



**The Navajo Nation** **DR. BUU NYGREN** **PRESIDENT**  
**Yideeskáądi Nitsáhákees** **RICHELLE MONTROYA** **VICE PRESIDENT**

August 4, 2023

Honorable Crystalyne Curley, Speaker  
Navajo Nation Council  
Post Office Box 3390  
Window Rock, AZ 86515

RE: *CJY-67-23 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 George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor)*

Dear Speaker Curley,

I am pleased to sign into law this resolution CJY-67-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Tolth's Delegate Region in the amount of \$4,730,125.11.

My Administration supports the plans of these Chapters who have worked very hard to put together their Regional Plans and is working very closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice President and inform my office of the roadblock and we will work to overcome those roadblocks.

I do want to take the moment to express my concern that any amendments to the Regional Plans must be approved by the Council. In addition, the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This deadline is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on the proposed timeline. We should be designing systems that are flexible, accountable, and transparent. We do not currently have that system and I look forward to working with you and the entire Council to improve the Navajo Nation systems, so we are supporting our communities to take advantage of this historic funding.

Now let's get to work!

Sincerely,



Dr. Buu Nygren, *President*  
**THE NAVAJO NATION**

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
25<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2023

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 GEORGE H. TOLTH'S DELEGATE REGION  
(CHAPTERS: LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE,  
BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, COUNSELOR)

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'íyáti' 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. The 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. George H. Tolth's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon.

George H. Tolth'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. George H. Tolth's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) as set forth in Exhibit A.

### SECTION THREE. APPROVAL OF HON. GEORGE H. TOLTH'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. George H. Tolth's Delegate Region (Chapters: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor) 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 SIX. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court

without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the 25<sup>th</sup> 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 20 in Favor, and 00 Opposed, on this 20<sup>th</sup> day of July 2023.



Honorable Crystalyne Curley, Speaker  
25<sup>th</sup> Navajo Nation Council

7/27/23

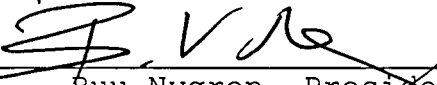
DATE

Motion: Honorable Vince R. James  
Second: Honorable Norman M. Begay

Speaker Crystalyne Curley 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 4 day of August, 2023.

  
\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Buu Nygren, 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

**NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**

**Exhibit A**

**COUNCIL DELEGATE: Hon. George H. Tolth**

**CHAPTERS: Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor**

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	None Identified	Torreon/Star Lake Chapter Septic Repair/Replacement & Clean-Out Project	NN Environmental Protection Agency	5.5	HK0474	\$ 630,000.00
Division of Community Development	None Identified	Torreon/Star Lake Chapter Electric House-Wiring/Re-Wiring Project	Division of Community Development	2.18	HK0475	\$ 470,000.00
Division of Community Development	None Identified	Littlewater Chapter Community Housing Assistance Project	Division of Community Development	2.18	HK0499	\$ 590,800.11
Division of Community Development	*Baca/Prewitt Chapter	Baca/Prewitt Chapter Water-Heater Upgrade Project	Division of Community Development	1.4	HK0519	\$ 10,000.00
Division of Community Development	*Baca/Prewitt Chapter	Baca/Prewitt Chapter Purchase of New 2025 International HV613 Dump Truck	Division of Community Development	6.1	HK0520	\$ 200,000.00
Division of Community Development	*Ojo Encino Chapter	Ojo Encino Chapter Community Waste-Water Construction Project	NN Environmental Protection Agency	5.5	HK0521	\$ 250,000.00
Division of Community Development	*Ojo Encino Chapter	Ojo Encino Chapter Renovation Project	Division of Community Development	2.22	HK0529	\$ 326,253.00
Division of Community Development	*Ojo Encino Chapter	Ojo Encino Chapter Septic Clean-Out and Repair Project	NN Environmental Protection Agency	5.5	HK0530	\$ 102,000.00
Division of Community Development	*Ojo Encino Chapter	Ojo Encino Chapter Bathroom Additions Project	Division of Community Development	1.14	HK0531	\$ 421,747.00
Division of Community Development	None Identified	Pueblo Pintado Chapter Waterline to Fire Station Project	NN Department of Water Resources	6.1	HK0536	\$ 1,129,325.00
					<b>TOTAL:</b>	<b>\$ 4,130,125.11</b>

\*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 DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK 0474

