

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- Second Year, 2024

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; AMENDING CAU-73-23 AND CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'íyáti' Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A).
- B. Navajo Nation Council Resolution No. CJN-29-22, as amended by CAU-74-23, mandates that Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.
- C. Navajo Nation Council Resolution No. CAP-11-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- D. Navajo Nation Council Resolution No. CMY-39-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. Navajo Nation Council Resolution No. CAU-73-23, included and incorporated herein by reference, mandated that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and

signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

- F. Navajo Nation Council Resolution No. CAU-74-23, which amended CJN-29-22 and CJY-41-21, included and incorporated herein by reference, delegated the Naabik'íyáti' Committee as the final approval authority for Delegate Region Project Plans funded through Navajo Nation's Fiscal Recovery Funds.

SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.
- B. CJN-29-22, as amended by CAU-74-23, Section Three, now states, in part and among other things, that
1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).
 2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the

projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).

3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).
 4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
 5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. The Navajo Nation Council Resolution No. CAP-11-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the President of the Navajo Nation on May 4, 2023.
- D. CAP-11-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) (17) and 2 N.N.C. §§ 1005(C) (10), (11), and (12).
- E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION

COUNCIL; AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on June 8, 2023.

F. CMY-39-23, Section Four, states that:

1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

G. The Navajo Nation Council Resolution No. CAU-73-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on August 30, 2023.

H. CAU-73-23, Section Four, states that:

1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

I. The Navajo Nation Council Resolution No. CAU-74-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING COUNCIL RESOLUTIONS CJY-41-21 AND CJN-29-22; DELEGATING THE NAABIK'ÍYÁTI' COMMITTEE AS THE FINAL APPROVAL AUTHORITY FOR DELEGATE REGION PROJECT PLANS FUNDED THROUGH THE NAVAJO NATION'S FISCAL RECOVERY FUNDS was signed into law by the President of the Navajo Nation on September 6, 2023.

J. CJN-29-22, as amended by CAU-74-23, Section Three, now states, in part and among other things, that

1. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six

thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance. . . . See CJN-29-22, as amended by CAU-74-23, Section Three (B).

- K. All projects listed in the Hon. Steven R. Arviso's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Steven R. Arviso's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- L. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities to approve and adopt the projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) as set forth in Exhibit A.

SECTION THREE. AMENDING CAU-73-23 AND CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU)

- A. The Navajo Nation hereby approves the projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) set forth in Exhibit A.
- B. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

SECTION FOUR. AMENDMENTS

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted and approved by resolution of the Naabik'íyáti' Committee.

SECTION FIVE. EFFECTIVE DATE

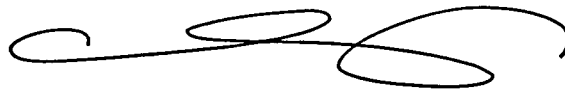
This legislation shall be effective upon its approval pursuant to two-thirds (2/3) vote of the Naabik'íyáti' Committee members in attendance.

SECTION SIX. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 12 in Favor, and 00 Opposed, on this 14th day of March 2024.



Honorable Crystalyne Curley, Chairwoman
Naabik'íyáti' Committee

3/14/2024

Date

Motion: Honorable Curtis Yanito
Second: Honorable Norman M. Begay

Chairwoman Crystalyne Curley not voting

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

Exhibit A

COUNCIL DELEGATE: Hon. Steven R. Arviso

CHAPTERS: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CAP-11-23 on May 4, 2023				\$ 902,209.12
		TOTAL AMOUNT APPROPRIATED in CMY-39-23 on June 8, 2023				\$ 4,141,169.79
		TOTAL AMOUNT APPROPRIATED in CAU-73-23 on August 30, 2023				\$ 1,177,055.67
Division of Community Development	None Identified	Thoreau Chapter Hire of Temporary Personnel Project	Division of Community Development	2.18	HK0656	\$ 181,851.00
Division of Community Development	None Identified	Mariano Lake Chapter Power-Line Project	Division of Community Development	2.18	HK0737	\$ 1,019,678.00
Division of Community Development	None Identified	Mariano Lake Chapter Utility Assistance Project	Division of Community Development	2.2	HK0738	\$ 285,171.00
		UN-ALLOCATED AMOUNT				\$ 1,095,205.42
					TOTAL:	\$ 8,802,340.00

*Per C.JN-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK 0656

Date & Time Received: 9/22/23 at 16:38

Date & Time of Response: 10/6/23 at 17:00 pm

Entity Requesting FRF: Thoreau Chapter

Title of Project: Thoreau Chapter - Temporary Personnel

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$181,851

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:


2.18, Housing Support: Other Housing Assistance

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 | |

Other Comments: _____

Name of DOJ Reviewer: Navalyn R. Platero

Signature of DOJ Reviewer: 

Disclaimers:

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 NON-GOVERNANCE CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Thoreau Chapter Date prepared: 08/31/2023

Chapter's mailing address: PO Box 899 Thoreau, NM 87323 phone/email: 505.905.0139
website (if any): thoreau.navajochapters.org

This Form prepared by: Vivinita Bennett phone/email: niabb2@nnchapters.org
Vivinita Bennett, Community Services Coordinator
CHAPTER CONTACT PERSON'S name and title

Title and Type of Project: Thoreau Chapter - Temporary Personnel

Chapter President: Valerie Arviso phone & email: valeriearviso@gmail.com
Chapter Vice-President: Herman Yellowhorse phone & email: 505.905.0221
Chapter Secretary: Judy K. Platero phone & email: jkplatero@gmail.com
Chapter Treasurer: Judy K. Platero phone & email: jkplatero@gmail.com
Chapter Manager or CSC: Vivinita Bennett phone & email: niabb2@nnchapters.org
DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

