

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 #: HK0412
Date & Time Received: 3/24/23 at 11:36
Date & Time of Response: 30 March, 2023; 8:31 am
Entity Requesting FRF: Tsayatoh Chapter
Title of Project: New Warehouse
Administrative Oversight: Division of Community Development
Amount of Funding Requested: \$800,000
Eligibility Determination: FRF eligible FRF ineligible Additional information requested
FRF Eligibility Category:
✓ (1) Public Health and Economic Impact (2) Premium Pay (3) Government Services/Lost Revenue (4) Water, Sewer, Broadband Infrastructure
U.S. Department of Treasury Reporting Expenditure Category: 1.14, Other Public Health Services

Returned for the following reasons (Ineligibility Reasons/Paragraphs 5.E.(1)-(10) of FRF Procedures): Expenditure Plan incomplete Missing Form Funds will not be obligated by Supporting documentation missing 12/31/2024 Project will not be completed by 12/31/2026 Incorrect Signatory Ineligible purpose Inconsistent with applicable NN or Submitter failed to timely submit CARES reports Additional information submitted is insufficient federal laws to make a proper determination Other Comments: Name of DOJ Reviewer: Adjua Adjei-Danso Signature of DOJ Reviewer: Adjua Adjei-Danso Digitally signed by Adjua Adjei-Danso Date: 2023.03.30 08:30:47 -06'00'

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.

Program(s) or Project(s) by December 31, 2026:
The project will be planned, designed and constructed before September 30, 2026.
☐ document attached
(d) Identify who will be responsible for implementing the Program or Project:
Tsayatoh chapter administration and the chapter officials.
(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded
prospectively:
The chapter administration and the chapter officials is be responsible for the operation and
maintenance of the warehouse. There will be a custodian who will keep up with the maintenance and
a heavy equipment operator who will oversee the storage capacity of the building to ensure that
storage of items and the equipment is adequate.
☐ 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:
1.14 Dedicated Public Health storage Warehouse.
This project will construct a new warehouse to provide a storage facility for the chapter and head
start center of any materials provided to combat the COVID-19 pandemic. It will also be used to store
heavy equipment needed to provide services to the community.
☐ document attached
Part 3. Additional documents.
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):
Tsayatoh Chapter approved a chapter resolution for this project.
☐ 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 Y C. S.
Preparer: Approved by: The Approved by: Signature of Chapter President (or Vice-President)
1100000
Approved by: Approved by: Approved by: Signature of CSC Signature of CSC Signature of CSC
Approved to submit
for Review:signature of DCD Director

- Page 2 of 2 -



DR. BUU NYGREN PRESIDENT RICHELLE MONTOYA VICE PRESIDENT

The Navajo Nation | Yideeskáadi Nitsáhákees

MEMORANDUM:

TO :

Fiscal Recovery Fund Department of Justice Reviewer

Fiscal Recovery Fund Office

FROM :

Lucy Antone, Chapter Secretary, Tsayatoh Chapter

Guarena Adeky, SPPS, Admin. Services Center - Gallup

DATE

.

March 22, 2023

SUBJECT

TSAYATOH CHAPTER WAREHOUSE UPDATED APPENDIX A

The additional information request for the Tsayatoh Chapter Warehouse packet is attached to this memorandum, along with the amended resolution.

The additional language added to the Warehouse Appendix A. part f states, "The project will construct a new warehouse to provide a storage facility for the chapter and head start center of any materials provided to combat the COVID-19 pandemic. It will also be used to store heavy equipment needed to provide services to the community."

If any additional information is needed for this packet, please do not hesitate to contact Guarena Adeky at gadeky@nndcd.org, who is assisting with the packet development. Thank you for your attention and look forward to a favorable response to this project.

APPENDIX A

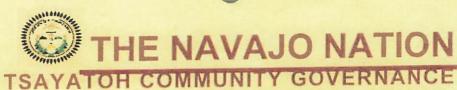
THE NAVAJO NATION FISCAL RECOVERY FUNDS **REQUEST FORM & EXPENDITURE PLAN**FOR **NON-GOVERNANCE CERTIFIED CHAPTERS**

Part 1. Identification of parties.

