

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

January 6, 2023

Hon. Otto Tso
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CD-62-22, *An Action Relating to the Naabik 'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain)*

Dear Speaker Tso,

The Nez/Lizer Administration appreciates the Chapters' endeavors to work collaboratively with their respective Council Delegate in completing the process to access funding made available with the \$211,256,148 allocated for regional expenditure plans under CJN-29-22.

The process to secure funding also involves collaborative efforts between the Chapters, the Division of Community Development, Navajo Nation Fiscal Recovery Fund (NNFRF) Office and the Navajo Nation Department of Justice (NNDJOJ). Per BFS-31-21, each proposed expenditure must obtain NNDJOJ verification that each proposed project is an eligible expense within ARPA/NNFRF regulations. Each of the projects within CD-62-22 has met all the requirements.

The ARPA/NNFRF process is still evolving since the inception of this funding. Within the United States Treasury and the Navajo Nation, processes have been updated at various times. An example is the Treasury guidelines referenced within Navajo Nation Council resolutions CJY-41-21 and CJN-29-22; the Treasury guidelines exhibit was updated by the United States Treasury on September 20, 2022. Accordingly, the legal guidance provided by NNDJOJ and Office of Legislative Counsel is modified to comply with the Treasury guidelines.

One such modification of legal guidance involved the processing of regional expenditure plans. Originally, the guidance was that all projects had to equal \$8,802,340 to be considered as completed and ready for legislative action. This guidance was modified in December 2022 to allow partial funding of the \$8,802,340 allocations so that proposed ARPA/NNFRF projects ready for legislative action could be processed by Office of Legislative Counsel. Because of the time constraints for the 24th Navajo Nation Council to act on proposed legislation, programs did not have sufficient time to provide written verification to Chapters regarding the change in legal guidance.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Pursuant to the authority vested in the Navajo Nation President, I am signing Resolution CD-62-22 into law.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Nez".

Jonathan Nez, *President*
THE NAVAJO NATION

A handwritten signature in black ink that reads "Myron Lizer".

Myron Lizer, *Vice President*
THE NAVAJO NATION

**RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022**

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 KEE ALLEN BEGAY, JR.'S DELEGATE REGION
(CHAPTERS: TACHEE/ BLUE GAP, MANY FARMS, NAZLINI, TSELANI/
COTTONWOOD, LOW MOUNTAIN)**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

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, Section Three, 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 Navajo Nation Council resolution and signed into law by the President of the Navajo Nation See CJN-29-22, 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. All projects listed in the Hon. Kee Allen Begay, Jr.'s Delegate Region Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Kee Allen Begay, Jr.'s Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- D. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Kee Allen Begay, Jr.'s Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) as set forth in **Exhibit A**.

SECTION THREE. APPROVAL OF HON. KEE ALLEN BEGAY, JR.'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Kee Allen Begay, Jr.'s Delegate Region (Chapters: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain) 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 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).

SECTION FIVE. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164 (A) (17), and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

SECTION FIVE. 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 24th 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 21 in Favor, and 00 Opposed, on this 29th day of December 2022.



Honorable Otto Tso, Speaker
24th Navajo Nation Council

12/30/2022

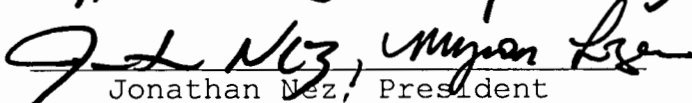
DATE

Motion: Honorable Vince James
Second: Honorable Daniel E. Tso

Speaker Otto Tso not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 9th day of January, 2023.


Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2022.

Jonathan Nez, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Leach Field Project	Division of Community Development	5.3	HK0226	\$ 120,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Bathroom Additions	Division of Community Development	1.14	HK0232	\$ 160,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Housing Wiring	Division of Community Development	2.18	HK0233	\$ 105,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Consulting Services	Division of Community Development	7.1	HK0234	\$ 150,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Warehouse Project	Division of Community Development	6.1	HK0235	\$ 400,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Administration Bldg	Division of Community Development	6.1	HK0237	\$ 350,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Cemetery Project	Division of Community Development	6.1	HK0238	\$ 150,000.00
Division of Community Development	*Nazlini Chapter	Nazlini Chapter Water Conservation Project	Division of Community Development	2.22	HK0239	\$ 590,468.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Housing Support: Bathroom Additions	Division of Community Development	1.14	HK0305	\$ 400,000.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Local Rural Addressing - E911	Katherine O. Arthur, Chapter President	2.22	HK0307	\$ 100,000.00
					TOTAL:	\$ 2,525,468.00

*Per CJN-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."