Date & Time Received: 4/12/23 at 15:55

Date & Time of Response: 4/18/23 8:10; Modified 7/13/23 10:15

Entity Requesting FRF: Torreon/Star Lake Chapter

Title of Project: Septic Repair/Replace Failed Septic Systems & Clean Out

Administrative Oversight: Environmental Protection Agency

Amount of Funding Requested: \$630,000.00

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:

5.5 Clean Water: Other Sewer Infrastructure

**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: \_\_\_\_\_

We have modified the requested expenditure code from 5.4 (Clean Water: Combined Sewer Overflows) to 5.5 (Clean Water: Other Sewer Infrastructure) to be consistent with other approved Projects.

Name of DOJ Reviewer: Rodgerick T. Begay

Signature of DOJ Reviewer: *Rodgerick Begay*

**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.



# Torreón/Star Lake Chapter

P.O. Box 1024 \* Cuba, New Mexico 87013 \*(505)731-2336  
-Fax# 505-731-1514



George Tolth  
Council Delegate

Lydell Rafael  
President

Mario P. Atencio  
Vice President

Sherry Begaye  
Secretary/Treasurer

Alex Sandoval  
Land board

Evangeline Tachine  
Coordinator

Cecelia Toledo  
Accounts Maintenance Specialist

## RESOLUTION OF TORREÓN/STAR LAKE CHAPTER TSL #04/2023-44

### AMENDING & SUPPORTING THE REQUEST AND APPROVAL OF THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR TORREÓN/STAR LAKE CHAPTER IN THE AMOUNT OF \$1,100,292.50 FOR THE FOLLOWING CHAPTER PROJECTS LISTING OF THE TORREÓN/STAR LAKE CHAPTER.

#### WHEREAS:

1. The Torreón/Star Lake Chapter is a recognized chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C.4021 et seq. and 26 N.N.C. §102; and
2. Pursuant 2 N.N.C. § 102 (a), the Navajo Nation Council is governing the body of the Navajo Nation; and by resolution CAP-34-98, the Navajo Nation Council approved the "Local Governance Act" wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo Nation to address matters of local concern with Navajo Law, Custom, and Tradition; and
3. The Torreón/Star Lake Chapter is a non-certified Chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C. 4021 et seq. and 26 N.N.C. §103; and
4. The Torreón/Star Lake Chapter realized the Navajo Nation Council approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the 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 Project Plans approved by the Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. §164 (A)(17) and 2 N.N.C. §§ 1005 (C)(10),(11), and (12); and
5. The purpose of the NNFRF and the Chapter and Regional Projects Expenditure Plans, "Delegate Region" shall mean all the Navajo Nation Chapters, both LGA Certified and Non-LGA Chapters and Townships represented by a Navajo Nation Council Delegate; and
6. The Torreón/Star Lake Chapter realized the Fiscal Recovery Funds costs must be incurred by December 31, 2024, meaning that the Navajo Nation must obligate FRF funds by that date. Treasury's Final Rule provides that "incurred" shall have the same meaning given to "financial obligation" under the Uniform Guidance at 2 CFR 200.1: "Financial obligations, when referencing a recipient's or sub-recipient's use of funds under a Federal award, means orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment"; and
7. The Torreón/Star Lake Chapter realized the Fiscal Recovery Fund period performance runs from March 3, 2021, until December 31, 2026, meaning that all FRF-funded projects must be completed, and funds must be fully expended by December 31, 2026; and

8. The Torreon/Star Lake Chapter recognizes the need for these projects to improve the quality of life for its residents while combating and recovering from COVID-19 and the number of requests is only a fraction of what the chapter needs to substantially improve the community of Torreon/Star Lake Chapter for a safe, healthy, and habitable home environment.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. Requesting, Accepting, Supporting and Approving CJN-290-22, American Rescue Plan Act (ARPA) Funding in the amount of \$1,100,292.50 million for the Torreon/Star Lake Chapter to be utilized for Torreon Priority One (1) Septic Repair/Replace Failed Septic Systems & Clean Out, and Priority Two (2) House Wiring and Rewiring of Older Homes, and Affirming that Torreon/Star Lake Chapter will only use awarded Funds in compliance with the American Rescue Plan Act Regulations and all other applicable Navajo Nation and Federal Laws Regulation; and
2. The Torreon/Star Lake Chapter hereby approves and identified projects for the American Rescue Plan Act and prioritized these projects as follows:

PROJECTS DESCRIPTION:	CATEGORY:	AMOUNT:
1. Repair/Replace Failed/Clean Out Septic Systems	5.4	\$630,000.00
2. House Wiring & Rewiring of Older Homes	2.18	\$470,000.00

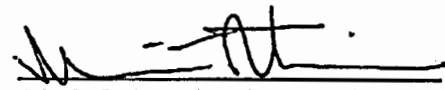
**C-E-R-T-I-F-I-C-A-T-I-O-N**

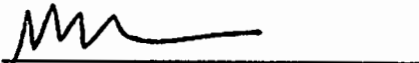
We, HEREBY CERTIFY that the foregoing resolution was duly considered by the Torreon/Star Lake Chapter at a duly called community chapter meeting at Torreon/Star Lake Chapter of the Navajo Nation, (Sandoval County), New Mexico at which a quorum was present and that same was approved by a vote of 25 in favor, 0 opposed, and 2 abstained, on the 5<sup>th</sup> day of April 6, 2023.

Motion made by MILTON JIM SR.

Seconded by: EDUARDO LARGO

  
 Lydell Rafael, President

  
 Mario P. Atencio, Vice-President

  
 Sherry Begaye, Secretary/Treasurer

**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: Torreon/Star Lake Chapter Date prepared: 03/02/2023

Chapter's mailing address: PO Box 1024, Cuba, New Mexico 87013 phone/email: 505-731-2336 torreon@navajochapters.org  
website (if any): torreon.navajochapters.org

This Form prepared by: Evangeline Tachine, CSC phone/email: 505-731-2336  
etachine@nnchapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Septic Repair/Replace Failed Septic Systems & Clean Out

Chapter President: Vacant phone & email: \_\_\_\_\_  
Chapter Vice-President: Mario Atencio phone & email: 505-731-2336 mariortorreonvp@gmail.com  
Chapter Secretary: Sherry Begaye phone & email: 505-731-2336 sherry\_wb@yahoo.com  
Chapter Treasurer: Sherry Begaye phone & email: 505-731-2336 sherry\_wb@yahoo.com  
Chapter Manager or CSC: Evangeline Tachine, CSC phone & email: 505-731-2336 etachine@nnchapters.org  
DCD/Chapter ASO: \_\_\_\_\_ phone & email: \_\_\_\_\_

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

Amount of FRF requested: \$630,000.00 FRF funding period: March 2023 - December 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:

**Torreon Chapter Septic Repair/Replace Failed Septic Systems & Clean Out project funds will address the dire need of waste water system installation/replacement/upgrade/improvement of the septic, cistern, and sewer cells/ponds in the chapter community. During the COVID-19 pandemic stay-at-home orders, some septic/leechfield systems were overloaded or have failed. The funds will be used for repair & replace the failed septic systems and for clean outs.**

document attached

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

**The project will provide essential and proper waste water system to homes within the Torreon Chapter community, to promote sanitation, prevent any waste water system related illnesses to human and livestock, and to prevent environmental damages. These factors will directly address one of the major healthy sanitation needs that is connected to the ongoing COVID-19 pandemic.**

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:

The project start date will be March 2023 with the end project date of December 31, 2026, with all funding being encumbered before December 31, 2024. Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

document attached

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

Torreon Chapter Community Services Coordinator will implement the project with coordination from the Division of Community Development.

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:

Upon completion of the project, the home owner will be responsible for the operation and maintenance.

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:

5.4: Clean Water: Combined Sewer Overflows

The project will help address groundwater contamination resulting from faulty septic units and septic tank overloads; and will promote healthy living environments conducive to mental and physical wellness.

document attached

**Part 3. Additional documents.**

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

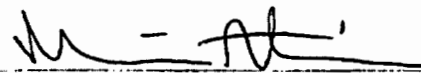
Chapter Resolution and Budget Forms attached.

