



**The Navajo Nation**  
Yideeskáadi Nitsáhákees

**DR. BUU NYGREN** **PRESIDENT**  
**RICHELLE MONTOYA** **VICE PRESIDENT**

May 4, 2023

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

*RE: CAP-15-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Approving the Navajo Nation Fiscal Recovery Fund Delegate Regional Project Plan for Honorable Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill)*

Dear Speaker Curley,

I am pleased to sign into law this resolution CAP-15-23 approving the Fiscal Recovery Funds Delegate Regional Project Plan for Honorable Simonson's Delegate Region in the amount of \$4,140,047.47.

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 GERMAINE SIMONSON'S DELEGATE REGION  
(CHAPTERS: HARD ROCK, FOREST LAKE, PINON, BLACK MESA,  
WHIPPOORWILL)

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. 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. Germaine Simonson's Delegate Region Projects Plan, attached as **Exhibit A**, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon.

Germaine Simonson'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. Germaine Simonson's Delegate Region Chapters and communities to approve and adopt the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) as set forth in Exhibit A.

### SECTION THREE. APPROVAL OF HON. GERMAINE SIMONSON'S DELEGATE REGION PROJECT PLAN

- A. The Navajo Nation hereby approves the Fiscal Recovery Fund Delegate Region Project Plan for Hon. Germaine Simonson's Delegate Region (Chapters: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill) 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 21 in Favor, and 00 Opposed, on this 18<sup>th</sup> day of April 2023.



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

4/27/23

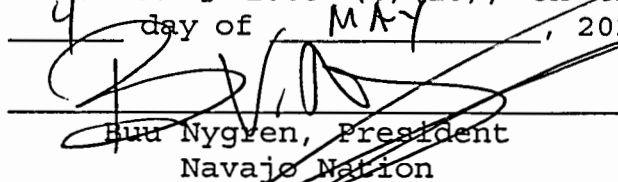
DATE

Motion: Honorable Rickie Nez  
Second: Honorable Vince R. James

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 9 day of MAY, 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**

**COUNCIL DELEGATE: Delegate Germaine Simonson**

**Exhibit A**

**CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill**

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
Division of Community Development	* Pinon Chapter	Pinon Chapter Housing for Community	Division of Community Development	2.15	HK0282-2	\$ 1,000,000.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Septic & Leach Field Repair or Replacement Project	Division of Community Development	5.3	HK0283	\$ 260,468.00
Division of Community Development	None Identified	Forest Lake Chapter Bathroom Additions Project	Division of Community Development	1.14	HK0391	\$ 679,120.00
Division of Community Development	*Pinon Chapter	Pinon Chapter Housing Renovation and Repair for Pinon Community	Division of Community Development	2.18	HK0284-2	\$ 500,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Home Renovation Project	Division of Community Development	2.18	HK0427	\$ 160,439.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Septic Services Project	Division of Community Development	5.5	HK0426	\$ 78,750.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Elderly Bathroom Modification Project	Division of Community Development	1.14	HK0429	\$ 60,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter New Home Waterline Project	Division of Community Development	5.11	HK0430	\$ 48,000.00
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter New House Construction	Division of Community Development	2.15	HK0431	\$ 722,753.47
		CONTINUES on Page 2.....				
<b>TOTAL:</b>						<b>\$ 3,509,530.47</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 FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN						
COUNCIL DELEGATE: Delegate Germaine Simonson				Exhibit A		
CHAPTERS: Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill						
FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT from PAGE 01				\$ 3,509,530.47
Division of Community Development	*Whippoorwill Chapter	Whippoorwill Chapter Hire of Personnel (Technical Staff/Skilled Construction Workers)	Division of Community Development	2.37	HK0447	\$ 630,517.00
		UN-ALLOCATED AMOUNT				\$ 4,662,292.53
					TOTAL:	\$ 8,802,340.00

\*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

\*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 #: HK0282-2

Date & Time Received: 01/11/2023 at 12:03

Date & Time of Response: 23 January 2023; 11:20 am

Entity Requesting FRF: Pinon Chapter

Title of Project: Housing by Pinon Community

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$1,000,000.00

**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: 2.15 Long-term Housing  
Security: Affordable Housing

<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: Adjua Adjei-Danso

Signature of DOJ Reviewer: Adjua Adjei-Danso Digitally signed by Adjua Adjei-Danso  
Date: 2023.01.23 11:21:32 -0700'

Digitally signed by Adjua Adjel-Danso  
Date: 2023.01.23 11:21:32 +07'00'

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](mailto: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.

Page 2 of 2

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Pinon Chapter Date prepared: 12/01/2022  
 Chapter's mailing address: P. O. Box 12 phone & email: 928-725-3710/3711  
Pinon Arizona 86510 website (if any): \_\_\_\_\_  
 This Form prepared by: Sharon A. Begay phone/email: 928-725-3710/3711  
Chapter Manager

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: Housing for Pinon Community

Chapter President: Bessie S. Allen phone & email: 928-313-4983  
 Chapter Vice-President: Bill Yazzie phone & email: 928-383-6113  
 Chapter Secretary: Ramona Nalwood phone & email: 928-675-7520  
 Chapter Treasurer: Ramona Nalwood phone & email: 928-675-7520  
 Chapter Manager or CSC: Sharon A. Begay phone & email: 928-675-7021  
 DCD/Chapter ASO: Edgerton Gene phone & email: 928-674-2251

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

☐ document attached

Amount of FRF requested: 1,000,000.00 FRF funding period: December 2022 to December 31, 2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

The Pinon Chapter is requesting \$1,000,000.00 to construct new housing and/or purchase new homes to assist Navajo families. Providing stable housing for those in need will help eliminate the spread of COVID-19 among families living in multi-generational homes and provide new homes for homeless families and individuals, which will provide sanitary infrastructure (water/wastewater and electricity) to help combat COVID-19 pandemic

☐ 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 needs of the Pinon Chapter community members by providing stable housing for those in need. Pinon Chapter strives to provide affordable housing for individuals with limited economic opportunities. During this COVID-19 pandemic, stable housing will improve the living conditions for families living in multi-generational homes and help provide sanitary infrastructure.

☐ document attached

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

## APPENDIX A

Collect applications 9/01/2022 to 12/31/2022  
Advertise for homes builders to construct new homes: 12/2022 to 01/2023  
Construction: 02/2023 to 12/31/2023

☐ document attached

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

Pinon Chapter Manager and Officials

☐ 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:

Homeowners are responsible for the operation and maintenance of new homes following a 1 year warranty period.

☐ 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:

This project falls under the new expenditure Category 2.16 Long-Term Housing  
Providing new homes for Navajo families in need will help to address homelessness by offering housing support and improving access to secure, stable, affordable housing.

☐ document attached

### Part 3. Additional documents.

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

Collect applications 9/01/2022 to 12/31/2022  
Advertise for homes builders to construct new homes: 12/2022 to 01/2023  
Construction: 02/2023 to 12/31/2023

☐ 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] president  
signature of Chapter President (or Vice-President)

Approved by: [Signature]  
signature of Chapter Manager or CSC

Approved by: [Signature]  
signature of DCD/Chapter ISO

Approved to submit  
for Review: [Signature] 12-2-22  
signature of DCD Director

PART I. Business Unit No.: <u>ARPA FUNDS</u>		Program Title: <u>Pinon Chapter</u>		Division/Branch: <u>ASC/DCD</u>	
Prepared By: <u>Sharon A. Begay</u>		Phone No.: <u>928-725-3710</u>		Email Address: <u>sabegay@mnchapters.org</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
ARPA FUNDS		2022 to 2026	1,000,000.00	100%	2001	Personnel Expenses					
		12/1/22-12/31/26			3000	Travel Expenses					
					3500	Meeting Expenses					
					4000	Supplies					
					5000	Lease and Rental					
					5500	Communications and Utilities					
					6000	Repairs and Maintenance					
					6500	Contractual Services	6		1,000,000		1,000,000
					7000	Special Transactions					
					8000	Public Assistance					
					9000	Capital Outlay					
					9500	Matching Funds					
					9500	Indirect Cost					
					TOTAL			\$0.00	1,000,000.00		1,000,000

PART IV. POSITIONS AND VEHICLES		(D)	(E)
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:	<u>Sonlata Jim Martin</u> Sonlata Jim Martin, ASC Manager
APPROVED BY:	<u>Pearl Yellowman</u> Pearl Yellowman, DCD Director



## PIÑON CHAPTER

Post Office Box 127 • Piñon, Arizona 86510 • (928) 725-3710/3711 • FAX (928) 725-3712

### RESOLUTION # 23-01 OF PINON CHAPTER THE NAVAJO NATION, PINON, ARIZONA

APPROVING, PRIORITIZING AND SUBMITTING PINON CHAPTER'S LISTED PROPOSED PROJECT FOR FULL FUNDINGS FROM THE AMERICAN RESCUE PLAN ACT, PURSUANT TO CJN-29-22, AS PROJECTS IN EXHIBIT A, B, AND C, TO COMBAT COVID 19 PANDEMIC.

#### WHEREAS:

1. THE Navajo Nation Council by Resolution CS-34-98, enacted the Navajo Nation Local Governance Act and Codified it under the Navajo Nation Code; AND
2. That pursuant to Title 26 NNC, Section B-1&2, Pinon Chapter is an LGA Certified Chapter government of the Navajo Nation Government, thus acts on this foregoing resolution pursuant to the authority vested to Pinon Chapter to recognize, address and advocate for the local needs, its interests, and matters consistent with the Navajo Nation Laws, which includes Navajo customs and traditions; AND
3. That the Navajo Nation Council enacted Resolution CIN-29-22, \$1,070,298,867. the Navajo Nation Fiscal Recovery Fund Expenditure Plans for the Navajo Nation Chapters and Regional Projects; Public Safety, Emergency Communications, E911, Rural Addressing, Cyber Security, Public Health Projects, Hardship Assistance, Water and Waste Water Projects, Broadband Projects, Home Electricity Connections, Electric Capacity Projects, Housing Projects, and Manufactured Housing, Bathroom Additions, and Construction Contingency fundings, AND
4. That the Pinon Chapter, hereby, submits their listed proposed projects, (see Exhibit A), pursuant to CJN-29-22, to Division of Community Development ARPA Portal via our Council Delegate, Jimmy Yellowhair, for consideration by the Navajo Nation Council; AND
5. That the Pinon, hereby, submits their Chapter's listed proposed projects, (see Exhibit B), pursuant to CJN-29-22, via our Council Delegate, Jimmy Yellowhair, for ARPA funding consideration from the Delegate Regional distribution; AND

6. That the Pinon Chapter, hereby, submits, pursuant to CJN-29-22, their Chapter's listed proposed projects with listed recipients that was duly considered and recommended by Chapter Resolution to the Navajo Hopi Land Commission, (see Exhibit C), from the Navajo Partition Land allocation for Modular Homes; AND
7. That it is in the best Health interests of Pinon Chapter and its community to have the Navajo Nation Council to fully consider to fully ARPA fund all of the Pinon Chapter's listed proposed projects on the attached Exhibits.

NOW, THEREFORE, BE IT RESOLVED THAT:

THE Pinon Chapter, hereby, pursuant to CJN-29-22, Approves and Recommends The Submission of the Chapter's Proposed Projects listed on the attached Exhibit A, Exhibit B and Exhibit C for Full Fundings Consideration by the Navajo Nation Council from Funds Allocated by the United States Congress, the American Rescue Plan Act, to Combat the Health Pandemic, COVID 19.

#### CERTIFICATION

WE, the undersigned, hereby, certified that the foregoing resolution was duly considered at a duly called Pinon Chapter meeting at which a quorum was present and same was duly discussed and acted upon by a vote of 35 in favor, 0 opposed and 14 abstained On the 10th day of October, 2022, at Pinon Chapter House, the Navajo Nation, Pinon, Arizona.

Motioned by: Laverne Gorney

Seconded by: Danny Luman

Bessie S. Allen

Bessie S. Allen, Chapter President

Bill Yazzie

Bill Yazzie, Chapter Vice-President

Ramona Nalwood

Ramona Nalwood, Chapter Secretary/Treasurer

CONCURRED; Council Delegate

\_\_\_\_\_

*Legislation CJN-29-22: \$8,802,340 mil per Delegate*

*Pinon Chapter equal distribution \$1,760,468 per 5 chapters*

<b>\$ 260,468.00</b>	<b>1</b>	Septic & Leech field repairs: 10 repairs @ \$20,000 each
<b>\$ 1,000,000.00</b>	<b>2</b>	New Housing- 5 families have HSL
<b>\$ 500,000.00</b>	<b>3</b>	Housing renovations @ \$5000.00 ea = 100 homes
<b>\$ 1,760,468.00</b>		<b>TOTAL</b>





## RESPONSE: FRF Review for HK0282 Pinon Housing

1. What is the criteria to be approved for a new home/how will recipients be selected?  
Please be specific, including any family size and income limitations, as well as any other specific needs of the Intended recipients.

### ELIGIBILITY CRITERIA:

- a. Completed Housing Assistance Application by potential Homeowner
- b. Applicant must provide and attach a copy of their completed home site lease
- c. The applications are vetted by a summary sheet based on family size, Annual income, over crowdedness, unsanitary/unsafe living conditions with the 5<sup>th</sup> factor on elder, handicapped, disabled and or veteran status. (Attached)
- d. This one-time program will address, only Homelessness and overcrowding for a family to be eligible. (No exception).

2. Please describe in more detail the homes to be built, including square footage, number of bedrooms, etc.

Our first choice will be a home built from the foundation up to last longer. The Second choice would be a modular home on a foundation.

The One bedroom homes will be at least 500-1000 square feet. Two bedroom homes will be at least 820-1300 square feet. The Three bedrooms homes at will be at least 900 – 1350 square feet.

All square footages meet HUD guidelines

3. Please describe how the estimated size and cost per home compares to homes in the area these homes will be located.

The median price of a home in some of the closest counties in Arizona:

Navajo County Median pricing is \$450,000.00 and \$272 a square foot.

Coconino County median pricing \$699,900.00 and \$384.00 a square foot.

Gila County median pricing \$475,000.00 and \$297 a square foot.

Maricopa County median pricing is @530,000.00 and \$292 a square foot

This averages out to about \$539,000.00 and \$311.00 a square foot.

Pinon Chapter has budgeted for at least \$175 a square foot, which is half of the average price of a home of similar size in the surrounding area. The turn-key homes will range from \$90,000.00 to \$240,000.00

4. Please explain whether the home construction projects would qualify for any federally

funded housing programs, including but not limited to the National Housing Trust

Fund, Indian Housing Block Grant program, the Indian Community Development

Block Grant program, or the Bureau of Indian Affairs Housing Improvement

Program.

No, they would not qualify for any of the above funding sources. However, We are following the Navajo Nation Community Housing & Infrastructure Department and Navajo Housing Authority Guidelines.

## PINON CHAPTER

### HOUSING POINT ALLOCATIONS SUMMARY SHEET

Name of Applicant: \_\_\_\_\_

Phone No. \_\_\_\_\_

Name of Co-Applicant: \_\_\_\_\_

**Type of Assistance Requested By Category:**

☐ A – Minor Repairs

☐ C – Partial Assistance

☐ B – Major Repairs

☐ D – New Construction

Factor	Description	Points Allocated
1	Family Size	
2	Annual Household Income	
3	Overcrowded Living Conditions (Causes massive COVID-19 transmission)	
4	Unsanitary or Unsafe Living Conditions (Causes COVID-19 escalation)	
5	Elderly, Handicapped/Disabled, and/or Veteran Status (COVID-19 immunocompromised)	
Total Points Allocated		

Assessed By: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Applicant is approved = \_\_\_\_\_ New Housing Construction. Bedroom Size: \_\_\_\_\_

\_\_\_\_\_ Existing Housing Repairs/Renovation/Addition or Completion.  
NOT TO EXCEED \$ \_\_\_\_\_

☐ Applicant is Denied: Denial due to: \_\_\_\_\_  
\_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Factors 1 and 2: Family Size and Annual Income		
No. of Family Members	Annual Income	Points
1	\$5,733 or less.....	5
	\$5,734 to \$8,673.....	4
	\$8,674 to \$11,613.....	3
	\$11,614 to \$14,700.....	2
	\$14,701 or more.....	1
2	\$7,722 or less.....	5
	\$7,723 to \$11,682.....	4
	\$11,683 to \$15,642.....	3
	\$15,643 to \$19,800.....	2
	\$19,801 or more.....	1
3	\$9,711 or less.....	5
	\$9,712 to \$14,691.....	4
	\$14,692 to \$19,671.....	3
	\$19,672 to \$24,900.....	2
	\$24,901 or more.....	1
4	\$11,700 or less.....	5
	\$11,701 to \$17,700.....	4
	\$17,701 to \$23,700.....	3
	\$23,701 to \$30,000.....	2
	\$30,001 or more.....	1
5	\$13,689 or less.....	5
	\$13,690 to \$20,709.....	4
	\$20,710 to \$27,729.....	3
	\$27,730 to \$35,100.....	2
	\$35,101 or more.....	1
6	\$15,678 or less.....	5
	\$15,679 to \$23,718.....	4
	\$23,719 to \$31,758.....	3
	\$31,759 to \$40,200.....	2
	\$40,201 or more.....	1
7	\$17,667 or less.....	5
	\$17,668 to \$26,727.....	4
	\$26,728 to \$35,787.....	3
	\$35,788 to \$45,300.....	2
	\$45,301 or more.....	1

Factor 3: Overcrowded Living Conditions		
No. of Rooms	No. of Household Members	Points
0	6 or more individuals.....	5
	5 individuals.....	4
	4 individuals.....	3
	3 individuals.....	2
	2 individuals.....	1
1	1 individuals.....	0
	6 or more individuals.....	5
	5 individuals.....	4
	4 individuals.....	3
	3 individuals.....	2
2	2 individuals.....	1
	1 individuals.....	0
	7 or more individuals.....	5
	6 individuals.....	4
	5 individuals.....	3
3	4 individuals.....	2
	3 individuals.....	1
	2 or less individuals.....	0
	8 or more individuals.....	5
	7 individuals.....	4
4	6 individuals.....	3
	5 individuals.....	2
	4 individuals.....	1
	3 or less individuals.....	0
	6 or more individuals.....	5
5	5 individuals.....	4
	4 individuals.....	3
	3 individuals.....	2
	2 individuals.....	1
	1 individuals.....	0

Factor 4: Unsanitary or Unsafe Living Conditions	Points
Homelessness = Unsanitary and Unsafe Conditions	6
Whole house should be condemned due to major deficiencies and/or deterioration. Family need to be relocated there is no other home(s) is available.	5
House has no running water (plumbing), electricity and heating system	4
Roof is leaking, water leaks into rooms or underneath the house causing decay and in need of replacement. Install or repair water or waste water, disposal systems, and repair or replace roof/repair structural supports.	3
Exterior siding deteriorating uneven floors, cracked walls and/or energy conservation measures needed such as insulation, storm windows, etc.	2
Window(s) are broken, door(s) are missing or very difficult to open/close, gaps around some of the door assemblies, bathroom not working properly. Needs to replace toilet, bathtub, sink/lavatory or sewer system failure.	1
There are safe/sanitary conditions	0

Factor 5: Elderly, Handicapped/Disabled and/or Veteran Status	Points
Elderly, Disabled and a Veteran.	5
Elderly and a Veteran.	4
Disabled and a Veteran.	3
Elderly and Disabled.	2
Elderly, Disabled or a Veteran.	1
Not Elderly, Not Disabled, and Non-Veteran.	0



**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 #: HK0283

Date & Time Received: 12/07/22 16:29

Date & Time of Response: 13 December, 2022; 12:03 pm

Entity Requesting FRF: Pinon Chapter Government

Title of Project: Septic & leach field repair or replacement

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$ 260,468.00

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |  |  |
|--|--|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                                       |
| <input type="checkbox"/> (3) Government Services/Lost Revenue  | <input checked="" type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

U.S. Department of Treasury Reporting Expenditure Category: 5.3 Clean Water:

Decentralized Wastewater

**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     |
| <input type="checkbox"/> Project will not be completed by 12/31/2026     | 12/31/2024  |
| <input type="checkbox"/> Ineligible purpose                              | <input type="checkbox"/> Incorrect Signatory                |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | <input type="checkbox"/> Inconsistent with applicable NN or |
| <input type="checkbox"/> Additional information submitted is             | federal laws  |
| insufficient to make a proper determination                              |   |

Other Comments: \_\_\_\_\_

Name of DOJ Reviewer: Adjua Adjei-Danso

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 GOVERNANCE-CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Pinon Chapter Date prepared: 12/01/2022  
 Chapter's P. O. Box 12 phone & email: 928-725-3710/3711  
 mailing address: Pinon Arizona 86510 website (if any): \_\_\_\_\_  
 This Form prepared by: Sharon A. Begay phone/email: 928-725-3710/3711  
Chapter Manager  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Housing Septic & Leech field repair or replacement for Pinon Community

Chapter President: Bessie S. Allen phone & email: 928-313-4983  
 Chapter Vice-President: Bill Yazzie phone & email: 928-383-6113  
 Chapter Secretary: Ramona Nalwood phone & email: 928-675-7520  
 Chapter Treasurer: Ramona Nalwood phone & email: 928-675-7520  
 Chapter Manager or CSC: Sharon A. Begay phone & email: 928-675-7021  
 DCD/Chapter ASO: Edgerton Gene phone & email: 928-674-2251

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

Amount of FRF requested: 260,468.00 FRF funding period: December 2022 to December 31, 2026 ☐ document attached  
indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

The Pinon Chapter is requesting \$260,468.00 to repair or replace existing septic/leechfield systems to assist Navajo families. Throuhout this COVID-19 pandemic stay at home orders, all families atayed home and some septic/leechfield systems were overloaded since they were not built to sustain the large number of family members. Bathrooms will become usable again by replacing or repairing the systems. This program will address public health challenges that partly caused the impact on the Navajo tion and Pinon Community.

