



**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 #: HK0358

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

Date & Time of Response: 12/29/22 17:00

Entity Requesting FRF: Newcomb Chapter

Title of Project: Bathroom and Kitchen Upgrades Newcomb Chapter Buildings (no touch fixtures)

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$150,000.00

**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.

**NAVAJO NATION DEPARTMENT OF JUSTICE**



**REQUEST  
FOR  
SERVICES**

**RESUBMITTAL**

<b>DOJ</b>
_____ DATE / TIME
RFS #: _____
_____ UNIT: _____

\*\*\* FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

CLIENT TO COMPLETE			
DATE OF REQUEST:	<u>12/20/2022</u>	ENTITY/DIVISION:	<u>OPVP</u>
CONTACT NAME:	<u>Lisa Jymm</u>	DEPARTMENT:	<u>Fiscal Recovery Fund Office</u>
PHONE NUMBER:	<u>(928) 309-5535</u>	E-MAIL:	<u>ARPA@nndoj.gov</u>
COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (Attach Documents):			
<i>Initial Eligibility Determination for Newcomb Chapter, Bathroom Additions Project in the amount of \$100,000.</i>			
DEADLINE:	<u>12/27/2022</u>	REASON:	<u>DOJ Review</u>
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:		REVIEWING ATTORNEY/ADVOCATE:	
DATE TIME OUT OF UNIT:		PREPARED BY <i>(initial)</i> :	
DOJ ATTORNEY / ADVOCATE COMMENTS			
REVIEWED BY: <i>(PRINT)</i>		DATE / TIME:	
DOJ Secretary Called:		for Document Pick Up on	at By:
PICKED UP BY: <i>(PRINT)</i>		DATE / TIME:	

**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 Community Bathroom Additions Project

Chapter President: David Randolph phone & email: 505-478-7746/dvrdsr491@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 - 12/31/2026  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:

Newcomb community has members that have potable water in their homes but do not have indoor bathrooms have applied for this assistance. Some community members have bathrooms but are in need of upgrades also have applied for this assistance, the Chapter has recieved 18 applications. The Chapter will contract this bathroom addition to a contractor to construct, it will be an addition to community members homes or upgrades to the existing restrooms. OEH, IHS and NTUA will assist in final waterline connections. The Chapter did not state the amount of FRF requested because the Chapter does not have the expertise for this cost construction.  document attached

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

Newcomb community members that have bathrooms will result in some COVID needs being met. Having easy accessiblity to an indoor bathroom provides community members with a place to go for personal hygiene activities. This includes use of the toilet, washing their hands, brushing their teeth, taking a bath, or taking a shower. As we know washing hands is one of keys to COVID prevention.  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:

Each community home owner that recieved the bathroom addition or upgrade is responsible for the maintenance and operations costs after the project has been 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:

Other Public Health Services^1.14

The Newcomb Chapter is seeking funds for the bathroom additions or bathroom upgrades that have submitted an application. The Chapter will contract the projects to a contractor. The project will be coordinated with the homeowner and the third party project manager (OEH, IHS, NTUA). The goal is to provide running water and septic for the applicants. Making these bathroom additions and upgrades will greatly benefit the homeowners and their immediate family members during and after the pandemic.

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.

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] 12/12/22 Approved by: [Signature]  
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)

Approved by: [Signature] 12/16/22 Approved by: [Signature] 12/19/2022  
signature of Chapter Manager or CSC signature of DCD/Chapter ASO

Approved to submit for Review: [Signature]  
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>Newcomb Chapter Community Bathroom Additions Project</u>		Division/Branch: <u>DCD/Executive Branch</u>	
Prepared By: <u>Norman Benally</u>		Phone No.: <u>505-696-3400</u>		Email Address: <u>ndbenally@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	FY23-FY25	100,000.00	100%	2001 Personnel Expenses				
	3/1/2023-11/30/2025			3000 Travel Expenses				
	5/10/2022-12/31/2026			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

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>Norman Benally</u> Program Manager's Printed Name <u>[Signature]</u> <u>12/12/22</u> Program Manager's Signature and Date	APPROVED BY: <u>[Signature]</u> Division Director / Branch Chief's Printed Name <u>[Signature]</u> <u>12.16.22</u> Division Director / Branch Chief's Signature and Date

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THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

<b>PART I. PROGRAM INFORMATION:</b>									
Business Unit No.: <u>          New          </u>			Program Name/Title: <u>          Newcomb Chapter Community Bathroom Additions Project          </u>						
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>									
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
<b>1. Goal Statement:</b>									
Community Homes connected to potable water									
<b>Program Performance Measure/Objective:</b>									
Hire A Contractor to construct according to scope of work						1			
<b>2. Goal Statement:</b>									
<b>Program Performance Measure/Objective:</b>									
<b>3. Goal Statement:</b>									
<b>Program Performance Measure/Objective:</b>									
<b>4. Goal Statement:</b>									
<b>Program Performance Measure/Objective:</b>									
<b>5. Goal Statement:</b>									
<b>Program Performance Measure/Objective:</b>									
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>									
Norman Benally			<i>[Signature]</i>						
Program Manager's Printed Name			Division Director/Branch Chief's Printed Name						
<i>[Signature]</i> 12/12/22			<i>[Signature]</i> 12-16-22						
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 Community Bathroom Additions Project</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 (Community Bathroom Additons)	100,000	100,000	
6960				
TOTAL		100,000	100,000	

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## 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:**

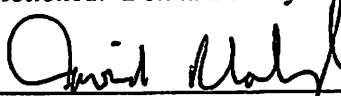
The Newcomb Chapter Membership hereby approves pursuant Legislation 0257-21; the Newcomb Chapter's American Rescue Plan Act (ARPA) Projects in the amount of \$1,467,056.67.00 for Planning, Designing, Construction, Purchasing and Installation of Projects. Projects include: ADA Chapter Facilities upgrades, (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