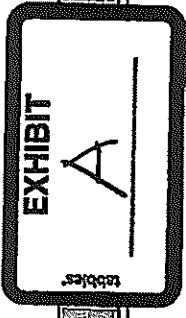
NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 2,525,468.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter HVAC Systems	Division of Community Development	1.4	HK0308	\$ 150,000.00
Division of Community Development	NONE IDENTIFIED	Many Farms Chapter Broadband/Cellular Tower	Division of Community Development	1.14	HK0309	\$ 750,000.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Cellular Service Tower	Division of Community Development	1.14	HK0332	\$ 750,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Elderly Bathroom Makeover/Modification Project	Division of Community Development	1.14	HK0333	\$ 81,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Cellular Tower Project	Division of Community Development	1.14	HK0334	\$ 700,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter New Homes Waterline Extension Project	Division of Community Development	5.13	HK0336	\$ 48,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter Drainage/Septic System Project	Division of Community Development	5.5	HK0312	\$ 140,000.00
Division of Community Development	NONE IDENTIFIED	Low Mountain Chapter New Homes Electric and Powerline Extension	Division of Community Development	2.18	HK0335	\$ 60,000.00
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Warehouse Building	Division of Community Development	6.1	HK0341	\$ 450,000.00
					TOTAL:	\$ 5,654,468.00

*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."



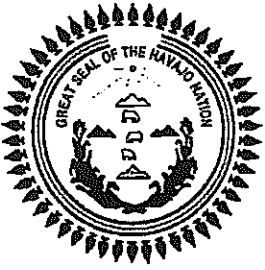
NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Delegate Kee Allen Begay, Jr.

CHAPTERS: Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	NONE IDENTIFIED	Blue Gap/Tachee Chapter Eight (8) Bathroom Additions	Division of Community Development	1.14	HK0346	\$ 294,265.00
		TOTAL AMOUNT from PAGE 02				\$ 5,654,468.00
		UNALLOCATED AMOUNT				\$ 2,853,607.00
					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

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 #: HK0333

Date & Time Received: 12/16/22 14:32

Date & Time of Response: 12/22/22 10:00 p.m.

Entity Requesting FRF: Low Mountain Chapter

Title of Project: Elderly Bathroom Make-Over/Modification Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$81,000

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):

- | | |
|--|--|
| <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 | |

Name of DOJ Reviewer: Kristen A. Lowell

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Low Mountain Chapter Date prepared: 10/26/2022
 Chapter's mailing address: PO Box 4416 phone/email: (928) 729 - 3700 / lowmountain@navajochapters.org
Blue Gap, AZ. 86520 website (if any): http://lowmountain.nndes.org
 This Form prepared by: Mareita Denny, Project Manager. phone/email: (505) 879 - 3001 / mareitadenny@yahoo.com
Roger George, Chapter Vice President. phone/email: (928) 401 - 1835 / rgeorge@naataanil.org
CONTACT PERSON'S name and title *CONTACT PERSON'S job*

Title and type of Project: Elderly Bathroom Make-Over/ Modification Project

Chapter President: Ben L. Gonnie phone & email: (928) 313 - 8728 / m63563963@gmail.com
 Chapter Vice-President: Roger B. George phone & email: (928) 401 - 1935 / rgeorge@naataanil.org
 Chapter Secretary: Rose A. Charley phone & email: (928) 386 - 3511 / giriyazzie1947@hotmail.com
 Chapter Treasurer: Rose A. Charley phone & email: (928) 386 - 3511 / giriyazzie1947@hotmail.com
 Chapter Manager or CSC: Ella Nelson, AMS / Acting CSC phone & email: (928) 814 - 7122 / enelson@navajochapters.org
 DCD/Chapter ASO: Robert Jumbo, ASO - ASC / DCD phone & email: rjumbo@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Local skilled manpower temporary employees
 Skilled local manpower available but on other jobs and/or contract out. document attached