☐ document attached

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

Currently there are a high number of homes in the Pinon community that lack access to one or more of the following utilities: electricity, water, wastewater and broadband. ARPA Septic/leechfield repair or replacement will provide one utility to a home that lacks this and will assit in promoting public health. The Pinon community members recieving this repair or replcement will directly benefit from this program.

☐ document attached

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

## APPENDIX A

This program estimates the successful completion of approximately 15 septic/leechfield repair or replacements and will obligate the funds no later than December 31, 2024 and will fully expend the funds no later than December 31, 2026.

☐ document attached

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

Pinon Chapter Manager and Officials will be the oversight of the contractor.

☐ 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:

Homeowners are responsible for the operation and maintenance of the repair or replacement of septic/leechfield following completion.

☐ 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:

This project falls under the new expenditure Category 1.14 Other Public Health Services- for Spetic tank and leech field

Providing home septic system repairs for navajo families in need will help to address the public health housing support and improving access to safe & secure restrooms as well as support healthy living environments and neighborhoods 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):

This program estimates the successful completion of approximately 15 septic/leechfield repair or replacements and will obligate the funds no later than December 31, 2024 and will fully expend the funds no later than December 31, 2026.

☐ 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 Chapter Manager or CSC

Approved by:   
signature of ASD Chapter

Approved to submit  
for Review:  12.5.23  
signature of DCD Director



FY 2023

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

APPENDIX B  
BUDGET FORM 1

PART I. Business Unit No.: ARPA FUNDS		Program Title: <u>Seoche Field</u>		Pinon Chapter		Division/Branch: <u>ASC/DCD</u>	
Prepared By: <u>Sharon A. Begay</u>		Phone No.: <u>928-725-3710</u>		Email Address: <u>sabegay@nnchapters.org</u>			

PART II. FUNDING SOURCE(S)		Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY		Fund Type Code	(A) NNC Original Budget	(B) Proposed Budget	(C) Difference or Total
ARPA FUNDS		2022 to 2026	260,468.00	100%						
		<u>12/31/26</u>			2001 Personnel Expenses					
					3000 Travel Expenses					
					3500 Meeting Expenses					
					4000 Supplies					
					5000 Lease and Rental					
					5500 Communications and Utilities					
					6000 Repairs and Maintenance					
					6500 Contractual Services		<u>6</u>	<u>0</u>	260,468	<u>260,468</u>
					7000 Special Transactions					
					8000 Public Assistance					
					9000 Capital Outlay					
					9500 Matching Funds					
					9500 Indirect Cost					
					TOTAL			\$0.00	260,468.00	<u>260,468</u>

PART IV. POSITIONS AND VEHICLES		(D)	(E)
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:	Sonlatsa Jim- Martin, ASC Manager	APPROVED BY:	Pearl Yellowman, DCD Director
	Program Manager's Printed Name		Division Director / Branch Chief's Printed Name
	<u>Sonlatsa Jim</u>		<u>Pearl Yellowman</u>
	Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date
	<u>12-2-22</u>		<u>12-2-22</u>



## PIÑON CHAPTER

Post Office Box 127 • Piñon, Arizona 86510 • (928) 725-3710/3711 • FAX (928) 725-3712

### RESOLUTION # 23-01 OF PINON CHAPTER THE NAVAJO NATION, PINON, ARIZONA

APPROVING, PRIORITIZING AND SUBMITTING PINON CHAPTER'S LISTED PROPOSED PROJECT FOR FULL FUNDINGS FROM THE AMERICAN RESCUE PLAN ACT, PURSUANT TO CJN-29-22, AS PROJECTS IN EXHIBIT A, B, AND C, TO COMBAT COVID 19 PANDEMIC.

#### WHEREAS:

1. THE Navajo Nation Council by Resolution CS-34-98, enacted the Navajo Nation Local Governance Act and Codified it under the Navajo Nation Code; AND
2. That pursuant to Title 26 NNC, Section B-1&2, Pinon Chapter is an LGA Certified Chapter government of the Navajo Nation Government, thus acts on this foregoing resolution pursuant to the authority vested to Pinon Chapter to recognize, address and advocate for the local needs, its interests, and matters consistent with the Navajo Nation Laws, which includes Navajo customs and traditions; AND
3. That the Navajo Nation Council enacted Resolution CIN-29-22, \$1,070,298,867. the Navajo Nation Fiscal Recovery Fund Expenditure Plans for the Navajo Nation Chapters and Regional Projects; Public Safety, Emergency Communications, E911, Rural Addressing, Cyber Security, Public Health Projects, Hardship Assistance, Water and Waste Water Projects, Broadband Projects, Home Electricity Connections, Electric Capacity Projects, Housing Projects, and Manufactured Housing, Bathroom Additions, and Construction Contingency fundings, AND
4. That the Pinon Chapter, hereby, submits their listed proposed projects, (see Exhibit A), pursuant to CJN-29-22, to Division of Community Development ARPA Portal via our Council Delegate, Jimmy Yellowhair, for consideration by the Navajo Nation Council; AND
5. That the Pinon, hereby, submits their Chapter's listed proposed projects, (see Exhibit B), pursuant to CJN-29-22, via our Council Delegate, Jimmy Yellowhair, for ARPA funding consideration from the Delegate Regional distribution; AND

6. That the Pinon Chapter, hereby, submits, pursuant to CJN-29-22, their Chapter's listed proposed projects with listed recipients that was duly considered and recommended by Chapter Resolution to the Navajo Hopi Land Commission, (see Exhibit C), from the Navajo Partition Land allocation for Modular Homes; AND
7. That it is in the best Health interests of Pinon Chapter and its community to have the Navajo Nation Council to fully consider to fully ARPA fund all of the Pinon Chapter's listed proposed projects on the attached Exhibits.

NOW, THEREFORE, BE IT RESOLVED THAT:

THE Pinon Chapter, hereby, pursuant to CJN-29-22, Approves and Recommends The Submission of the Chapter's Proposed Projects listed on the attached Exhibit A, Exhibit B and Exhibit C for Full Fundings Consideration by the Navajo Nation Council from Funds Allocated by the United States Congress, the American Rescue Plan Act, to Combat the Health Pandemic, COVID 19.

#### CERTIFICATION

WE, the undersigned, hereby, certified that the foregoing resolution was duly considered at a duly called Pinon Chapter meeting at which a quorum was present and same was duly discussed and acted upon by a vote of 35 in favor, 0 opposed and 14 abstained On the 10th day of October, 2022, at Pinon Chapter House, the Navajo Nation, Pinon, Arizona.

Motioned by: Laverne Gornay

Seconded by: Danny Luman

Bessie S. Allen

Bessie S. Allen, Chapter President

Bill Yazzie

Bill Yazzie, Chapter Vice-President

Ramona Nalwood

Ramona Nalwood, Chapter Secretary/Treasurer

CONCURRED; Council Delegate

\_\_\_\_\_

*Legislation CIN-29-22: \$8,802,340 mil per Delegate*

*Pinon Chapter equal distribution \$1,760,468 per 5 chapters*

<b>\$ 260,468.00</b>	<b>1</b>	Septic & Leech field repairs: 10 repairs @ \$20,000 each
<b>\$ 1,000,000.00</b>	<b>2</b>	New Housing- 5 families have HSL
<b>\$ 500,000.00</b>	<b>3</b>	Housing renovations @ \$5000.00 ea = 100 homes
<b>\$ 1,760,468.00</b>		<b>TOTAL</b>





**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 #: HK0391

Date & Time Received: 01/03/23 16:36

Date & Time of Response: 10 January 2023; 3:21 pm

Entity Requesting FRF: Forest Lake Chapter

Title of Project: Bathroom Additions

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$679,120.00

**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 |  |

Name of DOJ Reviewer: Adjua Adjei-Danso



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: Forest Lake Chapter Date prepared: 11/30/2022

Chapter's Forest Lake Chapter phone/email: 928-677-3252/3347  
mailing address: P.O. Box 441 Pinon, AZ 86510 website (if any): forestlake@navajochapters.org

This Form prepared by: Ella M. Benally phone/email: 928-677-3252/3347  
Ella M. Benally, CSC 928-677-3252  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Bathroom Addition Project

Chapter President: May Gilene Begay phone & email: mgbegay@yahoo.com  
Chapter Vice-President: Raphael Boy phone & email: raphelboy@yahoo.com  
Chapter Secretary: Brenda White phone & email: brendawhite304@yahoo.com  
Chapter Treasurer: phone & email: \_\_\_\_\_  
Chapter Manager or CSC: Ella M. Benally phone & email: embenally@nnchapters.org  
DCD/Chapter ASO: Edgerton Gene phone & email: egene@dcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Pending base on sole source on bid  
☒ document attached

Amount of FRF requested: 679,120.00 FRF funding period: 7/1/2023 to 11/30/2024  
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:

The project consist of construction of 27 homes bathroom additions and completions to existing residential structures within the Forest Lake Chapter/community. New bathroom addition to existing houses, which may include kitchen; renovation, expansion of completion of existing bathroom which may include kitchen. On the basis of the Office of Environmental Health (OEH) assessment, a floor plans for bathroom and potential kitchenette additions. Purchases of all lumber materials, plumbing, electrical fixtures, foundation, manpower, tools, etc. To address the lack of running water is a deficiencies in many homes, this will enhance the protection of borne diseases, indoor plumbing with running water will address the many concerns of health. ☒ document attached

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

Our communities members will have clean healthy environment for their families. Many homes lack the proper facilities. Forest Lake community has been affected by this global pandemic (Covid-19), socially, physically, economically and mentally. Employment has had a profound impact on families due to the risk of exposure of the emerging Covid-19, shutdown in the workplace, resources, technology and schools. ☐ 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:

Once a contractor is selected base on his/her proposal. The project is anticipated to begin by mid July 2023. The estimated completion of project is November 2024. Due to the remote location there is no economic development, all travels are 150 miles to the purchase lumber and materials are available. Roads are unpaved to residential homes especially during inclement weather conditions. Bathroom Additions will be ADA compliance. ☐ document attached

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

The Chapter Officials and Community Service Coordinator and Community Land Use Planning Committee will be responsible with the monitoring the project. An update report from the Project Manager will be reported at the Planning meeting on status of projects from beginning to completion.

☐ 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:

Once the project is completed the homeowner will take all responsibilities of all maintenance cost and up keep of their homes in working conditions. The Forest Lake Chapter has housing discretionary funds to assist membership with repairs of their home.

☒ 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:

3.12 Housing Support; other housing Assistance

To insure community member have indoor clean healthy kitchen and bathrooms to prevent borne illness, Covid-19 and other related illness diseases.

☒ document attached

### Part 3. Additional documents.

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

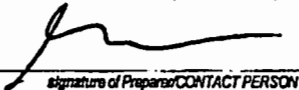
Resolutions, Forest Lake chapter community assessments, Dzilyijin household survey, Proposal for Bathroom Addition Project

☒ Chapter Resolution attached

### Part 4. Affirmation by Funding Recipient.

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

Chapter's  
Preparer:

  
signature of Preparer/CONTACT PERSON

Approved by:

  
signature of Chapter President (or Vice-President)

Approved by:

  
signature of CSC

Approved by:

  
signature of Chapter ASG

Approved to submit  
for Review:

  
signature of DCD Director

FY 2023

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

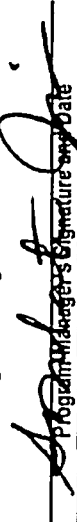

Page 1 of 1  
BUDGET FORM 1

PART I. Business Unit No.: K - [New]		Program Title: Forest Lake Chapter		Division/Branch: Community Development	
Prepared By: Ella M. Benally		Phone No.: 928-677-3252/3347		Email Address: forestlake@navajochapters.org	

PART II. FUNDING SOURCE(S)	Fiscal Year / Item	Amount	% of Total	PART III. BUDGET SUMMARY		Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	2023	679,120.00		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		679,120		
			9000	Capital Outlay					
				TOTAL			\$679,120.00	0.00	0

PART IV. POSITIONS AND VEHICLES		(D)	(E)
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:	APPROVED BY:
<div>    Program Manager's Printed Name  Date </div>	<div>    Division Director / Branch Chief's Printed Name  Date </div>

PART I. PROGRAM INFORMATION:		Forest Lake Chapter							
Business Unit No.:	134	Program Name/Title:							
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b> CAP-34-98. To direct the chapter administration and management control system, by promoting efficiency and accountability to the chapter membership, and to effectuate plans of action to improve the standard of living for the chapter membership.									
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
Septic tank cleaning project									
Program Performance Measure/Objective:									
To construct 27 bathroom addition		6		6		6		9	
2. Goal Statement:									
To build 6 additions per quarter									
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:									
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>									
Program Manager's Printed Name <i>Armando J. Garcia</i> Program Manager's Signature and Date		Division Director/Branch Chief's Printed Name <i>Debra M. Melton</i> Division Director/Branch Chief's Signature and Date							

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: _____ Business Unit No.: <u>134</u>			
<b>PART II. DETAILED BUDGET:</b>			
(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)
7	Grant Bathroom Addition Project Purchase Materials Electrical supplies Plumbing supplies Manpower	679,120	
TOTAL		679,120	



**JONATHAN NEZ**  
**PRESIDENT**

## **Forest Lake Chapter**

Jimmy Yellowhair, Council Delegate  
May Gilene Begay, President  
Raphael Boy, Vice President  
Brenda White, Secretary Treasurer  
Irene Begay, Grazing Representative  
Ella M. Benally, Community Service Coordinator

**MYRON LIZER**  
**VICE-PRESIDENT**

### **Resolution of the Forest Lake Chapter**

Resolution No. FLC-22-11-002

Requesting the Department of Justice and Division of Community Development to accept completed application for Fiscal Recovery Fund for the Chapter's Bathroom Additions Project subject to be funded in the amount of \$679,120.00 by American Rescue Plan Act.

#### **WHEREAS:**

1. The Navajo Nation Council Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B-1&2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consistent with Navajo Laws including custom and tradition and to make decisions over local matters; and
3. The 24<sup>th</sup> Navajo Nation Council passed Legislation CJN-29-22, Navajo Nation Council allocating \$1,070,298,867 of the Navajo Nation Fiscal Recovery Funds and approved the Fiscal Recovery Fund Expenditure Plans on June 30, 2022; and
4. The Forest Lake Chapter identified individuals/families in dire need of bathroom additions to meet Indian Health Service (IHS) Office the Environmental Health requirement to receive piped water from IHS Waterline Extension Project; and
5. The names of families identified by the Forest Lake Chapter will have improved personal hygiene, positive self-esteem, and clean/sanitize homes to prevent spread of diseases. Availability of bathrooms is a huge advantage during any epidemic or pandemic to minimize spread of diseases. And the use of port-a-potty will no longer be used by with families who do not have a bathroom; and
6. This bathroom addition project will help homes to control and decrease the spread of COVID and other diseases and it is in the best interest of the families to remain safe and healthy.


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

Forest Chapter hereby requests the Department of Justice and Division of Community Development to accept completed Fiscal Recovery Fund for our chapter's Bathroom Additions Project subject to be funded in the amount of \$ 679,120.00 by American Rescue Plan Act.


#### **CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Forest Lake Chapter at a duly called meeting in **Forest Lake, Navajo Nation, and Arizona**, at which a quorum of chapter members was present and that the same was passed by a vote of 25 in favor, 6 opposed, and 6 abstained on this 18<sup>th</sup> day of November 2022.

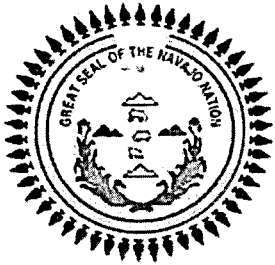
Motion By: Alice Yazzie

  
May Gilene Begay, President

Seconded By: Julia Sherlock

  
Jimmy Yellowhair, Council Delegate

FLC 22-11-002



**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 0284-2

Date & Time Received: 2/10/23 at 16:06

Date & Time of Response: 21 February 2023; 3:41 pm

Entity Requesting FRF: Pinon Chapter

Title of Project: Housing Renovation & Repair for Pinon Community

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$500,000

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

2.18, Housing Support: Other Housing Assistance

<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: Adjua Adjei-Danso

Signature of DOJ Reviewer: Adjua Adjei-Danso Digitally signed by Adjua Adjei-Danso  
Date: 2023.02.21 15:41:15 -07'00'

Digitally signed by Adjua Adjei-Danso  
Date: 2023.02.21 15:41:15 -07'00'

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@ndoj.org](mailto:arpa@ndoj.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.

Page 2 of 2



**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 #: HK0284

Date & Time Received: 12/7/2022 at 16:36

Date & Time of Response: 12/14/2022 at 5:00 PM

Entity Requesting FRF: Pinon Chapter

Title of Project: Housing Renovation and Repair for Pinon Community

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$500,000

**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: TBD



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 checked="" type="checkbox"/> Additional information submitted is insufficient to make a proper determination |  |

Other Comments: \_\_\_\_\_

**We need more information to determine if the proposed housing renovation and repair is an eligible use. To assist us, please provide answers to the following questions in as much detail as possible and include any applications or other relevant information, including any attachments:**

1. What kind of home housing renovation and repair projects will the Project provide? Please be specific.
2. How does someone qualify for a housing renovation and repair project?
3. How did the Chapter identify that there are 100 homes to renovate? How will the Chapter prioritize applicants if more homes are in need of renovation? What will the Chapter do with the funding if fewer than 100 homes need renovation?
4. Are there any limitations on the types of housing renovation and repair projects covered by the Project and/or the dollar amounts involved per home?

Name of DOJ Reviewer: Navalyn R. Platero

Signature of DOJ Reviewer: 

If you wish to provide the additional information requested 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](mailto:arpa@nndoj.org). Please be aware that under Resolution BFS-31-21 a Project can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

## RESPONSE: FRF HK00284 Pinon Chapter Housing Renovation

### 1. What kind of home housing renovation and repair projects will the Project provide?

Homeowner will identify and prioritize their renovation, repair, addition or completion of homes on their application. Assessment will also be completed by chapter staff to get material listing. This project will include completion of a home, addition as well as provide flooring, interior/exterior walls, windows, roofing, doors, insulation, restroom and/or kitchen upgrade and/or completion including appliances, electrical & plumbing issues, wood/coal or pellet stove with ventilation, etc. Materials and labor will be provided by Chapter.

### 2. How does someone qualify for a housing renovation and repair project?

- a. Completed Housing Assistance Application by Homeowner for PRIMARY residence.
- b. Applicant must provide and attach a copy of their home site lease or Home ownership Certificate for the primary home to be renovated, or addition, ETC.
- c. The applications are vetted by a summary sheet based on family size, Annual income, over crowdedness, unsanitary/unsafe living conditions and elder, handicapped, disabled and or veteran status. (Attached)
- d. Chapter Manager and officials (President, Vice President, Secretary/Treasurer) shall have the authority for approving or disapproving requests during the planning meetings.

### 3. How did the Chapter identify that there are 100 homes to renovate? How will the Chapter prioritize applicants if more homes are in need of renovation? What will the Chapter do with the funding if fewer than 100 homes need renovation?

- An assessment was completed by visiting the homes in our community to identify housing needs in case of potential funding. There were more than 100 applications returned.
- Chapter will prioritize based on the Summary sheet. Assistance will be needs based.
- If there is funding still available then the chapter will solicit for more applications of those who Also need assistance with their home.

### 4. Are there any limitations on the types of housing renovation and repair projects covered by the Project and/or the dollar amounts involved per home?

Limitation of financial assistance per household shall not exceed \$7,000.00 .

