



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 #: _____

Date & Time Received: _____

Date & Time of Response: _____

Entity Requesting FRF: _____

Title of Project: _____

Administrative Oversight: _____

Amount of Funding Requested: _____

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: _____



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

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

RFS/HK Review #: HK0344

Date & Time Received: 12/20/22

Date & Time of Response: 01/05/23 5:00 PM

Entity Requesting FRF: Upper Fruitland Chapter

Title of Project: Upper Fruitland Community Cemetery

Administrative Oversight: Chapter Manager - Alvis Kee

Amount of Funding Requested: \$370,556.67

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 Service.

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: Only one expenditure code can be selected for each project. The expenditure code 6.1 is more appropriate for this project; based on the documents submitted it is unclear whether the project would qualify under another expenditure code.

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: This Initial Eligibility Determination is based on the documents provided which we have assumed are true, correct, and complete. Should the Project or Program change in any material way after this initial determination, the requestor must seek the advice of NNDOJ. This initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

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

Part 1. Identification of parties.

Governance-Certified Chapter requesting FRF: Upper Fruitland Chapter Date prepared: Dec 9, 2022

Chapter's mailing address: Upper Fruitland Chapter phone & email: (505) 960-5032 upperfruitland@navajochapters.org
P.O. Box 1257 Fruitland, NM 87416 website (if any): www.upperfruitland.org

This Form prepared by: Alvis Kee, Manager phone/email: (505) 960-5032
akee@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Upper Fruitland Community Cemetery

Chapter President: Lynelle Etsitty phone & email: (520) 208-0201 lcetsitty@naataanii.org
 Chapter Vice-President: Lisa Byrd phone & email: (505) 686-2224 lbyrd@naataanii.org
 Chapter Secretary: Dora Smith phone & email: (505) 686-7544 dasmith@navajochapters.org
 Chapter Treasurer: Dora Smith phone & email: (505) 686-7544 dasmith@navajochapters.org
 Chapter Manager or CSC: Alvis Kee phone & email: (505) 960-5032 akee@nnchapters.org
 DCD/Chapter ASO: Eliza-Beth Washburne phone & email: (505) 368-1020 eliz-beth@nndcd.org

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

Amount of FRF requested: 370,556.67 FRF funding period: January 2023 - December 31, 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 Upper Fruitland Community Cemetery will provide a site where many loved ones will be interred especially those affected from the COVID-19 Pandemic. The Upper Fruitland community and Navajo Nation were severely impacted from the pandemic having saturated their Rose Garden cemetery to capacity and requiring the construction of a new site. The land has already been withdrawn, surveyed, required archaeological studies completed and is basically shovel ready for continuing development. The project will address the deficiencies connected to the outbreak of the COVID-19 on the Navajo Nation. The governmental services will facilitate sustainable economic and social growth. document attached

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

Most rural communities on the Navajo Nation lack access to governmental services and COVID-19 impeded these operations. The Navajo Nation experienced substantially grater rates of COVID-19 mortality compared to other racial and ethnic groups. Those living on the Navajo Nation are vulnerable to the virus, due to the high rates of poverty, over crowded liing conditions and limited access to high-quality medical facilities. This project will assist and directly benefit the Navajo people. document attached

(c) A prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

Based upon the funding, the project completion date will be December 31, 2026 with all funds being incurred before December 31, 2024. The Navajo Nation Budget forms are attached and illustrate the phase goals per quarter of funding period.

document attached

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

The Chapter Manager will be delegated the responsibility for budgeting, procurements, liaison with various entities and local citizens on progress up until the project and required documentations are completed applicable to this project.

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

The Upper Fruitland Chapter administration will be tasked with the facility's with maintenance while ensuring budgeting meets operational necessities.

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:

Categories: REVENUE REPLACEMENT: 6.1 - Provision of Government Services
Pursuant to the U.S. Treasury guidelines and funding objectives, this Upper Fruitland Community Cemetery will address the conditions that contributed to the poor health and economic outcomes during the Pandemic. By concentrating in areas with limited economic opportunities and connecting residents with public assistance building healthier environments such as: government services to support communities conducive to mental and physical wellness. The exacerbation of health disparities during the Pandemic and role of pre-existing social vulnerabilities are responsive to the public health impact of the pandemic. The Upper Fruitland Community cemetery will support a healthier environment. Access to government services that facilitates sustainable economic, social growth and drastically increase the quality of life and healthcare provided.

document attached

Part 3. Additional documents.