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

Amount of FRF requested: 181,850.58 FRF funding period: October 1, 2023 - September 1, 2026
indicate Project starting and ending/terminating 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

Thoreau Chapter is requesting \$181,850.58 for temporary personnel. Personnel will be used to hire local members to assist the Chapter with the ARPA Projects with include: Home Renovation & Improvements, Wood Stove & Pellet Stove Project, Fire Wood & Wood Pellets Project, and Chapter COVID-19 Mitigation and Improvements Project. We would like to hire 2-skilled construction supervisors and 6-laborers. The temporary employment will help to improve homes for suitable/sanitary living conditions to help combat the viruses like COVID-19.

document attached

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

Temporary personnel will help with housing renovation and/or improvement to serve our Chapter Navajo community who have substandard housing, multi-generational housing, and no immediate means to make repair their homes. This project seeks to improve some substandard housing issues identified during the COVID-19 pandemic. ... *continued on added page*

document attached

APPENDIX A

(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:

Job announcements will start when project is approved by DOJ. Projects will be completed by September 2026. With funds anticipated to be disbursed by September 2023. This will be a 2-tier project, 1-homeowner has someone that can do the labor or 2-homeowner needs assistance with the labor. When temporary personnel is needed, they will be scheduled into small, ... *continued*
 document attached

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

Vivinita Bennett, Chapter CSC, Valerie Arviso, Chapter President, Herman Yellowhorse, Vice President, Judy Platero, Secretary Treasurer, Guarena Adeky, SPPS-ASC - Navajo Division of Community Development ASO-ASC, Navajo Nation ARPA Division.
 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:

Respectively, the home owner and its occupants would be responsible for the operations and maintenance of their homes.
 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:

2.10 Assistance to Unemployed or Underemployed Workers (e.g. job training, subsidized employment, employment supports or incentives)

Assistance to individuals who want and are available for work, including job training, public jobs, programs, and fairs, support childcare and transportation to and from a job-site or interview, incentives for newly employed workers, subsidized employment, grants to hire under-served workers, assistance to unemployed individuals.

 document attached

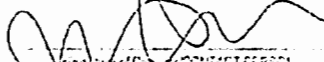
Part 3. Additional documents.

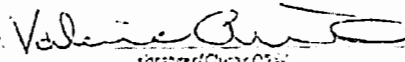
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Appendix J
Chapter PEP Policy (because we will be following this employment policy)

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 of the CONTACT PERSON

Approved by: 
signature of Chapter Officer

Approved to submit for Review: 
signature of U.S. DEPARTMENT OF THE TREASURY

APPENDIX A

**THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NON-GOVERNANCE CERTIFIED CHAPTERS**

CONTINUED

Part 2. Expenditure Plan details.

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

We will be helping those in need with a decent, safe, and sanitary home. Every family should have a decent home, a suitable living environment. Many of our Navajo community members that survived COVID-19 now have residual health issues, from respiratory distress to physical and psychological effects. Having a suitable living environment will make a big difference in their quality of life.

(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

...manageable sections to ensure quality of work and completion is within the time frame.

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY



FY 2023

PART I. Business Unit No.: <u> </u> New		Program Title: <u> </u>		Theresa Chapter - Temporary Personnel		Division/Branch: <u> </u> DCE/Executive			
Prepared By: <u>Viviana Bennett, CSC</u>		Phone No.: <u> </u>		Email Address: <u> </u>		mabb2@nncapiters.org			
PART II. FUNDING SOURCE(S)		Fiscal Yr	Amount	PART III. BUDGET SUMMARY		Fund Type Code	(A) RHC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NA Fiscal Rep. City Funds	100123200000	2023	\$181,850.53	2001	Personal Expenses	6	?	\$181,850.53	\$181,850.53
				2000	Travel Expenses				
				3000	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				
				8000	Capital Outlay				
				8500	Material Funds				
				8500	Interest Cost				
					TOTAL		30.00	\$181,850.53	\$181,850.53
PART IV. POSITIONS AND VEHICLES						(D)		(E)	
TOTAL:		3151,850.53		100%		3		3	
						0		0	

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

SUBMITTED BY: Jaron M. Charley, Department Manager II APPROVED BY: Calvin Castillo, Executive Director
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name
09/19/2023 9/19/2023
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Business Unit No.	New	Program Name/Title	Theresa Chapter - Temporary Personnel							
			1st QTR		2nd QTR		3rd QTR		4th QTR	
			Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
PART I. PROGRAM INFORMATION:										
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:										
Theresa Chapter has accepted and approved the Temporary Personnel Program by Resolution No. TCH-074-23-038. We intend to follow Navajo Nation Procurement Policy, the Chapter PEP Policy. The Navajo Nation Fiscal Recovery Funds will be utilized for temporary personnel & labor for the approved projects which include Firewood/Wood Pellets, Firewood/Pellet Stoves, Chapter building COVID-19 mitigation, and Community Home Renovation and Improvement.										
PART III. PROGRAM PERFORMANCE CRITERIA:										
1. Goal Statement: To improve some substandard housing issues in our community for Community members and assist with other Chapter ASPA Projects.										
Program Performance Measure/Objective										
Line 8 temporary personnel to carry out ASPA Projects and Objectives									8	
2. Goal Statement										
Program Performance Measure/Objective										
3. Goal Statement										
Program Performance Measure/Objective										
4. Goal Statement										
Program Performance Measure/Objective										
5. Goal Statement										
Program Performance Measure/Objective										
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.										
								Calvin Castillo, Executive Director Division Director/Branch Chief's Printed Name  9/19/2023 Division Director/Branch Chief's Signature and Date		
								Jason M. Chanley, Department Manager II Program Manager's Printed Name  09/19/2023 Program Manager's Signature and Date		