## PINON CHAPTER

### HOUSING POINT ALLOCATIONS SUMMARY SHEET

Name of Applicant: \_\_\_\_\_

Phone No. \_\_\_\_\_

Name of Co-Applicant: \_\_\_\_\_

**Type of Assistance Requested By Category:**

☐ A – Minor Repairs

☐ C – Partial Assistance

☐ B – Major Repairs

☐ D – New Construction

Factor	Description	Points Allocated
1	Family Size	
2	Annual Household Income	
3	Overcrowded Living Conditions (Causes massive COVID-19 transmission)	
4	Unsanitary or Unsafe Living Conditions (Causes COVID-19 escalation)	
5	Elderly, Handicapped/Disabled, and/or Veteran Status (COVID-19 Immunocompromised)	
Total Points Allocated		

Assessed By: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Applicant is approved = \_\_\_\_\_ New Housing Construction. Bedroom Size: \_\_\_\_\_

\_\_\_\_\_ Existing Housing Repairs/Renovation/Addition or Completion.  
NOT TO EXCEED \$ \_\_\_\_\_

☐ Applicant is Denied: Denial due to: \_\_\_\_\_  
\_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Factors 1 and 2: Family Size and Annual Income		
No. of Family Members	Annual Income	Points
1	\$5,733 or less.....	5
	\$5,734 to \$8,673.....	4
	\$8,674 to \$11,613.....	3
	\$11,614 to \$14,700.....	2
	\$14,701 or more.....	1
2	\$7,722 or less.....	5
	\$7,723 to \$11,582.....	4
	\$11,583 to \$15,642.....	3
	\$15,643 to \$19,800.....	2
	\$19,801 or more.....	1
3	\$9,711 or less.....	5
	\$9,712 to \$14,691.....	4
	\$14,692 to \$19,671.....	3
	\$19,672 to \$24,900.....	2
	\$24,901 or more.....	1
4	\$11,700 or less.....	5
	\$11,701 to \$17,700.....	4
	\$17,701 to \$23,700.....	3
	\$23,701 to \$30,000.....	2
	\$30,001 or more.....	1
5	\$13,689 or less.....	5
	\$13,690 to \$20,709.....	4
	\$20,710 to \$27,729.....	3
	\$27,730 to \$35,100.....	2
	\$35,101 or more.....	1
6	\$15,678 or less.....	5
	\$15,679 to \$23,718.....	4
	\$23,719 to \$31,758.....	3
	\$31,759 to \$40,200.....	2
	\$40,201 or more.....	1
7	\$17,667 or less.....	5
	\$17,668 to \$26,727.....	4
	\$26,728 to \$35,787.....	3
	\$35,788 to \$45,300.....	2
	\$45,301 or more.....	1

Factor 3: Overcrowded Living Conditions		
No. of Rooms	No. of Household Members	Points
0	6 or more Individuals.....	5
	5 Individuals.....	4
	4 Individuals.....	3
	3 Individuals.....	2
	2 Individuals.....	1
1	1 Individuals.....	0
	6 or more Individuals.....	5
	5 Individuals.....	4
	4 Individuals.....	3
	3 Individuals.....	2
2	2 Individuals.....	1
	1 Individuals.....	0
	7 or more Individuals.....	5
	6 Individuals.....	4
	5 Individuals.....	3
3	4 Individuals.....	2
	3 Individuals.....	1
	2 or less Individuals.....	0
	8 or more Individuals.....	5
	7 Individuals.....	4
4	6 Individuals.....	3
	5 Individuals.....	2
	4 Individuals.....	1
	3 or less Individuals.....	0
	6 or more Individuals.....	5
5	5 Individuals.....	4
	4 Individuals.....	3
	3 Individuals.....	2
	2 Individuals.....	1
	1 Individuals.....	0

Factor 4: Unsanitary or Unsafe Living Conditions		Points
Homelessness = Unsanitary and Unsafe Conditions		6
Whole house should be condemned due to major deficiencies and/or deterioration. Family need to be relocated there is no other home(s) is available.		5
House has no running water (plumbing), electricity and heating system		4
Roof is leaking, water leaks into rooms or underneath the house causing decay and in need of replacement. Install or repair water or waste water, disposal systems, and repair or replace roof/repair structural supports.		3
Exterior siding deteriorating uneven floors, cracked walls and/or energy conservation measures needed such as Insulation, storm windows, etc.		2
Window(s) are broken, door(s) are missing or very difficult to open/close, gaps around some of the door assemblies, bathroom not working properly. Needs to replace toilet, bathtub, sink/lavatory or sewer system failure.		1
There are safe/sanitary conditions		0

Factor 5: Elderly, Handicapped/Disabled and/or Veteran Status		Points
Elderly, Disabled and a Veteran.		5
Elderly and a Veteran.		4
Disabled and a Veteran.		3
Elderly and Disabled.		2
Elderly, Disabled or a Veteran.		1
Not Elderly, Not Disabled, and Non-Veteran..		0

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Pinon Chapter Date prepared: 12/01/2022

Chapter's mailing address: P. O. Box 12 phone & email: 928-725-3710/3711  
Pinon Arizona 86510 website (if any): \_\_\_\_\_

This Form prepared by: Sharon A. Begay phone/email: 928-725-3710/3711  
Chapter Manager

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: Housing Renovation & repair for Pinon Community

Chapter President: Bessie S. Allen phone & email: 928-313-4983

Chapter Vice-President: Bill Yazzie phone & email: 928-383-6113

Chapter Secretary: Ramona Nalwood phone & email: 928-675-7520

Chapter Treasurer: Ramona Nalwood phone & email: 928-675-7520

Chapter Manager or CSC: Sharon A. Begay phone & email: 928-675-7021

DCD/Chapter ASO: Edgerton Gene phone & email: 928-674-2251

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

☐ document attached

Amount of FRF requested: 500,000.00 FRF funding period: December 2022 to December 31, 2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

The Pinon Chapter is requesting \$500,000.00 to renovate and repair existing housing to assist Navajo families. Providing stable housing for those in need will help eliminate the spread of COVID-19 among families living in multi-generational homes and provide safe and stable homes for homeless families and individuals, which will provide sanitary infrastructure (water/wastewater and electricity) to help combat COVID-19 pandemic

☐ 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 needs of the Pinon Chapter community members by providing stable housing for those in need. Pinon Chapter strives to provide affordable housing for individuals with limited economic opportunities. During this COVID-19 pandemic, stable housing will improve the living conditions for families living in multi-generational homes and help provide sanitary infrastructure.

☐ document attached

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

Collect applications 9/01/2022 to 12/31/2022  
procure building materials from local vendors to repair homes: 12/2022 to 01/2023  
Start home renovations and Construction: 02/2023 to 12/31/2023

☐ document attached

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

Pinon Chapter Manager and Officials

☐ 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:

Homeowners are responsible for the operation and maintenance of the renovated homes following completion.

☐ 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:

This project falls under the new expenditure Category 2.18 Housing support other housing assistance  
Providing home renovations for navajo families in need will help to address housing support & homelessness by offering housing support and improving access to secure, stable, affordable housing.

☐ document attached

**Part 3. Additional documents.**

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

Collect applications 9/01/2022 to 12/31/2022  
procure building materials from local vendors to repair homes: 12/2022 to 01/2023  
Start home renovations and Construction: 02/2023 to 12/31/2023

☐ 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: Manu Berger  
signature of Preparer/CONTACT PERSON

Approved by: Benito S. Alvey president  
signature of Chapter President (or Vice-President)

Approved by: Manu Berger  
signature of Chapter Manager or CSC

Approved by: Sondata Jiri  
signature of DCD/Chapter ISO

Approved to submit  
for Review: Frank Jellison 12-2-22  
signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: ARPA FUNDS		Program Title: <u>HOUSING</u>		Pinon Chapter <u>Repair</u>		Division/Branch: <u>ASC/DCD</u>	
Prepared By: <u>Sharon A. Begay</u>		Phone No.: <u>928-725-3710</u>		Email Address: <u>sabegay@nnchapters.org</u>			

PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
ARPA FUNDS		2022 to 2026	500,000.00	100%							
		<u>12/1/22-12/31/24</u>			2001 Personnel Expenses						
					3000 Travel Expenses						
					3500 Meeting Expenses						
					4000 Supplies						
					5000 Lease and Rental						
					5500 Communications and Utilities						
					6000 Repairs and Maintenance						
					6500 Contractual Services			<u>6</u>	500,000		500,000
					7000 Special Transactions						
					8000 Public Assistance						
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL				\$0.00	500,000.00	500,000

PART IV. POSITIONS AND VEHICLES		(D)	(E)
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.

APPROVED BY: \_\_\_\_\_

SUBMITTED BY: Sonlatse Jim-Martin Sonlatse Jim-Martin, ASC Manager

Program Manager's Printed Name: Sonlatse Jim-Martin

Program Manager's Signature and Date: 12.5.23

Division Director / Branch Chief's Printed Name: Pearl Yellowman

Division Director / Branch Chief's Signature and Date: 12.5.23



## PIÑON CHAPTER

Post Office Box 127 • Piñon, Arizona 86510 • (928) 725-3710/3711 • FAX (928) 725-3712

### RESOLUTION # 23-01 OF PINON CHAPTER

THE NAVAJO NATION, PINON, ARIZONA

APPROVING, PRIORITIZING AND SUBMITTING PINON CHAPTER'S LISTED PROPOSED PROJECT FOR FULL FUNDINGS FROM THE AMERICAN RESCUE PLAN ACT, PURSUANT TO CJN-29-22, AS PROJECTS IN EXHIBIT A, B, AND C, TO COMBAT COVID 19 PANDEMIC.

#### WHEREAS:

1. THE Navajo Nation Council by Resolution CS-34-98, enacted the Navajo Nation Local Governance Act and Codified it under the Navajo Nation Code; AND
2. That pursuant to Title 26 NNC, Section B-1&2, Pinon Chapter is an LGA Certified Chapter government of the Navajo Nation Government, thus acts on this foregoing resolution pursuant to the authority vested to Pinon Chapter to recognize, address and advocate for the local needs, its interests, and matters consistent with the Navajo Nation Laws, which includes Navajo customs and traditions; AND
3. That the Navajo Nation Council enacted Resolution CIN-29-22, \$1,070,298,867. the Navajo Nation Fiscal Recovery Fund Expenditure Plans for the Navajo Nation Chapters and Regional Projects; Public Safety, Emergency Communications, E911, Rural Addressing, Cyber Security, Public Health Projects, Hardship Assistance, Water and Waste Water Projects, Broadband Projects, Home Electricity Connections, Electric Capacity Projects, Housing Projects, and Manufactured Housing, Bathroom Additions, and Construction Contingency fundings, AND
4. That the Pinon Chapter, hereby, submits their listed proposed projects, (see Exhibit A), pursuant to CJN-29-22, to Division of Community Development ARPA Portal via our Council Delegate, Jimmy Yellowhair, for consideration by the Navajo Nation Council; AND
5. That the Pinon, hereby, submits their Chapter's listed proposed projects, (see Exhibit B), pursuant to CJN-29-22, via our Council Delegate, Jimmy Yellowhair, for ARPA funding consideration from the Delegate Regional distribution; AND



6. That the Pinon Chapter, hereby, submits, pursuant to CJN-29-22, their Chapter's listed proposed projects with listed recipients that was duly considered and recommended by Chapter Resolution to the Navajo Hopi Land Commission, (see Exhibit C), from the Navajo Partition Land allocation for Modular Homes; AND
7. That it is in the best Health interests of Pinon Chapter and its community to have the Navajo Nation Council to fully consider to fully ARPA fund all of the Pinon Chapter's listed proposed projects on the attached Exhibits.

NOW, THEREFORE, BE IT RESOLVED THAT:

THE Pinon Chapter, hereby, pursuant to CJN-29-22, Approves and Recommends The Submission of the Chapter's Proposed Projects listed on the attached Exhibit A, Exhibit B and Exhibit C for Full Fundings Consideration by the Navajo Nation Council from Funds Allocated by the United States Congress, the American Rescue Plan Act, to Combat the Health Pandemic, COVID 19.

#### CERTIFICATION

WE, the undersigned, hereby, certified that the foregoing resolution was duly considered at a duly called Pinon Chapter meeting at which a quorum was present and same was duly discussed and acted upon by a vote of 35 in favor, 0 opposed and 14 abstained On the 10th day of October, 2022, at Pinon Chapter House, the Navajo Nation, Pinon, Arizona.

Motioned by: Laverne Gorney

Seconded by: Danny Luman

Bessie S. Allen

Bessie S. Allen, Chapter President

Bill Yazzie

Bill Yazzie, Chapter Vice-President

Ramona Nalwood

Ramona Nalwood, Chapter Secretary/Treasurer

CONCURRED; Council Delegate

*Legislation CJN-29-22: \$8,802,340 mil per Delegate*

*Pinon Chapter equal distribution \$1,760,468 per 5 chapters*

<b>\$ 260,468.00</b>	<b>1</b>	<b>Septic &amp; Leech field repairs: 10 repairs @ \$20,000 each</b>
<b>\$ 1,000,000.00</b>	<b>2</b>	<b>New Housing- 5 families have HSL</b>
<b>\$ 500,000.00</b>	<b>3</b>	<b>Housing renovations @ \$5000.00 ea = 100 homes</b>
<b>\$ 1,760,468.00</b>		<b>TOTAL</b>

Legislation CJN-29-22: \$8,802,340 mil per Delegate

Pinon Chapter equal distribution \$1,760,468 per 5 chapters

\$ 260,468.00	1	Septic & Leech field repairs: 13 repairs @ \$20,000 each
\$ 1,000,000.00	2	New Housing- 10 families have HSL @ \$100,000
\$ 500,000.00	3	Housing renovations @ \$5000.00 ea = 100 homes
\$ -	4	
\$ 1,760,468.00		TOTAL




**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 0427

Date & Time Received: 3/30/23 at 14:09

Date & Time of Response: 4/5/23 at 10:50

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: Home Renovation Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$160,439

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

2.18, Housing Support: Other Housing Assistance

**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     |
| <input type="checkbox"/> Project will not be completed by 12/31/2026  | 12/31/2024  |
| <input type="checkbox"/> Ineligible purpose   | <input type="checkbox"/> Incorrect Signatory                |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports                                    | <input type="checkbox"/> Inconsistent with applicable NN or |
| <input type="checkbox"/> Additional information submitted is insufficient<br>to make a proper determination | federal laws  |

Other Comments: \_\_\_\_\_

\_\_\_\_\_

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Name of DOJ Reviewer: Rodgerick 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](mailto: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.

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Whippoorwill Date prepared: 10/21/22  
 Chapter's P.O. Box 279 phone & email: (928) 725-3728  
 mailing address: Pinon, Az 86510 website (if any): whippoorwill@navajochapters.org  
 This Form prepared by: Mareita Denny phone/email: (928) 725- 3001  
Chapter Manager whippoorwill@navajochapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Home Renovation Project

Chapter President: Aaron Yazzie phone & email: (928) 383- 2751  
 Chapter Vice-President: Gerald Ahasteen phone & email: (928) 781- 7269  
 Chapter Secretary: Phillip Tom Jr. phone & email: (928) 675- 7343  
 Chapter Treasurer: Phillip Tom Jr. phone & email: (928) 675- 7343  
 Chapter Manager or CSC: Mareita Denny phone & email: (928) 725- 3001  
 DCD/Chapter ASO: Ella M. Kay phone & email: (928) 725- 3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter Special Project Team, Qualified lowest bidder, or selected Sole Source contractor from DED's Source List ☐ document attached

Amount of FRF requested: \$160,438.14 FRF funding period: May 01, 2023 - December 31, 2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

Based on recent chapter's assessments, there were houses needing renovation. To renovate dilapidated homes, is to bring house to standardized condition, to restore families' hope for a better and healthier living condition. This renovation is an improvement for families who are living in an over crowded condition. ARPA fund will purchase housing materials using available Chapter house's material list for two/three bedroom unit. Use of available housing material list for two/three bedroom shorten the procurement process and help us meet project schedule timeline.

☐ document attached

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

Chapter intends to address the homeless and the elderlies especially in rural community. Homeless are encouraged to return to their original birth place and they are aware some homes aren't use on daily basis, thus if renovated the homeless will return and we would've remove him/her from uncontrolled COVID environment. Renovation for the elderlies will comply with US ADA Code with all the available hardwares.

☐ document attached

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

The local skilled workers renovation team will start on project May 2023: beginning with housing material procurement, delivery and Construction period will be from June 2023 to December 2025. Contractors and other skilled workers will be paid at premium pay rate. Chapter will order building material by phases of (4) and bulk purchase at same time comply with FRF/Navajo Nation Procurement and control property inventory.

☐ document attached

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

Whippoorwill Chapter Administration/Staff

☐ 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:

Prospective homeowners will be responsible for upkeep and repairs. Once renovation is completed, homeowners will sign an Occupancy Agreement. The agreement will cover proper care 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:

Housing Support: Other Housing Assistance 2.18 3.12

Renovation projects is not specifically mentioned Treasury Appendix 1 listing, this project may qualify under Other Housing Assistance

☐ document attached

### Part 3. Additional documents.

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

Occupancy Agreement  
Chapter's Subrecipient Agreement  
Chapter Resolution

☐ 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-4-P21, 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 Chapter Manager or CSC

Approved by:

signature of DCD/Chapter ASD

Approved to submit  
for Review:

signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Whippoorwill Chapter - Home Renovation Project</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@navajochapters.org</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
		Item									
NN ARPA FUNDS		5-01-2023	160,438.14	100%							
		2-31-2026									
					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			6	0	160,438.14	160,438.14
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL				\$0.00	160,438.14	160,438.14

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

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

SUBMITTED BY: <u>James Adakai, Deputy Director</u>		APPROVED BY: <u>Calvin Castillo</u>	
Program Manager's Printed Name		Division Director / Branch Chief's Printed Name	
<u>3-30-23</u>		<u>3/28/2023</u>	
Program Manager's Signature and Date		Division Director / Branch Chief's Signature and Date	



PART I. PROGRAM INFORMATION:													
Business Unit No.:	NEW	Program Name/Title:		WHIPPOORWILL CHAPTER - HOME RENOVATION PROJECT									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:													
PART III. PROGRAM PERFORMANCE CRITERIA:													
1. Goal Statement: To assist with home renovation for dilapidated homes. Program Performance Measure/Objective: Assist 40-Clients with Home Renovation.		1st QTR		2nd QTR		3rd QTR		4th QTR					
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual		
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.													
James Ada Kai, Deputy Director Program Manager's Printed Name		Calvin Castillo Division Director/Branch Chief's Printed Name											
3-30-27 Program Manager's Signature and Date		3/28/2023 Division Director/Branch Chief's Signature and Date											

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>WHIPPOORWILL CHAPTER - HOME RENOVATION PROJECT</u> Business Unit No.: <u>NEW</u>			
<b>PART II. DETAILED BUDGET:</b>			
(A)		(B)	
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6) (C)	Total by MAJOR Object Code (LOD 4) (D)
8550	Repairs and Maintenance 8725 - Supplies: Purchase building supplies to renovate 40-Homes for dilapidated homes.	160,438.14	160,438.14
TOTAL		160,438.14	160,438.14





# Whippoorwill Chapter



P.O. Box 279  
Pinon, AZ 86510  
Phone #: (928)725-3727/3728  
Fax #: (928)725-3745  
[whippoorwill@navajochapters.org](mailto:whippoorwill@navajochapters.org)

Mareita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-23

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND FORM AND EXPENDITURE PLAN TO EMPLOY LOCAL SKILLED MANPOWER TO COMPLETE CHAPTER HOME RENOVATION PROJECT WHICH TO BE FUNDED IN AMOUNT OF \$160,438.14 BY AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, AND
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the Five Personnel and Property Management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24 AND
3. The funding from American Rescue Plan Act (ARPA) was received to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Housing Support: Other Housing Assistance 2.18, 3.12, AND
4. Whippoorwill Chapter conducted a housing assessment and concluded some family would need a house renovation to decrease overcrowding condition, unhealthy living environment, dilapidated housing structures and exposed unsafe electrical wiring; and
5. It was determined during housing assessment that these dilapidated houses would require to upgrade structures and conditions of houses to Building Standard for safe living for family; and
6. This ARPA funding brings funding to stressed socioeconomic community with \$15,000 annual income with very high unemployment. This project will allow Chapter to employ trade or skilled workers to renovate houses for several months of employment and most of all this project when completed will be in the best interest of the beneficiaries.

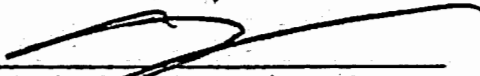
### NOW THEREFORE IT BE RESOLVE THAT:

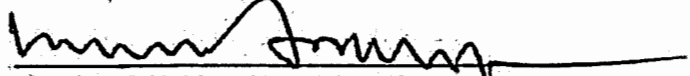
1. The Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Form and Expenditure Plan to employ local Trades and Skilled manpower to complete chapter's Home Renovation Project which will be funded in amount of \$160,438.14 by American Rescue Plan Act.
2. Whippoorwill Chapter will comply with ARPA and its regulation, and with all applicable federal and Navajo Nation laws, regulations, and policies when using the awarded fund.

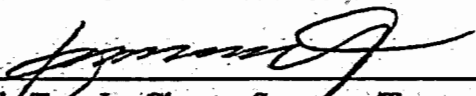
## CERTIFICATION

We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a vote 4 in FAVOR, 0 OPPOSED, and 2 ABSTAINED on the November 4<sup>th</sup>, 2022.

