



**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 #: HK0352

Date & Time Received: 12/20/22 15:00

Date & Time of Response: 12/30/22 17:00

Entity Requesting FRF: Newcomb Chapter

Title of Project: Newcomb Chapter House Restroom No Touch and ADA Standards Upgrades

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$100,000.00

**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:** 1.4 Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)

**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: Newcomb Chapter Government Date prepared: 12/11/2022

Chapter's mailing address: PO Box 7946 phone & email: 505-696-3300  
Newcomb, NM 87455 website (if any): ndbenally@nnchapters.org

This Form prepared by: Norman Benally phone/email: 505-696-3400  
Newcomb Chapter Manager ndbenally@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Newcomb Chapter House Restroom No Touch and ADA Standards Upgrades

Chapter President: David Randolph phone & email: 505-478-7746/dvrdrs491@outlook.com

Chapter Vice-President: Willamena Smith phone & email: 505-427-1993/willamenas7878@yahoo.com

Chapter Secretary: Donna Benally phone & email: 505-860-9428/benally\_d@hotmail.com

Chapter Treasurer: Donna Benally phone & email: 505-860-9428/benally\_d@hotmail.com

Chapter Manager or CSC: Norman Benally phone & email: 505-696-3400/ndbenally@nnchapters.org

DCD/Chapter ASO: Elizabeth Washborne phone & email: 505-368-1026/eliza-beth@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Not known

01/01/2022 - 12/31/2022  document attached

Amount of FRF requested: \$100,000 FRF funding period: 2023 - 2025 (3/1/2022 - 11/30/2025)  
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:

The funds will be used on these buildings to renovate the Newcomb Chapter restroom to no touch fixtures and to upgrade to the ADA Standards. All sinks, toilets, hand dryers and other restroom fixtures will be no touch (attached is a scope of work).

document attached

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

In an effort to minimize or stop the spread of COVID 19, as well as, any other viruses, the Newcomb Chapter would like to upgrade their restroom facilities with no-touch fixtures. The restrooms will be renovated to comply with ADA Standards. These Chapter buildings will become a safer healthier offices for the administration, community members and visitors.

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:



Dec 11, 2022 - Resolution  
Winter 2023 - NN and DOJ Review  
Spring 2023 - Seek Bids  
Summer 2023 - Contract Bid Award  
Fall 2023 to Summer 2024 - Construction  
Challenges: Review time from Navajo Nation

document attached

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

Newcomb Chapter Administration and Elected Officials will be responsible for the project.

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:

Newcomb Chapter Administration will be responsible for the operations and maintenance costs for the project once completed.

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:

COVID-19: Aid to Impacted Industries^ 1.10

The Newcomb Chapter is seeking funds to upgrade their buildings to the ADA Standards. To comply with the ADA Standards it will certain benefit the effort to minimize or stop the spread of COVID 19, as well as, any other viruses.

document attached

**Part 3. Additional documents.**

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

Chapter Resolution is attached.  
Scope of Work 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:  12/12/22 Approved by:   
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)

Approved by:  12/12/22 Approved by:  12/19/2022  
signature of Chapter Manager or CSC signature of DCD/Chapter ASO

Approved to submit for Review:  & NTRFO  
signature of DCD Director

FY 2023

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page \_\_\_ of \_\_\_  
BUDGET FORM 1

PART I. Business Unit No.:         New         Program Title: Newcomb Chapter Buildings Upgrade to ADA Standards Division/Branch: DCD/Executive Branch  
 Prepared By: Norman Benally Phone No.: 505-696-3400 Email Address: ndbenally@nnchapters.org

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A)	(B)	(C)
						NNC Approved Original Budget	Proposed Budget	Difference or Total
NN Fiscal Recovery Funds	FY23-FY25	100,000.00	100%					
	3/1/2023-11/30/2025			2001 Personnel Expenses				
	01/01/2022-12/31/2026			3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services	6		100,000	100,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		\$0.00	100,000.00	100,000.00
				<b>PART IV. POSITIONS AND VEHICLES</b>		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
		<b>TOTAL:</b>	\$100,000.00	100%				

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Norman Benally APPROVED BY: *Deborah Lona*  
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name  
*Norman Benally* 12/12/22 *Deborah Lona* 12-16-22  
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

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THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

**PART I. PROGRAM INFORMATION:**  
 Business Unit No.: \_\_\_\_\_ New \_\_\_\_\_ Program Name/Title: Newcomb Chapter Buildings Upgrade to ADA Standards

