



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

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

RFS/HK Review #: HK0402

Date & Time Received: 01/09/2023 at 10:41

Date & Time of Response: 18 January 2023; 12:37 pm

Entity Requesting FRF: Baahaali Chapter

Title of Project: Water Well Improvements

Administrative Oversight: Division of Community Development/Department of Water Resources

Amount of Funding Requested: \$250,000.00

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

U.S. Department of Treasury Reporting Expenditure Category: 5.13 Drinking Water: Source

- ☐ 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

[illegible]

Name of DOJ Reviewer: Adjua Adjei-Danso

Signature of DOJ Reviewer: Adjua Adjei-Danso Digitally signed by Adjua Adjei-Danso
Date: 2023.01.18 12:39:32 -07'00'

Digitally signed by Adjua Adjei-Danso
Date: 2023.01.18 12:39:32 -07'00'

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDOJ Initial Eligibility Determination is 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: Baahaali Chapter Date prepared: 11-27-22

Chapter's mailing address: P.O. Box 6118 phone & email: (505) 778-5792
Gallup, New Mexico 87305 website (if any): http://baahaali.navajochapters.org

This Form prepared by: Gloria M. Skeet phone/email: (505) 778-5792
Chapter Manager gmskeet@navajochapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Water Well Improvements

Chapter President: Lee C. Jim phone & email: (505) 778-5792 lcjim@naataanii.org
 Chapter Vice-President: Gerald Skeets, Sr. phone & email: (505) 879-0759
 Chapter Secretary: David M. Emerson phone & email: (505) 778-5792 demerson@navajochapters.org
 Chapter Treasurer: David M. Emerson phone & email: (505) 778-5792 demerson@navajochapters.org
 Chapter Manager or CSC: Gloria M. Skeet, CM phone & email: (505) 778-5792 gmskeet@nnchapters.org
 DCD/Chapter ASO: Guarena Adeky phone & email: (505) 488-8476 gmadeky@nndcd.org

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

Amount of FRF requested: 250000 FRF funding period: 10-01-22 to 9-30-2026
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:

Baahaali has a livestock well that needs to be elevated to include human use for drinking, cooking and washing hands. The COVID19 pandemic made this abundantly clear when families with no piped water preferred to haul 500+ gallons of water for domestic use from the livestock well than the chapter's water point (installed by IHS) which had an initial limit of one 5-gallon container per family member. COVID 19 created a desperate need for more water for families without piped water in their home and this desperation continues today as we enter our 3rd year of the pandemic emergency. The water well is located at the entrance of the 22-acre chapter compound, 190 Rodeo Road. ☐ document attached

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

The improved water well benefits families in Baahaali and two neighboring communities. Access to clean water will improve the public health of the community which is part of the Navajo Nation. With adjunct poverty and high inflation in chapter communities, driving 2/10 miles for clean water at Baahaali beats driving 13/30 miles to Gallup. Community members deserve to have reasonable and fair access to clean water in their community and this can be accomplished by upgrading the well. ☐ 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:

Upon approval of funds, Baahaali Chapter will procure the 1st phase of the project by submitting a request for bid, followed by a selection of a contractor (3 months). A design build model will be used for the water well construction which will include replacing the 10,000 gallon water tank to 15,000 gallons and installing 30,000 gallon water storage tank. A new water pump will be installed to meet the new capacity of the water tank and area around the water well will be chipped sealed to prevent muddy conditons created by customers. These, and other improvements will take 12 months.

☐ document attached

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

The Chapter Manager will be the Lead Project Manager for the Water Well Improvements 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:

Baahaali Chapter and Navajo Water Resources Management will have full responsibility of the maintenace and operation of the Water Well. The chapter has sufficient funds to establish a maintenance account for the well. The chapter custodian will be responsible for the daily (M - F) operation of the well for public use.

☐ 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:

5.13, Water Source
5.14, Water Storage

☐ document attached

Part 3. Additional documents.

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

Additional documents will include the required budget forms and supporting resolution.

☐ 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: 
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)


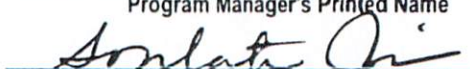

Approved by:  Approved by: 
signature of Chapter Manager or CSO signature of DCD/Chapter ASO