Motioned by Raymond Ta Second by Johnny Naize

  
\_\_\_\_\_  
Aaron Yazzie, Chapter President

  
\_\_\_\_\_  
Gerald Ahasteen, Chapter Vice President

  
\_\_\_\_\_  
Phillip Tom Jr., Chapter Secretary/Treasurer

\_\_\_\_\_  
Jimmy Yellowhair, NN Council Delegate

\_\_\_\_\_  
Albert Wartz, Grazing Official



**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 0426

Date & Time Received: 3/30/23 at 14:05

Date & Time of Response: 04/06/2023 1638

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: Septic Services Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$78,750.00

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |  |  |
|--|--|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                                       |
| <input type="checkbox"/> (3) Government Services/Lost Revenue  | <input checked="" type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

5.5 Clean Water: Other Sewer Infrastructure

<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: Erika Pirotte

Signature of DOJ Reviewer: Erika Pirotte

Digitally signed by Erika Pirotte  
Date: 2023.04.06 16:38:13 -06'00'

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@ndoj.org](mailto:arpa@ndoj.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.

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Whippoorwill Chapter Date prepared: 10/21/22

Chapter's P.O. Box 279 phone & email: (928) 725-3728

mailing address: Pinon, Az 86510 website (if any): whippoorwill@navajochapters.org

This Form prepared by: Marieta Denny phone/email: (928) 725-3728

Chapter Manager whippoorwill@navajochapters.org

CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Septic Sevices Project

Chapter President: Aaron Yazzie phone & email: (928) 383-2751

Chapter Vice-President: Gerald Ahasteen phone & email: (928) 781-7269

Chapter Secretary: Phillip Tom Jr. phone & email: (928) 675-7343

Chapter Treasurer: Phillip Tom Jr. phone & email: (928) 675-7343

Chapter Manager or CSC: Marieta Denny phone & email: (928) 725-3756

DCD/Chapter ASO: Ella M. Kay phone & email: (928) 725-3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Project will be bid out and award project to responsible bidder and must be registered with Division of Economic Development's Source List. ☐ document attached

Amount of FRF requested: \$78,750 FRF funding period: May 01, 2023 to December 31, 2026

Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

This Septic Service Project is to remove/pump sludge and scum from Septic Tank for families residing within chapter service area. This annual or bi-annual septic services has become a major expense for low-income families, since 60% of homes have water. This community is in rural and remote area located within once land disputed area. This project is a preventive maintenance service and assisting families whom are unable to pay for pumping service. Cleaning septic level is preventive health measure at this period due to constant threat of COVID.

☐ document attached

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

Maintaining the health of the families and community are best practice for keeping families safe from COVID. This project will service over 50 families. With the number of families assisted, it will help the elderlies, handicaps and Veterans ease their monthly expenses and also provide a peace of mind.

☐ document attached

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



## APPENDIX A

Procurement period: Bidding, award and contract period- March 2023. Project period June 2023 and complete by December 2023. The only challenges we anticipate is availability of contractors within our remote area.

☐ document attached

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

Whippoorwill Chapter and staff will implement this project and oversee to completion.

☐ 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:

Residents will be responsible for the operation and maintenance of their septic system and this service is one time assistance. However, chapter can assist with this septic service in the future if homeowner is an elder, hadicap or disable Veteran.

☐ 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:

Clean Water: Decentralized Wastewater 5.3

It is important to protect families' health who are residing in rural community. Inspecting the system on annual basis of home septic system and avoiding overflow saves the system.

☐ document attached

### Part 3. Additional documents.

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

Chapter Resolution

☒ 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 Prepared CONTACT PERSON

Approved by:

signature of Chapter President (or Vice-President)

Approved by:

signature of Chapter Manager or CSC

Approved by:

signature of DCD Chapter ASO

Approved to submit  
for Review:

signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: _____		NEW	Program Title: _____		Whippoorwill Chapter - Septic Service Project		Division/Branch: _____		DCD/Executive _____	
Prepared By: _____		Mareita Denny, Chapter Manager		Phone No.: _____	928-725-3727		Email Address: _____		whippoorwill@navajochapters.org	

PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NARPA FUNDS		5-01-2023 12-31-2026	78,750.00	100%							
					2001 Personnel Expenses						
					3000 Travel Expenses						
					3500 Meeting Expenses						
					4000 Supplies						
					5000 Lease and Rental						
					5500 Communications and Utilities						
					6000 Repairs and Maintenance						
					6500 Contractual Services						
					7000 Special Transactions						
					8000 Public Assistance			6	0	78,750.00	78,750.00
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL				\$0.00	78,750.00	78,750.00

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

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

SUBMITTED BY: _____	APPROVED BY: _____
James Ada Kai, Deputy Director	Calvin Castillo
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name
3-70-23	3/28/2023
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>NEW</u>		Program Name/Title: <u>WHIPPOORWILL CHAPTER - SEPTIC SERVICE PROJECT</u>					
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Goal Statement:	To assist with Septic Services Pumping to registered community members. Program Performance Measure/Objective: Assist 150-Community Members with Waterline Extension Infrastructure and connection.	1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
2. Goal Statement:									
	Program Performance Measure/Objective:								
3. Goal Statement:									
	Program Performance Measure/Objective:								
4. Goal Statement:									
	Program Performance Measure/Objective:								
5. Goal Statement:									
	Program Performance Measure/Objective:								
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
		<u>JAMES ADA KAI, Deputy Director</u> Program Manager's Printed Name		<u>Calvin Castillo</u> Division Director/Branch Chief's Printed Name		<u>3-28-23</u> Program Manager's Signature and Date		<u>3/28/2023</u> Division Director/Branch Chief's Signature and Date	

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>WHIPPOORWILL CHAPTER - SEPTIC SERVICES PROJECT</u> Business Unit No.: <u>NEW</u>			
<b>PART II. DETAILED BUDGET:</b>			
(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)
5710	Energy 5770 - Sewage: To assist 150-community members with Sewage pumping (Septic Services) @ \$525.00 = \$78,750.00.	78,750.00	78,750.00
TOTAL		78,750.00	78,750.00





# Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745



Mareita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-25

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND REQUEST FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S SEPTIC SERVICE PROJECT SUBJECT TO BE FUND IN THE AMOUNT OF \$78,750.00 BY AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, AND
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the Five Personnel and Property Management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24, AND
3. The funding from American Rescue Plan Act was received to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Water and Sewer: Other 5.18 and Housing Support: Other Housing Assistance 2.18, AND
4. The Office of Environment Health and Engineering under the 93-638 on yearly basis has continually bring clean water system to families in the remote area, including installation of septic system. However, certain families particularly the elderly realized there is a service cost to owning a septic tank, AND
5. Not just the elderly, but families with low income and overcrowded houses would need yearly service. Added to the situation, only one septic pumping service is available, and is thirty miles away and septic service includes travel and disposal cost, AND
6. This assistance conforms to our Chapter Mission Statement of protecting the public includes the elderlies, having service available for them provides a peace of mind and promotes their best interest.
7. Whippoorwill Chapter affirms that chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

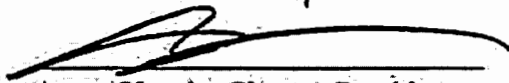
**NOW, THEREFORE IT BE RESOLVE THAT:**

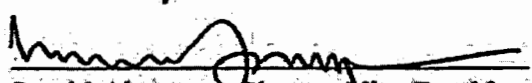
1. Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Request Form and Expenditure Plan for our Chapter's Septic Service Project subject to be fund in the amount of \$78,750.00 by American Rescue Plan act.

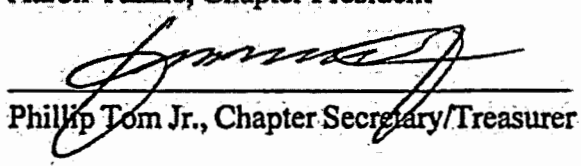
**CERTIFICATION**

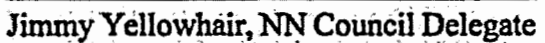
We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a vote 4 in FAVOR, 0 OPPOSED, and 2 ABSTAINED on the November 4<sup>th</sup>, 2022.

Motioned by Reynold Doe Second by Johnny Neize

  
Aaron Yazzie, Chapter President

  
Gerald Ahasteen, Chapter Vice President

  
Phillip Tom Jr., Chapter Secretary/Treasurer

  
Jimmy Yellowhair, NN Council Delegate



**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 0429

Date & Time Received: 3/30/23 at 14:18

Date & Time of Response: 4/7/23 at 12:45pm

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: Elderly Bathroom Modification

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$60,000.00

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue             | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

1.14 Other Public Health Services



<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	

[illegible]

Signature of DOJ Reviewer: Vm Blum

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](mailto: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.

Page 2 of 2

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Whippoorwill Chapter Date prepared: 10/22/23  
 Chapter's P.O. Box 279 phone & email: (928) 725- 3728  
 mailing address: Pinon, Az 86510 website (if any): whippoorwill@navajochapters.org  
 This Form prepared by: Mareita Denny phone/email: (928) 725-3001  
Chapter Manager whippoorwill@navajochapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Elderly Bathroom Modification

Chapter President: Aaron Yazzie phone & email: (928) 383- 2751  
 Chapter Vice-President: Gerald Ahasteen phone & email: (928) 781- 7269  
 Chapter Secretary: Phillip Tom Jr. phone & email: (928) 675- 7343  
 Chapter Treasurer: Phillip Tom Jr. phone & email: (928) 675- 7343  
 Chapter Manager or CSC: Mareita Denny phone & email: (928) 725- 3001  
 DCD/Chapter ASO: Ella M. Kay phone & email: (928) 725- 3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter Work Force and Special Project Team.  
 When necessary, chapter will bid out for professional trade workers, Electrician, Plummers, HVAC ☐ document attached

Amount of FRF requested: \$60,000.00 FRF funding period: May 01, 2023 to December 31, 2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

House built in rural community are not built to accommodate elderlies. This project will upgrade elderly's bathrooms by installing hardware and fixtures per American with Disability Act's (ADA) standards and recommendations. To allow wheelchair bound person to maneuver in bathroom and place non-slip floor, walkin shower, grab bars, and more. As advised by Center Disease Control, practice of good hygiene is one method and considered as a best defense against COVID.

☐ document attached

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

The Navajo elderlies will be the primary beneficiaries and will decrease bathroom injuries by 75%.. The bathroom will provides safe and healthy accomodation for the elderlys because they are the vulnerable age group susceptible to wide range of pathogens, mainly COVID. Upon completion of the bathroom projects, the elderlies will be safe and protected.

☐ document attached

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

Projects will be assign to our Special Project Work Team, to begin on July 2023 and complete by October 2024. Procuring bathroom material and supplies will take some time to aquire due to our compliance with Nation's Procurement Policy. Chapter suspects that other chapters will be seeking similiar quotes for same projects. If necessary, project can be bid out; however, a rush to find Contractors are expected also.

☐ document attached

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

Whippoorwill Chapter will implement this project and responsible for bathroom modification for compliance with ADA requirements.

☐ 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.

Once completed, homeowners will be responsible for upkeep and maintenance. Chapter will monitor and conduct periodic review after completion for any repairs.

☐ 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:

Water and Sewer: Others 5.18

Housing Support: Other Housing Assiostance 2.18 3.12 Social Determinants of Health: Community Health Workers or Benefits Navigators.

☐ document attached

### Part 3. Additional documents.

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

Chapter Resolution

Bathroom Material and Supply List per ADA Code

☐ Chapter Resolution attached

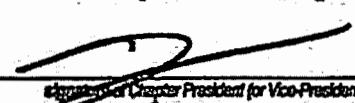
### Part 4. Affirmation by Funding Recipient.

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 Preparer/CONTACT PERSON

Approved by:

  
signature of Chapter President (or Vice-President)

Approved by:

  
signature of Chapter Manager or CSC

Approved by:

  
signature of DCD Chapter ASO

Approved to submit  
for Review:

  
signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Whippoorwill Chapter - Bathroom Modification Project</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@navajochapters.org</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN ARPA FUNDS		5-31-25 12-31-26	60,000.00	100%							
					2001 Personnel Expenses						
					3000 Travel Expenses						
					3500 Meeting Expenses						
					4000 Supplies						
					5000 Lease and Rental						
					5500 Communications and Utilities						
					6000 Repairs and Maintenance						
					6500 Contractual Services						
					7000 Special Transactions						
					8000 Public Assistance			6	0	60,000.00	60,000.00
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL				\$0.00	60,000.00	60,000.00

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

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

SUBMITTED BY: <u>James Adaker, Deputy Director</u>	APPROVED BY: <u>Calvin Castillo</u>
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name
<u>3-30-23</u>	<u>3/28/2023</u>
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

FY 2023

PART I. PROGRAM INFORMATION:		WHIPPOORWILL CHAPTER - BATHROOM MODIFICATION PROJECT																																	
Business Unit No.:	NEW	Program Name/Title:																																	
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:																																			
PART III. PROGRAM PERFORMANCE CRITERIA:																																			
1. Goal Statement:	<table border="1"> <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></td> </tr> </table>											1st QTR		2nd QTR		3rd QTR		4th QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual								
1st QTR		2nd QTR		3rd QTR		4th QTR																													
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual																												
To assist with Elderly Bathroom Modification.																																			
Program Performance Measure/Objective:																																			
Assist 15-Elderlys with Bathroom Modification Renovation.	15																																		
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.																																			
<table border="0"> <tr> <td>James Adakai, Deputy Director</td> <td>Calvin Castillo</td> </tr> <tr> <td>Program Manager's Printed Name</td> <td>Division Director/Branch Chief's Printed Name</td> </tr> <tr> <td>3-3023</td> <td>3/28/2023</td> </tr> <tr> <td>Program Manager's Signature and Date</td> <td>Division Director/Branch Chief's Signature and Date</td> </tr> </table>												James Adakai, Deputy Director	Calvin Castillo	Program Manager's Printed Name	Division Director/Branch Chief's Printed Name	3-3023	3/28/2023	Program Manager's Signature and Date	Division Director/Branch Chief's Signature and Date																
James Adakai, Deputy Director	Calvin Castillo																																		
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3-3023	3/28/2023																																		
Program Manager's Signature and Date	Division Director/Branch Chief's Signature and Date																																		

THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>WHIPPOORWILL CHAPTER - BATHROOM MODIFICATION PROJECT</u> Business Unit No.: <u>NEW</u>			
<b>PART II. DETAILED BUDGET:</b>			
<b>(A)</b> Object Code (LOD 6) 8500 Infrastructure - (non-cap) 8535 - Bathroom Addition; Assist 15-Elderlies with Bathroom Modification @ \$4,000.00 = \$60,000.00	<b>(B)</b> Object Code Description and Justification (LOD 7)	<b>(C)</b> Total by DETAILED Object Code (LOD 6) 60,000.00	<b>(D)</b> Total by MAJOR Object Code (LOD 4) 60,000.00
<b>TOTAL</b>		60,000.00	60,000.00

## PROJECT BUDGET SCHEDULE

# PROJECT FORM

<b>PART I.</b>		<b>PART II.</b>	
Business Unit No.: <u>NEW</u>		Project Information	
Project Title: <u>Whippoorwill Chapter Elderly Bathroom Makeover Project</u>		Project Type: <u>Elderly Bathroom Makeover</u>	
Project Description <u>Renovate elderlie's bathroom for better sanitized facility against COVID-19 virus</u>		Planned Start Date: <u>May 01, 2023</u>	
		Planned End Date: <u>December 31, 2026</u>	
Check one box: <input checked="" type="checkbox"/> Original Budget		Project Manager <u>Marella Denny</u>	
		<input type="checkbox"/> Budget Revision	
		<input type="checkbox"/> Budget Reallocation	
		<input type="checkbox"/> Budget Modification	

PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																Expected Completion Date if project exceeds 8 FY Qtrs.	
	FY 2023								FY 2024									
	1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.		1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.		Date <i>Dec. 31, 2026</i>	
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J		F
General Requirements/Assessment Material Estimate/Purchase Materials Construction (Local Manpower) Inspection Completion/Closeout							X	X										
							X	X										
PART V. Expected Quarterly Expenditures	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	PROJECT TOTAL \$60,000.00

**FOR OMB USE ONLY:**  
Resolution No: \_\_\_\_\_  
FMIS Set Up Date: \_\_\_\_\_  
Company No: \_\_\_\_\_  
OMB Analyst: \_\_\_\_\_



# Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745



Marcita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-22

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND REQUEST FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S ELDERLY BATHROOM MODIFICATION PROJECT SUBJECT TO BE FUND IN THE AMOUNT OF \$60,000.00 BY AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, and
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the five personnel and property management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24, and
3. Whippoorwill Chapter is fortunate to have over two hundred elderlies, and most does not have indoor plumbing system. Majority of elderly houses are not to Code with American with Disability Act which the building code is designed to provide safe living area with all the accessories and hardware, such as grab bars, non-slip floor, walk-in shower, and room for wheelchair; and
4. There have been several bathroom injuries to the elderlies as reported and the recorded accidents have increased to 80%. The group "Baby Boomers" have reached senior age and they preferred to remain in their own house rather than to live in a nursing home. The same house they lived in for years does not accommodate today's elderlies; and
5. The funding from American Rescue Plan Act was received to combat and mitigate COVID-19, thereby, this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Water and Sewer: Other 5.18 and Housing Support: Other Housing Assistance 2.18 and 3.12. This assistance conforms to our Mission Statement of protecting the general public includes the elderlies; with the services, the elderlies are provided the peace of mind and their best interest are preserved.
6. Whippoorwill Chapter affirms that chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.



**NOW THEREFORE IT BE RESOLVED THAT:**

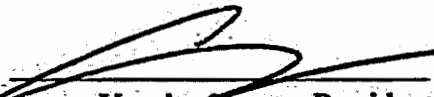
1. The Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Request Form and Expenditure Plan for chapter's Elderly Bathroom Modification Project subject to be fund in the amount of \$60,000.00 by American Rescue Plan Act.

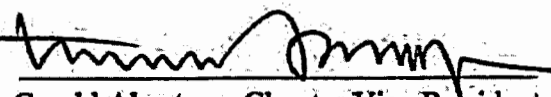
**CERTIFICATION**

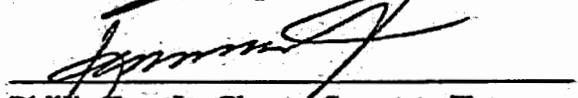
We, the undersigned certify the foregoing resolution was presented to the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, USA at which a quorum was present that same day and was passed by a vote 4 in FAVOR, 0 OPPOSED, and 2 ABSTAINED on the 4<sup>th</sup> day of November 2022.

Motioned by Raymond Joe

Second by Johnny Naize

  
Aaron Yazzie, Chapter President

  
Gerald Ahasteen, Chapter Vice President

  
Philip Tom Jr., Chapter Secretary/Treasurer

  
Jimmy Yellowhair, NN Council Delegate

  
Albert Wartz, Grazing Representative



**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 0430

Date & Time Received: 3/30/23 at 14:22

Date & Time of Response: 04/05/223 at 1135

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: New Home Waterline Project

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$48,000

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |  |  |
|--|--|
| <input type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                                       |
| <input type="checkbox"/> (3) Government Services/Lost Revenue  | <input checked="" type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

5.11, Drinking Water: Transmission and Distribution



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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Whippoorwill Chapter Date prepared: Nov. 21, 2022

Chapter's P.O. Box 279 phone & email: (928) 725-3728  
mailing address: Pinon, Az 86510 website (if any): whippoorwill@navajochapters.org

This Form prepared by: Mareita Denny phone/email: (928) 725-3728  
Chapter Manager whippoorwill@navajochapters.org  
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: New Home Waterline Project

Chapter President: Aaron Yazzie phone & email: (928) 383-2751

Chapter Vice-President: Gerald Ahasteen phone & email: (928) 781-7251

Chapter Secretary: Phillip Tom Jr. phone & email: (928) 675- 7343

Chapter Treasurer: Phillip Tom Jr. phone & email: (928) 675- 7343

Chapter Manager or CSC: Mareita Denny phone & email: (928) 725- 3756

DCD/Chapter ASO: Ella Kay phone & email: (928) 725- 3728

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter intends to contract this project out to local contractors using DCD Source List or Sole Source and Coordinate this project with NTUA or OEH. ☐ document attached

Amount of FRF requested: \$48,000.00 FRF funding period: May 01, 2023 to December 31, 2026  
Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

This New Home Waterline Project will be planned immediately as project is nearing completion due to NTUA's set schedule. Application for water connection for new home must be submitted earlier with NTUA Office to make it part of their job list. New Home are provided to families whom are vulnerable to contracting virus particular COVID who are the elderlies, handicapped, disable person and younger kids.

