

Blue Gap/ Tachee  
Chapter:  
Cellular Service  
Tower

NNDOJ  
Initial Eligibility  
Determination



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 #: HK0332

Date & Time Received: 12/19/22 17:14

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

Entity Requesting FRF: Blue Gap/Tachee Chapter

Title of Project: Cellular Service Tower - Provision of Gov't Services

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$750,000.00

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):

- |  |  |
|--|--|
| <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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Appendix A

Per

BFS-31-21

**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: BLUE GAP/TACHEE CHAPTER Date prepared: 10/18/22

Chapter's mailing address: POST OFFICE BOX 4497 phone/email: (928) 349-0507  
BLUE GAP, ARIZONA 88520 website (if any): tachee@navajochapters.org

This Form prepared by: BETTY ASKIE phone/email: bvaaskie@navajochapters.org  
(928) 313-4347

CONTACT PERSON'S name and title

CONTACT PERSON'S title

Title and type of Project: Cellular Service Tower - PROVISION OF GOV'T SERVICES

Chapter President: Marcus Tulley phone & email: mtulley@nartaani.org (480) 228-0293

Chapter Vice-President: Marcinda Lameman phone & email: mlameman@yahoo.com (828) 879-5843

Chapter Secretary: Betty V. Askie phone & email: bvaaskie@navajochapters.org (928) 313-4347

Chapter Treasurer: Betty V. Askie phone & email: bvaaskie@navajochapters.org (928) 313-4347

Chapter Manager or CSC: Vacant phone & email: (928) 349-0507

DCO/Chapter ASO: Edgerton Gene, Sr. Prog/Proj Sp phone & email: (928) 674-2251 egene@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): project will be advertised

document attached

Amount of FRF requested: \$750,000 FRF funding period: October 2022 to December 2026  
Indicate Project starting and ending/fiscal year

**Part 2. Expenditure Plan details.**

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

The project objective is to contract and install a cellular service tower adjacent to the Burntcom Community Building to improve wireless communication to all infrastructure readily available to the proposed site. This project will provide logistical support and assist in mitigating, preparing, responding to, and recovering from emergency situations through improved communications for medical personnel and access to broadband services for students and community members. The project will also address deficiencies connected to the high outbreak of COVID-19 on the Navajo Nation by enabling an immediate response from medical service units and providing internet service accessibility for students to continue their education.  document attached

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

The Burntcom Valley community lacks reliable cellular services for emergency situations and for students to access educational services remotely. A cellular tower will improve communication and strengthen local direct services with responders mitigating, preparing, and responding to cases of COVID-19, and contributing to the overall recovery from future outbreaks.  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

**APPENDIX A**

Program(s) or Project(s) by December 31, 2026:

Project will immediately be advertised for bids when funds become available and completed within 8 months after project is awarded to a certified contractor. Budget forms will be adjusted to conform with the project award and schedule. Monthly project progress meetings will be held to ensure completion within the established timeline.

document attached

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

The Chapter administration staff will be tasked with ensuring procurement procedures are followed and monitoring project progress. Staff will collaborate with the contractor to ensure timelines are followed and that all work activities are in compliance with established agreement terms and conditions.

document attached

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

The selected cellular service provider will be responsible for the maintenance and upkeep of the cellular tower facility once it's completed, including routine maintenance services.

document attached

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

Categories: Revenue Replacement: 6.1 Provision Government Services

Pursuant to the established guidelines and funding objectives, will enable staff to address and provide improved direct services for community members seeking COVID-19 related services which are now being rendered out of the chapter house. Currently, the Burntcorn community does not have reliable cellular for emergency purposes or reach medical health immediately. Without adequate facilities, community members are limited in receiving efficient and quality services, leaving community members to endure hardship. A new cellular tower will improve communication and immediate services in event of emergency. This will also provide improved internet services for students to continue their education, obtain essential information, share resources, assist and advocate for community members in need of housing, transportation, health, and other related services.