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>New</u>												PART II. Project Information	
Project Title: <u>Thoreau Chapter Temporary Personnel</u>												Project Type: <u>Hire Temporary Personnel</u>	
Project Description: <u>Hire temporary Personnel to carryout ARPA Projects and Objectives</u>												Planned Start Date: <u>10/1/2023</u>	
												Planned End Date: <u>9/30/2026</u>	
												Project Manager: <u>DCD</u>	
Check one box: <input type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification													
PART III.												Expected Completion Date if project exceeds 6 FY Ctrs.	
List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.												Date: <u>09/30/2023</u>	
PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.													
												FY 2023	
												FY 2024	
												FY 2025	
												FY 2026	
												FY 2027	
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THOREAU CHAPTER PUBLIC EMPLOYMENT PROGRAM (PEP)

TABLE OF CONTENTS

I. Purpose	2
II. Authority	2
III. Applicable Laws	2
IV. Fund Source	2
V. Policy	2-3
VI. Participant Qualifications and Employment Notice	3-4
VII. Required Documents	4
VIII. Tour of Duty	4-5
IX. Wages	5
X. Payroll, Timesheets and Deduction	5
XI. Taxes	5-6
XII. Benefits	6
XIII. Grievance/Termination	6
XIV. Sexual Harassment	6
XV. Hostile Environment	6
XVI. Safe Environment	7
XVII. Illegal Drug and Alcohol-Free Workplace	7
XVIII. Code of Conduct	7
XIX. Dress Code	7
XX. Oversight	8
XXI. Cell Phone	8
XXII. Personnel Management Policy and Procedures	8
XXIII. Amendments	8
XXIV. Definitions	9

**THOREAU CHAPTER PUBLIC EMPLOYMENT PROGRAM (PEP)
POLICY AND PROCEDURES**

I. PURPOSE

The purpose of this Policy and Procedures is to install guidelines for the Chapter and to administer the Public Employment Program (PEP) for Chapter expenditures.

II. AUTHORITY

- A. Pursuant to 26 N.N.C. Section 101 (A), the Thoreau Chapter has formulated, implemented and operates by the Five Management System to ensure accountability and has developed the Policy and Procedures for the Public Employment Program.
- B. Pursuant to Chapter Resolution TCH-074-22-075, the Thoreau Chapter Public Employment Program (PEP) Policy and Procedures is hereby approved and adopted.

III. APPLICABLE LAWS

- A. The Governing Body of Thoreau Chapter shall comply with all applicable State, Federal, and Navajo Nation laws, such as the Navajo Preference in Employment Act.
- B. The Navajo Occupational Safety and Health Administration (NOSHA) shall assure that the working conditions and environment are safe.

IV. FUND SOURCE

- A. Funds for the PEP come from the Navajo Nation central government.
- B. Once the Funds are disbursed to the Chapter, a Budget is prepared in accordance to the Fiscal Management Policy and Procedures.
- C. The Annual Budget defines the number of individuals to employ based on the availability of funds.

V. POLICY

- A. The Chapter Administration shall inform the PEP participants that they are subject to the applicable Personnel Policy and Procedures and Navajo Nation laws.

- B. The Chapter Coordinator shall prepare the Project application which will determine the length of each project and when to begin.
- C. All projects shall be completed within the Fiscal Year.
- D. The Chapter administration shall make proper accounting and bookkeeping entries for all PEP allocations.
- E. For each project, the Chapter administration shall employ one or more participants subject to the availability of funds and provide job descriptions in the project application.
- F. Proper workers compensation liability insurance shall be filed and only hired participants shall work.
- G. The Chapter administration shall select the project supervisor based on experience, skills, and qualifications for the designated project if applicable.
- H. The Chapter Coordinator shall hire and terminate participants in compliance with the Personnel Management Policy and Procedures in the Five Management System.
- I. The Chapter shall adhere to the Navajo Preference in Employment Act, and Veterans Preference.
- J. PEP employees shall not work more than eight (8) hours per day, forty (40) hours per week, or eighty (80) hours per pay period. Different work hours may apply, all exceptions will be specified in the Project Scope of work on the Project Application.
- K. Employees shall not make up missed hours.
- L. The Chapter shall allow participants to get on-the-job-training. The employment is temporary for the participants to acquire training to obtain permanent jobs with non-Chapter employers.
- M. The Chapter shall post the job vacancies for two (2) weeks on the Chapter bulletin board, announcement at the Chapter meetings, and through local radio stations.

VI. PARTICIPANT QUALIFICATIONS AND EMPLOYMENT NOTICE

- A. Applicant shall attend a REGULAR Chapter Meeting once (1) every quarter.
- B. Applicant shall be a registered voter of the Chapter for six (6) months or more and not be employed by another Chapter.

- C. Applicant shall be a member of the Navajo Nation with a census number.
- D. Applicant shall not be a relative to the immediate supervisor.
- E. Applicant shall be unemployed at the time of applying.
- F. Applicant shall have no legal issues that may interfere with job performance and/or attendance pending at the time of Application.