Non-Governance Certified Chapter Tsayatoh Chapter requesting FRF:	Date prepared: 11/10/22
Chapter's PO Box 86	phone/email: (505)905-2649
mailing address: Mentmore, NM 87319	website (if any): tsayatoh.navajochapters.org
This Form prepared by: Lucy Antone	phone/email: (928)309-8057
Secretary/Treasurer	lantone@navajochapters.org
CONTACT PERSON'S name and title	CONTACT PERSON'S info
Title and type of Project: New Warehouse	
Chapter President: Ellen Young Thomas	phone & email: (505)906-7282
Chapter Vice-President: Ellen Young Thomas	phone & email: eythomas@naataaanii.org
Chapter Secretary: Lucy Antone	phone & email: (928)309-8057
Chapter Treasurer: Lucy Antone	phone & email: lantone@navajochapters.org
Chapter Manager or CSC: No CSC	phone & email:
DCD/Chapter ASO: Guarena Adeky	phone & email: (505)488-8476 gadeky@nndcd.org
List types of Subcontractors or Subrecipients that will be paid with FRF (if ki	norm).
• • • • • • • • • • • • • • • • • • • •	•
Tsayatoh Chapter	document attached
Tsayatoh Chapter	document attached /1/22 - 9/30/2026
Tsayatoh Chapter Amount of FRF requested: \$800,000 FRF funding period: 10.	document attached
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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 4 C C
Preparer:
1 (A Dear let
Approved by: Approved by: Approved by: Signature of CSC Signature of CSC
Approved to submit
for Review:signature of DCD Director

Council Delegate, Seth Damon
President, VACANT
Vice President, Ellen Young Thomas
Secretary/Treasurer, Lucy Antone
Land Board, Vacant
Community Service Coordinator, VACANT
Accounts Maintenance Specialist, VACANT



Post Office Box 86 · Mentmore, NM 87319 Phone: (505) 905-2649 · Fax: (505) 905-0537 email: tsayatoh@navajochapters.org

TSAYATOH GOVERANCE

REQUESTING FUNDING FROM THE NAVAJO NATION ARPA/FRF AND NAVAJO NATION COUNCIL LEGISLATION CJN-29-22 IN THE AMOUNT OF \$800,000 FOR A SUSTAINABLE WAREHOUSE FOR THE TSAYATOH CHAPTER COMMUNITY.

Resolution No.TSA-2023-02-014

WHEREAS:

- Pursuant to N.N.C. Title 26; Chapter 1 3 (A) under the Local Governance Act, Tsayatoh Chapter is a certified local governmental entity of the Navajo Nation and codified at 11 N.N.C. Part 1 section 10; and
- 2. Pursuant to Chapter 1, Section I(B)(I) of the same "Act", Tsayatoh is vested with the governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition; and
- 3. Pursuant to Chapter 1, Section 1(8)(2) of the same "Act", Tsayatoh Chapter is vested with the authority to make decisions over local matters and to govern with responsibility; and
- 4. Tsayatoh community members are requesting for a suitable warehouse for the purposes of emergency materials and supplies storage, space for emergency providers to mitigate emergency measures in an secure area to protect community members, and space to provide storage of heavy equipment that will be utilized during emergency response; and
- 5. Tsayatoh community members request Honorable Delegate Seth Damon to move forward with legislation to secure funding for this important project for the community.

NOW, THEREFORE BE IT RESOLVED THAT:

- The Tsayatoh Chapter hereby requests funding from the Navajo Nation ARPA/FRF and Navajo Nation Council Legislation CJN-29-22, through the Delegate Regional Expenditure Plans for Honorable Seth Damon in the amount of \$800,000.00 for the new warehouse.
- Tsayatoh Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

CERTIFICATION

WE HEREBY CERTIFY that the foregoing Resolution was duly considered by Tsayatoh Chapter Governance at a duly called chapter meeting at Tsayatoh (Navajo Nation), at which an authorized quorum of Registered Community Members and two(2) Chapter Officials presided by teleconference methods and that same passed by a vote of legal quorum of chapter Vice-President, and Secretary/Treasurer, by a vote of 15 In Favor, 0 Opposed and 0 Abstain, this 22nd day of February 2023.

MOTION:

Ernest John

SECOND:

Robert Yazzie

Fllen Young Thomas, Vice-President

APPENDIX A

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

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This Form prepared by: Lucy Antone	phone/email: (928)309-8057
Secretary/Treasurer CONTACT PERSON'S name and title	lantone@navajochapters.org
Title and type of Project: New Warehouse	
Chapter President: Ellen Young Thomas	phone & email: (505)906-7282
Chapter Vice-President: Ellen Young Thomas	phone & email: eythomas@naataaanii.org
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Chapter Treasurer: Lucy Antone	phone & email: lantone@navajochapters.org
Chapter Manager or CSC: No CSC	phone & email:
DCD/Chapter ASO: Guarena Adeky	phone & email: (505)488-8476 gadeky@nndcd.org
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⁽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:	
The project will be planned, designed and constructed be	efore September 30, 2026.
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(d) Identify who will be responsible for implementing the Program or Project:	
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Chapter's \mathcal{L}	. 10
Preparer: Approved I	Dy:
11010	adjusting or Graphics President (Ur Vice-President)
Approved by:	y: signaturo o'Chapter ASO
Approved to for Revi	SM: 2000 John III , MOI 100
	signature of DCD Director