Amount of FRF requested: \$81,000.00 FRF funding period: January 1, 2023-December 31, 2026
Indicates Project starting and ending/fiscal year 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:

Elderly Bathroom Make-Over/ Modification Project: Fifty-Four (54) community elderly clients assessed in dire need for a Bathroom Make-Over/ Modification Projects.
 In today's modern times, bathroom accessibility and mobility maybe more fully functional for younger age users but are not safe for elderly or disabled individuals or family members and a handicap bathroom environment features in vital for people that are diagnosed with chronic physical conditions that causes mobility issues and Chapter home renovation project needs to be done so the elderly and those with physical condition users can safely move around their homes and their bathrooms features handicap accessibility. The Chapter in their elderly bathroom modification projects needs to know what changes needs to be made to creating a more accessible, safe and decent bathroom design for the elderly and physically handicapped individuals and family members, therefore, planning an accessible bathroom design will be important prior to beginning the bathroom modification projects. Some areas of Chapter considerations to accomplish the bathroom modification projects to be success are as follows, wheelchair accessibility, functionally and interior design consideration, a budget and cost for the modification project, safety features as grab bars near toilets and shower stalls, curb-less shower stalls as accessibility feature and the modification projects being a newly established community project is considered a valuable community project.
 ARPA funds will be used for materials and labor. The project will go to the assistance for the elderly to have an ease-of-use bathroom, ranging from those of disrepair to those that do without a bathroom. Will aid the elderly with the cleanliness to better help with COVID-19 mitigation. document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:
 This project will benefit the elderly by providing safety and comfort at home, improving the physical/mental well-being, from fall prevention, and use of ease for caregivers.
 The LMC Community Health Representative's (CHR) assessments and referral for walk-in shower (and/or Ramp) bathroom renovations benefiting the elderly clients is strongly supported by the CHR. I strongly feel they are in dire need of this renovation to prevent from any injury and to have a healthy lifestyle and safe environment in their homes and this renovation would be a great deal due to their age, weakness and again, to prevent any falls and this project would be good for their well-being. In this proposed Bathroom Modification projects, we are reviewing a proposal for a bathroom renovation tasks that by the clients request wants their bathtub removed for safety reasons and a walk-in shower constructed and installed and in some cases, a complete makeover may need to be afforded some clients based on the size of their Bathroom facilities to include, a small new cabinet, flooring, new sinks, toilet bowls and fixtures and may include moving plumbing lines and electrical sockets and outlet installations and wiring. 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:

Fully expend funds and complete the projects by December 31st, 2026.

document attached

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

Chapter administration in coordination with chapter officials. Project Manager and/or planner.

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:

Those selected elderly project recipients and family members as home ownerships to be responsible for operations and maintenance costs after project completion. Outside Navajo Nation Funding or grants can be proposed as support for the project.

document attached

(f) State which of the 68 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:

3.13 Under this category, because bathrooms are an important support necessity for cleanliness, especially for the community elderly memberships and safety.

document attached

Part 3. Additional documents.

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

- 1. Documents
- 2. Support Letters
- 3. Memorandum
- 4. Other Documents

Chapter Resolution attached

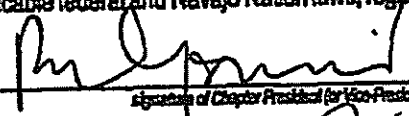
Part 4. Affirmation by Funding Recipient.

