



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 #: HK0386

Date & Time Received: 1/3/23 at 10:44

Date & Time of Response: 17 January 2023; 6:18 pm

Entity Requesting FRF: St. Michaels Chapter

Title of Project: St. Michaels Chapter House Renovation and Addition Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$6,000,000

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

- ☐ (1) Public Health and Economic Impact
☒ (3) Government Services/Lost Revenue
☐ (2) Premium Pay
☐ (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 6.1, Provision of Government Services

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: Please be reminded that an Initial Eligibility Determination does not serve as an opinion on the reasonableness of the amount requested. For this Project, please note the following in particular:

1) The amount requested is more than double what has been requested in other Chapter house renovations/ additions.

2) Projects with large, round dollar amounts such as this are more likely to be targets for additional scrutiny with U.S. Department of Treasury audits.

3) A contractor has seemingly already been chosen for this Project; DOJ recommends ensuring that all procurement requirements - Navajo and federal - have been adhered to and documented.

Name of DOJ Reviewer: Adjua Adjei-Danso

Signature of DOJ Reviewer: Adjua Adjei-Danso

Digitally signed by Adjua Adjei-Danso
Date: 2023.01.17 18:24:03 -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.

**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: St. Michaels Chapter Date prepared: 10/25/22

Chapter's P.O. Box 829 phone/email: (928) 871-7842
mailing address: St. Michaels, AZ 86511 website (if any): stmichaels@navajochapters.org

This Form prepared by: Clara Bia phone/email: (928) 863-8594
St. Michaels Chapter Secretary/Treasurer cbia@navajochapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: St. Michaels Chapter House Renovation and Addition Project

Chapter President: Marybeth Sage phone & email: (505) 713-7768 / mbsage79@gmail.com

Chapter Vice-President: Curran Hannon phone & email: (928) 890-7864 / channon@navajochapters.org

Chapter Secretary: Clara Bia phone & email: (928) 863-8594 / cbia@navajochapters.org

Chapter Treasurer: Same as Chapter Secretary phone & email: _____

Chapter Manager or CSC: Vacant phone & email: _____

DCD/Chapter ASO: _____ phone & email: _____

What types of Subcontractors or Subrecipients that will be paid with FRF (if known): Buffalo Design Architects
10899 Montgomery Blvd NE, Suite A, Albuquerque, NM 87111 ☒ document attached

Amount of FRF requested: \$6,000,000.00 FRF funding period: January 1, 2023 - December 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:

The St. Michaels Chapter House is located in St. Michaels, Arizona, Fort Defiance Agency. The chapter house was built 1959. The fund will upgrade the existing deteriorated community public facility to meet code compliance, provide a quality community productivity building for chapter meetings, health fairs, social events. The \$6,000,000.00 will cover the cost to renovate the existing building structure 3,385 sq.ft.; include cost for a building addition of approximate 5,800 sq.ft. Addition will feature a community public assemble area, commercial grade kitchen facility w/dining area, men & women restrooms, storage areas, large mechanical room, main entrance...

☐ document attached

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

The expanded facility will provide open space to improve public health and create positive social environment to the people in attendance for chapter community meetings, CLUPC meetings, Veterans meetings, health fairs and social events.

☐ document attached

(c) Provide 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:

Sole source procurement by Buffalo Design Architects with estimated construction to start in Spring 2023 and full completion in 2024. The challenges will be post Covid-19 inflation costs.

☐ document attached

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

The NN-Division of Community Development/CPMD Project Manager is the oversight and the Buffalo Design Architect will ensure completion of the project. The St. Michaels Chapter Officials are the stakeholders who provide update information to the community members at their chapter meetings. The St. Michaels Chapter is a non-governance certified chapter.

☐ 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:

St. Michaels Chapter will be responsible to budget each fiscal year for the operation, building repairs and maintenance cost and the chapter will practice liability prevention by ensuring premium insurance coverage are paid by the deadline as required by the NN Risk Management.

☐ 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:

6.1 Provision of Government Services - per Navajo Nation Council Resolution CJN-29-22, Infrastructure improvements became a Navajo Nation ARPA/NNFRF eligible project.