FY 2023

THE NAVAJO NATION PROGRAM BUDGET SUMMARY

Page 1 of 3 BUDGET FORM 1

PART I. Business Unit No.:	K- [New]	Program Title:		Tsayatoh Chapter Wareho	use)	Division/Branch:	DCD/ASC/ Tsaya	atoh				
Prepared By: Guae	erna Adeky, SPPS	Phone	No.:	505-905-2649 Email	Address:	tsayatoh@						
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type	(A) NNC Approved	(B)	(C) Difference or				
NN Fiscal Recovery Funds	-01/01/23 - 09/30/26	800,000.00	100%		Code	Original Budget	Proposed Budget	Total				
	10/1/22			2001 Personnel Expenses								
				3000 Travel Expenses			acintes est					
				3500 Meeting Expenses								
				4000 Supplies								
				5000 Lease and Rental								
		R. L. Janes		5500 Communications and Utilities								
				6000 Repairs and Maintenance								
				6500 Contractual Services								
		W4 =_		7000 Special Transactions								
				8000 Public Assistance								
				9000 Capital Outlay	6		800,000	802/804				
				9500 Matching Funds								
				9500 Indirect Cost								
					TOTAL	\$0.00	800,000.00	8007800				
				PART IV. POSITIONS AND VEHICLES		(D)	(E)					
				Total # of Positions E	Budgeted:	-6	_6	1				
	TOTAL:	\$800,000.00	100%	Total # of Vehicles B	Total # of Vehicles Budgeted:							
PART V. I HEREBY ACKNOWLE	DGE THAT THE INFO	RMATION CONTA	AINED IN	THIS BUDGET PACKAGE IS COMPLETE	AND ACC	URATE.						
SUBMITTED BY:	Sonlatsa Jim-l	Martin		APPROVED BY:		Pearl Yellowman						
	Program Manager's				sion Directo	or / Branch Chief's P	rinted Name	_				
1	mate	- Ch	_	X	20161	1.010-	12 2 2 2					
Pi	rogram Manager's Sig	nature and Date		Division	Director /	Branch Chief's Sign	ature and Date					

FY 2023

THE NAVAJO NATION PROGRAM PERFORMANCE CRITERIA

Page 2 of 3 BUDGET FORM 2

RT III. PROGRAM PERFORMANCE CRITERIA:	1st	QTR	2nd	QTR	3rd	QTR	4th	QTR
Goal Statement: To plan, design, and construct a warehouse to store COVID-related items and items.	Goal Heavy Equipment	Actual	Goal	Actual	Goal	Actual	Goal	Actua
Program Performance Measure/Objective:							1-1/4	
Plan, design, and construct a warehouse for the chapter 2. Goal Statement:							1	
Program Performance Measure/Objective:								
3. Goal Statement: Program Performance Measure/Objective:								
4. Goal Statement:								
Program Performance Measure/Objective:						327 2 3 3		
5. Goal Statement:								
Program Performance Measure/Objective:						,		_

THE NAVAJO NATION DETAILED BUDGET AND JUSTIFICATION

Page 3 of 3 BUDGET FORM 4

Program Name/Title: Tsayatoh Chapter (WARCHARLE) Business Unit No.: K-[New] PART II. DETAILED BUDGET: (A) Object Object Code (LOD 6) Salidings 9052 - Buildings 1To plan, design, and construct a warehouse to store COVID related items and heavy equipment Sologo Business Unit No.: K-[New] (C) (D) Total by DETAILED Object Code (LOD 6) MAJOR Object Code (LOD 6) 800,000 8002- Buildings 1To plan, design, and construct a warehouse to store COVID related items and heavy equipment 800,000	PART I. F	PROGRAM INFORMATION:					
Object Code (LOD 6) Buildings 9052 - Buildings 7 op Jan, design, and construct a warehouse to store COVID related items and heavy equipment 800,000			Tsayatoh Chapter	(Warehouse)	Business Unit No.:	K- [New]	
Object Code (LOD 6) Suldings 9052 - Buildings To plan, design, and construct a warehouse to store COVID related items and heavy equipment Object Code (LOD 7) Buildings 9052 - Buildings To plan, design, and construct a warehouse to store COVID related items and heavy equipment 800,000	PART II.	DETAILED BUDGET:					
Object Code (LOD 6) Buildings Store Buildings To plan, design, and construct a warehouse to store COVID related items and heavy equipment Buildings Store Buildings	(A)		(B)			(C)	(D)
9052 - Buildings To plan, design, and construct a warehouse to store COVID related items and heavy equipment 800,000	Code (LOD 6)		Object Code Description and	d Justification (LOD 7)		DETAILED Object Code	MAJOR Object Code
To plan, design, and construct a warehouse to store COVID related items and heavy equipment 800,000	9050						
					*		800,000
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THE NAVAJO NATION PROJECT BUDGET SCHEDULE