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 of Chapter CONTACT PERSON

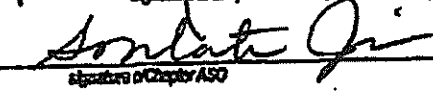
Approved by:


signature of Chapter President (or Vice-President)

Approved by:


signature of KCSO

Approved by:


signature of Chapter ASO

12/12/2022

Approved to submit for Review:


signature of DCO Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>New</u>		Program Title: <u>LOW MOUNTAIN CHAPTER</u>		DCDI/Executive	
Prepared By: <u>MAREITA DENNY, Project Manager</u>		Phone No.: <u>928-725-3700</u>		Email Address: <u>lowmountain@navajochapterns.org</u>	
Fiscal Year Term: <u>11/23 - 12/24</u>		Amount: <u>81,000.00</u>		% of Total: <u>100%</u>	
PART II. FUNDING SOURCE(S)		PART III. BUDGET SUMMARY		PART IV. POSITIONS AND VEHICLES	
NON ARPA FUNDS		Fund Type Code		MNC Approved Original Budget Proposed Budget Difference or Total	
		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		<u>81,000.00</u>	
		9000 Capital Outlay			
		9500 Matching Funds			
		9600 Indirect Cost			
		TOTAL		<u>81,000.00</u>	
TOTAL: \$81,000.00		TOTAL: \$81,000.00		TOTAL: \$81,000.00	
		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: Soniasta Jim-Martin Program Manager's Printed Name
[Signature] Program Manager's Signature and Date 12/12/2022
 APPROVED BY: Dr. Pearl Yellowman Division Director / Branch Chief's Printed Name
[Signature] Division Director / Branch Chief's Signature and Date 12.13.22

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:		LOW MOUNTAIN CHAPTER							
Business Unit No.:	Now	Program Name/Title:		Bathroom Project					
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Goal Statement:	Assist community members with Bathroom Modification.								
Program Performance Measure/Objective:	Assist 27-Elderlies with Bathroom Modifications.								
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.

 Division Director/Brunch Chief's Printed Name
Dr. Pearl Yellowman
 Division Director/Brunch Chief's Signature and Date
12.13.22

 Program Manager's Printed Name
Sondata Jim
 Program Manager's Signature and Date
12/12/2022

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:
Program Name/Title: Low Mountain Chapter Business Unit No.: New

Bathroom
Project

PART II. DETAILED BUDGET:
(A) (B)

Object Description and Justification (LOD 7)

(C) (D)

Total by
DETAILED
Object Code
(LOD 6)

Total by
MAJOR
Object Code
(LOD 4)

8500	Infrastructure - (non-cap)		81,000.00	81,000.00
8535 - Bathroom Addition: Assist 27-Exteries with Bathroom Modification @ \$3,000.00 each = 81,000.00.				
TOTAL			81,000.00	81,000.00

**RESOLUTION OF THE (LMC)
LOW MOUNTAIN CHAPTER
NAVAJO NATION GOVERNMENT**

SUPPORTING RESOLUTION REQUESTING THE NAVAJO NATION TO FUND THE LOW MOUNTAIN CHAPTER IN THE AMOUNT OF \$81,000.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS REQUEST AND EXPENDITURE PLANS AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT (ARPA) FOR THE LOW MOUNTAIN CHAPTER ELDERLY BATHROOM MAKE-OVER/MODIFICATION PROJECT.

WHEREAS:

1. Pursuant to Title 26 N.N.C., § 3 (A) and as listed pursuant to Title 11 N.N.C., Part 1 § 10 the LMC is a duly recognized certified Chapter of the Navajo Nation government and as such may preserve or promote community interests; **AND,**
2. Pursuant to Title 26 N.N.C., § 1 (B) the LMC is a duly certified Chapter of the Navajo Nation Government and recognized as a local tribal entity vested with the authority to review all matters affecting the community and to make appropriate recommendations to the Navajo Nation concerning matters that are in the best interest of the community; **AND,**
3. The ARPA funds will go to the assistance for the elderly to have an ease-of-use during their bathroom visit and this project to benefit the elderly by providing safety and comfort at home and improving the physical and mental well-being, fall prevention and aid the use of ease for the Caregivers; **AND,**
4. The Community Health Representative's (CHR) assessments and referral for walk-in shower (and/or ramp) bathroom renovations benefitting the elderly clientele are strongly recommended and supported by the CHR, "I strongly feel they are in dire need for this renovation to prevent them from injuries and to have a healthy lifestyle and safe environment in their homes and these renovations would be a great deal due to their age, weakness and again, to prevent any accidental falls and this project would be most good for their well-being."