☐ document attached

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

New Home Project benefits the elderlies, handicaps, disabled Veterans and any families who lived in dilapidated shelters. Any Right of Ways for water lines to new home will first be studied if Right of Way can be waived. Discussion on Right of Way issue will be cleared by NTUA or BIA before completion of Home construction.

☐ document attached

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

## APPENDIX A

Waterline for New completed Home application must be submitted on January 2024 prior completion of New Home by December 2025. Local utility company NTUA or other local company may have full schedule for similar project.

☐ document attached

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

Whippoorwill Chapter will implement this project and coordinate waterline construction with NTUA or OEH.

☐ 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:

Home owners will be responsible for maintenance as required by NTUA from water meter to the house and NTUA is responsible from main waterline to home's water meter. This is a standard respective cost operation duties between the NTUA and homeowners.

☐ 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:

Fiscal Recovery Fund expenditure categories- 5.15 Drinking Water: Other water infrastructure

To complete New Home construction, basic utility connection budget is necessary.

☐ document attached

### Part 3. Additional documents.

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

Chapter Waterline Project Resolution will be 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 Chapter Preparer

Approved by:

Signature of Chapter President (or Vice-President)

Approved by:

Signature of Chapter Manager or CSO

Approved by:

Signature of DCD Chapter ASO

Approved to submit  
for Review.

Signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Whippoorwill Chapter - Waterline Infrastructure Project</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@navajochapters.org</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
		Item									
NN ARPA FUNDS		5-01-2023	48,000.00	100%							
		12-31-2023									
					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			6	0	48,000.00	48,000.00
					9000 Capital Outlay						
					9500 Matching Funds						
					9500 Indirect Cost						
					TOTAL				\$0.00	48,000.00	48,000.00

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

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

SUBMITTED BY: James Adetaki, Deputy Director APPROVED BY: Calvin Castillo

Program Manager's Printed Name Division Director / Branch Chief's Printed Name

Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

3-3-23 3/28/2023

THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:		WHIPPOORWILL CHAPTER - WATERLINE EXTENSION PROJECT									
Business Unit No.:	NEW	Program Name/Title:									
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:											
PART III. PROGRAM PERFORMANCE CRITERIA:		1st QTR		2nd QTR		3rd QTR		4th QTR			
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual		
1. Goal Statement:											
To assist community members with Waterline Infrastructure and Connections.											
Program Performance Measure/Objective:											
Assist 3-Clients with Waterline Extension Infrastructure and connection.								3			
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.											
James Akekei, Deputy Director		Calvin Castillo									
Program Manager's Printed Name		Division Director/Branch Chief's Printed Name									
3-30-23		3/28/2023									
Program Manager's Signature and Date		Division Director/Branch Chief's Signature and Date									





THE NAVAJO NATION  
PROJECT BUDGET SCHEDULE

<b>PART I.</b>		Business Unit No.: NEW		<b>PART II.</b>		Project Information	
Project Title:		Whippoorwill Chapter Waterline Extension Project		Project Type:		Waterline Extension Project	
Project Description:		Waterline Extension for new unit houses.		Planned Start Date:		May 01, 2023	
Check one box:		<input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification		Planned End Date:		December 31, 2026	
				Project Manager:		Maretha Denny	

PART III.  List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.								Expected Completion Date if project exceeds 8 FY Qtrs. Dec. 31, 2026	
	FY 2023				FY 2024					
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.		
1) Assessment/Eligibility - New Homes		X X								
2) Utility/Clearances - ROW			X X							
3) Draw Sole Source Contract - Submit Sole Source Contract to DOJ - Award Contract with Drawdown @ 50%				X						
5) Construction - Inspection					X	X	X	X	X	
6) Completion - Final Inspection										X
7) Close Out - Compile Reports/Expenditures - Final Payout										X X X
PART V.  Expected Quarterly Expenditures	\$	\$	\$	\$	\$	\$	\$	\$	\$	PROJECT TOTAL
	0.00		0.00	24,000.00	0.00	0.00	0.00	24,000.00	\$48,000.00	



# Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745



Marcita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Abasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-26

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND REQUEST FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S NEW HOME WATERLINE PROJECT SUBJECT TO BE FUND IN THE AMOUNT OF \$48,000.00 BY AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, and
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the five personnel and property management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24, and
3. The funding from American Rescue Plan Act was received to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Drinking Water: Other water infrastructure, AND
4. Whippoorwill Chapter has prepared project under American Rescue Plan Act to construct to new homes with waterline connection that would complement the newly constructed house, in addition septic system with leach field will be included in construction, AND
5. Most selected families house will be built near existing powerline and waterline to qualify for a waiver of Right of Way by NTUA that will avoid a lengthy process, these type of cooperation between the agencies have always been in the best interest of the people.

### NOW THEREFORE IT BE RESOLVE THAT:

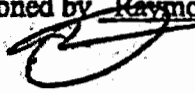
1. The Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Form and Expenditure Plan for New Home Waterline Project subject to be funded in amount of \$48,000.00 by American Rescue Plan Act.
2. Whippoorwill Chapter hereby affirms that the chapter will only use awarded Fiscal Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulation, and policies.

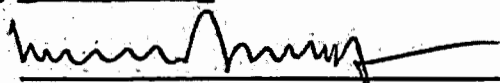
## CERTIFICATION


We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a Vote 04 in FAVOR, 0 OPPOSED, and 02 ABSTAINED on the November 4<sup>th</sup>, 2022.

Motioned by Raymond Joe

Second by Johnny Naize

  
\_\_\_\_\_  
Aaron Yazzie, Chapter President

  
\_\_\_\_\_  
Gerald Ahasteen, Chapter Vice President

  
\_\_\_\_\_  
Phillip Tom Jr., Chapter Secretary/Treasurer

\_\_\_\_\_  
Jimmy Yellowhair, NN Council Delegate

\_\_\_\_\_  
Albert Wartz, Grazing Official



**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 0431

Date & Time Received: 3/30/23 at 14:31

Date & Time of Response: 4/5/23 at 11:00

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: New House Construction

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$722,753.47

**Eligibility Determination:**

- ☒ FRF eligible  
☐ FRF ineligible  
☐ Additional information requested

**FRF Eligibility Category:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (1) Public Health and Economic Impact | <input type="checkbox"/> (2) Premium Pay                            |
| <input type="checkbox"/> (3) Government Services/Lost Revenue             | <input type="checkbox"/> (4) Water, Sewer, Broadband Infrastructure |

**U.S. Department of Treasury Reporting Expenditure Category:** \_\_\_\_\_

2.15, Long-term Housing Security: Affordable Housing

**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     |
| <input type="checkbox"/> Project will not be completed by 12/31/2026      | 12/31/2024  |
| <input type="checkbox"/> Ineligible purpose                               | <input type="checkbox"/> Incorrect Signatory                |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports  | <input type="checkbox"/> Inconsistent with applicable NN or |
| <input type="checkbox"/> Additional information submitted is insufficient | federal laws  |
| to make a proper determination  |   |

Other Comments: Occupancy Agreement would need to be reviewed. Sole source request from the Chapter is unlikely.

Name of DOJ Reviewer: Rodgerick 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](mailto: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.

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: WHIPPOORWILL CHAPTER Date prepared: 03/01/2023

Chapter's PO Box 279 phone & email: 505-979-3001/928-725-3727

Mailing address: Pinon, Arizona 86510 website (if any): m\_denny@nnchapters.org

This Form prepared by: Mareita Denny, Chapter Manager phone/email: 505-979-3001/m\_denny@nnchapters.org

MAREITA DENNY, Chapter Manager 505-979-3001/928-725-3727

CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: NEW HOUSE CONSTRUCTION

Chapter President: Aaron Yazzie phone & email: 928-383-2751

Chapter Vice-President: Gerald Ahasteen phone & email: 928-781-7269

Chapter Secretary: Phillip Tom, Jr. phone & email: 928-675-7343

Chapter Treasurer: Phillip Tom, Jr. phone & email: 928-725-7343

Chapter Manager or CSC: Mareita Denny, Chapter Manager phone & email: 505-979-3001

DCD/Chapter ASO: Ella Kay, Administ. Assistant phone & email: 928-725-3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter will hire a Contractor, qualified bidder, or selected Contractor from DED Source List and/or Sole Source Procurement. ☐ document attached

Amount of FRF requested: 722,753.47 FRF funding period: May 01, 2023 to December 31, 2026

Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

This project will build new homes for families in overcrowding and unhealthy living conditions. New homes provide safe and sanitized environment which reduces rapid spreading of COVID-19. This project includes homes for homeless and families living in dilapidated house and overcrowded living conditions. The Contractor will be responsible for all material purchases transactions and utility infrastructure for these new houses. Every effort will be considered to build near existing utilities infrastructure. Based on housing needs assessments conducted by the chapter, housing assistance is in dire need and assistance will be for registered community voters.

☐ document attached

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

New House construction for the community will decrease homeless population and provide better healthier living condition and warm home for the winter or cooler summers. New house increases better sanitized living condition with indoor plumbing/water facilities and with less exposure to COVID-19.

☐ document attached

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

## APPENDIX A

Advertisement for New House Construction projects: March 2023

Award Contract: May 2023

Completion Date: January 2025

We anticipate a volume of housing constructions occurring at same time with other chapters and will create a housing supplies in demand which would affect the cost of material.

☐ document attached

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

Whippoorwill Chapter administration/staff

☐ 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:

Once completion of house, it will be turnover to homeowner by signing an Occupancy Agreement, thereby becoming responsible for upkeep and maintenance/repairs.

☐ 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:

Long-term Housing Security: Affordable Housing 2.15 3.10

Whole new house will secure family for a life time.

☐ document attached

### Part 3. Additional documents.

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

Occupancy Agreement

Chapter Resolution

☒ 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 Chapter Manager or CSC

Approved by:

  
signature of DCD Chapter ASO

Approved to submit  
for Review:

  
signature of DCD Director

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Whippoorwill Chapter - New House Construction</u>		Division/Branch: <u>DCD/Executive</u>				
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@navajochapters.org</u>				
PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN ARPA FUNDS	5-01-23 12-31-26	722,753.47	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance	6	0	722,753.47	722,753.47
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	722,753.47	722,753.47
				PART IV. POSITIONS AND VEHICLES				
						(D)		
						(E)		
				Total # of Positions Budgeted:		0	0	0
				Total # of Vehicles Budgeted:		0	0	0
				TOTAL: \$722,753.47 100%				
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>James Adaki, Deputy Director</u>				APPROVED BY: <u>Calvin Castillo</u>				
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name				
<u>James Adaki</u>				<u>Calvin Castillo</u>				
Program Manager's Signature and Date				Division Director / Branch Chief's Signature and Date				
<u>[Signature]</u> 3-30-23				<u>[Signature]</u> 3/30/2023				



PART I. PROGRAM INFORMATION:											
Business Unit No.:	NEW	Program Name/Title:		WHIPPOORWILL CHAPTER -NEW HOUSE CONSTRUCTION PROJECT							
PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:											
PART III. PROGRAM PERFORMANCE CRITERIA:											
1. Goal Statement:		1st QTR		2nd QTR		3rd QTR		4th QTR			
To assist with New Unit Houses.		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Program Performance Measure/Objective:											
Assist 3-Clients with new (1)2-Bedroom, (1)2-Bedroom, (1)5-Bedroom Houses.										3	
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.											
James Adaka, Deputy Director						Calvin Castillo					
Program Manager's Printed Name						Division Director/Branch Chief's Printed Name					
3-30-23						3/30/2023					
Program Manager's Signature and Date						Division Director/Branch Chief's Signature and Date					

PART I. PROGRAM INFORMATION:

Program Name/Title:

WHIPPOORWILL CHAPTER - NEW HOUSE CONSTRUCTION PROJECT

Business Unit No.:

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)
6500	<div>Constructural Services</div> <div>10% design</div> <div>80% Construction</div> <div>10% Contingency</div>	<div>\$ 722,753.47</div> <div>\$ 72,275.35</div> <div>\$ 578,202.77</div> <div>\$ 72,275.35</div>	<div>722,753.47</div> <div>72,275.35</div> <div>578,202.77</div> <div>72,275.35</div>
TOTAL		\$ 722,753.47	722,753.47

**THE NAVAJO NATION  
 DETAILED BUDGET AND JUSTIFICATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>WHIPPOORWILL CHAPTER - NEW HOUSE CONSTRUCTION PROJECT</u> Business Unit No.: <u>NEW</u>			
<b>PART II. DETAILED BUDGET:</b>			
(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)
6500	Constructural Services  10% design 80% Construction 10% Contingency	\$ 722,753.47	\$ 722,753.47
<b>TOTAL</b>		\$ 722,753.47	\$ 722,753.47





# Whippoorwill Chapter

P.O. Box 279  
Pinon, AZ 86510

Phone #: (928)725-3727/3728/Fax: (928) 725-3745

Email: [whippoorwill@navajochapters.org](mailto:whippoorwill@navajochapters.org)



Marcita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate

Aaron Yazzie, President

Gerald Ahasteen, Vice-President

Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-29

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND FORM AND EXPENDITURE PLAN FOR OUR CHAPTER'S NEW HOUSE CONSTRUCTION PROJECT SUBJECT TO BE FUNDED IN AMOUNT OF \$722,753.47 BY AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, AND
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the Five Personnel and Property Management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24 AND
3. Navajo Nation received American Rescue Plan Act fund to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Long-term Housing Security: Affordable 2.15, 3.10, AND
4. Whippoorwill Chapter conducted a housing assessment and concluded some family would need a completely new house to decrease overcrowding condition, unhealthy living environment, dilapidated housing structures and exposed unsafe electrical wiring; AND
5. This project will benefit the homeless and selected families are found to be living near the power and water lines, and the families have approved homesite lease and are considered "shovel ready" project; AND
6. The Whippoorwill community social-economic condition is considered below the minimum income level per State and National Income Guideline; therefore, this project is in their interest to receive American Rescue Plan Act funding for new house.

### NOW THEREFORE IT BE RESOLVE THAT:

1. The Whippoorwill hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Form and Expenditure Plan for our chapter's New House Construction Project subject to be funded in amount of \$722,753.47 by American Rescue Plan Act.
2. Whippoorwill Chapter hereby affirms that the chapter will only use awarded Fiscal Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulation, and policies.

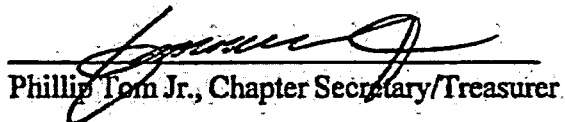
### CERTIFICATION

We, the undersigned hereby certify that the foregoing resolution was considered by the Whippoorwill Chapter at a duly called meeting at Whippoorwill, Arizona, Navajo Nation, at which a quorum was present and the same was passed by a vote 4 in FAVOR, 0 OPPOSED, and 2 ABSTAINED on the November 4<sup>th</sup>, 2022.

Motioned by RATMONS JIE Second by JOHNNY NARCE

  
Aaron Yazzie, Chapter President

  
Gerald Ahasteen, Chapter Vice President

  
Phillip Tom Jr., Chapter Secretary/Treasurer

\_\_\_\_\_  
Jimmy Yellowhair, NN Council Delegate

\_\_\_\_\_  
Albert Wartz, Grazing Official



# Whippoorwill Chapter

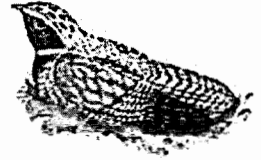
P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745

[whippoorwill@navajochapters.org](mailto:whippoorwill@navajochapters.org)



Mareita Denny, Chapter Manager

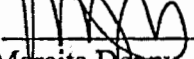
Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## MEMORANDUM

March 22, 2023

TO: Department of Justice  
Window Rock, AZ

FROM:   
Mareita Denny, Chapter Manager  
Whippoorwill Chapter

SUBJECT: Requesting an Approval for Sole Source

Whippoorwill Chapter planned to construct three residential homes for disabled elderly and veterans, handicapped, and homeless. The recipients' families are in an overcrowded situation and living in dilapidated homes. Whippoorwill Chapter is in an extremely rural community and no active businesses or structures within our community. The income level is far below the Arizona Poverty Level at \$11,000 a year and geographically isolated from mainstream communities.

Beginning from March 2022, the reconstruction of a new Whippoorwill Chapter House began after it was destroyed by fire in January 2022 and most likely caused by arson. The actions were obvious, but it was never investigated by the Nation. During chapter house reconstruction, Contractor MOB experienced additional costs associated with transporting housing material, equipment rentals, concrete, and a lack of skilled workers and professional journeymen for the construction project. However, MOB did handle and manage the budget constraints with careful direction to meet the project deadline in a rural area.

The use of the Sole Source process as stated in our Five Management System at Procurement Management Policies and Procedures VII is an available path when necessary. Sole Sourcing provides for instruction and procedures to justify Sole Source use. Therefore, we present these non-competitive justifications to use Sole Sourcing to construct four new houses under American Rescue Plan Act funding:

1. The isolated location of Whippoorwill Chapter does not provide an environment for a competitive process and provides unnecessary delays for projects.
2. Whippoorwill community faces a tremendous challenge of having a rural, isolated location in Indian Country, which is significant and, in most cases, not easily identified by federal or Navajo Nation officials.
3. Tribal land status does not provide for land ownership and in a rural, isolated setting such as Whippoorwill Chapter the ability for residents to obtain affordable housing is very difficult.
4. There are several dilapidated homes that house vulnerable families, who do not have the financial income necessary to overcome the barrier of the expense of large repairs such as roof replacement.
5. To transport goods and services, businesses attach an additional 18% to all services or goods delivered to our community because of its rural location which will make it difficult to obtain the best value pricing. This can push project cost beyond the project allocation that can lead to high-risk failure. All deliveries that travel into Whippoorwill share one paved road with residents and that does not come straight to Whippoorwill.
6. Market research provides that the nearest home supply businesses are a 150-mile drive (two hours and thirty minutes) for lumber, windows, doors, hardware, roofing, and other supplies associated with building a new house.
7. Additionally, renting heavy equipment for the job can substantially increase costs for a project making it unattractive and difficult for bidders to provide a competitive bid.
8. Whippoorwill community has 85 miles of dirt roads and only one paved road which ends at the next chapter house. Then all commuters must enter the paved road to purchase their essentials.

Our justification meets and supports the Treasury Policy on use of Sole Source for American Rescue Plan Act.