document attached

**Part 3. Additional documents.**

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

Chapter Resolution BGCH22-11-004

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: Betty Osice  
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

Approved to submit for Review: [Signature]  
signature of DCO Director

Appendix J:  
Project Budget  
Summary  
Per  
CJN-29-22





Signed  
Budget

Forms 1, 2 & 4

(Other budget forms if needed)

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I Business Unit No.: New 105807 Program Title: Blue Box/Teacher Chapter Cell Tower Division/Branch: Executive  
 Prepared By: Betty V. Auble Phone No.: (928) 313-4347 Email Address: Executive@navajonations.org

PART II FUNDING SOURCE(S)	Fiscal Year Item	Amount	% of Total	PART III BUDGET SUMMARY			Fund Type Code	NMC Approved Original Budget	Proposed Budget	Difference or Total
				2001 Personnel Expenses	3000 Travel Expenses	3500 Meeting Expenses				
2001 Personnel Expenses										
3000 Travel Expenses										
3500 Meeting Expenses										
4000 Supplies										
5000 Lease and Rental										
5500 Communications and Utilities										
6000 Repairs and Maintenance										
6500 Contracted Services								748,500		748,500
7000 Special Transactions								500		500
8000 Public Assistance										
9000 Capital Outlay										
9500 Matching Funds										
9900 Indirect Cost										
TOTAL: 5750,000.00 100%				TOTAL		50.00		750,000.00		0
PART IV POSITIONS AND VEHICLES				TOTAL						
Total # of Positions Budgeted:										
Total # of Vehicles Budgeted:										

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.  
 SUBMITTED BY: Betty V. Auble, Chapter Secretary APPROVED BY: Dr. Pearl Yellowman, Division Director  
Dorita Nokie-12/16/22 Division Director / Branch Chiefs Printed Name  
[Signature] Division Director / Branch Chiefs Signature and Date



[Signature] 2/9/2023  
 Calvin Castillo, Division Director  
 Division of Community Development

[Signature] 12.6.22  
 Sonlatsa Jim-Martin, Department Manager II  
[Signature]

**THE NAVAJO NATION  
 PROGRAM PERFORMANCE CRITERIA**

<b>PART I. PROGRAM INFORMATION:</b>	Business Unit No: <u>New</u>	Program Name/Title: <u>Cell Tower</u>	Bios Dept/Facility Chapter: <u>Cell Tower</u>
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b> The Navajo Nation Chapter's Plan of Operation is referenced in Title 28 of the Navajo Nation Codes.			
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>			
<b>1. Goal Statement:</b> Provide funding for community center for Samscom community Program Performance Measure/Objective: Assist community with governmental and emergency services	1	1	
<b>2. Goal Statement:</b> Conduct 2 progress meetings with selected contractor Program Performance Measure/Objective: Conduct 2 construction progress meetings per quarter	2	2	
<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>6. Goal Statement:</b> Program Performance Measure/Objective:			

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

Dr. Pearl Yellowman, Division Director  
 Division Director/Branch Chief's Printed Name  
 [Signature] 12-7-22  
 Division Director/Branch Chief's Signature and Date

Betty Askie  
 Program Manager's Printed Name  
 Betty Askie - 12/6/22  
 Program Manager's Signature and Date

Sonlatsa Jim-Martin, Department Manager II [Signature] 12/6/22  
 Calvin Castillo, Division Director  
 Division of Community Development  
 [Signature] 2/9/2023

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:		Business Unit No.:	
Program Name/Title:		New	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	<p>Revenue Replacement: Provision of Government Services-ARPA Chapter Administration Project. The Blue Gap/Tucson Chapter administration project will consist of working including a cellular tower for the Blue Gap/Tucson Valley community to improve communication and internet services for the residents and students. Project will work with selected cellular service company to identify most suitable site. Project will also benefit and address the high cost of COVID-19 on the Navajo nation and serve as logistical in integrating, preparing, reporting and recovery from emergency situation and securing improving direct services.</p>		
7000	Special Transactions		500
7410	Media	500	
	<p>Advertise posted per NN Procurement Lines 7440 Print Advertising</p>		
6500	Contractual Services		749,500
6520	Consulting	374,750	
	<p>Contract and complete 30040 administration building 6530 Consulting - Fees 6540 Consulting - Expenses</p>	374,750	
AH		AH	AH
TOTAL		760,000	760,000