NOW, THEREFORE BE IT RESOLVED, THAT:

1. Supporting Resolution Requesting The Navajo Nation To Fund The Low Mountain Chapter In The Amount Of \$81,000.00 From The Navajo Nation Fiscal Recovery Funds Request And Expenditure Plans As Authorized By The American Rescue Plan Act ARPA For The Low Mountain Chapter Elderly Bathroom Make-Over/Modification Project.

Motion By: John Pekin

Second By: Sullivan John

C-E-R-T-I-F-I-C-A-T-I-O-N

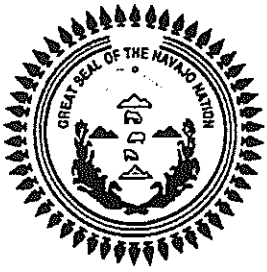
We hereby certify that the foregoing Chapter resolution was duly considered by the Low Mountain Chapter at a duly-called Chapter meeting at Low Mountain Chapter, Low Mountain (Navajo Nation), Arizona, at which a quorum was present and that the same was passed by a vote of 11 in favor, 0 opposed, 2 abstained on this 10th day of Nov., 2022.

Ben L. Gonnle
Ben L. Gonnle, Chapter President

Roger B. George
Roger B. George, Chapter Vice President

Rose Ann Charley
Rose Ann Charley, Chapter Secretary/Treasurer

RBG/rbg



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 #: HK0334

Date & Time Received: 12/16/22 14:07

Date & Time of Response: 12/22/22 17:00

Entity Requesting FRF: Low Mountain Chapter

Title of Project: Cell Tower Project w/CellularOne - Tower Construction Plans

Administrative Oversight: _____

Amount of Funding Requested: \$700,000.00

Eligibility Determination:

- FRF eligible
 FRF ineligible
 Additional information requested

FRF Eligibility Category:

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


U.S. Department of Treasury Reporting Expenditure Category: 1.14 Other Public Health Services

Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):

- Missing Form
- Supporting documentation missing
- Project will not be completed by 12/31/2026
- Ineligible purpose
- Submitter failed to timely submit CARES reports
- Additional information submitted is insufficient to make a proper determination
- Expenditure Plan incomplete
- Funds will not be obligated by 12/31/2024
- Incorrect Signatory
- Inconsistent with applicable NN or federal laws

Other Comments: _____

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Low Mountain Chapter Date prepared: 10/26/2022

Chapter's mailing address: PO Box 4416 phone/email: (928) 725 - 3700 / lowmountain@navajochapters.org
Blue Gap, AZ. 86520 website (if any): http://lowmountain.ndes.org

This Form prepared by: Mareita Denny, Project Manager. phone/email: (505) 878 - 3001 / mareitadenny@yahoo.com
Roger George, Chapter Vice President. (928) 401 - 1935 / rgeorge@naataanii.org
CONTACT PERSON'S name and title *CONTACT PERSON'S info*

Title and type of Project: Cell Tower Project w/CellularOne - Tower Construction Plans

Chapter President: Ben L. Gonnie phone & email: (928) 313 - 8726 / m63583863@gmail.com

Chapter Vice-President: Roger B. George phone & email: (928) 401 - 1935 / rgeorge@naataanii.org

Chapter Secretary: Rose A. Charley phone & email: (928) 386 - 3511 / girlyazzie1947@hotmail.com

Chapter Treasurer: Rose A. Charley phone & email: (928) 386 - 3511 / girlyazzie1947@hotmail.com

Chapter Manager or CSC: Ella Nelson, AMS / Acting CSC phone & email: (928) 814 - 7122 / enelson@navajochapters.org

DCD/Chapter ASO: Robert Jumbo, ASO - ASC / DCD phone & email: rjumbo@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Smith Bagley, Inc. DBA Cellular One of Northeast Arizona
 document attached

Amount of FRF requested: \$700,000.00 FRF funding period: NOVEMBER 14, 2022-December 31, 2024
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:

Cell Tower Project w/ CellularOne: Basically, ARPA Funds to be used for Cellular Tower Construction Cost. Covid-19 high priority for expanded telecommunication services for health standards, social services, well being, and Covid-19 mitigation for the LMC (4) community areas.
 document attached