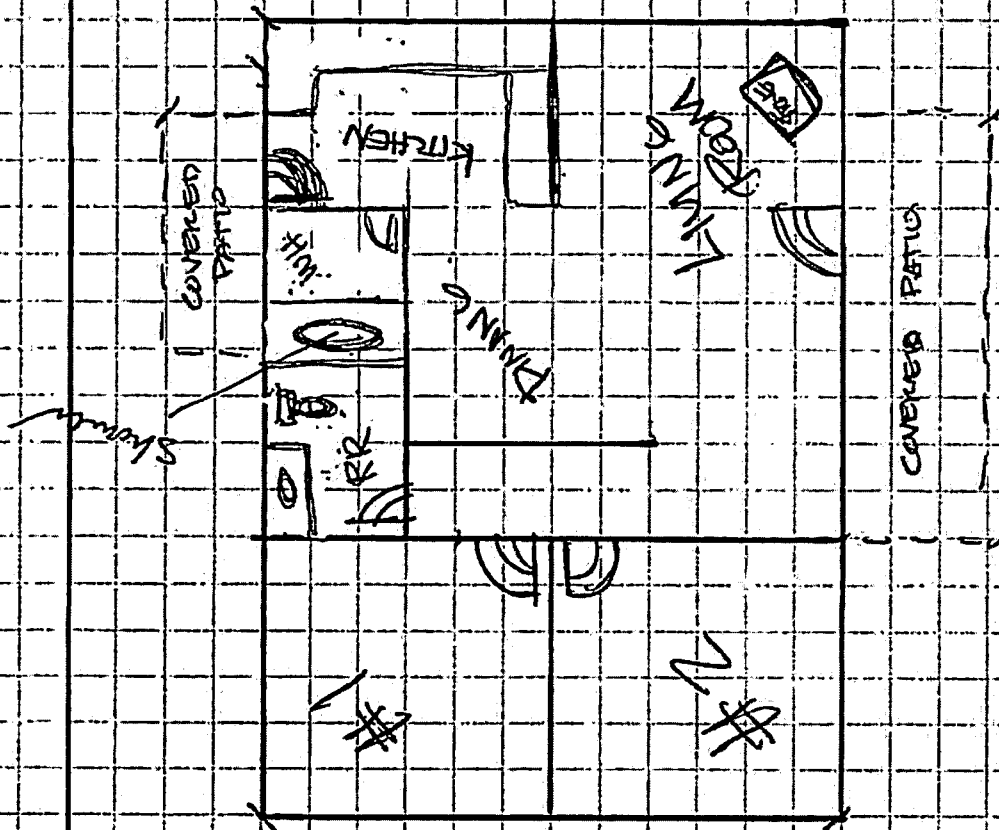
— 2 BEDROOM

24 X 34

— LAP SIDING

— METAL PANEL ROOF

— CAR PORT

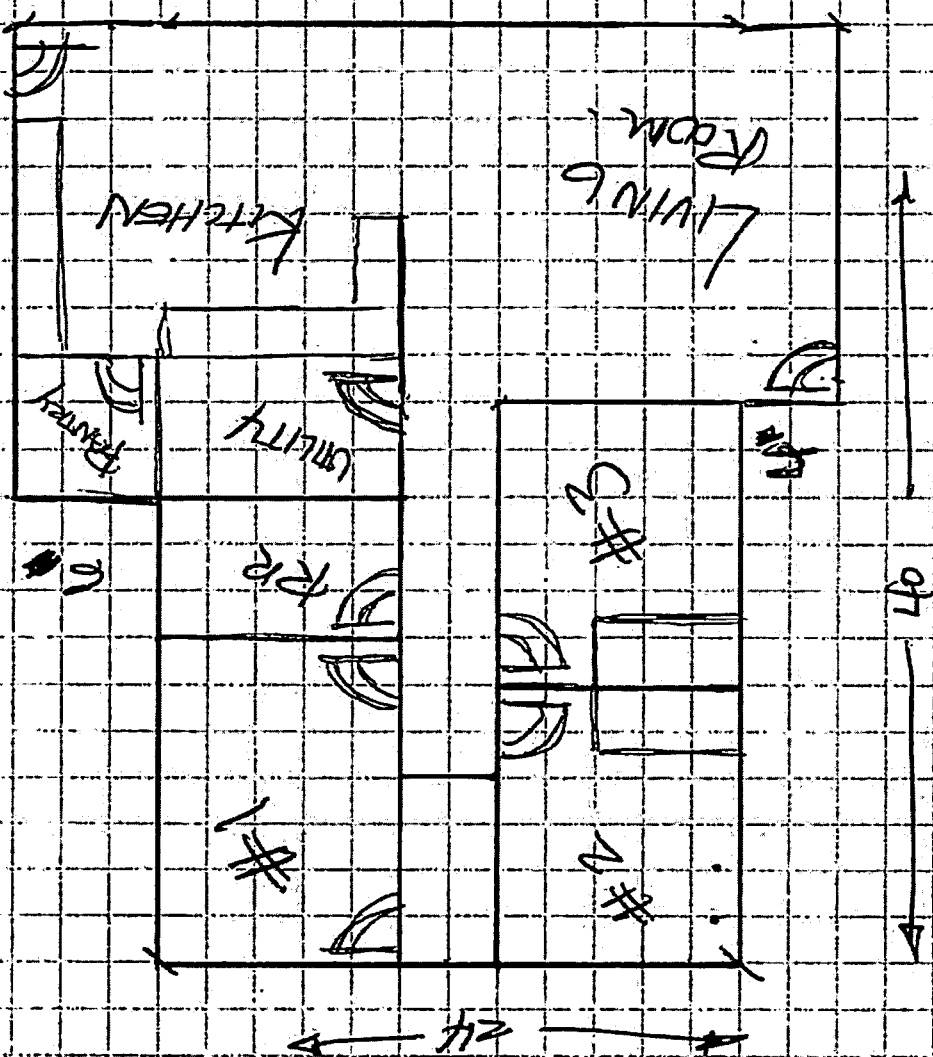


— 3 BEDROOM

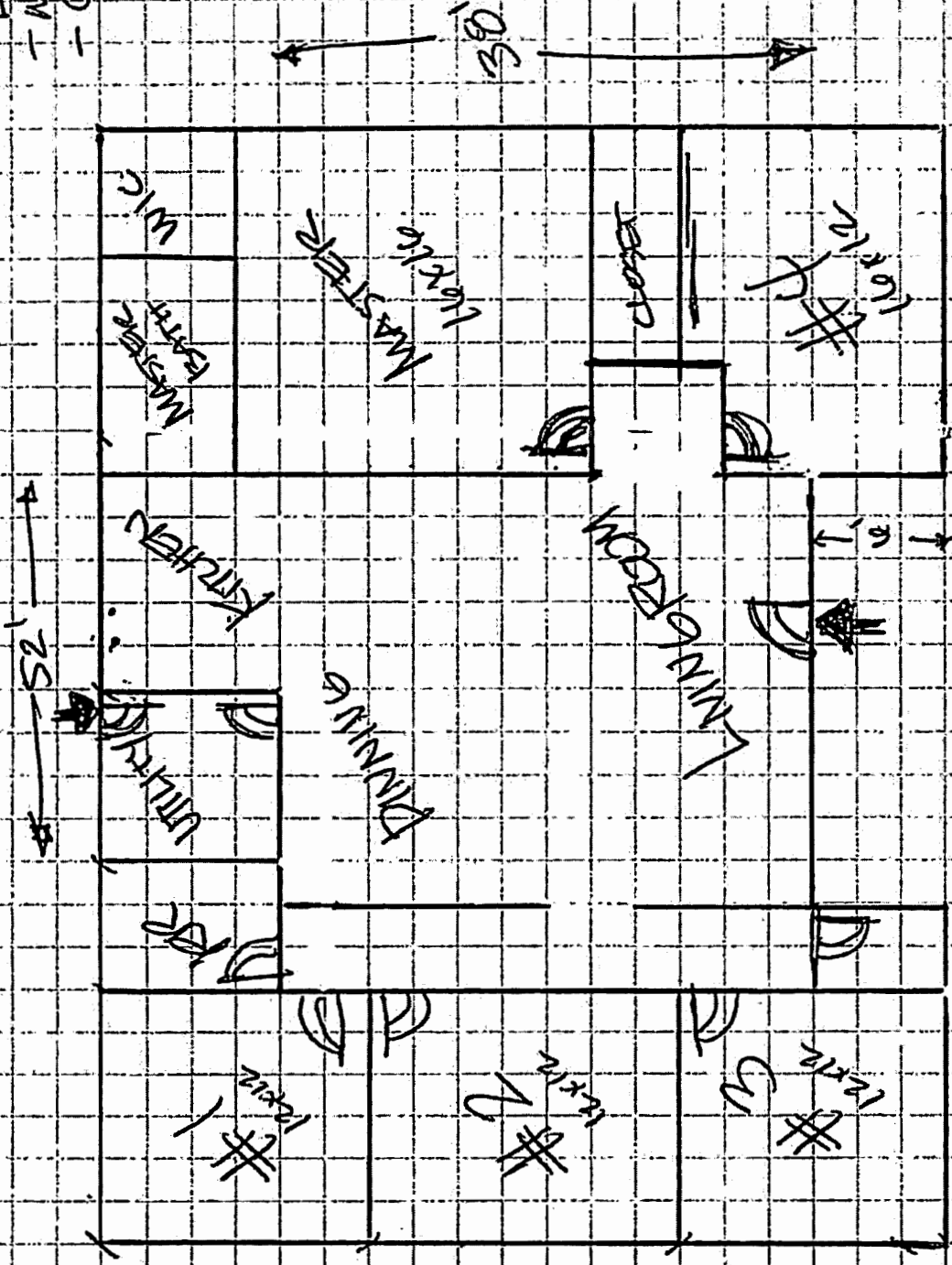
— LAP SIDING

— METAL PANEL ROOF

— CAB PORCH



- CONCRETE SLAB
- LAP SIDING
- METAL ROOF (PANEL)
- GARPORT



1/2 DOWN  
\$1000.00

### **ADDITIONAL INFORMATION:**

- 1. What are the criteria to be approved for a new home/how will recipients be selected? Please be specific, including any family size and income limitations, as well as any other specific needs of the intended recipients.**

**Answer (a):** "In Navajo teaching it is said a home is a strong indicator of true stability, a home is a strength for family's prayer, song and teaching of life".

To fulfill the chapter membership's needs, the Whippoorwill Chapter administration undertook the task to conduct community housing needs assessment(s) assisting the chapter memberships with housing applications to determine the needs of their requests. Exhibit "A" application on file as specific needs confidential information. For every specific major project as Housing Needs, assessments are continual or ongoing and moving forward. Attached Exhibit "A", Whippoorwill Chapter Housing Application and Process for eligibility and Ranking/Eligibility Forms.

**Answer (b):** Whippoorwill Chapter Housing Client Applications when completed indicates, Family Composition for household members including applicant and client characteristics as elderly, disability, children employed or unemployed.

**NOTE:** An elderly person is an individual 60 years of age or older and determination of whether a family member in the household is disabled or handicap through means of written verifications i.e. Social Services, Federal, State or other Agency Sources. The Whippoorwill Chapter as sub grantee observes visible handicap. Any Family Size – Family size is determined based on application filed, which has a list of family members in the household.

**Answer (c):** Income Limitations: For household members including applicant's "Source of Income" such as employment, Social Security, Social Supplemental, Retirement, Tribal Assistance, etc. are determined along with family composition using client application and Whippoorwill Chapter Housing Discretionary Policy and Procedures in areas of Income Guidelines.

**Answer (d):** As well as other specific needs – Other specific needs are determined based on application on filed, such as elderly, disabled, handicap, homeless, and dilapidated home structure and etc.

The selected family will have an approved Homesite Leases and to ensure that all utilities are nearby for easy connections.

- 2. Please describe in more detail the homes to be built, including square footage, number of bedrooms, etc.:**

**Answer (a):** The Whippoorwill Chapter's primary consideration for the "Intent for Labor Commitment" is to obtain or hire a Contractor for the Housing Construction Project, due to the

Whippoorwill Chapter will commit to completing this project in a timely manner from the date of the fund appropriation. It will be the responsibility of the Contractor for the Plan and Designing of floor plans and square footages for each home. Attached: Exhibit "B".

3. Please describe how the estimate size and cost per home compares to homes already existing in the area these homes will be located.

Answer (a): It will be the hired Contractors responsibility in addition to its Plan and Design of the homes to provide cost per home for each size home to be built whether a 1-bedroom, 2-bedrooms or 3-bedroom conform to Federal Housing Standard Square Footage. It is the LMC's intent to negotiate a reasonable cost effectiveness for the homes to be built, the Chapter is aware of the continuing rise in the general price level of materials and labor attributed to COVID-19 and to an increase in the volume of money and credit. Homes were cheaper or were constructed with less cost maybe prior to 2020 compared to today. The cost of building a house in rural community has its drawback to building supplies. High cost is associated with the delivery and trades people in rural area.

1-Bedroom size: 16x28

2-Bedroom size: 24x34

3-Bedroom size: 34x40

4. Please explain whether the home construction projects would qualify for any federally funded housing programs, including but not limited to the National Housing Trust Fund, Indian Housing Block Grant program, the Indian Community Development Block Grant program, or the Bureau of Indian Affairs Housing Improvement Program.

Answer (a): The New House will be constructed by a Contractor and will have a certified Blue Print Design and the Contractor will comply with the Housing Development Specifications, NTUA, IHS and ADA requirements. And upon completion, the Contractor shall release the design and the cost to the homeowner qualifications for programs, whether Block Grant Programs, Bureau of Indian Affairs (BIA), etc. Yes, these Home Construction Project, based on good applications, proposals and cost estimate effectiveness would qualify for any federally funded housing programs.

- To protect source of funding, once a family occupies a home, an agreement will be secure to maintain a house for fifteen years. An agreement will restrict selling and renting, and no illegal activities in house.

## **HOUSING IMPROVEMENT PROGRAM (HIP)**

### **COMMUNITY HOUSING & INFRASTRUCTURE DEPARTMENT**

The Housing Improvement Program (HIP) is a federally funded program by P. L. 93-638 contracts. The program is to improve the living standards by providing decent, safe and sanitary homes within the territorial boundaries of the Navajo Nation. HIP provides housing assistance through home repairs, renovations, replacement of existing house or new construction to assist very-low income families and/or individual(s) living in substandard housing and have no other resources for housing assistance. The four factors use for eligibility requirements is outlined in 25 Code of Federal Regulations (C.F.R.) Part 256. The four factors are: Annual Household Income, Age persons, Disability Individual and Dependent children. The applicants must submit a complete housing application and all required documents to HIP Agency Office before ending date. All applications received are reviewed and screened to determine eligibility for housing assistance.

#### **ELIGIBILITY REQUIREMENTS**

- Must be an enrolled member of the Navajo Tribe.
- Must be living in the Navajo Tribal service area.
- Total annual household income must not exceed 125% of the Federal Poverty Income Guidelines (FPIG). Applicants with an annual household income exceeding 125% of the FPIG are not eligible for the program.
- Your present housing must be sub-standard.
- Meet the ownership requirements, including a finalized and approved Homesite Lease with Archeological Clearance report in the applicant's name.
- Have no other resource for housing assistance.
- Have not received any other type of federal government sponsored housing program assistance since October 1, 1986.

#### **REQUIRED DOCUMENTS**

- Housing Application, BIA Form 647
- Certificate of Indian Blood
- Proof of Income Documents:
- Finalized and Approved Homesite Lease in Applicant's name
- Archeological Clearance Report in the Applicant's name (if applicable)
- Physician's Certificate Form
- Housing Assistance Certification Form
- Release of Information Authorization Form

Applicant/Co-Applicant: \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

Chapter: \_\_\_\_\_

Date of Application: \_\_\_\_\_

**1. ANNUAL INCOME:**

Family Size: \_\_\_\_\_

**MAX POINTS: 25**

0 - 25%	<b>25</b>	Pts	_____
26 - 50%	<b>20</b>	Pts	_____
51 - 75%	<b>15</b>	Pts	_____
76 - 100%	<b>10</b>	Pts	_____
101 - 125%	<b>5</b>	Pts	_____
126 - 150%	<b>0</b>	Pts	_____

Applicant: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_

Other HHM: \_\_\_\_\_

Other HHM: \_\_\_\_\_

Other HHM: \_\_\_\_\_

Total Annual Income: \_\_\_\_\_

**2. AGED PERSON :**

Provide birthdate of oldest household member.

**MAX POINTS: 15**

DOB: \_\_\_\_\_

AGE: \_\_\_\_\_

AGE:	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	→
PTS.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	→							→

**3. DISABLED INDIVIDUAL:****MAX POINTS: 10**

Is there a disabled resident? Yes: \_\_\_\_\_ No: \_\_\_\_\_

*"Maximum points awarded under this factor is 10, regardless of the number of disabled residents"***4. DEPENDENT CHILDREN - Under 18 years old****MAX POINTS: 15**

No. of Children:	1	2	3	4	5 or more
No. of Points:	3	6	9	12	15 points >

*Guardianship documents are required to received points.***5. OTHER CONDITIONS:**

Pts

**MAX POINTS: 15**

Veteran: \_\_\_\_\_ Pts

Homeless: \_\_\_\_\_ OR Dilapidated house: \_\_\_\_\_

Overcrowded conditions: \_\_\_\_\_

*"If any of the conditions are present - 5 points for each conditions that applies."***6. CATEGORY "D" - Down Payment Assistance**

Yes: \_\_\_\_\_ N/A \_\_\_\_\_

**MAX POINTS: 25**

The Applicant must have approved finance to purchase a home.

Application Screened by: \_\_\_\_\_

Date \_\_\_\_\_



Total Pts

COMMENTS: \_\_\_\_\_

ANNUAL INCOME: For all permanent HHM		
0 - 25%	25 points	Applicant:
26 - 50%	20 points	Spouse:
51 - 75%	15 points	Other HHM:
76 - 100%	10 points	Other HHM:
101 - 125%	5 points	Other HHM:
126 - 150%	0 points	
151% +	Ineligible	
	TOTAL INCOME:	

#### MAXIMUM POINTS 26

Eligibility/ Selection Criteria @ 150% FPIG

		AGED PERSON: Must be living in the house:															MAXIMUM POINTS 15				
Age:		55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	→
Points:		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	→				

DEPENDENT CHILDREN:							MAXIMUM POINTS 15		
No. of Children		1	2	3	4	5 or more			
Points:		3	6	9	12	15 <			

#### MAXIMUM POINTS

10 points	Disabled Individual	Regardless of number of disabled residents.
5 points	Veteran	
5 points	Homeless	(Applicant have no house)
5 points	Dilapidated House	(Applicant occupy and own the house)
5 points	Overcrowded	(Applicant occupy and own the house) HHM:



## HOUSING IMPROVEMENT PROGRAM

Applicant Name: \_\_\_\_\_

Fiscal Year: **2023**

Chapter: \_\_\_\_\_

Distribution Date: \_\_\_\_\_

### TYPE OF HOUSING ASSISTANCE REQUEST: (Check one)

☐ New House    ☐ Renovation    ☐ Addition    ☐ Other \_\_\_\_\_

**All Household Members over 18 years of age is required to complete Income forms.**

### HOUSING ASSISTANCE APPLICATION PACKET

**All forms must be complete, sign, dated and all questions answered.**

Housing Assistance Application (Form BIA 6407)		
Map - directions to your residence		
Income Information Checklist		
Individual Indian Money (IIM form)		
Federal Income Tax Information (If filed, provide copies of current 1040 Tax Return)		
Complete Employee Verification(s) by Employer, if employed.		
Housing Assistance Verification (complete by NHA)		
Authorization to Release of Information		

### REQUIRED DOCUMENTS

**Provide list of the required documents to complete application process.**

Certificate of Indian Blood (CIB) -for all household members		
Social Security Number - for all household members		
Award Letters from Social Security, VA, Retirement, Unemployment, etc.		
Medical Records/ Dr. Statement - If claiming disability		
Veteran Document (DD214) - If claiming Veteran		
Finalized Homesite Lease - In Applicant's Name		
Cultural Resource Compliance w/map OR Archaeological Inventory Report w/map		
Other: Additional forms if needed.		

**DUE BY:**

**September 30, 2022**

**ADDRESS:**

**HOUSING IMPROVEMENT PROGRAM**

**Post Office Box 527 Fort Defiance, Arizona 86504**

**Phone No.: (928) 729-4017**

**Fax No.: (928) 729-4277**

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
HOUSING ASSISTANCE APPLICATION**

- All questions in this application must be answered. The requested information is self-explanatory.
- This application is subject to the Privacy Act of 1974, Pub. L. 93-579

**A. APPLICANT INFORMATION**

1. Name: \_\_\_\_\_  
Last First MI Maiden Name (if any)
2. Current Address: \_\_\_\_\_  
Street Address P.O. Box # (if any)  
City State Zip Code
3. Telephone Number: (\_\_\_\_) \_\_\_\_\_
4. Date of Birth: \_\_\_\_\_ 5. Social Security Number: \_\_\_\_\_
6. Tribe: \_\_\_\_\_ Roll Number: \_\_\_\_\_  
Reservation/Rancheria: \_\_\_\_\_
7. Marital Status: \_\_\_\_\_ Married \_\_\_\_\_ Singled \_\_\_\_\_ Widowed \_\_\_\_\_ Other  
If you checked "Other", please explain. \_\_\_\_\_
8. Are you Homeless? \_\_\_\_\_ No \_\_\_\_\_ Yes 9. Are you or spouse a Veteran? \_\_\_\_\_ No \_\_\_\_\_ Yes

**Information About Spouse:** \_\_\_\_\_

10. Name: \_\_\_\_\_  
Last First MI Maiden Name (if any)
11. Date of Birth: \_\_\_\_\_ 12. Social Security Number: \_\_\_\_\_
13. Tribe: \_\_\_\_\_ Roll Number: \_\_\_\_\_

**B. FAMILY INFORMATION**

List all other persons living in household on a permanent basis. Start with the oldest and provide Name, Date of Birth, Social Security Number, Relationship to Applicant, and Tribe/Roll Number.

Name	Date of Birth	Social Security #	Relationship to Applicant	Tribe/Roll Number

If you need more space, use a blank sheet of paper.

Date of this application: \_\_\_\_\_

### C. INCOME INFORMATION

14. **Earned Income:** Start with applicant, then list all permanent family members, including all who are listed under Parts A and B and have earned income. Provide signed copy of SF-1040 (income tax return), W-2 forms, wage stubs, etc. for verification.

Name	Annual Earned Income	Source of Income

Total annual earned income: \$ \_\_\_\_\_

15. **Unearned Income:** Start with applicant, then list all permanent family members, including all who are listed under Parts A and B and have unearned income such as social security, retirement, disability and unemployment benefits, child support and alimony, royalties, per capita payments, interest, etc. Provide check stubs, statements, Individual Indian Money (IIM) ledgers, etc. for verification.