VII. REQUIRED DOCUMENTS

- A. By Participant:
 - 1. Accurately completed Chapter Employment Application
 - 2. Voter registration card to show applicant is a registered voter for six (6) months or more.
 - 3. Social Security Card
 - 4. Picture Identification card/Driver's License
 - 5. Certificate of Indian Blood (CIB)
 - 6. W-4 Form
 - 7. Understanding the PEP Policies & Procedures Memo
 - 8. Daily Journal
- B. By Project and Chapter Administration:
 - 1. Employee Evaluation Form
 - 2. Project Application (including project budget)
 - 3. Personnel Roster
 - 4. Progress Report
 - 5. New Mexico – New Hire Form
 - 6. PEP Orientation Sign-In Sheet
 - 7. Personnel Action Form: Verifies hire date and termination date.

VIII. TOUR OF DUTY

- A. Monday through Friday, except Navajo Nation recognized Holidays. Exceptions shall be specified in the Project Application.
- B. 8:00 AM to 5:00 PM with one-hour lunch from 12:00 PM to 1:00 PM unless specified in the Project Application.
- C. No overtime allowed unless it is necessary and approved by the CSC and the Chapter President.
- D. Employees shall not work over forty (40) hours per week unless it is specified in the Project Application.

- E. Participants will be eligible for all Navajo Nation Administrative Leave.
- F. Personal Internet browsing, searching, and surfing shall not be tolerated. The Internet shall be used for Chapter business only, unless specified by the Chapter administration.

IX. WAGES

- A. The hourly wages shall start at the Federal minimum wage.
- B. The hourly wages shall be based on the approved budget, the availability of funds, and/or Resolution by the chapter membership.

X. PAYROLL, TIMESHEETS, AND DEDUCTION

- A. The Chapter payroll schedule will be the same as the Navajo Nation payroll schedule. Payroll will be drawn every two weeks.
- B. The timesheet(s) and daily journal(s) are due on the last day of the Pay Period Ending.
- C. Upon receipt, the Account Maintenance Specialist shall check and verify the hours worked for each participant.
- D. Payroll checks are signed as per the Fiscal Management Policies and Procedures (FMS).
- E. Payroll checks are disbursed on the following Wednesday after the pay period ending.
- F. If the participants are not available for check pick-up, he or she may authorize a person to pick up his or her check with a written permission or an email from employee's email address.

XI. TAXES

- A. For all participants, FICA and MEDICARE taxes are automatically deducted at each payroll.
- B. Federal tax withholding will be deducted based on the W-4 form.
- C. At the end of each month, the Chapter Community Services Coordinator (CSC) shall remit the federal taxes deducted to the Internal Revenue Services.

- D. One month after the end of each calendar year, the Chapter shall issue W-2s to all participants.

XII. BENEFITS

- A. Since all participants are employed under Public Employment Program (PEP) as temporary employees, the participants are ineligible for any Chapter sponsored fringe benefits.
- B. All participants are covered through the Navajo Nation Workers Compensation Program.
- B. The participants are ineligible for holiday, personal leave, compensatory time pay, and merit pay.

XIII. GRIEVANCE/TERMINATION

- A. Since all participants are employed under PEP as temporary employees, the participants are ineligible for any type of grievance process.
- B. Participants may be terminated for the following reasons:
 1. Excessive tardiness and absences.
 2. Leaving worksite without authorization before tour of duty is completed.
 3. Inadequate job performance
 4. Insubordination
 5. Determined the employee is under the influence of drugs and/or alcohol.

XIV. SEXUAL HARASSMENT

- A. The workplace shall be free of sexual harassment; therefore, such action is prohibited and will result in immediate termination.
- A. The Chapter and PEP Participants shall comply to the Navajo Nation Executive Order No. 04-2016 "Sexual Harassment" Workplace Policy and Mandatory Training and the Navajo Nation Personnel Policy Management Section XVI.F Sexual Harassment Policy. A copy shall be provided and it will be covered at the Employee Orientation.

XV. HOSTILE ENVIRONMENT

The workplace shall be free of hostile behavior or environment; therefore, such action is prohibited and will result in immediate termination

XVI. SAFE ENVIRONMENT

- A. The Chapter shall provide a safe and friendly workplace or environment for all workers by selecting and reviewing all worksites or participating programs.
- C. Public Employment Program (PEP) employees practicing unsafe working habits will be counseled at the first offense and then terminated after a second offense.
- D. No work-related travel shall be authorized for PEP employees unless indicated in the Project Application.

XVII. ILLEGAL DRUG AND ALCOHOL-FREE WORKPLACE

The workplace and environment shall be free of Commercial Tobacco Products, Second Hand smoke, Illegal Drugs, and Alcohol; therefore, such usage will result in immediate termination. Navajo Nation Executive Order No. 13-2014 Protecting Navajo Nation Employees Exposure to Commercial Tobacco Products and Secondhand Smoke in the Work Place. A copy shall be provided and it will be covered at the Employee Orientation.

XVIII. CODE OF CONDUCT

- A. The participants shall conduct themselves with respect towards co-workers, Chapter staff, Chapter officials, community members, project clients, and all other persons.
- B. The participants shall conduct themselves with trustworthiness and produce quality work.
- G. Personal Internet browsing, searching, and surfing shall not be tolerated. The Internet shall be used for Chapter business only, unless specified by the Chapter administration.

XIX. DRESS CODE

- A. The participants will report to work under proper attire for the job and proper personal hygiene.
- B. Participants with long hairs shall braid or tie back their hair for safety reasons.
- C. Shirts (tops) shall not promote sex/drugs/alcohol, they shall have no profanity, they will not promote gang affiliation, and they will cover the body appropriately (no spaghetti strap tops).