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

Chapter resolution # FRUI-2022-12-305

Chapter Resolution attached

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's Preparer: [Signature] Approved by: [Signature]
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice President)
Approved by: [Signature] 12/19/2022
signature of Chapter Manager or CSC signature of DCD/Chapter ASO
Approved to submit for Review: [Signature]
signature of DCD Director

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: <u>New</u>		Program Title: <u>Upper Fruitland Chapter -6.1</u>		Division/Branch: <u>Executive</u>	
Prepared By: <u>Avis Kee, Chapter Manager</u>		Phone No.: <u>(505) 980-5032</u>		Email Address: <u>akee@nnchapters.org</u>	

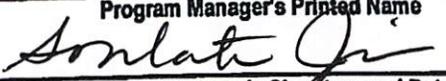
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
ARPPA FUNDS	<u>01/01/2022 - 12/30/2026</u>	370,556.67	100	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions	6		500	500
				8000 Public Assistance				
				9000 Capital Outlay	6		<u>\$1,370,056.67</u>	<u>\$370,056.67</u>
				9500 Matching Funds				
				9500 Indirect Cost				
TOTAL						\$0.00	370,556.67	<u>\$370,556.67</u>

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Vehicles Budgeted:	0	0

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

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THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:									
Business Unit No.: <u>New</u>			Program Name/Title: <u>Upper Fruitland Chapter -6.1</u>				<i>Community Cemetery Project</i>		
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
The Navajo Nation Chapters Plan of Operation is in reference to Title 26 of the Navajo Nation Code.									
PART III. PROGRAM PERFORMANCE CRITERIA:									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
To provide funds for the construction of a new cemetery for Upper Fruitland community									
Program Performance Measure/Objective:									
To assist the community and surrounding communities with a location for the final resting place		5		5		5		5	
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.									
<u>Sonlatsa Jim-Martin</u> Program Manager's Printed Name					<u>Dr. Pearl Yellowman</u> Division Director/Branch Chief's Printed Name				
 Program Manager's Signature and Date					 Division Director/Branch Chief's Signature and Date				

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**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Upper Fruitland Chapter -6.1</u>		Business Unit No.: <u>New</u>	
<i>Community cemetery project</i>			
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)
	Revenue Replacement: Provision of Government Services - ARPA Chapter Wellness Project. This Upper Fruitland Community cemetery project will provide a comprehensive construction of a planned site. The Upper Fruitland community cemetery is an expresion of its ommunity - it is a repository foot or higher square footage based on fund availability. This warehouse will provide logistical support and assist in mitigating, preparing, responding and recovering from emergncy situations and improving community services. This warehous will address deficiencies connected to the large volume of COVID-19 on the Navajo Nation. The construction of this new wreehouse will be capable of meeting the needs of the Upper Fruitland community. This meaning a facility meeting the necessary foot space and infrastructure such as mechanical equipmenet, plumbing, electrical...etc. for the propere and effective operation.		
7000	Special Transactions		
7440	Print Advertising Advertisement for project in accordance with Procurement Procedures.	500	500
9000	Capital Outlay		
9052	Buildings Purchase of aluminum frame and steel supports of about 60 foot x 100 foot or higher square footagle	<i>\$ 370,056.61</i>	<i>\$ 370,056.61</i>
TOTAL		<i>\$ 370,556.61</i>	<i>\$ 370,556.61</i>

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FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: New **Program Title:** Upper Fruitland Chapter -6.1 **Division/Branch:** Executive
Prepared By: Alvis Kee, Chapter Manager **Phone No.:** (505) 960-5032 **Email Address:** akee@nnchapters.org

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A)	(B)	(C)
						NNC Approved Original Budget	Proposed Budget	Difference or Total
<i>ARPA Funds</i>	<i>01/01/2022-12/31/2026</i>	<i>\$370,556.67</i>	<i>100%</i>					
				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	6		500	500
				8000 Public Assistance				
				9000 Capital Outlay	6		<i>\$370,556.67</i>	<i>\$370,556.67</i>
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	370,556.67	<i>1,370,556.67</i>
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
		TOTAL:	<i>100%</i>					

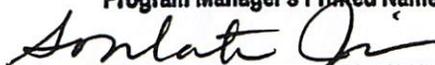
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: Sonlatsa Jim-Martin
 Program Manager's Printed Name
Sonlatsa Jim-Martin 12/19/2022
 Program Manager's Signature and Date

APPROVED BY: Dr. Pearl Yellowman
 Division Director / Branch Chief's Printed Name
Pearl Yellowman 12-16-22
 Division Director / Branch Chief's Signature and Date

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**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:												
Business Unit No.: <u>New</u>			Program Name/Title: <u>Upper Fruitland Chapter -6.1</u>			<i>Community Cemetery Project</i>						
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: The Navajo Nation Chapters Plan of Operation is in reference to Title 26 of the Navajo Nation Code.												
PART III. PROGRAM PERFORMANCE CRITERIA:												
					1st QTR		2nd QTR		3rd QTR		4th QTR	
					Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement: <u>To provide funds for the construction of a new cemetery for Upper Fruitland community</u>												
Program Performance Measure/Objective: <u>To assist the community and surrounding communities with a location for the final resting place</u>					5		5		5		5	
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.												
<u>Sonlatsa Jim-Martin</u> Program Manager's Printed Name  Program Manager's Signature and Date 12/19/2022					<u>Dr. Pearl Yellowman</u> Division Director/Branch Chief's Printed Name  Division Director/Branch Chief's Signature and Date 12-16-22							