Name	Annual Unearned Income	Source of Income

Total annual unearned income: \$ \_\_\_\_\_

16. **TOTAL COMBINED ANNUAL HOUSEHOLD INCOME** (earned + unearned): \$ \_\_\_\_\_

### D. HOUSING INFORMATION

17.	Location of the house to be repaired, renovated or constructed. (Give address and detailed directions to this house). <b>**DRAW MAP ON BACK OF THIS PAGE**</b>
18.	Provide a brief description of the problems you are experiencing with your house or the type of housing assistance for which you are applying.
19.	If repair assistance is needed, do you own _____ or rent _____ this house?
	If renting, is the owner Indian?      No      Yes
	If yes, provide name of owner(s):
20.	Are you living in Overcrowded Conditions?    No    Yes
21.	Is the condition of the home in a dilapidated state?    No    Yes

Date of this application: \_\_\_\_\_

**HOUSING INFORMATION, continued.**

22.	Is electricity available? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, provide name of electric company: _____		
23.	Type of Sewer system: <input type="checkbox"/> City Sewer <input type="checkbox"/> Septic Tank <input type="checkbox"/> Chemical Toilet <input type="checkbox"/> Outhouse	Water Source: <input type="checkbox"/> City Water <input type="checkbox"/> Private Well <input type="checkbox"/> Community Water Tank Other (Please describe): _____	
24.	No. of Bedrooms _____		
25.	House Size: _____ (Square Feet)	[ LENGTH _____ ft/in]	[WIDTH _____ ft/in]
26.	Bathroom facilities in existing house:	Facility	Yes No
		Flush toilet	
		Bathtub	
		Sink/lavatory	

**E. LAND INFORMATION**

27.	Do you own the land on which you wish to renovate or build this home? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, can you provide proof that you can obtain land? <input type="checkbox"/> Yes <input type="checkbox"/> No Provide the name of the owner(s): _____		
28.	What is the current status of the land?	Fee Individual trust land Individually restricted	Tribal Fee Tribal trust land Tribally restricted
			Native/Restricted Public Domain Other:
29.	If you do not own the land, do you have: <input type="checkbox"/> Leasehold interest? <input type="checkbox"/> Use permit? <input type="checkbox"/> Indefinite assignment or joint ownership? If so, please explain: _____		

**F. GENERAL INFORMATION**

		Yes	No
30.	Have you or anyone in your household ever received Housing Improvement Program assistance? If yes, give amount received \$ _____; the year it was received: 19____; and the location of the house: _____		
31.	Do you own any other house not occupied by your family? If yes, state where the house is located: _____ and who occupies it: _____		
32.	Do you live in a house built with Housing and Urban Development (HUD) funds?		
33.	Is the HUD project still under operation of an Indian Housing Authority?		
34.	Are you seeking Down Payment Assistance? If yes, have you applied with USDA Rural Development or other lending institution? Please provide a copy of the credit letter.		
35.	If you are requesting assistance for a new housing unit, have you applied for assistance from: • Indian Housing Authority? If yes, provide date of application: _____ • Tribal Credit Program? If yes, provide date of application: _____ • Other? From who: _____ If yes, provide date of application: _____		
36.	Does anyone in your family, who is a permanent resident listed under Parts A and B of this application, have a severe health problem, handicap or permanent disability? If yes, provide name of family member _____ and brief description of condition. (Your servicing housing office will advise you if you must provide a statement of condition from one source, which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination).		

Date of this application: \_\_\_\_\_

**G. APPLICANT CERTIFICATION**

(Read this certification carefully before you sign and date your application. Sign in ink).

I certify that all the answers given are true, complete and correct to the best of my knowledge and belief, and they are made in good faith. This certification is made with the knowledge that the information will be used to determine eligibility to receive financial assistance, and that false or misleading statements may constitute a violation of 18 U.S.C. 1001.

This application contains material covered by the Privacy Act. No record will be communicated to anyone or any agency unless requested in writing, by the applicant, or unless an officer or employee of the housing program or other Federal agency requires it in the performance of their duties.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Spouse's Signature (if appropriate) \_\_\_\_\_

Date: \_\_\_\_\_

**PRIVACY ACT STATEMENT**

25 CFR 265 and 25 U.S.C. 13 authorize the collection of this information. This information is covered by the system of record notice "Indian Housing Improvement Program, Interior, BIA-10." The primary use of this information is to determine eligibility for assistance under the Housing Improvement Program. The records contained therein may only be disclosed in accordance with the routine uses and may not otherwise be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of the individual to whom the record pertains. If the BIA uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes. Executive Order 9397 authorizes the collection of your Social Security number. Furnishing the information is voluntary but failure to do so may result in disapproval of your application.

**PAPERWORK REDUCTION ACT STATEMENT**

This information is being collected to select eligible families or individuals to participate in the Housing Improvement Program. Response to this request is required to obtain a benefit in accordance with 25 CFR 256. You are not required to respond to this collection of information unless it displays a currently valid OMB control number. This information will be used to determine the eligibility and the ranking of the applicant. Public reporting burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to Information Collection Clearance Officer – Indian Affairs, 1849 C Street, NW, MS-4141, Washington, DC 20240.

Date of this application: \_\_\_\_\_

LII > Electronic Code of Federal Regulations (e-CFR) > Title 25 - Indians  
> CHAPTER I - BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR  
> SUBCHAPTER K - HOUSING  
> PART 256 - HOUSING IMPROVEMENT PROGRAM (HIP)  
> Subpart A - General Provisions > **§ 256.2 Definitions.**

## 25 CFR § 256.2 - Definitions.

CFR      Table of Popular Names

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### **§ 256.2 Definitions.**

As used in this part:

*Agency* means the organizational unit of BIA that provides services to or with the governing body or bodies and members of one or more specified Indian tribes.

*Appeal* means a written request for review of an action or inaction of an official of BIA that is claimed to adversely affect the interested party making the request, as provided in part 2 of this chapter.

*Applicant* means an individual(s) filing an application for services under the HIP.

*BIA* means the Bureau of Indian Affairs in the Department of the Interior.

*Category A* means the HIP funding category for minor repair not to exceed limits in § 256.7 of this part.

*Category B* means the HIP funding category for renovation not to exceed limits in § 256.7 of this part.

*Category C-1* means the HIP funding category to replace a house that cannot be brought up to standard housing condition for \$60,000 or less.

*Category C-2* means the HIP funding category for building new housing as defined in § 256.13(g)(1)-(5).

*Category D* means the HIP funding category for assistance as defined in § 256.11(a)-(c).

*Certificate of Title or Ownership* means a document giving legal right to a house constructed with HIP funds.

*Child* means a person under the age of 18 or such other age of majority as is established for purposes of parental support by tribal or state law (if any) applicable to the person at his or her residence, except that no person who has been emancipated by marriage can be deemed a child.

*Cost effective* means the cost of the project is within the cost limits for the category of assistance and adds sufficient years of service to the house to satisfy the recipient's housing needs.

*Dilapidated housing* means a house which in its present condition endangers the life, health, or safety of the residents.

*Disabled* means having a physical or intellectual impairment that substantially limits one or more major life activities.

*Family* means one or more persons living within a household.

*Homeless* means being without a home.

*House* means a building for human habitation that serves as living quarters for one or more families.

*Household* means persons living with the head of household who may be related or unrelated to the head of household and who function as members of a family.

*Independent trades person* means any person licensed to perform work in a particular vocation pertaining to building construction.

*Indian* means any person who is a member of any federally recognized Indian tribe.

*Indian tribe* means an Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103-454, 108 Stat. 4791.

*Overcrowding* means a number of occupants per house that exceeds limits identified in § 256.10(d).

*Permanent members of household* means adults living in the household who intend to live there continuously and any children who meet the definition of *child* in this part.

*Regional Director* means the officer in charge of a BIA regional office or his/her authorized delegate.

*Secretary* means the Secretary of the Interior.

*Service area* means any of the following within a geographical area designated by the tribe and approved by the Regional Director to which services can be delivered:

- (1) Reservations (former reservations in Oklahoma);
- (2) Allotments;
- (3) Restricted lands; and
- (4) Indian-owned lands (including lands owned by corporations established pursuant to the Alaska Native Claims Settlement Act).

*Servicing housing office* means the tribal housing office or bureau housing office administering the HIP.

*Standard housing* means a house that meets the definition of *standard housing condition* in this part.

*Standard housing condition* means meets applicable building codes within that region and meets each of the following conditions:

- (1) General construction conforms to applicable tribal, county, State, or national codes and to appropriate building standards for the region.
- (2) The heating system has the capacity to maintain a minimum temperature of 70 degrees in the house during the coldest weather in the area and be safe to operate and maintain and deliver a uniform heat distribution.
- (3) The plumbing system includes a properly installed system of piping and fixtures certified by a licensed plumbing contractor.
- (4) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for lighting and appliance operation certified by a licensed electrician according to the applicable electrical code.
- (5) The number of occupants per house does not exceed these limits:
  - (i) Two-bedroom house: Up to four persons;
  - (ii) Three-bedroom house: Up to six persons;



(iii) Four-bedroom house: Adequate for all but the largest families.

(6) The first bedroom has up to 120 sq. ft. of floor space and additional bedrooms have up to 100 sq. ft. of floor space each.

(7) The house site provides economical access to utilities and is easy to enter and leave.

(8) The house has access to school bus routes, if the household includes children who rely on school buses.

*Substandard housing* means any house that does not meet the definition of *standard housing condition* in this part.

*Superintendent* means the BIA official in charge of an agency office.

$$120 \text{ sq. ft.} = 11 \text{ ft by } 11 \text{ ft} \\ 121 \text{ sq. ft.}$$

$$100 \text{ sq. ft.} = 10' \times 10'$$



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- > Subpart B - Determining Eligibility
- > **§ 256.6 Am I eligible for the Housing Improvement Program?**

## 25 CFR § 256.6 - Am I eligible for the Housing Improvement Program?

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### **§ 256.6 Am I eligible for the Housing Improvement Program?**

You are eligible for the HIP if you meet all of the following criteria:

- (a) You are a member of a federally recognized Indian tribe;
- (b) You live in an approved tribal service area;
- (c) Your annual income is 150 percent or less of the Department of Health and Human Services poverty income guidelines, which are available from your servicing housing office or the Department of the Interior Web site at [www.bia.gov](http://www.bia.gov);
- (d) Your present housing is substandard as defined in § 256.2;
- (e) You meet the ownership requirements for the assistance needed, as defined in § 256.8, § 256.9, or § 256.10;

(f) You have no other resource for housing assistance;

(g) You have not previously received assistance relating to categories as defined in §§ 256.9, 256.10, and 256.11; and

(h) You did not acquire your present housing through past participation in a Federal government-sponsored housing program over the previous 20 year period.



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- (b) The grant must not exceed the amount necessary to secure the loan and may be used for down-payment assistance, closing costs, and pre-home ownership counseling. Participation with other complementary housing programs is encouraged.
- (c) The method of awarding the grant must ensure that the funds are used for the purpose intended.

### § 256.12 Who administers the program?

The HIP is administered by a servicing housing office operated by either a tribe (under a Pub. L. 93-638 contract or a self-governance annual funding agreement) or BIA.

### Subpart C - Applying for Assistance

### § 256.13 How do I apply for the Housing Improvement Program?

- (a) First, obtain an application, BIA Form 6407, from your servicing housing office or the BIA Web site.
- (b) Second, complete and sign BIA Form 6407.
- (c) Third, submit your completed and signed application to your servicing housing office.
- (d) Fourth, furnish to the servicing housing office documentation proving your tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.
- (e) Fifth, provide proof of income from all permanent members of your household.
  - (1) Submit signed copies of current 1040 tax returns from all permanent members of the household, including W-2s and all other attachments. Submit the Social Security number of the applicant only.
  - (2) Provide proof of all other income from all permanent members of the household. This includes unearned income such as Social Security, general assistance, retirement, and unemployment benefits.
  - (3) If you or other household members did not file a tax return, submit a signed notarized statement explaining why you did not.
- (f) Sixth, furnish a copy of your annual trust income statement for your Individual Indian Money (IIM) account from your home agency; if you do not have an IIM account, furnish a statement from your home agency to that effect.
- (g) Seventh, provide proof of ownership of the residence and land or potential leasehold interest:
  - (1) For fee property, provide a copy of a fully executed deed, which is available at your local county or parish court house;
  - (2) For trust property, provide certification of ownership from your home agency;
  - (3) For tribally owned land, provide a copy of a properly executed tribal assignment, certified by the tribe;
  - (4) For multi-owner property, provide a copy of a properly executed lease;
  - (5) For a potential lease, provide proof of ability to acquire an undivided leasehold (that is, you will be the only lessee) for a minimum of 25 years from the date of service; or
  - (6) For down-payment assistance, provide a description and the location of the house to be purchased, verification of your intended purchase, and the sale price of the house;
- (h) Eighth, if you seek down-payment assistance, provide a letter from the institution where you have applied for mortgage financing that specifies:
  - (1) The down payment amount; and
  - (2) The closing costs required for you to qualify for the loan.

### § 256.14 How is my application processed?

- (a) The servicing housing office will review your application. If your application is incomplete, the office will notify you, in writing, of what is needed to complete your application and of the date by which it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

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## 25 CFR § 256.13 - How do I apply for the Housing Improvement Program?

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(e) Fifth, provide proof of income from all permanent members of your household.

(1) Submit signed copies of current 1040 tax returns from all permanent members of the household, including W-2s and all other attachments. Submit the Social Security number of the applicant only.

(2) Provide proof of all other income from all permanent members of the household. This includes unearned income such as Social Security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, submit a signed notarized statement explaining why you did not.

(f) Sixth, furnish a copy of your annual trust income statement for your Individual Indian Money (IIM) account from your home agency. If you do not have an IIM account, furnish a statement from your home agency to that effect.

(g) Seventh, provide proof of ownership of the residence and land or potential leasehold interest:

(1) For fee property, provide a copy of a fully executed deed, which is available at your local county or parish court house;

(2) For trust property, provide certification of ownership from your home agency;

(3) For tribally owned land, provide a copy of a properly executed tribal assignment, certified by the tribe;

(4) For multi-owner property, provide a copy of a properly executed lease;

(5) For a potential lease, provide proof of ability to acquire an undivided leasehold (that is, you will be the only lessee) for a minimum of 25 years from the date of service; or

(6) For down-payment assistance, provide a description and the location of the house to be purchased, verification of your intent to purchase, and the sale price of the house.

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(1) The down payment amount; and

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> **§ 256.14 How is my application processed?**

## 25 CFR § 256.14 - How is my application processed?

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### **§ 256.14 How is my application processed?**

(a) The servicing housing office will review your application. If your application is incomplete, the office will notify you, in writing, of what is needed to complete your application and of the date by which it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the HIP.

(1) If you are found ineligible for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point value
1	Annual household income: Must include income of all persons counted in Factors 2, 3, 4. Income includes earned income, royalties, and one-time income. A household with an income 151 percent of more of the Federal poverty guidelines is ineligible for the HIP	Income as a percentage of the Federal poverty guidelines:	Points:
		0-25	25.
		26-50	20.
		51-75	15.
		76-100	10
		101-125	5.
		126-150	0.
2	Aged person: person age 55 or older and must be living in the house. Maximum points awarded under this factor is 15, regardless of the number of years over age 55. Thus, 15 points will be added to the score for a resident who is 70 years old or older.	Years of age: Less than 55 55 and older	Points: 1 point per year over age 54, up to maximum of 15 points.
3	Disabled individual: One or more disabled persons living in the house. Must fit under established definition of "disabled as in § 256.2." Maximum points awarded under this factor is 10, regardless of the number of disabled residents.	If a there is a disabled resident	10.
4	Dependent Children: Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). Must live in the house and not be married. Maximum points awarded under this factor is 15.	Number of dependent children:	Points:
		1	3.
		2	6.

		3	9.
		4	12.
		5 or more	15.
5	Other conditions: • Veteran. • Homeless or Dilapidated house. • Overcrowded conditions. Maximum points awarded under this factor is 15	If any of the conditions are present	5 for each condition that applies.
6	Applicants with an approved financing package	If applicant has approved financing	25.

**(c)** The servicing housing office will develop a list of the applications received and considered for the HIP for the current program year. The list will include, at a minimum, all of the following:

- (1)** The number of applications received and, of those, the number considered.
- (2)** The rank assigned to applicants in order of need, from highest to lowest, in accordance with tribal approval and knowledge of need, based on the total numeric value assigned using the factors in paragraph (b) of this section. (In case of a tie, the family with the lower income per household member will be listed first.)
- (3)** The estimated allowable costs of the improvements, renovations, and replacement projects for each applicant and for the entire priority list. This data must identify which applicants will be served based on the amount of available funding, starting with the neediest applicant and continuing until the available funding is depleted.
- (4)** A list of the applicants not ranked, with an explanation of why they weren't ranked (such as the reason for ineligibility or the reason for incomplete application).

**(d)** The servicing housing office submits to the regional office an annual fiscal year report that includes all of the following:

- (1)** Number of eligible applicants;
- (2)** Number of applicants who received service;

(3) Names of applicants who received service; and

(4) All of the following for each applicant that received service:

(i) Date of construction start;

(ii) Date of construction completion;

(iii) Cost; and

(iv) HIP category.

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**Title 2 - Grants and Agreements****Subtitle A - Office of Management and Budget Guidance for Grants and Agreements****Chapter II - Office of Management and Budget Guidance****Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards**

Authority: 31 U.S.C. 503

Source: 78 FR 78608, Dec. 26, 2013, unless otherwise noted.

**Subpart D - Post Federal Award Requirements**

Source: 85 FR 49543, Aug. 13, 2020, unless otherwise noted.

**Procurement Standards****§ 200.317** Procurements by states.**§ 200.318** General procurement standards.**§ 200.319** Competition.**§ 200.320** Methods of procurement to be followed.**§ 200.321** Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**§ 200.322** Domestic preferences for procurements.**§ 200.323** Procurement of recovered materials.**§ 200.324** Contract cost and price.**§ 200.325** Federal awarding agency or pass-through entity review.**§ 200.326** Bonding requirements.**§ 200.327** Contract provisions.**PROCUREMENT STANDARDS****§ 200.317 Procurements by states.**

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

**§ 200.318 General procurement standards.**

- (a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

- (b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- (c)
  - (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
  - (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- (d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- (e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.
- (f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- (g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- (h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214.

- (i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- (j)
- (1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:
  - (i) The actual cost of materials; and
  - (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
- (2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
- (k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

## **§ 200.319 Competition.**

- (a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.
- (b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
  - (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
  - (2) Requiring unnecessary experience and excessive bonding;
  - (3) Noncompetitive pricing practices between firms or between affiliated companies;
  - (4) Noncompetitive contracts to consultants that are on retainer contracts;
  - (5) Organizational conflicts of interest;



- (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
  - (7) Any arbitrary action in the procurement process.
- (c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
  - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
- (f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

#### **§ 200.320 Methods of procurement to be followed.**

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- (a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:
- (1) *Micro-purchases* -

- (i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.
  - (ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.
  - (iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.
  - (iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:
    - (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
    - (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
    - (C) For public institutions, a higher threshold consistent with State law.
  - (v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.
- (2) **Small purchases -**
- (i) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

- (ii) **Simplified acquisition thresholds.** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.
- (b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:
- (1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions:
    - (i) In order for sealed bidding to be feasible, the following conditions should be present:
      - (A) A complete, adequate, and realistic specification or purchase description is available;
      - (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
      - (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
    - (ii) If sealed bids are used, the following requirements apply:
      - (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
      - (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
      - (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
      - (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
      - (E) Any or all bids may be rejected if there is a sound documented reason.
  - (2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
  - (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
  - (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.
- (c) **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:
- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
  - (2) The item is available only from a single source;
  - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
  - (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
  - (5) After solicitation of a number of sources, competition is determined inadequate.

**§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
  - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

#### **§ 200.322 Domestic preferences for procurements.**

- (a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.
- (b) For purposes of this section:
  - (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
  - (2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

#### **§ 200.323 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

#### **§ 200.324 Contract cost and price.**

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

**§ 200.325 Federal awarding agency or pass-through entity review.**

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
  - (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
  - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
  - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
  - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
  - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
  - (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
  - (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.



### **§ 200.326 Bonding requirements.**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

### **§ 200.327 Contract provisions.**

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

# Whippoorwill Chapter House

## American Rescue Plan Act Funding to Construction Four Units

### New Homeowner Occupancy Agreement

Your new house was constructed with a funding call American Rescue Plan Act 2022 (ARPA) which the Navajo Nation received. After budgeting the amount for other use, the balance was equally distributed to the 24<sup>th</sup> Navajo Nation Council. Therefore, it is a federal money and is subject to federal housing policies such similar to Navajo Housing Authority and BIA Housing Improvement Program. You were selected based on extreme needs and qualified under housing policies and criteria. It is then the chapter prepared this Occupancy Agreement for the purpose of proper care and maintenance of your new house as you enjoy your comfort. This house will be under a warranty for a year as required by federal housing policies; therefore, any flaw, disfigurement, or defect the house incurred before the expiration relating to workmanship of the contractor, it will be the responsibility of Chapter. However, any damages after the expiration of the warranty is homeowner's responsibility.

A. Condition for your selection as a homeowner for new unit is that you agreed to use the home as a principal residence, this is the only home you will own during the term of Homesite Lease. Any other home ownership or use of an additional residence that at the time of occupancy would disqualify a family from the American Rescue Plan Act Funding program. Failure by the homeowner to notify the Chapter of another as their principal place of residence shall jeopardize your participation of chapter housing assistance program under ARPA.