Page ___ of ___ PROJECT FORM

PART I. Business Unit No.: K - [New]						_			-,-										_			PAR	T II.			Proje	ect Inf	orma	tion	
Project Title: Tsayatoh Cha	pter W	/areho	use																				ect Typ	e:	Build					
Project Description Plan, design	jn, cor	nstruc	t a wa	rehou	se for	the T	sayat	oh Co	mmun	ity												Plan	ned St	art Date	e: _	1/1/	2023	101	1/2	2
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Check one box:	J	Origina	al Bud	get] Budg	get Re	vision	[Bu	dget F	Realloc	ation		Budg	jet Mo	dificat	ion				Proje	ect Mar	nager:	Tsay	atoh (Chapte	r/CPI	MD	
PART III.	PAR	T IV.	Us	e Fisc	al Yea	ar (FY) Qua	rters to	o com	plete t	the inf	ormat	ion be	elow.	0 = 0	ct.; N	= Nov	.; D =	Dec.	etc.					- Ev	pecte	d Com	nletio	n Da	to if
List Project Task separately; such as Plan, Design, Construct, Equip	FY_2023_																FY	2024	1_						oject (
or Furnish.		1st Qt	r.	1	2nd Q	tr.		3rd Qt	r.		4th Qt	r.		1st Qt	r.	2	nd Qt	г.		3rd Qt	r.		4th Q	г.		Dat	le 2	026_		
Plan location of the site Design warehouse with consultant	0	N	D	X	F	M	A X	M	J	Jul	A	S	0	N	D	J	F	М	A	М	J	Jul	Α	S	0	N	D	J	F	M
Hire construction crew to build Site									X	X	X	X	X	X	X	X	X	X	X	X	X									
PART V.		\$									\$			\$			\$			\$			\$				OJEC			
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FOR OMB USE ONLY: Resolution	n No:					FI	MIS S	et Up	Date:						Co	mpan	y No:						OMB A	Analyst						

Council Delegate, Seth Damon
President, VACANT
Vice President, Ellen Young Thomas
Secretary/Treasurer, Lucy Antone
Land Board, Ernest Reeder
Community Service Coordinator, VACANT
Accounts Maintenance Specialist, VACANT



TSAYATOH COMMUNITY GOVERNANCE

Post Office Box 86 · Mentmore, NM 87319 Phone: (505) 905-2649 · Fax: (505) 905-0537 email: tsayatoh@navajochapters.org

TSAYATOH GOVERANCE

ACCEPTING AND APPROVING THE FISCAL YEAR '23, SETH DAMON DELEGATE REGIONAL EXPENDITURE PLANS IN THE AMOUNT OF \$800,000.00 FOR NEW WAREHOUSE.

Resolution No.TSA-2022-11-001

WHEREAS:

- Pursuant to N.N.C. Title 26; Chapter 1 3 (A) under the Local Governance Act, Tsayatoh Chapter is a certified local governmental entity of the Navajo Nation and codified at 11 N.N.C. Part 1 section 10; and
- Pursuant to Chapter 1, Section 1(B)(1) of the same "Act", Tsayatoh is vested with the governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition; and
- Pursuant to Chapter 1, Section 1(B)(2) of the same "Act", Tsayatoh Chapter is vested with
 the authority to make decisions over local matters and to govern with responsibility and
 accountability the local citizen; and
- Tsayatoh community members approves and accepts the resolution the fiscal year '23, Seth Damon Delegate Regional Expenditure Plans in the amount of \$800,000.00 for the new warehouse.

NOW, THEREFORE BE IT RESOLVED THAT:

 The Tsayatoh Chapter hereby approves and accepts the resolution the fiscal year '23, Seth Damon Delegate Regional Expenditure Plans in the amount of \$800,000.00 for the new warehouse.

CERTIFICATION

WE HEREBY CERTIFY that the foregoing Resolution was duly considered by Tsayatoh Chapter Governance at a duly called chapter meeting at Tsayatoh (Navajo Nation), at which an authorized quorum of 13 Registered Community Members and two (2) Chapter Officials presided by teleconference methods and that same passed by a vote of legal quorum of Chapter Vice-President, and Secretary/Treasurer; by a vote of 14 in Favor, 0 Opposed and 5 Abstain, this 15th day of November 2022.

MOTION:

Pauline Lee

Second:

Jayne Long

Ellen Young Thomas, Vice-President