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

The broadband buildout plans for the Navajo Nation is vital in that unserved and underserved Navajo people can be adequately served. Important for the Navajo people to become connected and stay connected. Communication for schools, public safety, hospitals, and government are necessary for bridging the gap between rural chapters and the Navajo Nation.
 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:

Planning/Design & Construction June 30th, 2023, lack of collaboration or spending plan problems. Not meeting local goals and objectives. e.g., Navajo Nation government reneged on cell tower construction project previously was under the Defunded Cares Act and held up again when funds were reactivated. NTUA used untrue statement lease problem with NLD and land use fee NLD waived the issue.

document attached

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

Low mountain chapter officials, administration, Smith Bagley, Inc. DBA CellularOne, project manager.

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.

Smith Bagley, Inc. CellularOne. Navajo Nation budget, Low mountain chapter?

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

5.17 Broadband: Other Projects

This Project falls under these categories because building a cell tower impacts some part of each category listed, making it very beneficial.

Prior Cares Act NTUA unspent funds reverted to Navajo Nation Hardship Funds to cause the project with no practical significance.

document attached

Part 3. Additional documents.

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

- 1. CellularOne Documents
- 2. Resolutions
- 3. Support Letters
- 4. Other Information
- 5. Emails
- 6. Memorandums

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]
signature of Preparer/CONTACT PERSON

Approved by: _____

[Signature]
signature of Chapter President (or Vice-President)

Approved by: _____

[Signature]
signature of CSC

Approved by: _____

[Signature]
signature of Chapter ASO

12/12/2022

Approved to submit for Review: _____

[Signature] NNFRFO
signature of DCO Director

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>New</u>		Program Title: <u>LOW MOUNTAIN CHAPTER</u>		DCD/Executive	
Prepared By: <u>MAREITA DENNY, Chapter Manager</u>		Phone No.: <u>928-726-3700</u>		Email Address: <u>lowmountain@navajochapters.org</u>	
Fiscal Year Term: <u>11/14/22 - 10/31/24</u>		Amount: <u>700,000.00</u>		% of Total: <u>100%</u>	
PART II. FUNDING SOURCE(S)		PART III. BUDGET SUMMARY		Fund Type Code	
NIN ARPA FUNDS		2001 Personnel Expenses		(A) NNC Approved Original Budget	
		3000 Travel Expenses		(B) Proposed Budget	
		3500 Meeting Expenses		(C) Difference or Total	
		4000 Supplies			
		5000 Lease and Rental			
		5500 Communications and Utilities			
		6000 Repairs and Maintenance			
		6500 Contractual Services			
		7000 Special Transactions			
		8000 Public Assistance		0	
		9000 Capital Outlay		700,000.00	
		9500 Matching Funds			
		9500 Indirect Cost			
		TOTAL		700,000.00	
		PART IV. POSITIONS AND VEHICLES		(D) (E)	
		Total # of Positions Budgeted:		0	
		Total # of Vehicles Budgeted:		0	
TOTAL: \$700,000.00		100%			

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

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

APPROVED BY: Dr. Pearl Yellowman
 Division Director / Branch Chief's Printed Name
Pearl Yellowman 12.13.22
 Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

FY 2023

<p>PART I. PROGRAM INFORMATION: Business Unit No.: <u>New</u></p>	<p>Program Name/Title: <u>LOW MOUNTAIN CHAPTER</u></p>	<p><u>Cell Tower</u></p>																								
<p>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</p>																										
<p>PART III. PROGRAM PERFORMANCE CRITERIA:</p>																										
<p>1. Goal Statement: <u>Establish a Community Cellular Tower.</u></p> <p>Program Performance Measure/Objective: <u>Establish 1-Cellular Tower in the community for emergency purposes.</u></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">1st QTR</th> <th colspan="2">2nd QTR</th> <th colspan="2">3rd QTR</th> <th colspan="2">4th QTR</th> </tr> <tr> <td>Goal</td> <td>Actual</td> <td>Goal</td> <td>Actual</td> <td>Goal</td> <td>Actual</td> <td>Goal</td> <td>Actual</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1</td> </tr> </table>	1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual								1	
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2. Goal Statement:																										
Program Performance Measure/Objective:																										
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Program Performance Measure/Objective:																										
4. Goal Statement:																										
Program Performance Measure/Objective:																										
5. Goal Statement:																										
Program Performance Measure/Objective:																										
<p>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</p>																										
<p>Program Manager's Printed Name <u>Sonlata Jim-Martin</u></p> <p>Program Manager's Signature and Date <u>Sonlata Jim-Martin</u> 12/12/2022</p>	<p>Dr. Pearl Yellowman Division Director/Branch Chief's Printed Name</p> <p><u>Pearl Yellowman</u> 12.13.22 Division Director/Branch Chief's Signature and Date</p>																									

