Jim 12/19/2022

Program Manager's Signature and Date

Dr. Pearl Yellowman

Division Director/Branch Chief's Printed Name

Pearl Yellowman 12.16.22

Division Director/Branch Chief's Signature and Date



The Navajo Nation  
Upper Fruitland Chapter  
P.O. Box 1257  
Fruitland, New Mexico 87416  
(505) 960-5032/9811  
Fax: (505) 960-5033  
[Upperfruitland@Navajochapters.org](mailto:Upperfruitland@Navajochapters.org)



Rickie Nez, Council Delegate  
Lynelle Etsitty, President  
Lisa Byrd, Vice-President  
Dora Smith, Secretary/Treasurer  
Albert Lee, Farm Board Representative  
Roxanne Lee, Grazing Representative

## RESOLUTION OF THE NAVAJO NATION UPPER FRUITLAND CHAPTER

### **THE UPPER FRUITLAND CHAPTER SUPPORTS AND APPROVES THE AMERICAN RESCUE PLAN ACT (ARPA) PROJECTS AND BUDGETS IN ACCORDANCE WITH EACH DELEGATED REGIONAL EQUAL DISTRIBUTION OF \$1,467,056.67**

#### **WHEREAS:**

1. Under 26 N.N. C. § 3(A), the Upper Fruitland Chapter is a certified Chapter of the Navajo Nation is listed under 11 N.N.C., §10;
2. Under 26 N.N.C. §1(B), the Upper Fruitland Chapter received further governance-certification of the Five Management System by the Resources and Development Committee of the Navajo Nation Council on February 28, 2012, and is delegated with authority to exercise powers listed in 26 N.N.C. §103;
3. The Upper Fruitland Chapter appreciates 24<sup>th</sup> Navajo Nation Council Delegate Rickie Nez equal distribution of the \$8,802,340.00 amongst his six assigned chapters with Upper Fruitland Chapter allocated the amount of \$1,467,056.67; and.
4. The Upper Fruitland Chapter will use the American Rescue Plan Act (ARPA) funds to assist their community with the following projects and budgeted as follows:

#	Project Description	Category	Amount
01	Mobile Combination Shower & Restroom	5.3 & 6.1	175,000.00
02	Heavy Duty Truck	6.1	100,000.00
03	Leach fields	5.3	220,500.00
04	Warehouse	6.1 & 1.7	500,500.00
05	Cemetery; Rose Garden	6.1	100,500.00



06	Cemetery; Upper Fruitland Community	6.1	370,556.67
GRAND TOTAL:			1,467,056.67

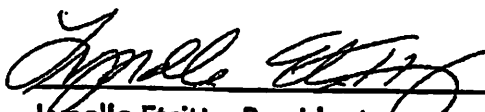
5. The Upper Fruitland Chapter hereby submits these projects to the Navajo Nation Division of Community Development, Navajo Nation Fiscal Recovery Fund Office and the Navajo Nation Department of Justice to determine each project eligibility.

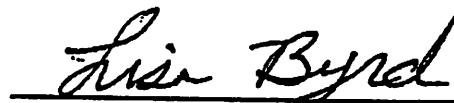
**NOW THEREFORE BE IT RESOLVED THAT:**

The Upper Fruitland Chapter supports and approves the American Rescue Plan Act (ARPA) projects and budgets in accordance with each delegated regional equal distribution of \$1,467,056.67.

**CERTIFICATION**

WE HEREBY CERTIFIED that the foregoing resolution was approved by the Upper Fruitland Chapter at a duly special called meeting held at Upper Fruitland Chapter (Navajo Nation), New Mexico. A motion to approve was made by Robert Allen and seconded by Robert Harrison and the same was passed by a vote of 22 in favor, 0 opposed, 1 abstained, this 11<sup>th</sup> day of December 2022.

  
Lynelle Etsitty, President

  
Lisa Byrd, Vice-President

  
Dora Smith, Secretary/Treasurer

  
Rickie Nez, Council Delegate



FY 2023

# THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

 Page 3 of 3  
BUDGET FORM

## PART I. PROGRAM INFORMATION:

Program Name/Title:

Upper Fruitland Chapter

Business Unit No.:

 NEW  
~~108091~~

## 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)
	<p>Clean Water: Decentralized Wastewater - ARPA Septic Syste Clean-out or Replacement program. This project will consist of contracting several septic system cleaning entities to clean out the domestic wastewater systems already in place. The project will also be to replace or install leach field systems to homes to ensure clean water can exit as wastewater. This cleaning, replacement or installation of septic/leach systems will directly address one of the major sanitation deficiencies connected to the large volume of COVID-19 outbreak upon the Navajo Nation. There are a large capacity of homes on the Navajo Nation that lack access to the basic utilities of electricity, water, wastewater and broadband. Many residents require use of these utilities in their daily lives to live the healthy lifestyle. This project will at least address the water and wastewater utility services to homes while promoting public health and economic stimulus.</p>		
6410	Vehicle R&M - External		
6430	Specialized Vehicles		
	Purchase a six station restroom and shower combo trailer	175,000	175,000
7000	Special Transactions		
7440	Printing Advertising		
	Advertisement for professional vendors capable of fulfilling this project in accordance with Procurement Procedures	500	
TOTAL		175,500	\$175,000



# THE NAVAJO NATION PROJECT BUDGET SCHEDULE

Page \_\_\_\_ of \_\_\_\_  
PROJECT FORM

<b>PART I. Business Unit No.: New</b>  Project Title: <u>Combination Restroom and Shower trailer</u> Project Description <u>To purchase a combination restroom and shower trailer to be towed to various locations in the Upper Fruitland community for citizens to properly maintain their hygiene needs</u> Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification		<b>PART II. Project Information</b> Project Type: <u>Combination trailer</u> Planned Start Date: <u>1/9/2023</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Alvis Kee</u>	
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<b>PART III.</b> List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	<b>PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.</b>																								Expected Completion Date if project exceeds 8 FY Qtrs.					
	FY _____												FY _____																	
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date					
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
Finance (securing funding)				XXX	XXX																									
Planning & Design																														
Contracting Proceduremet Process							XXX	XXX	XXX	XXX	XXX	XXX																		
Contract Completed													xxx	xxx	xxxx															
Construction																												XXX		
<b>PART V.</b>	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL					
Expected Quarterly Expenditures	0.00			50,000.00			125,000.00			0.00			0.00			0.00			0.00			0.00			\$175,000.00					

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





Gmail

Alvis Kee <akee@nnchapters.org>

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## Restroom Trailers

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**Arendina Selneck** <Arendinas@johntogo.com>  
To: Alvis Kee <akee@nnchapters.org>

Wed, Aug 24, 2022 at 11:27 AM

Alvis,

For a 6 Stall Shower Combo to buy would be around \$120K. You would need a truck with hitch to pull the trailer. Most of our vehicles are the F-2500 but we also have some small truck for the smaller trailers.

Please let me know if you need any other information.

Thanks,

Arendina

[Quoted text hidden]