The St. Michaels Chapter facility/building is over 63 years old, aged stone structure and presently experiencing leaky roof, no air conditioning system, no heating system and not utilizing the poor conditioned kitchen. The chapter community member meetings are held in the assembly room only; however, the men & women bathrooms are functional. Thus, due to cold weather and awaiting for construction to begin in Spring 2023 with ARPA funds; the chapter will conduct majority of vertical meetings and may use their warehouse if necessary.

☐ document attached

Part 3. Additional documents.

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

1. St. Michaels Chapter Resolution.
2. Memo-St. Michaels Chapter House Historic Building Status.
3. Buffalo Design Contract

☒ 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:

Clara Bin
signature of Preparer/CONTACT PERSON

Approved by:

Maybeth Lopez
signature of Chapter President (or Vice President)

Approved by:

vacant - dk
signature of CSC

Approved by:

Sonlata Jiri 12/15/2022
signature of Chapter ASO

Approved to submit
for Review:

Lisa Jymmm. NNFRF
signature of DCD Director

FY 2023

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page of
BUDGET FORM 1

PART I. Business Unit No.: <u> New </u>		Program Title: <u>St. Michaels Chapter House Renovation and Addition</u>		Division/Branch: <u>DCD / Executive Branch</u>	
Prepared By: <u>Clara Bia</u>		Phone No.: <u>(928) 871-7842</u>		Email Address: <u>cbia@navajochapters.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	<u>10/1/22 - 12/31/26</u>	6,000,000.00	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				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay	<u>9050</u>	<u>0</u>	6,000,000	<u>6,000,000</u>
				9500 Matching Funds				
				9500 Indirect Cost				
TOTAL:						\$0.00	6,000,000.00	<u>6,000,000</u>

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	<u>0</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, Department Manager</u> <div style="text-align: center;"> <u>Sonlatsa Jim</u> Program Manager's Printed Name <u>12/15/2022</u> Program Manager's Signature and Date </div>	APPROVED BY: <u>Dr. Pearl Yellowman, Division Director, DCD</u> <div style="text-align: center;"> <u>Pearl Yellowman</u> Division Director / Branch Chief's Printed Name <u>12.15.22</u> Division Director / Branch Chief's Signature and Date </div>
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FY 2023THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIAPage ___ of ___
BUDGET FORM 2

PART I. PROGRAM INFORMATION:

Business Unit No.: New

Program Name/Title:

St. Michaels Chapter House Renovation and Addition

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

CJN-29-22 Navajo Nation Fiscal Recovery Fund for the St. Michaels Chapter Renovation and Addition Project to upgrade the deteriorating existing facility to meet the code compliance, quality spacious environment for public health towards community members' facility usage.

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 complete the chapter renovation & addition design, construction, equipment/furnishings

Program Performance Measure/Objective:

Architectural, Mechanical, plumbing, electrical, ADA codes, parking lot.

1		1		1		1	
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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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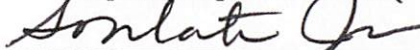
5. Goal Statement:

Program Performance Measure/Objective:

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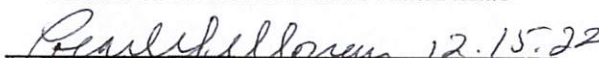
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Program Manager's Printed Name

 12/15/2022

Program Manager's Signature and Date

Division Director/Branch Chief's Printed Name

 12.15.22

Division Director/Branch Chief's Signature and Date

ST. MICHAELS CHAPTER – P.O. BOX 829 – ST. MICHAELS, ARIZONA 86511
PHONE: 928-871-7842 - EMAIL: STMICHAELS@NAVAJOCHAPTERS.ORG



Marybeth Sage, President
Curran Hannon, Vice-President
Clara Bla, Secretary/Treasurer
Edison Wauneka, Council Delegate
Ernest Nez, Grazing Official



Jonathan Nez, Navajo Nation President

Myron Lizer, Navajo Nation Vice President

RESOLUTION OF THE ST. MICHAELS CHAPTER No. SMC 2022-040

Approving & Supporting the St. Michaels Chapter requesting for Navajo Nation American Rescue Plan Act (ARPA) Infrastructure Fund for Construction Costs and/or Equipment Improvement to Renovate and Expand the existing St. Michaels Chapter House Facility in the Amount of six million (\$6Million)