✓-K 4/10/23

Chapter Resolutions  
and Other  
Supporting  
Documents



Ph: (928) 349-0507 Fax: (928) 223-7770

**KEE ALLEN BEGAY, JR., COUNCIL DELEGATE**  
COORDINATOR

**VACANT COMMUNITY SERVICES**

BGCH: 22-11-004

### RESOLUTION OF RESOLUTION BLUE GAP/TACHEE CHAPTER

**THE BLUE GAP/TACHEE CHAPTER APPROVES AND SUBMITS THE BURNTCORN VALLEY CELLULAR TOWER CONSTRUCTION AND SERVICE PROJECT IN THE AMOUNT OF \$750,000 FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING PURSUANT TO CJN-29-22.**

#### WHEREAS:

1. The Blue Gap/Tachee Chapter is a recognize certified chapter organization of the Navajo Nation in pursuant to the authority of the Navajo Nation Local Governance Act, and the Resolution of the Navajo Nation Council 1997, and the PL 98-638 the Self Determination of 1973; AND
2. The Local Community Chapter is responsible for the community goals and the objectives in Meeting their needs with detail planning and developments, and its progress for the local Chapter people and families, it serves; AND
3. The Blue Gap/Tachee Chapter was devastated by the effects of COVID-19 including health, loss life of family members, employment, housing insecurity and other impacts that continues to disrupt daily way of life; AND
4. The Blue Gap/Tachee Chapter supports the approval of Legislation CJN-29-22 to mitigate and preventing the spread of COVID-19 by containment of the disease through improvement health and living conditions; AND
5. The Blue Gap/Tachee Chapter approves the submittal of the Burnicorn Valley Cellular Tower construction and service project in the amount of \$750,000 to help mitigate and provide direct community services in containing the spread of COVID-19; and improve cellular services to the community; AND
6. The Blue Gap/Tachee Chapter building lacks reliable cellular service to the Burntcorn Valley community for emergency medical services to COVID-19 related illnesses and important school notification.

Marcus Tulley, President

Vacant, Vice President

Betty V. Askle, Sec./Treasurer

Franklin Tsosie, Grazing Representative





Ph: (928) 349-0507 Fax: (928) 223-7770

KEE ALLEN BEGAY, JR., COUNCIL DELEGATE  
COORDINATOR

VACANT COMMUNITY SERVICES

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Blue Gap/Tachee Chapter requests approval of \$750,000 from ARPA funding to construct a cellular tower to improve cellular service for the Burntcorn Valley community members. Community members have been without reliable cellular and broadband service for the COVID-19 related illnesses and students in school.
2. The Blue Gap/Tachee Chapter wishes to improve cellular and broadband services to the community for emergencies and schooling. The cellular tower site has been identified next to an existing chapter community building and have available electrical service source.
3. The Blue Gap/Tachee Chapter requests Kee Allen Begay, Jr., Council Delegate and his assistant Ms. Estelle Benally monitor projects until project are completed.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Blue Gap/Tachee Chapter at a duly called meeting Blue Gap/Tachee, Navajo Nation, Arizona which quorum was Present that same was passed by vote of: 13 in favor, 02 opposed, and 13 abstained on this 4th day of November, 2022.

MOTIONED BY: Evelyn Estelle

SECONDED BY: Jimmie Dougi

Marcus Tulley  
Marcus Tulley, President

M. L. L...  
Vacant, Vice President

Betty Askie  
Betty Askie, Secretary/Treasurer

Franklin Tsosie  
Franklin Tsosie, Grazing Official

Kee Allen Begay, Jr., Council Delegate