XX. OVERSIGHT

The Chapter Community Services Coordinator shall have daily oversight responsibilities for the Public Employment Program (PEP) carried out by Chapter.

XXI. CELL PHONE

- A. To promote a safe and productive work environment and increase public safety and awareness, this policy strictly prohibits the use of ear phones, all Bluetooth devices and cellphones. During working hours, cell phone restrictions include: incoming and outgoing calls, text messaging, internet use, and all social media.
- B. Cell phones shall be turned off during working hours.
In case of an emergency, the employee may inform the supervisor that cell phone use is necessary.
- C. Cell phones may be used at your discretion before and after working hours and during your lunch break only.
- D. First violation: verbal warning.
- E. Second violation: written warning.
- F. Continued violation will result in a 2-day suspension to termination.

XXII. PERSONNEL MANAGEMENT POLICY AND PROCEDURES

The Chapter shall comply with all Five Management System Policies and Procedures which includes the Personnel Management Policies and Procedures and these PEP Policies and Procedures.

XXIII. AMENDMENTS

- A. The Public Employment Program Policy and Procedures may be amended by the Thoreau Chapter Administration//Membership as deemed necessary. Otherwise, the duration of this policy shall be effective throughout the Fiscal Year in which it is approved. It will coincide with the Chapter Five Management System (FMS), Chapter Operating Budget cycle, and Navajo Nation Laws.
- B. All proposed amendments shall be presented at a Chapter Meeting for discussion and approval by resolution.

This Policy and Procedures will supersede all previous Policy and Procedures.

XXIV. DEFINITIONS

Chapter Administration: The employee of the chapter, which includes, but is not limited to, the Chapter Community Services Coordinator and Account Maintenance Specialist.

Chapter Community Services Coordinator: Chapter employee who performs the duties as prescribed in 26 N.N.C. Section 1004 (B), 1004 (C), and 2003 (B). Local Governance Act: 26 N.N.C. Sections 1-2005. October 29, 2004

Local Governance Act: 26 N.N.C. Sections 1-2005.

Participants: Chapter community adults participating in the Chapter PEP program.

PEP: Chapter program funded with appropriations made by the Navajo Nation Council and referred to in the Chapter disbursement line items as "PEP" Notwithstanding the title of the line item, funding can be used throughout the year.



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK0737

Date & Time Received: 1/10/24 at 14:34

Date & Time of Response: 1/23/2024 at 17:00

Entity Requesting FRF: Mariano Lake Chapter

Title of Project: Mariano Lake Chapter Power-lines Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$1,019,678.00

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

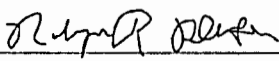
U.S. Department of Treasury Reporting Expenditure Category:
2.18 Housing Support: Other Housing Assistance

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 | |

Other Comments: _____

Name of DOJ Reviewer: Navalyn R. Platero

Signature of DOJ Reviewer: 

Disclaimers:

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 NON-GOVERNANCE CERTIFIED CHAPTERS

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Mariano Lake Chapter
Chapter's mailing address: P.O. Box 897, Thoreau, NM 87323

Date prepared: 11/27/2023
phone/email: 505-786-2180
website (if any): marianolake.navajochapters.org

This Form prepared by: Ms. Leandra K. James
Community Services Coordinator

phone/email: 505-786-2180

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: Mariano Lake Chapter Power-lines Project

Chapter President	<u>Mr. Jay R. DeGroat</u>	phone & email:	<u>jrdegroat@naataanii.org</u>
Chapter Vice-President	<u>Mr. Henry King</u>	phone & email:	<u>hking@naataanii.org</u>
Chapter Secretary	<u>Mr. Henry P. Begay, Jr.</u>	phone & email:	<u>hpbegayjr@navajochapters.org</u>
Chapter Treasurer	<u>Mr. Henry P. Begay, Jr.</u>	phone & email:	<u>hpbegayjr@navajochapters.org</u>
Chapter Manager or CSC	<u>Ms. Leandra K. James</u>	phone & email:	<u>ljames@nnchapters.org</u>
DCD/Chapter ASO	<u>Ms. Myrna M. James</u>	phone & email:	<u>mmjames@nndcd.org</u>

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

document attached

Amount of FRF requested: \$1,019,678.00 FRF funding period: Oct 1, 23 to September 30, 2026
indicate Project starting and ending/expense 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 project will provide power-line extensions to serve fourteen (14) homes in the Mariano Lake Community. Funds will be used to obtain contractual services. The contractor will complete the activities: plan, design and construct, to include obtaining land access and all necessary approvals through the Right-Of-Way (ROW) Process; includes completion of design, surveys, assessments, archaeological/biological/environmental studies & clearances, obtain the required permits, provide the engineering services, construct all power-lines; and construct house-wiring to each home meeting the requirements of the utility company in preparation for the electricity connection.

document attached

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

The project will benefit and improve the lives of the occupants residing in homes that do not presently have power. Electricity is necessary to access water and wastewater services, including improved services of water heating, home heating, medical needs and food refrigeration. Overall, this project will enhance the quality of life to 14 homes who are in dire need of electricity services.

document attached

APPENDIX A

(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:

This project will have construction funds encumbered no later than September 30, 2024 and project will be completed by September 30, 2026.

document attached

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

Leandra K. James, Community Services Coordinator

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 homeowners will be responsibility for the operation and maintenance of the house-wiring; Continental Divide Electric Cooperative Inc. (CDEC) will own, operate and maintenance the powerlines.