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>K - (New)</u>		Program Title: <u>Baaahali Chapter - Water Well Development</u>		Division/Branch: <u>DCD/ASC</u>				
Prepared By: <u>Gloria M Skeet, Chapter Manager</u>		Phone No.: <u>505-778-5796</u>		Email Address: <u>gskeet@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	01/01/23-09/30/26	250,000.00	100%	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	6		250,000	250,000
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	250,000.00	250,000
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:				
				Total # of Vehicles Budgeted:				
TOTAL:		\$250,000.00	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>Bitdtah Becker</u>					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name					
						<u>5 December 2022</u>		
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.: <u> K - (New) </u>		Program Name/Title: <u> Baaahali Chapter - Water Well Development </u>							
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
1. Goal Statement:									
<u>Submit request for bid for water well improvements</u>									
Program Performance Measure/Objective:									
<u>Submit contractor and establish Project Management Team (PMT)</u>				2					
2. Goal Statement:									
<u>Conduct 2 to 3 Planning Meetings with contractor and Management Team</u>									
Program Performance Measure/Objective:									
<u>Finalize Water Well Improvements with contractor</u>				1					
3. Goal Statement:									
<u>Begin construction of water well improvements with contractor</u>									
Program Performance Measure/Objective:									
<u>Management team meets with Contractor during construction to ensure timely completion</u>				1					
4. Goal Statement:									
<u>Complete construction of water well improvements</u>									
Program Performance Measure/Objective:									
<u>Navajo Water Resources provides final inspection of Water Well construction</u>						1			
5. Goal Statement:									
<u>Close out Water Well Improvement Project</u>									
Program Performance Measure/Objective:									
<u>Project completion and final close out</u>									1
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
<u>Sonlatsa Jim Martin</u> Program Manager's Printed Name					<u>Bidtah Becker</u> Division Director/Branch Chief's Printed Name				
<u><i>Sonlatsa Jim</i></u> 12/05/2022 Program Manager's Signature and Date					<u><i>Bidtah Becker</i></u> 5 Dec 2022 Division Director/Branch Chief's Signature and Date				

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DETAILED BUDGET AND JUSTIFICATIONPage ___ of ___
BUDGET FORM 4

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Baahaali Chapter Water Well</u>		Business Unit No.: <u>4.08031E+17 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)
6	6500 Contract Services: To Construct, Equip and Complete Improvements to the Baahaali Water Well	250,000	250,000
TOTAL		250,000	250,000



+Bááháálí Chapter
P.O. Box 6118, Gallup, New Mexico 87305
PHONE (505) 778-5788 or 778-5796
FAX (505) 778-5915
<http://baahaali.navajochapters.org>

Lee C. Jim, Chapter President
Gerald Skeets, Sr., Chapter Vice President
David M. Emerson, Chapter Secretary/Treasurer
Emery Chee, Land Board Member
Seth Damon Council Delegate

Gloria M. Skeet, Chapter Manager

Jessica Robertson, Administrative Assistant

BHC-11-22-02

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

APPROVING THE REQUEST TO UTILIZE DISTRICT SIX (6) COUNCIL DELEGATE SETH DAMON'S EXPENDITURE PLAN FUNDS TO PLAN, DESIGN, CONSTRUCT AND EQUIP IMPROVEMENTS TO THE BAAHAALI WATER WELL IN THE AMOUNT OF \$250,000.

WHEREAS:

1. Bááháálí Chapter is a duly certified local governmental entity of the Navajo Nation pursuant to NTC § 4001 with delegated authority and responsibility to promote, to receive, act upon and protect the interest and the general welfare of its constituents and to interact with other entities of the Navajo Nation, Federal Government, Local Government Agencies that serve and affect the Bááháálí Chapter; and
2. Bááháálí Chapter recognizes and approves the need to plan, design, construct and equip a new Warehouse to store emergency supplies, heavy equipment and other supplies for infrastructure development such as bathroom addition and house wiring. The warehouse will also be used to supply emergency supplies during freezing cold temperatures and inclement weather such as coal, wood and wood pellets for community members in need.; and
3. Bááháálí Chapter is part of Honorable Council Delegate Seth Damon's District and is eligible to apply for a portion of his approved allocation from the American Rescue Plan Act (ARPA) Delegate Regional Expenditure Plan for projects related directly to the mitigation of the COVID-19 Emergency Pandemic; and
4. The COVID-19 pandemic made it abundantly clear that Bááháálí Chapter desperately needs to upgrade their existing water well for household domestic use. During the COVID-19 Pandemic Emergency, Baahaali Chapter identified twenty-four homes without a piped water system. Before and during the COVID-19 Pandemic Emergency many of these families hauled water (500 – 1,000 gallons) from the water well despite its limited use for "livestock only" because the water is free and has easy access (related to driving distance). However easy access to the water became challenging during winter months (November – March) because the water well is closed to prevent frozen and broken pipes during cold temperatures. Baahaali Chapter is applying for funds to plan, design, construct and equip Improvements to the Baahaali Water Well in the amount of \$250,000.

NOW THEREFORE BE IT RESOLVED THAT:

1. Bááháálí Chapter hereby strong supports and approves the request in the amount of \$250,000 to plan, design, construct and equip Improvements to the Water Well to provide families with no running water in the home easy access to clean water for domestic use. The COVID-19 virus has proven that families with access to clean

water can help stop the spread of COVID-19 infections which had taken an enormous toll on our Navajo people.

2. Bááháálí Chapter will utilize and expend these funds within the Navajo Nation deadlines to procure and complete the project by September 30, 2025.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered and moved by adoption at a duly called meeting at Bááháálí (Navajo Nation), New Mexico at which a quorum was present and that the same was passed by a vote of 08 in favor, 00 opposed and 03 abstaining on this 21st day of November, 2022.


Official

MOTIONED BY: Emery Chee

SECONDED BY: Gerald Skeets, Sr.

GMS