Chapter Resolution attached

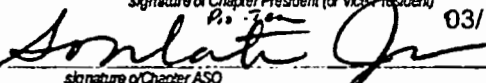
**Part 4. Affirmation by Funding Recipient.**

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 Preparer CONTACT PERSON



Approved by:   
signature of Chapter President (or Vice President)

Approved by:   
signature of GSC

Approved by:  03/15/2023  
signature of Chapter ASO

Approved to submit for Review:   
signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Torreon Septic Systems Repairs &amp; Clean Out</u>		Division/Branch: <u>DCD/Executive Branch</u>	
Prepared By: <u>Evangelina Tachine, CSC</u>		Phone No.: <u>505-731-2336</u>		Email Address: <u>etachine@nnchapters.org</u>	
PART II. FUNDING SOURCE(S)	Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY	
	FY23-26	630,000.00	100%	Fund Type Code	NNC Approved Original Budget Proposed Budget Difference or Total
NN Fiscal Recovery Funds				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	630,000
				9000 Capital Outlay	
				9500 Matching Funds	
				9500 Indirect Cost	
				TOTAL	\$0.00 630,000.00 630,000
				PART IV. POSITIONS AND VEHICLES	
				Total # of Positions Budgeted:	
				Total # of Vehicles Budgeted:	
				(D) (E)	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
SUBMITTED BY: <u>James Adakai, Deputy Director</u>		APPROVED BY: <u>Calvin Castillo, Division Director</u>			
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name		3/14/2023	
					
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date			

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

<b>PART I. PROGRAM INFORMATION:</b>													
Business Unit No.:	NEW	Program Name/Title:										Torreon Septic Systems Repairs & Clean Out	
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>													
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>													
		1st QTR		2nd QTR		3rd QTR		4th QTR					
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
<b>1. Goal Statement:</b>													
Septic Clean Out for Community Members													
<b>Program Performance Measure/Objective:</b>													
Assist 75 homes for Septic Clean Out for qualified community members		20		20		20		15		15			
<b>2. Goal Statement:</b>													
Repair & Replace Failed Septic Systems for Community Members													
<b>Program Performance Measure/Objective:</b>													
Assist 60 homes for Repair & Replacement of septic systems for community members		15		15		15		15		15			
<b>3. Goal Statement:</b>													
Program Performance Measure/Objective:													
<b>4. Goal Statement:</b>													
Program Performance Measure/Objective:													
<b>5. Goal Statement:</b>													
Program Performance Measure/Objective:													
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>													
										Calvin Castillo, Division Director			
										Division Director/Branch Chief's Printed Name			
										3-14-23			
										Division Director/Branch Chief's Signature and Date			



THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:		Business Unit No.: NEW	
Program Name/Title: Torreon Septic Systems Repairs & Clean Out			
PART II. DETAILED BUDGET:		(C)	(U)
(A)	(B)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
8000	Assistance		630,000
8550	Water/Wastewater:		
	Assist Community Members		
	Assist 75 Community Members with Septic Clean Out	30,000	
	75 homes x \$400 = \$30,000		
	Assist 60 community members with Failed Septic Systems	600,000	
	60 homes x \$10,000 = \$600,000		
<b>TOTAL</b>		<b>630,000</b>	<b>630,000</b>

# Torreón/Star Lake Chapter

Post Office Box 1024 Cuba, New Mexico 87013

505.731.2336 – Fax 505.731.1514 – torreon@navajochapters.org

George H. Tolth

Vacant

Mario P. Atencio

Sherry Begaye

Alex Sandoval

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Council Delegate

Chapter President

President Pro-Temp/VP

Chapter Secretary/Treasurer

Land board

## RESOLUTION OF TORREON/STAR LAKE CHAPTER

**REQUESTING AND APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR TORREON/STAR LAKE CHAPTER IN THE AMOUNT OF \$1,100,292.50 FOR THE FOLLOWING CHAPTER PROJECTS LISTING OF THE TORREON/STAR LAKE CHAPTER.**

### WHEREAS:

01. The Torreón/Star Lake Chapter is a recognized chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C.4021 et seq. and 26 N.N.C. S102, and
2. Pursuant 2 N.N.C. S102 (a), The Navajo Nation Council is governing the body of the Navajo Nation; and by resolution CAP-34-98, the Navajo Nation Council approved the “Local Governance Act” wherein the Navajo Nation Council delegated governmental authority to the Chapters of the Navajo Nation to address matters of local concern with Navajo Law, Custom, and Tradition; and
3. The Torreón/Star Lake Chapter is a non-certified Chapter of the Navajo Nation established and recognized by the Navajo Nation Council as a foundation of the Navajo Nation government vested with the authority to plan and implement projects in the best interest of the community. See generally 2 N.N.C. 4021 et seq. and 26 N.N.C. S103; and
4. The Torreón/Star Chapter realized the Navajo Nation Council 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 Project Plans approved by the Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A) (17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12); and
5. The purposes of the NNFRF and the Chapter and Regional Projects Expenditure Plans, “Delegate Region” shall mean all the Navajo Nation Chapters, both LGA Certified and Non-LGA Chapters, Townships, represented by a Navajo Nation Council Delegates; and
6. The Torreón/Star Lake Chapter realized the Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning that the Navajo Nation must obligate FRF funds by that date. Treasury’s Final Rule provides that “incurred” shall have the same meaning given to “financial obligation” under the Uniform Guidance at 2 CFR 200.1: “Financial obligations, when referencing a recipient’s