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:

This project is under the Expenditure Category: 2.18 Housing Support-Other Housing Assistance

This project will provide assistance to the fourteen (14) homes identified for powerline extensions to assist and address their unsafe living conditions that contribute to their poor health and provide improvements to the unsanitary conditions within the home to alleviate the negative impacts of COVID-19.

document attached

Part 3. Additional documents.

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

[Empty box for listing additional supporting documents]

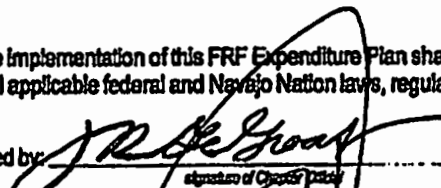
Part 4. Affirmation by Funding Recipient.

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 of Preparer/CONTACT PERSON

Approved by:


signature of Chapter Director

Approved to submit for Review:

signature of DCD or HNF/FRF Director

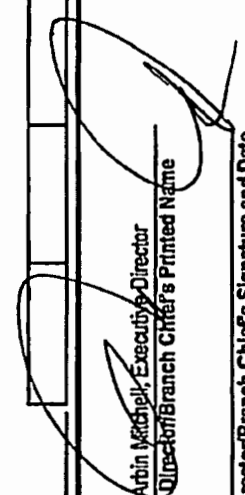
THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2024

PART I Business Unit No.: <u>NEW</u>		Program Title: <u>Mariano Lake Chapter - Powerlines Project</u>		Division/Branch: <u>Executive/DCD</u>	
Prepared By: <u>Ms. Leandra K. James</u>		Phone No.: <u>505-785-2180</u>		Email Address: <u>marianolake@nnchapters.org</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
NN Fiscal Recovery Funds		10/123-9/30/26	1,019,678.00	100%	
PART III. BUDGET SUMMARY					
Fund Type Code	Fund Description	(A) Original Budget	(B) Proposed Budget	(C) Difference or Total	
2001	Personnel Expenses			0.00	
3000	Travel Expenses			0.00	
3500	Meeting Expenses			0.00	
4000	Supplies			0.00	
5000	Lease and Rental			0.00	
5500	Communications and Utilities			0.00	
6000	Repairs and Maintenance			0.00	
6500	Contractual Services			0.00	
7000	Special Transactions			0.00	
8000	Public Assistance		1,019,678	1,019,678.00	
9000	Capital Outlay			0.00	
9500	Matching Funds			0.00	
9500	Indirect Cost			0.00	
TOTAL		50.00	1,019,678.00	1,019,678.00	
PART IV. POSITIONS AND VEHICLES					
TOTAL: \$1,019,678.00		Total # of Positions Budgeted:		0	
		Total # of Vehicles Budgeted:		0	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>Jaron Charley, Department Manager</u>		APPROVED BY: <u>Arbin Mitchell, Executive Director</u>		Division Director/Branch Chief's Printed Name	
Program Manager's Signature and Date <u>12/20/23</u>		Division Director/Branch Chief's Signature and Date		Division Director/Branch Chief's Signature and Date	

THE NAVAJO NATION
PROGRAM PERFORMANCE MEASURES

FY 2024

PART I. PROGRAM INFORMATION:	Business Unit No.:	NEW	Program Name/Title:	Mariano Lake Chapter - Powerlines Project			
				1st QTR	2nd QTR	3rd QTR	4th QTR
				Goal	Goal	Goal	Goal
PART II. PROGRAM PERFORMANCE CRITERIA:							
1. Program Performance Measure:							
To complete power-line extensions to 14 homes							
							14
2. Program Performance Measure:							
Provide contractual services for power-line extensions to 14 homes							
							14
3. Program Performance Measure:							
Provide contractual services for house-wiring services to 14 homes							
							14
4. Program Performance Measure:							
5. Program Performance Measure:							
PART III. CONCURRENCE/APPROVAL:							
Jaron Charley, Department Manager			 Arbin Mitchell, Executive Director Division Director/Branch Chief's Printed Name				
Program Manager's Printed Name							
12/20/23			Division Director/Branch Chief's Signature and Date				
Program Manager's Signature and Date							

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2024

PART I. PROGRAM INFORMATION:		Business Unit No.:	
Program Name/Title: Mariano Lake Chapter - Powerlines Project		NEW	
PART II. DETAILED BUDGET:		(C)	(U)
(A)	(B)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8500 8555	<p>Object Code Description and Justification (LOD 7)</p> <p>Infrastructure (Non-Cap) Chapter Projects</p> <p>The project will provide power-line extensions to serve fourteen (14) homes in the Mariano Lake Community. Funds will be used to obtain contractual services to complete the following activities: plan, design, and construct, to include obtaining land access and all necessary approvals through the Right-of-Way (ROW) Process; includes completion of design, surveys, assessments, archaeological/biological/environmental studies & clearances, obtain the required permits, provide the engineering services, construct the power-lines; and construct the house-wiring to each home meeting the requirements of the utility company in preparation for the electricity connection.</p>	1,019,678	1,019,678.00
TOTAL		1,019,678.00	1,019,678.00

FW: FW: Mariano Lake Chapter - Power-lines Project

Leonora Henderson <lhenderson@navajo-nsn.gov>

Wed 1/10/2024 12:17 PM

To: Victoria J. Tsosie <victoria.tsosie@navajo-nsn.gov>

*Resubmit to DOJ
1/10/24 JH*

1 attachments (69 KB)

Powerline Request Application.pdf

Print this and the email. Thanks.