**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
<b>1. Goal Statement:</b> Chapter buildings complies with ADA Standards <hr/> <b>Program Performance Measure/Objective:</b> Hire A Contractor to construct according to scope of work					1			
<b>2. Goal Statement:</b> <hr/> <b>Program Performance Measure/Objective:</b>								
<b>3. Goal Statement:</b> <hr/> <b>Program Performance Measure/Objective:</b>								
<b>4. Goal Statement:</b> <hr/> <b>Program Performance Measure/Objective:</b>								
<b>5. Goal Statement:</b> <hr/> <b>Program Performance Measure/Objective:</b>								

**PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.**

_____ Norman Benally Program Manager's Printed Name	_____ Division Director/Branch Chief's Printed Name
_____ Program Manager's Signature and Date	_____ Division Director/Branch Chief's Signature and Date

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FY 2023

THE NAVAJO NATION  
 DETAILED BUDGET AND JUSTIFICATION

Page \_\_\_ of \_\_\_  
 BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Newcomb Chapter Buildings Upgrade to ADA Standards</u>		Business Unit No.: <u>New</u>	
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	Contractor Services - Contractor to perform the scope of work for Newcomb Chapter (Building to ADA Standards)		100,000
6960	Subcontractor Services	100,000	
<b>TOTAL</b>		100,000	100,000



## NEWCOMB CHAPTER

P.O. Box 7946 • Newcomb, NM 87455 • Telephone: 505-696-3300 • Fax: 505-696-5475

### NEWCOMB CHAPTER ARPA PROJECT SCOPE OF WORK

#### **Project Title:**

To comply with ADA Standards, the Newcomb Chapter House and its buildings will undergo upgrades to ADA standards. The Chapter House, the Senior Citizens Center, the Head Start School, the Old Chapter House and the Dine College Outreach Facility are housed in separate buildings that belong to the Newcomb Chapter Government.

#### **Background Narrative:**

To comply with the ADA Standards it will certain benefit the effort to minimize or stop the spread of COVID 19, as well as, any other viruses. Newcomb Chapter will upgrade their building facilities to ADA Standards. The list below is what the Chapter would introduce as a general scope of work.

#### **Work Plan:**

**Newcomb Chapter House: A complete renovation of the Chapter's restroom, the list below is not inclusive, other items maybe added:**

- Men's Restroom:
  - Expand the toilet stall to comply with ADA standards
- Ladies Restroom:
  - Expand one toilet stall to comply with ADA standards
- Restroom doors and administration office door:
  - Construct and install all main doors that will comply with the ADA standards

**Head Start Building: A complete renovation of the Head Start's restroom, the list below is not inclusive, other items maybe added: \*Note: All hand dryers will need to comply with NN OEH requirements**

- Front door needs to have an ADA Handicap entrance
- Restrooms will have rails mounted alongside toilets.

#### **Dine College Outreach Facility:**

- Front door needs to have an ADA Handicap entrance
- Restrooms will have rails mounted alongside toilets.

#### **Old Chapter House Building:**

- Restrooms will have rails mounted alongside toilets.

David Randolph Sr, President   Willamena Smith, Vice President  
Donna Benally Sec. /Treasurer   Lawrence Gould, Grazing Representative  
Rickie Nez, Council Delegate



**Results Expected:**

- No-touch fixtures will minimize the spread of any virus
- Restroom fixtures must meet ADA requirements
- The ventilation system will help in minimizing the air to stay in one place
- All tasks are done correctly and meet the required standards
- Project will be completed safely, on time, within the budget

**Responsible Staff:**

- Norman Benally, Newcomb Chapter Manager
- David Randolph, Newcomb Chapter President
- Rena Yazzie – Senior Citizen Center
- Charlotte Charleston – Head Start School

David Randolph Sr, President    Willamena Smith, Vice President  
Donna Benally Sec. /Treasurer    Lawrence Gould, Grazing Representative  
Rickie Nez, Council Delegate



## NEWCOMB CHAPTER – NAVAJO NATION

P.O. Box # 7946, Newcomb, New Mexico 87455; Phone: 505.686-3300 Fax: 505.696.5475

FY'2023  
NWCB-120521-019

### Resolution of the Newcomb Chapter

#### APPROVING THE NEWCOMB CHAPTER AMERICAN RESCUE PLAN ACT (ARPA) PROJECTS FOR PLANNING, DESIGNING, CONSTRUCTION, PURCHASING AND INSTALLATION OF PROJECTS

