



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 #: HK0350

Date & Time Received: 12/20/22

Date & Time of Response: 12 January 2023; 10:02 am

Entity Requesting FRF: Upper Fruitland Chapter

Title of Project: Heavy-Duty Truck

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$100,000

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: 1.14 Other Public Health

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 | |

This project is connected with the project titled Moveable Restroom Shower Combo reviewed and found eligible at HK0349. Specifically, the heavy-duty truck that will be purchased under this project will be used to move the restroom/shower equipment. Given this connection, the expenditure code has been updated for consistency.

Name of DOJ Reviewer: Adjua Adjei-Danso

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 9, 2022

Chapter's Upper Fruitland Chapter phone & email: (505) 960-5032 upperfruitland@navajochapters.org
mailing address: 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@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Heavy Duty Truck

Chapter President: Lynelle Etsitty phone & email: (520) 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) 960-5032 akee@nnchapters.org

DCD/Chapter ASO: Eliza-Beth Washburne phone & email: (505) 368-1020 eliz-beth@nndcd.org

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

Amount of FRF requested: 100,000.00 FRF funding period: January 2023 - December 31, 2026 ☐ document attached
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 funds will be used to purchase a heavy duty truck needed to tow the combination restroom and shower mobile trailer to strategic sites within the Upper Fruitland community especially during inclement weather which affect the unpaved roads. The COVID-19 Pandemic severely impacted the Navajo Nation causing a high number of infections to citizens and even fatalities. The United States Center of Disease Control stringently advocated washing or sanitizing hands, social distancing and wearing of masks. This vehicle towing the combination trailer will provide the opportunity for citizens to maintain their hygiene necessities while the facility is periodically sanitized. ☐ 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, using this truck to move the combination restroom and shower 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:

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

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

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

(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):

Chapter resolution # 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-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's
Preparer:

[Signature]
signature of Preparer/CONTACT PERSON

Approved by:

[Signature]
signature of Chapter President (or Vice-President)

Approved by:

[Signature]
signature of Chapter Manager or CSC

Approved by:

[Signature]
signature of DCD/Chapter ASO

12/19/2022

Approved to submit
for Review:

[Signature]
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>Upper Fruitland Chapter -6.1 & 7.1</u>		Division/Branch: <u>Executive</u>	
Prepared By: <u>Alvis Kee, Chapter Manager</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 o Total
<u>ARPA FUNDS</u>		<u>\$100,000.00</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>100,000</u>	<u>100,000</u>
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		<u>\$0.00</u>	<u>100,000.00</u>	<u>100,000</u>

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		<u>6</u>	<u>0</u>
Total # of Vehicles Budgeted:		<u>0</u>	<u>0</u>

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.	
SUBMITTED BY: <u>Sonlatsa Jim-Martin</u> Program Manager's Printed Name <u>Sonlatsa Jim-Martin</u> 12/19/2022 Program Manager's Signature and Date	APPROVED BY: <u>Dr. Pearl Yellowman</u> Division Director / Branch Chief's Printed Name <u>Dr. Pearl Yellowman</u> 12.16.22 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

Program Name/Title:

Upper Fruitland Chapter -6.1 & 7.1

Heavy Duty
Truck Project**PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:**

The Navajo Nation Chapters Plan of Operation in reference to Title 26 of the Navajo Nation Code

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 heavy duty truck**Program Performance Measure/Objective:**To use vehicle for towing combination restroom and shower trailer for citizens sanitation needs

1		20		30		30	
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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.Sonlatza Jim-Martin

Program Manager's Printed Name

Sonlatza Jim-Martin 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

FY 2023THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATIONPage 3 of 3
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Upper Fruitland Chapter -6.1 & 7.1</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)
	<p>Clean Water: Decentralized Wastewater - ARPA Septic System 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 as heavy duty truck tows the combination restroom and trailer to strategic sites through the community.</p>		
6410	Vehicle R & M - External		
6420	Automobile		
	Purchase a heavy-duty truck with towing package	100,000	100,000
TOTAL		100,000	100,000

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

Page 1 of 1
PROJECT FORM

PART I. Business Unit No.: New Project Title: <u>Upper Fruitland Chapter - Heavy Duty Truck</u> Project Description: <u>To purchase a vehicle capable of towing a combination restroom and shower trailer, which will provide much needed sanitation needs for community members without such facilities at their homes.</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification																				PART II. Project Information Project Type: <u>Heavy Duty Truck</u> Planned Start Date: <u>1/9/2023</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Alvis Kee</u>															
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.		PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																												Expected Completion Date if project exceeds 8 FY's.					
		FY _____												FY _____																					
		1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date		12/31/2026							
		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																											
Contract Completed									XXX	XXX																									
Construction																											XXX								
PART V.																																			
Expected Quarterly Expenditures		\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL									
		0.00			50,000.00			50,000.00			0.00			0.00			0.00			0.00			0.00			\$100,000.00									

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

The Navajo Nation
Upper Fruitland Chapter
P.O. Box 1257
Fruitland, New Mexico 87416
(505) 960-5032/9811
Fax: (505) 960-5033
Upperfruitland@Navalochapters.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 24th 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

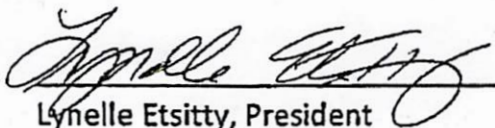
5. The Upper Fruitland Chapter hereby submits these projects to the Navajo Nation Division of Community Development, Navajo Nation Fiscal Recovery Fund Office and the Navajo Nation Department of Justice to determine each project eligibility.

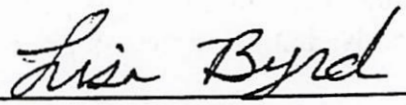
NOW THEREFORE BE IT RESOLVED THAT:


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 11th day of December 2022.


Lynelle Etsitty, President


Lisa Byrd, Vice-President


Dora Smith, Secretary/Treasurer


Rickie Nez, Council Delegate