From: Leandra James <ljames@nnchapters.org>

Sent: Tuesday, January 9, 2024 5:00 PM

To: Leonora Henderson <lhenderson@navajo-nsn.gov>

Cc: Lisa Jymm <ljymm@navajo-nsn.gov>; Leslie Bahr-Morgan <leslie.bahr-morgan@navajo-nsn.gov>; Michael M. Tsosie <mmtsosie@navajo-nsn.gov>; Wilton Stewart <wstewart@navajo-nsn.gov>; Victoria J. Tsosie <victoria.tsosie@navajo-nsn.gov>; Rosita A. Kelly <rosita.kelly@navajo-nsn.gov>

Subject: Re: FW: Mariano Lake Chapter - Power-Lines Project

Hi Leonora,

Here is our response:

The community residents are deemed eligible through their need to combat the pandemic. Their need is identified in the application. The residents will apply for services using the attached application.

Thank you,

Ms. Leandra K. James, Community Services Coordinator

Mariano Lake Chapter- Navajo Nation

Office: (505) 786-2182/ 2180

Fax: (505) 786-2181

Mobile: (505)

ljames@nnchapters.org

P.O. Box

Thoreau, New Mexico 87323

Response to DOJ question

On Tue, Jan 9, 2024 at 4:00 PM Leonora Henderson <lhenderson@navajo-nsn.gov> wrote:

Leonora,

DOJ has a question below, please clarify and send back to me. Thanks.

Leonora Henderson, MBA

Senior Programs and Projects Specialist

Email: lhenderson@navajo-nsn.gov

Website: www.frf.navajo-nsn.gov

Navajo Nation Fiscal Recovery Fund Office

Work Phone: 928-309-5530

Work Cell: 928-270-8407

From: ARPA <ARPA@nndoj.org>

Sent: Tuesday, January 9, 2024 10:56 AM



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK0738

Date & Time Received: 1/12/24 at 11:26

Date & Time of Response: 1/23/24 at 17:00

Entity Requesting FRF: Mariano Lake Chapter

Title of Project: Mariano Lake Chapter Utility Assistance

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$285,171.00

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:
2.2, Housing Assistance: Rent, Mortgage, and Utility Aid

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 | |

Other Comments: _____

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: MacArthur Stant

Digitally signed by MacArthur Stant
Date: 2024.01.23 10:22:20 -07'00'

Disclaimers:
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.

REVIEWED

By Dawnell Begay at 2:59 pm, Jan 11, 2024

APPENDIX A

THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NON-GOVERNANCE CERTIFIED CHAPTERS

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Mariano Lake Chapter Date prepared: 1/5/2024

Chapter's mailing address: P.O. Box 897, Thoreau, NM 87323 phone/email: 505-786-2180
website (if any): marianolake.navajochapters.org

This Form prepared by: Ms. Leandra K. James phone/email: 505-786-2180
Community Services Coordinator

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: Mariano Lake Chapter Utility Assistance

Chapter President: Mr. Jay R. DeGroat phone & email: jrdegroat@naataanii.org

Chapter Vice-President: Mr. Henry King phone & email: hking@naataanii.org

Chapter Secretary: Mr. Henry P. Begay, Jr. phone & email: hpbegayjr@navajochapters.org

Chapter Treasurer: Mr. Henry P. Begay, Jr. phone & email: hpbegayjr@navajochapters.org

Chapter Manager or CSC: Ms. Leandra K. James phone & email: ljames@nnchapters.org

DCD/Chapter ASO: Ms. Myrna M. James phone & email: mmjames@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Continental Divide Electric Coop. Inc. (CDEC), Navajo Tribal Utility Authority (NTUA), and Nations Gas Technologies document attached

Amount of FRF requested: \$285,171. FRF funding period: 10/1/2023 to 9/30/2026
Indicate Project starting and ending/ended/into 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 project will provide utility assistance of payments for water/sewage, electricity and propane to the individuals/families registered with Mariano Lake Chapter to alleviate the hardship imposed on each household by the Coronavirus disease. Each household will submit a simple application to request for utility assistance. They will provide a copy of their NTUA & CDEC invoice for payment processing. The Nation will collaborate with Nations Gas Technologies to conduct the delivery of propane per the application request. The Navajo Nation will pay directly to the utility companies as a lump sum for the utility assistance, but the company will apply the payments to the accounts based on the applications. document attached

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

The project will benefit and improve the lives of those who have been affected by the C-19 disease. The project will alleviate the financial struggle every human is experiencing presently due to the economic effects of the pandemic. Electricity, water and propane are essential to combating the disease, therefore this will assist the households with their financial challenges to overcome. document attached

APPENDIX A

(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:

This project will have funds encumbered no later than September 30, 2024 and project will be completed by September 30, 2026.

document attached

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

Leandra K. James, Community Services Coordinator, and Lucinda Yazzie, Accounts Maintenance Specialist. Mariano Lake Chapter will manage the assistance program and coordinate with the three utility companies for the assistance.

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 homeowners will be responsible for the continuation of utility services.

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:

This project is under the Expenditure Category: 2.2 Household Assistance: Rent, Mortgage, and Utility Aid

This project will assist with the financial hardships caused from the economic effects of the coronavirus pandemic, and will help alleviate families with the struggle of utility payments.

document attached

Part 3. Additional documents.