#### WHEREAS:

1. The Newcomb Chapter is a duly certified Chapter governmental of the Navajo Nation with delegated authority to adopt ordinances and to adopt plans on matters of local concerns in the best interest of its local community membership; and
2. Pursuant to 26 N.N.C Section 1 (B) Newcomb Chapter is vested with the authority to review all matters affecting the community and make appropriate correction when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Newcomb Chapter is aware that World Health Organization (WHO) declared a public health emergency of international concern related to the outbreak of the coronavirus (COVID-19), a highly contagious and fatal respiratory virus on January 30, 2020. The U.S. Department of Health and Human Services declared a public health emergency related to COVID-19 outbreak on January 31, 2020. The WHO declared a global pandemic due to COVID-19 on March 11, 2020; and
4. The U.S. Congress on March 27, 2020, enacted the Coronavirus Aid, Relief, Economic Security Act (CARES Act), Pub L. No. 116-136, 134 Stat. 281 (2020). The CARES Act, at Title V, §5001, entitled Coronavirus Relief Funds which set aside \$8 Billion in emergency aid for Tribal Governments for the COVID-19 Pandemic; and
5. In response to the pandemic, on March 11, 2021 United States President Joseph Biden sign the American Rescue Plan Act (ARPA) into law, which establish the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (Together the "Fiscal Recovery Funds" or "FRF") and provided \$362 billion for state, local and tribal governments, including \$20 billion specifically designated for tribal governments; and
6. As of November 1, 2021, the United States Treasury has allocated two million seventy-nine million four hundred sixty-one thousand four hundred sixty-four dollars (\$2,079,461,464) to the Navajo Nation under the Fiscal Recovery Funds provisions of ARPA; and
7. Pursuant to Section 9901 of ARPA, the Fiscal Recovery Funds are specifically intended to:
  - a. Respond to the COVID-19 public health emergency and its negative economic impacts, including assistance to households, small businesses, and non-profits; and/or aid to impacted industries such as tourism, travel, and hospitality; and
  - b. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
  - c. Provide government services to the extent of the reduction in Navajo Nation revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the COVID-19 public health emergency; and

- d. Make necessary investments in water, sewer, and/or broadband infrastructure.
- 8. The NAABIK'IYATI' Committee and Navajo Nation Council plans include Allocating \$1,166,003,000 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans for Water and Wastewater Projects, Broadband Projects, Home Electricity Connection Projects, Housing and Housing Renovation Projects, Bathroom Additions Projects and Hardship Assistance.
- 9. Pursuant to Legislation 0257-21, the Newcomb Chapter has prioritized projects for the Fiscal Recovery Funds as: (1) ADA Chapter Facilities upgrades, (2) Old Chapter House Restroom, (3) Newcomb Chapter Restrooms, (4) Chapter Facilities Ventilation Systems, (5) Install No-Touch Fixtures, (6) Electrical Upgrades and Connections, (7) Wastewater facility upgrades and installation, (8) Bathroom Additions, and (9) Upgrades or connection of Potable water.

**NOW THEREFORE BE IT RESOLVED THAT:**


The Newcomb Chapter Membership hereby approves pursuant Legislation 0257-21; the Newcomb Chapter's American Rescue Plan Act (ARPA) Projects in the amount of \$1,467,056.67.00 for Planning, Designing, Construction, Purchasing and Installation of Projects. Projects include: ADA Chapter Facilities upgrades, (2) Old Chapter House Restroom, (3) Newcomb Chapter Restrooms, (4) Chapter Facilities Ventilation Systems, (5) Install No-Touch Fixtures, (6) Electrical Upgrades and Connections, (7) Wastewater facility upgrades and installation, (8) Bathroom Additions, and (9) Upgrades or connection of Potable water.

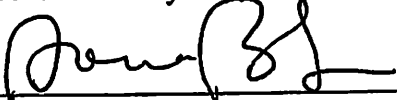
**CERTIFICATION**

We, hereby certify that the foregoing Chapter Resolution was considered by the Newcomb Chapter membership at a duly called Chapter meeting at Newcomb, Navajo Nation (New Mexico) at which a quorum was present and hat same was passed by a vote of 09 in favor, 00 opposed, 00 abstained this 11<sup>th</sup> day of December 2022.

Motioned: Donna Benally

Seconded: Henry Thomas

  
\_\_\_\_\_  
David Randolph Sr., Chapter President

  
\_\_\_\_\_  
Donna L. Benally, Chapter Secretary/Treasurer

  
\_\_\_\_\_  
Willamena Smith, Chapter Vice President