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FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 3
BUDGET FORM 1

PART I. Business Unit No.: New Program Title: Community Cemetery Project
Upper Fruitland Chapter -6.1 Division/Branch: Executive
Prepared By: Alvis Kee, Chapter Manager Phone No.: (505) 960-5032 Email Address: akee@nnchapters.org

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A)	(B)	(C)
				NC Approved Original Budget	Proposed Budget	Difference or Total				
<u>ARPA Funds</u>	<u>01/01/2022</u> <u>12/31/2026</u>	<u>\$370,556.67</u>	<u>100%</u>	2001	Personnel Expenses					
				3000	Travel Expenses					
				3500	Meeting Expenses					
				4000	Supplies					
				5000	Lease and Rental					
				5500	Communications and Utilities					
				6000	Repairs and Maintenance					
				6500	Contractual Services					
				7000	Special Transactions	6		500	500	
				8000	Public Assistance					
				9000	Capital Outlay	6		<u>370,056.67</u>	<u>370,056.67</u>	
				9500	Matching Funds					
				9500	Indirect Cost					
				TOTAL				\$0.00	370,556.67	<u>370,556.67</u>
TOTAL: <u>\$370,556.67</u> <u>100%</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: Sonlatsa Jim-Martin
Program Manager's Printed Name
[Signature]
Program Manager's Signature and Date

APPROVED BY: Dr. Pearl Yellowman
Division Director / Branch Chief's Printed Name
[Signature] 12-16-22
Division Director / Branch Chief's Signature and Date

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



Rickie Nez, Council Delegate
 Lynelle Etsitty, President
 Lisa Byrd, Vice-President
 Dora Smith, Secretary/Treasurer
 Albert Lee, Farm Board Representative
 Roxanne Lee, Grazing Representative

RESOLUTION OF THE NAVAJO NATION UPPER FRUITLAND CHAPTER

THE UPPER FRUITLAND CHAPTER SUPPORTS AND APPROVES THE AMERICAN RESCUE PLAN ACT (ARPA) PROJECTS AND BUDGETS IN ACCORDANCE WITH EACH DELEGATED REGIONAL EQUAL DISTRIBUTION OF \$1,467,056.67

WHEREAS:

1. Under 26 N.N. C. § 3(A), the Upper Fruitland Chapter is a certified Chapter of the Navajo Nation is listed under 11 N.N.C., §10;
2. Under 26 N.N.C. §1(B), the Upper Fruitland Chapter received further governance-certification of the Five Management System by the Resources and Development Committee of the Navajo Nation Council on February 28, 2012, and is delegated with authority to exercise powers listed in 26 N.N.C. §103;
3. The Upper Fruitland Chapter appreciates 24th Navajo Nation Council Delegate Rickie Nez equal distribution of the \$8,802,340.00 amongst his six assigned chapters with Upper Fruitland Chapter allocated the amount of \$1,467,056.67; and.
4. The Upper Fruitland Chapter will use the American Rescue Plan Act (ARPA) funds to assist their community with the following projects and budgeted as follows:

#	Project Description	Category	Amount
01	Mobile Combination Shower & Restroom	5.3 & 6.1	175,000.00
02	Heavy Duty Truck	6.1	100,000.00
03	Leach fields	5.3	220,500.00
04	Warehouse	6.1 & 1.7	500,500.00
05	Cemetery; Rose Garden	6.1	100,500.00

06	Cemetery; Upper Fruitland Community	6.1	370,556.67
GRAND TOTAL:			1,467,056.67

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

NOW THEREFORE BE IT RESOLVED THAT:

The Upper Fruitland Chapter supports and approves the American Rescue Plan Act (ARPA) projects and budgets in accordance with each delegated regional equal distribution of \$1,467,056.67.

CERTIFICATION

WE HEREBY CERTIFIED that the foregoing resolution was approved by the Upper Fruitland Chapter at a duly special called meeting held at Upper Fruitland Chapter (Navajo Nation), New Mexico. A motion to approve was made by Robert Allen and seconded by Robert Harrison and the same was passed by a vote of 22 in favor, 0 opposed, 1 abstained, this 11th day of December 2022.


 Lynelle Etsitty, President


 Lisa Byrd, Vice-President


 Dora Smith, Secretary/Treasurer


 Rickie Nez, Council Delegate

ty cemetery

nd south of NAPI road 4087 or about a mile south of Ojo Amarillo rental homes in Upper Fruitland