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

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 of Preparer/CONTACT PERSON

Approved by: 
signature of Chapter Preparer

Approved to submit for Review: 
signature of CEO or NHPFD Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I Business Unit No.: <u>NEW</u>		Program Title: <u>Mariano Lake Chapter Utility Assistance</u>		Division/Branch: <u>Division of Community Development</u>	
Prepared By: <u>Ms. Leandra K. James</u>		Phone No.: <u>505-786-2180</u>		Email Address: <u>marianolake@nncchapters.org</u>	
PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	
N Federal Recovery Funds		10/1/23-9/30/25	285,171.00	100%	
PART III. BUDGET SUMMARY					
	Fund Type Code	HNC Approved Original Budget	Proposed Budget	Difference or Total	
2001	Personnel Expenses			0.00	
3000	Travel Expenses			0.00	
3500	Meeting Expenses			0.00	
4000	Supplies			0.00	
5000	Lease and Rental			0.00	
5500	Communications and Utilities			0.00	
6000	Repairs and Maintenance			0.00	
6500	Contractual Services			0.00	
7000	Special Transactions			0.00	
8000	Public Assistance		285,171	285,171.	
9000	Capital Outlay			0.00	
9500	Matching Funds			0.00	
9500	Indirect Cost			0.00	
TOTAL		\$0.00	285,171.	285,171.	
PART IV. POSITIONS AND VEHICLES					
TOTAL:		S285,171.00		100%	
Total # of Positions Budgeted:					
Total # of Vehicles Budgeted:					
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>Mr. Jaron Charley</u>		APPROVED BY: <u>Mr. Arbin Mitchell</u>		Division Director / Branch Chief's Printed Name	
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date		Division Director / Branch Chief's Signature and Date	

**THE NAVAJO NATION
 PROGRAM PERFORMANCE MEASURES**

FY 2024

PART I. PROGRAM INFORMATION:	Business Unit No.: <u>NEW</u>	Program Name/Title: <u>Mariano Lake Chapter Utility Assistance</u>	
PART II. PROGRAM PERFORMANCE CRITERIA:	<p>The Mariano Lake Chapter will implement and manage a utility assistance project for registered members per household according to the following procedures to meet the overall assistance goal: WATER & ELECTRICITY ASSISTANCE: 1) The Mariano Lake Chapter will provide a basic application to the client. 2) The client will complete and submit the application with a copy of their Confidential Utility Electric Cooperative Inc. Invoices, and/or Navajo Tribal Utility Authority Invoices to collect account information. 3) a) All applicants who apply will be qualified, based on the overall economic effects of the coronavirus pandemic and the financial strain caused on every human. b) The only qualification imposed would be the submission of the utility invoice(s) for the water and/or electricity assistance. c) The assistance is a one-time assistance. d) There will be an opening and closing date to collect all applications and invoices with the account information. 4) The Mariano Lake Chapter will compile and prepare an overall report for each utility company. The report will indicate all account information and payment amount to be applied to each account. (The conclusion of payment distribution will be to equally distribute the lump sum payment based on the available budget for each utility company.) 5) The Navajo Nation will submit one lump sum payment to the utility companies 6) Mariano Lake Chapter will collaborate with each utility company and obtain confirmation for all accounts that received payment.;</p> <p>PROPANE ASSISTANCE: 1) The Mariano Lake Chapter will provide a basic application to the client to identify the propane type used, either transferring propane bottles or set propane tanks. 2) The client will complete and submit the application, providing a map to their location for delivery to the set propane tanks. 3) a) All applicants who apply will be qualified, based on the overall economic effects of the coronavirus pandemic and the financial strain caused on every human. b) The assistance is a one-time assistance. c) There will be an opening and closing date to collect all applications. 4) The Mariano Lake Chapter will compile and prepare an overall report based on the applications and propane type. 5) The Mariano Lake Chapter will collaborate, plan, and schedule the propane bottle filling event with Nations Gas Technologies to deliver the propane to the applicants. 6) The Mariano Lake Chapter will schedule with each applicant for propane delivery. 7) The Mariano Lake Chapter will obtain a confirmation report from Nations Gas Technologies for delivery of propane to the applicants.</p>		
PART III. CONCURRENCE/APPROVAL:	Mr. Jaron Chanley Program Manager's Printed Name _____ 01/11/2024 Program Manager's Signature and Date	Mr. Arbin Mischall Division Director/Branch Chief's Printed Name _____ Division Director/Branch Chief's Signature and Date	

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2024

PART I. PROGRAM INFORMATION:		Business Unit No.: NEW	
Program Name/Title: Mariano Lake Chapter Utility Assistance			
PART II. DETAILED BUDGET:		(C)	(D)
(A)	(B)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)		
8000	Infrastructure (Non-Cap)		
8095	Other Public Assistance		
	Provide utility assistance for the registered members of Mariano Lake Chapter @ \$285,170.55	285,171	285,171
	Electricity Assistance @ \$185,170.55 to Continental Divide Electric Cooperative, Inc.		
	Water Assistance @ \$50,000.00 to Navajo Tribal Utility Authority		
	Propane Assistance @ \$50,000.00 to Nations Gas Technologies		
TOTAL		285,171	285,171

NAVAJO NATION

329

3/14/2024

Naa'bik'iyati' Committee Regular Meeting

11:06:38 AM

Amd# to Amd#

New Business: Item A.

PASSED

MOT Yanito, C

#0050-24: Amending CAU-73-23

SEC Begay, N

and CMY-39-23

Yeas : 12

Nays : 0

Excused : 6

Not Voting : 5

Yea : 12

Arviso, S

Claw, S

Johnson, C

Tolth, G

Begay, H

Crotty, A

Nez, A

Yanito, C

Begay, N

Daniels, H

Simpson, D

Yazzie, L

Nay : 0

Excused : 6

Aseret, L

Jesus, B

Parrish, S

Yazzie, C

Charles-Newton, E

Notah, N

Not Voting : 5

James, V

Simonson, G

Slater, C

Tso, O

Nez, R

Presiding Speaker: Curley, C