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

FY 2023

BUDGET FORM 4

PART I. PROGRAM INFORMATION: Program Name/Title: <u>LOW MOUNTAIN CHAPTER Cell Tower</u> Business Unit No.: <u>New</u>			
PART II. DETAILED BUDGET:			
(A)	(B) Object Description and Justification (LOD 7)	(C) Total by DETAILED Object Code (LOD 6)	(D) Total by MAJOR Object Code (LOD 4)
9020	Infrastructure 9036 - Communication: Construct 160' Cellular Tower Education and Emergency (E911) use for the community membership @ \$750,000.00 = \$750,000.00.	700,000.00	700,000.00
TOTAL		700,000.00	700,000.00

**RESOLUTION OF THE (LMC)
LOW MOUNTAIN CHAPTER
NAVAJO NATION GOVERNMENT**

RELATED TO THE NAVAJO NATION CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM, HEREBY RECOMMENDING AND APPROVING FUNDING LOW MOUNTAIN CHAPTER IN THE AMOUNT OF \$ 700,000.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUNDS (NNFRF) AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT TOWARD THE LOW MOUNTAIN CHAPTER CELL TOWER CONSTRUCTION PLANS WITH CELLULARONE.

WHEREAS:

1. Pursuant to Title 26 N.N.C., § 3 (A) and as listed pursuant to Title 11 N.N.C., Part 1 § 10 the LMC is a duly recognized certified Chapter of the Navajo Nation government and as such may preserve or promote community interests; **AND,**
2. Pursuant to Title 26 N.N.C., § 1 (B) the LMC is a duly certified Chapter of the Navajo Nation Government and recognized as a local tribal entity vested with the authority to review all matters affecting the community and to make appropriate recommendations to the Navajo Nation concerning matters that are in the best interest of the community; **AND,**
3. The Low Mountain Chapter finds that using the NNFRF for the LMC Cell Tower Project with CellularOne is in the best interest of the LMC community and the local Navajo Chapter membership and COVID-19 mitigation high priority for expanded telecommunication services for health standards, social services, well-being as the state of being happy, healthy, or prosperous; **AND,**
4. The Navajo Nation Broadband buildout plans is vital in that unserved and underserved local Navajo people can be adequately served to become connected and stay connected, communication for Schools, Public Safety, Hospital, and government, etc. are necessary for bridging the gap between our rural Chapter community and the Navajo Nation.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Related To The Navajo Nation Coronavirus State And Local Fiscal Recovery Funds Program, Hereby Recommending And Approving Funding Low Mountain Chapter In The Amount Of \$ 700,000.00 From The Navajo Nation Fiscal Recovery Funds (NNFRF) As Authorized By The American Rescue Plan Act Toward The Low Mountain Chapter Cell Tower Construction Plans With CellularOne.

Motion By: John Pekin

Second By: Sullivan John

C-E-R-T-I-F-I-C-A-T-I-O-N

We hereby certify that the foregoing Chapter resolution was duly considered by the Low Mountain Chapter at a duly-called Chapter meeting at Low Mountain Chapter, Low Mountain (Navajo Nation), Arizona, at which a quorum was present and that the same was passed by a vote of 11 in favor, 0 opposed, 2 abstained on this 10th day of November, 2022.

Ben L. Gonnig
Ben L. Gonnig, Chapter President

Roger B. George
Roger B. George, Chapter Vice President

Rose Ann Charley
Rose Ann Charley, Chapter Secretary