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A), St. Michaels Chapter is a duly certified chapter of the Navajo Nation Government with vested authority and responsibility to provide and address local planning within the community; and
2. Pursuant to 26 N.N.C., Section 1 (8), St. Michaels Chapter is delegated the governmental authority to make decision over local matters affecting the community and to make appropriate correction consistent with the Navajo Nation laws and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. Pursuant to 26 N.N.C 101 (A), the St. Michaels Chapter is mandated to adopt and operate under a Five Management System, adopted in July 2010; and
4. The St. Michaels Chapter House was built in 1959 and has been providing services to the St. Michaels chapter community over 63 years and in need of renovation with addition to accommodate increased population, modernize communication technology, and new era into the COVID-19 pandemic; and
5. St. Michaels Chapter recognizes the allocated Navajo Nation Sihasin Fund to the chapter governance for the chapter house renovation and addition in the amount of two million dollars (\$2,000,000) per the CAP-35-18 Sihasin project list. And with the additional requested fund from the American Rescue Plan Act Fund \$6,000,000 will total \$8,000,000 for the project; and
6. The St. Michaels Chapter acknowledges the pre-conference sessions began September 2019, with Buffalo Design Architect, who is awarded the Contract, followed by continuous effective planning meetings for the chapter house addition and renovation project; and

7. The St. Michaels Chapter acknowledges the Resolution CEM-20-03-11 that the Navajo Nation Commission on Emergency Management and Navajo Nation President Jonathan Nez declared a Public Health State of Emergency on Navajo Nation, March 11, 2020, due to COVID-19 outbreak. Thereafter, CAP-20-20, April 13, 2020 declared Travel Restriction of Navajo Chapters to conduct planning meetings and chapter regular meetings through teleconference/video conferencing for COVID-19 mitigation and remote work plan; and
8. The St. Michaels Chapter acknowledges the assigned Project Manager, Capital Project Management Department, Division of Community Development to the Chapter Addition and Renovation Project retired September 30, 2021, which also resulted in an effort for continuity; and
9. St. Michaels Chapter acknowledges the "Notice to Proceed" and Contract became effective January 2022. Therefore, the project was scheduled to move forward on the programming and concept phase, schematic design, design development and construction; and
10. The St. Michaels Chapter recognizes during the COVID-19 pandemic, the material cost increased and professional services that resulted in a shortfall to fulfill the project specifically the construction and timeline; and
11. The St. Michaels Chapter is considered project ready with the design deliverables in place, architect was solicited and obtained for third-party contract services to complete the project based on the Navajo Nation Council Resolution CJA-03-21 – approved timeline extension to four years; and
12. The St. Michaels Chapter recognizes the need for additional funds to complete the chapter house addition and renovation which is essential to accommodate the community to conduct their planning and chapter and other meetings to further adequately enhance the growth and enrich their future. The impact of COVID-19 has had an impact to the community and the people need encouragement toward healing through social events in the facility; and
13. The St. Michaels Chapter and community members desire to begin plans for a ceremonial "Ground Breaking" event in Spring of 2023 to begin actual construction of the Chapter House Addition and Renovation subsequently.

NOW THEREFORE, BE IT RESOLVED

1. The St. Michaels Chapter membership hereby Support and Approve the St. Michaels Chapter requesting for additional funds from the Navajo Nation American Rescue Plan Act (ARPA) Infrastructure Project for Construction Costs and/or Equipment Improvement of the St. Michaels Chapter House Addition and Renovation in the amount of Six Million Dollars (\$6,000,000).

We, hereby certify that the foregoing resolution was duly considered by St. Michaels Chapter at a duly called regular chapter meeting at St. Michaels, NAVAJO NATION (ARIZONA), at which a quorum was present and that the same was passed by a vote of 17 in favor, 0 opposed, and 1 abstained, on this 16 day of November, 2022

CERTIFICATION

Motion: Austin Yazzie
Second: Carol Thomas

Marybeth Sage
Marybeth Sage, Chapter President
12-01-22