or sub-recipients use of funds under a Federal award, means orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment"; and

7. The Torreon/Star Lake Chapter realized the Fiscal Recovery Fund period performance runs from March 3, 2021, until December 31, 2026, meaning that all FRF-funded projects must be completed, and funds must be fully expended by December 31, 2026; and
8. The Torreon/Star Lake Chapter recognizes the need for these projects to improve the quality of life for its residents while combating and recovering from COVID-19 and the number of requests is only a fraction of what the chapter needs to substantially improve the community of Torreon/Star Lake Chapter for a safe, healthy, and habitable home environment.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. Requesting, Accepting, and Approving CJN-290-22, American Rescue Plan Act (ARPA) Funding in the amount of \$1,100,292.50 million for the Torreon/Star Lake Chapter to be utilized for Torreon Priority One (1) Water/Wastewater Systems, and Priority Two (2) Home Electric Systems.
2. The Torreon/Star Lake Chapter hereby approves and identified projects for the American Rescue Plan Act and prioritized these projects as follows:

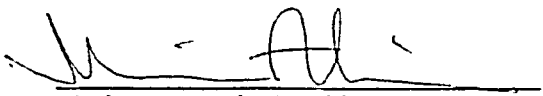
<b>PROJECTS DESCRIPTION:</b>	<b>CATEGORY:</b>	<b>AMOUNT:</b>
1. Repair/Replace Failed/Clean Out Septic Systems	5.4	\$630,000.00
2. House Wiring/Rewiring Projects	2.18	\$470,000.00

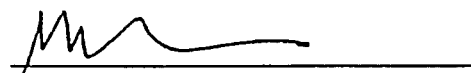
Motion made by Alan Trujillo

Seconded made by John Rico

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

We, HEREBY CERTIFY that the foregoing resolution was duly considered by the Torreon/Star Lake Chapter at a duly called community chapter meeting at Torreon/Star Lake Chapter of the Navajo Nation, (Sandoval County), New Mexico at which a quorum was present and that same was approved by a vote of 19 in favor, 0 Opposed, 2 Abstained, on the 05<sup>th</sup> day of March 2023.

  
Mario P. Atencio, President Pro-Tem/VP

  
Sherry Begaye, Secretary/Treasurer

# NAVAJO NATION FISCAL RECOVERY FUND



## DOCUMENT CHECKLIST

### TO DOJ for Non Governance Certified Chapters

Submit all documents according to this checklist. If all documents are not attached, packet will be returned to division/program.

#### Division/Program Information:

Date Submitted: 3/15/2023

Program/Division: Community Development

Contact Person: Shayla Draper

Phone: (928) 871-6099



Email: sdraper@nnfrfo.org

#### Documents needed for processing:

- Appendix A - Request Form & Expenditure Plan
- Appendix B - Budget Forms (Form 1, 2, 3, 4, 5, Appendix J as needed)
- Approved Chapter Resolution supporting the project (missing language)
- Required Signatures:
  - Preparer
  - Chapter President/Vice President
  - Chapter Manager/CSC
  - DCD ASC
  - DCD Division Director
  - NNFRFO Director

#### Notes:

Torreón/Star Lake Chapter, \$630,000, for Septic Repair/Replace Failed Septic Systems & Clean Out project. Appendix-J project process schedule was not included with packet. Chapter Resolution is missing required language. AP signature in progress.

#### Reviewed by:

\_\_\_\_\_  
NN Fiscal Recovery Fund Office

\_\_\_\_\_  
Date

**DISCLAIMER: For guidance purposes only. Additional information may be required.**

Navajo Nation Fiscal Recovery Fund Office (NNFRFO)

PO BOX 2469, Window Rock, Arizona 86515

(928) 871-6099