1. The home may not be lease or rent for temporary or long term by any ineligible person or family member. The homeowner shall continuously use the home as his/her primary residence. The unit will remain the homeowner principal residence.

a. the resident shall be of a place of peace and quiet not to disturb other neighbors; and

b. The house will not be structural changes to the unit or that will adversely affect a possible future integrity or the safety of the house.

c. Transfers of ownership must be performed only in the court of Navajo Nation or in legal process such as Will or any other instrument between immediate families' members or within the clan system.

#### B. INSPECTIONS OF UNIT

1. The homeowner or his/her representative is obligated to participate in pre or initial occupancy inspections for the purpose of documenting completion of the condition of the home.

#### C. HOMEOWNER'S RESPONSIBILITY FOR MAINTENANCE

1. The house will be maintained and to upkeep the house inside and outside, to make the residence in presentable view. The homeowner is responsible for routine maintenance,



Including replacement of consumables such as light bulbs and periodic, customary, and regular servicing of appliances and fixtures, including all plumbing and heating if applicable.

2. Homeowner's use shall not use the house in an improper manner or a manner for which that purpose of the house was not intended for.

3. Any damages to the house caused by the abuse, vandalism, or neglect of either homeowner or any other household member, visitors shall cause a breach to the Homesite Lease policies and be grounds for termination of the lease.

4. The homeowner is expected to do his or her best to properly maintain the interior of their unit so that it is always in a safe, sanitary and generally clean condition.

5. Maintain smoke detection devices as required and replace light bulbs in fixtures or batteries that no longer function.

#### **D. MODIFICATIONS OR ALTER THE ORIGINAL DESIGN**

If the modification or alteration becomes necessary, the home or structure the homeowner must first make a detailed proposal and acquire prior written approval from Chapter. The Chapter staff must ensure that the proposed change(s) will not:

1. Impair the value of the home, the surrounding homes, or the project.

2. Affect the use of the home for residential purposes or in any way violate federal housing regulations as to design and construction; and

3. Assure the plan is appropriate and achievable.

#### **E HOMEOWNER'S RESPONSIBILITY TO ABIDE BY FEDERAL HOUSING POLICIES**

The homeowner shall abide by all program requirements and obligations, including but not limited to:

1. Not assign, sublet, or transfer possession of the dwelling only when assignment is process under the order of the court or chapter.

2. Use the house is solely a private house for those persons identified in the Lease, not use, or permit its use for any other purpose including business purposes, and not display commercial signs of any kind in or about the premises.

3. Use the house solely as homeowner's principal residence.

4. Abide by all necessary and reasonable regulations for the benefit and wellbeing of the house and the surrounding neighbors.

5. Comply with the applicable building and housing codes that affect health and safety.

6. Keep the dwelling, including the dwelling fixtures, as clean and safe as the condition of the dwelling permits.

7. Keep the Interior and exterior of the dwelling, the yard and adjacent street and any common areas in clean and safe condition.

8. Neighbors or any guest shall in no way deface, damage, or remove any part of the dwelling.

9. Dispose of all ashes, rubbish, garbage and other waste from the dwelling into a refuse receptacle stored in the furnace/storage room or an approved bear-proof structure in a clean and safe manner.

10. To immediately report to the Chapter any accident or damage to pipes, toilet, drains fixtures, electrical wires or any other property and including all breakage, damage, or loss of any kind to the dwelling that maybe result of improper workmanship by contractor.

11. Not deliberately or negligently destroy, deface, damage, impair or remove a part of the dwelling or permit any person to do so.

12. Shall not unreasonably disturb or permit others on the premises with or without the homeowner's consent to disturb a neighbor's peaceful enjoyment of the premise.

13. Shall not engage, regardless of arrest or conviction, an illegal activity involving prostitution, illegal activity involving alcoholic beverages, gambling, any activity involving either a controlled substance or an imitation controlled substance or permit others to engage in any of those activities at the house.

14. Not store any household or other property outside of the house, and not keep any flammables in the house or storage areas.

15. Homeowner's and members of his/her household shall not be registered or pending registration as a sex offender on the State of Arizona Sexual Offender List, or for any other state.

Now, It is understood that you will follow these agreements for 15 years and this house will be re-assign to an immediate family member.

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(Homeowner)

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(Chapter Representative)



**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 #: HK0447 [Reissued]

Date & Time Received: 4/5/2023 at 14:02

Date & Time of Response: 4/13/2023 at 21:21; Reissued 4/23/2023

Entity Requesting FRF: Whippoorwill Chapter

Title of Project: Hire Personnel (Technical Staff/Skilled Construction Workers)

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$630,517.00

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

**2.37 Other Economic Impact Assistance:** Other

**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: DOJ is reissuing this IED to correct an error with the listed Administrative Oversight entity. DOJ recommends that the Division of Community Development serve as the Administrative Oversight rather than the chapter to comport with oversight requirements in Section 3 of CJNI-29-22.

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Name of DOJ Reviewer: Mel M. Rodis, Assistant Attorney General, Tax & Finance Unit

Signature of DOJ Reviewer: *MRodis*

**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](mailto: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.

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

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: WHIPPOORWILL CHAPTER Date prepared: 03/01/2023  
 Chapter's PO BOX 279 phone & email: 505-979-3001/m\_denny@nnchapters.org  
 mailing address: Blue Gap, Arizona 86520 website (if any): whippoorwillchapter@navajochapters.org  
 This Form prepared by: MAREITA DENNY phone/email: 505-979-3001/928-725-3727  
Mareita Denny, Chapter Manager

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: HIRE PERSONNEL (Technical Staff/Skilled Construction Workers)

Chapter President: Aaron Yazzie phone & email: 928-383-2751  
 Chapter Vice-President: Gerald Ahasteen phone & email: 928-781-7269  
 Chapter Secretary: Phillip Tom, Jr. phone & email: 928-675-7343  
 Chapter Treasurer: Phillip Tom, Jr. phone & email: 928-675-7343  
 Chapter Manager or CSC: Mareita Denny, Chapter Manager phone & email: 505-979-3001/928-725-3727  
 DCD/Chapter ASO: Ella Kay, Administ. Assistant phone & email: 928-725-3727

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Chapter will hire local community skilled workers.

☐ document attached

Amount of FRF requested: 630,516.39 FRF funding period: May 01, 2023 to December 31, 2026

Indicate Project starting and ending/deadline date

**Part 2. Expenditure Plan details.**

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

Chapter will hire skilled and experience Construction Supervisor, Carpenters, Trade Helper, and Laborers to modify, repair and renovate community homes and elderly bathrooms. This project will hire local workers and attribute toward lowering socioeconomic impact to rural area. Whippoorwill community is in extreme rural area far from any major development or businesses. The family income is far below Arizona Poverty Guideline. A technical person will oversee the construction repairs and renovation. Another person will develop rural addressing system with locations of homes, roads, for Ambulance, Public Safety, and Schools. New bathrooms deter any germ, such as COVID-19.

☐ document attached

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

Employment will be available locally for trades, laborers, and technical people so most won't seek job off the reservation and remain near their families. This employment will boost local economical strength. With rural addressing system in place, we may attract tourist who are interested in rural living. The system will ut to order a neat environmental structures with cell tower, roads with names and numbering system for direct contacts.

☐ document attached

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

## APPENDIX A

The trades and specialized workers will be in place May 2023 to begin Chapter ARPA projects and complete by December 30, 2026. It is imperative we be aggressive to receive our approval by summer. If not we might encounter a shortage of workforce if our project begins at same time as the start of construction season.

☐ document attached

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

Whippoorwill Chapter will implement this project and oversee the progress of projects. The chapter will be responsible for reporting and staying within the construction budget and good workmanship is practice.

☐ 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.

Whippoorwill Chapter will provide workforce and supervision to see a quality product is produced.

☐ 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:

This program fall within Negative Economic Impact category at 2.13 Other Economic Support

By providing descent pay uplifts the family and encourages family providers to seek equal pay employment, local or outside the reservation.

☐ document attached

### Part 3. Additional documents.

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

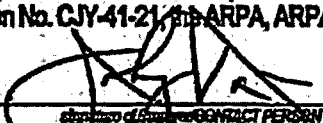
Resolution attached.

☐ 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:

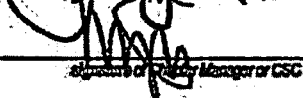
Chapter's  
Preparer:

  
signature of Chapter Preparer

Approved by:

  
signature of Chapter President (or Vice-President)

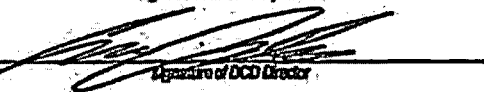
Approved by:

  
signature of Chapter Manager or CSC

Approved by:

  
signature of DCD Chapter ASO

Approved to submit  
for Review:

  
signature of DCD Director

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

FY 2023

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>WHIPPOORWILL CHAPTER - Hire Personnel</u>		Division/Branch: <u>DCD/Executive</u>	
Prepared By: <u>Mareita Denny, Chapter Manager</u>		Phone No.: <u>928-725-3727</u>		Email Address: <u>whippoorwill@navajochapters.org</u>	

PART II. FUNDING SOURCE(S)		Fiscal Year / Term	Amount	% of Total	PART III. BUDGET SUMMARY			Fund Type Code	Original Budget	Proposed Budget	Difference or Total
NN ARPA FUNDS		5-01-2023 12-31-2023	630,516.39	100%	2001	Personnel Expenses	6	0	630,516.39	630,516.39	630,516.39
					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					
					9000	Capital Outlay					
					9500	Matching Funds					
					9500	Indirect Cost					
					TOTAL				\$0.00	630,516.39	630,516.39

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

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

SUBMITTED BY: <u>James Adakai, Deputy Director</u>	APPROVED BY: <u>Calvin Castillo</u>
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name
<u>3-30-23</u>	<u>[Signature]</u>
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date





THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION

FY 2023

PART I. PROGRAM INFORMATION:			
Program Name/Title:		WHIPPOORWILL CHAPTER - PERSONNEL HIRE	Business Unit No.: 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)
2901	<p>Personnel Expense</p> <p>2910 - Temporary</p> <p>2930 - Person - Temporary Part-Time Hire 1-Carpenter @ \$21.13 p/hr. x 4480 = \$94,862.40</p> <p>Hrs 2-Carpenters @ \$17.81 x 4480 hrs. = \$78,892.80</p> <p>Hrs 1-Trades Helper @ \$12.47 x 4480 hrs. = \$55,855.60</p> <p>Hrs 3-Laborers @ \$12.11 x 4480 = \$162,768.40</p> <p>Hrs 1-Project Planner @ \$22.85 x 4480 = \$102,388.00</p> <p>Hrs 1-Project Coordinator @ \$16.05 x 4480 = \$71,904.00</p>	576,450.80	566,450.80
2910	<p>FICA</p> <p>2912 - FICA: FICA Expenses for 1-Construction Supervisor, 2-Carpenters, 1-Trade Helper, 3-Laborers, 1-Project Planner, and 1-Project Coordinator @ 6.2% = \$35,119.95</p> <p>2914 - Medicare: Medicare Expenses for 1-Construction Supervisor, 2-Carpenters, 1-Trade Helper, 3-Laborers, 1-Project Planner, and 1-Project Coordinator @ 1.45% = \$8,213.54</p>	35,119.95	35,119.95
2950	<p>Unemployment Tax</p> <p>2951 - Unemployment Tax: SUTA Expenses for 1-Construction Supervisor, 2-Carpenters, 1-Trade Helper, 3-Laborers, 1-Project Planner, and 1-Project Coordinator @ 3.13% = \$17,729.91</p>	8,213.54	8,213.54
2950	<p>Workers' Compensation</p> <p>2951 - Workers' Compensation - Self Worker's Compensation for 1-Construction Supervisor, 2-Carpenters, 1-Trade Helper, 3-Laborers, 1-Project Planner, and 1-Project Coordinator @ 100/53 = \$3,002.19</p>	17,729.91	17,729.91
2950	<p>Workers' Compensation</p> <p>2951 - Workers' Compensation - Self Worker's Compensation for 1-Construction Supervisor, 2-Carpenters, 1-Trade Helper, 3-Laborers, 1-Project Planner, and 1-Project Coordinator @ 100/53 = \$3,002.19</p>	3,002.19	3,002.19
TOTAL		630,518.39	630,518.39

PART I. PROGRAM INFORMATION:

Business Unit No.: NEW

Program Name/Title: WHIPPOORWILL CHAPTER - PERSONNEL HIRE

PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

PART III. PROGRAM PERFORMANCE CRITERIA:

1st QTR

2nd QTR

3rd QTR

4th QTR

Goal

Actual

Goal

Actual

Goal

Actual

Goal

Actual

1. Goal Statement:

Hire Temporary Personnel for House Renovation and Bathroom Makeover Project.

Program Performance Measure/Objective:

Hire Temporary Personnel: 1-Construction Supervisor, 2-Carpenters, 1-Helper, 3-Laborers.

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.

James Ada Kai, Deputy Director

Program Manager's Printed Name

3-30-23

Program Manager's Signature and Date

Calvin Castillo

Division Director/Branch Chief's Printed Name

3/28/2023

Division Director/Branch Chief's Signature and Date



# Whippoorwill Chapter

P.O. Box 279

Pinon, AZ 86510

Phone #: (928)725-3727/3728

Fax #: (928)725-3745



Marcita Denny, Chapter Manager

Ella M. Kay, Administrative Assistant

Germaine Simonson, Council Delegate Aaron Yazzie, President Gerald Ahasteen, Vice-President Phillip Tom Jr., Secretary/Treasurer

## RESOLUTION OF WHIPPOORWILL CHAPTER

Resolution No. WC-23-39

**REQUESTING THE DEPARTMENT OF JUSTICE AND DIVISION OF COMMUNITY DEVELOPMENT TO ACCEPT OUR COMPLETED FISCAL RECOVERY FUND REQUEST FORM AND EXPENDITURE PLAN TO HIRE LOCAL CHAPTER SKILLED WORKERS, 1-PLANNER, AND 1-PROJECT COORDINATOR FOR OUR CHAPTER COMMUNITY HOME RENOVATION CONSTRUCTION PROJECT SUBJECT TO BE FUNDED IN AMOUNT OF \$630,516.39 FROM AMERICAN RESCUE PLAN ACT**

### WHEREAS:

1. The Resources and Development Committee, pursuant to Legislation RDCD-83-14 certified Whippoorwill Chapter's Five Management System Policies and Procedures and pursuant to 2 N.N.C., §501 (B) (2) (d), 26 N.N.C. §102 and CO-45-12 Section 5(B), upon recommendation by Auditor General's office, further supported the certification, AND
2. Pursuant to Local Governance Act, 26, N.N.C. §101, et seq. to properly administer, to provide accountability in the five Personnel and Property Management, and consistent with Auditor General's Memorandum dated September 9, 2014, AUDIT REPORT No. 14-24, AND
3. The funding from American Rescue Plan Act (ARPA) was received to combat and mitigate COVID-19, thereby; this project meets the criteria and eligible under Treasury Expenditure Categories final rule, Housing Support: Other Housing Assistance 2.18 and Negative Economic Impact at 2.13, AND
4. To achieve ARPA's goal and objective chapter must have the administrative capacity and skilled workers to assist and coordinate ARPA's construction activities to fulfill our commitment and obligation to meet the deadline with the to stop the spread of COVID, AND
5. As a Governance-Certified Chapter, compliance and responsibilities are critical in expending ARPA's funding and reporting. The chapter will oversee its own construction finances and record management.

### NOW, THEREFORE ITS BE RESOLVED THAT:

1. The Whippoorwill Chapter hereby requests the Department of Justice and Division of Community Development to accept our completed Fiscal Recovery Fund Request Form and Expenditure Plan to hire staff and skilled workers and Chapter Planner and Project Coordinator to oversee renovation and bathroom modification projects, to be funded in the amount of \$630,516.39 from American Rescue Plan Act.
2. Whippoorwill Chapter hereby affirms that chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

**WHIPPOORWILL CHAPTER  
PUBLIC EMPLOYMENT PROGRAM  
POLICY & PROCEDURES**

**I. ESTABLISHMENT:**

The Public Employment Program (PEP) is hereby established as a short-term employment program under the Whippoorwill Chapter Government.

**II. PURPOSE:**

The purpose of the PEP Policies and Procedures is to provide guidance to the Whippoorwill Chapter in administering the Chapter PEP funds to provide short-term employment opportunities for registered and/or non-registered Chapter residents in the community to work on prioritized Chapter Emergency Projects.

- A. The Policy of the Whippoorwill Chapter ("Chapter") is to comply with applicable laws that governs the employment relations between the Chapter and the PEP employees and consistent with the Nation's laws, regulations and policies, the Chapter shall not discriminate against an applicant or employee(s).
- B. Reduce the unemployment rate within the Chapter community and Navajo Nation level.
- C. Provide on-the-job training to selected Chapter PEP participants, to bring them to a desired standard of efficiency or condition or behavior etc. so they may seek and obtain other outside employment with non-Chapter employers.
- D. During the Coronavirus emergency health crisis, the policy of the Chapter shall be to educate the PEP participants about how the virus spreads and raise their awareness about the crucial roles of self-distancing, handwashing, sanitizing and also facemask use to help in controlling the outbreak of COVID-19. We need to have that degree of compliance with these simple measures for self-protections of PEP participants, Chapter staff, Officials and others.

**III. DEFINITIONS:**

- A. "Chapter Official" means the following public officials elected by the Chapter membership; Chapter President, Chapter Vice President and Chapter Secretary/Treasurer.
- B. "Chapter Manager" means the individual who is responsible for administering the Five Management System (FMS) and the administrative functions of the Chapter operation. Administrative head staff performing the duties prescribed in Local Governance Act (LGA) Title 26 N.N.C. Subsections 1004 (B) (C) and 2003 (B).
- C. "Chapter Administration" means the employees of the Chapter which includes, but is not limited to Chapter Manager and Administrative Assistant.
- D. "Chapter Employee" means any person or entity working for or rendering or exchanging any services or performing any act for or on behalf of the Chapter, in return for any form of payment or other compensation. This can be temporarily, permanently or indefinitely, in any capacity.

## **WHIPPOORWILL CHAPTER PEP POLICIES & PROCEDURES**

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- E. "Participants" means Chapter Residents participating in Chapter-approved Public Employment Program projects whether hired or voluntarily.
- F. "Chapter Resident" means one who dwells permanently or continuously within the boundaries of the Chapter.
- G. "Chapter PEP Special Project" means employees whom are assigned with position titles of: Special Housing Construction Project (Major Renovation/New Unit), Community Liaison, Planner, Office Assistant, Bathroom Addition, Electrician, Plumber, Grounds Keeper, Equipment/Truck Operator, and Security.

### **IV. STAFFING AND ORGANIZATION:**

- A. **CHAPTER OFFICIALS:** In accordance with the Local Governance Act as approved by the N.N.C. by Resolution CAP-34-98, the Chapter Officials having Legislative oversight hereby through adoption of this policy, delegates to the Chapter Manager oversight authority over the operation of the PEP.
- B. **CHAPTER MANAGER;** The Chapter Manager under the direct supervision of the selected Chapter Official shall have the primary daily oversight of the PEP and further, shall have the ultimate authority over all the Chapter PEP projects.
- C. **PROJECT SUPERVISOR;** The Project Supervisor under the direct supervision of the Chapter Manager shall oversee all the PEP and/or other Chapter-approved project participants to assure continuity of ongoing project(s) and that they are completed in a timely manner and/or within the annual Budget Cycle or an extension shall be reflected in the ensuing year's budget and approved by the Chapter. In the event the Chapter Manager is unavailable, in her absence, the Project Supervisor shall report directly to the Chapter Administrative Assistant.

### **V. ELIGIBILITY CRITERIA:**

- A. During the difficult time period of the Regional Navajo Nation Coronavirus epidemic, it is especially important the Chapter first and foremost recognize the need of maintaining or establishing a norm of Chapter operations with a common message of self-care, protection and personal accountability during the global COVID-19 virus pandemic.
- B. In times of this uncertainty, the Chapter for purposes of services and benefits to the community continues to carry out Chapter-approved PEP and other emergency project activities for the general health, safety and welfare of the Chapter membership and thus, the Chapter Official shall have the ultimate authority to select hire active Chapter registered voters and employable non-registered Chapter residents.
- C. During the Coronavirus emergency health crisis if a Chapter PEP and/or an emergency project employee(s) gets tested for COVID-19 the employee shall notify the employer with the test result and based on the results, the employer shall abide by the Navajo Department of Health and the Health Command Operations Center instruction policy.
- D. PEP and/or other emergency projects, applicants shall not be employed with other entities at the time of submitting an employment application.

## **WHIPPOORWILL CHAPTER PEP POLICIES & PROCEDURES**

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- E. Elected Chapter Officials or an Administrative staffs shall recuse oneself from hiring process participation determining employment eligibility for an applicant due to personal relationship because of a potential conflict of interest or lack of impartiality.
- F. The Chapter Officials shall select a Chapter Project Supervisor based on experience, skills and qualifications for the designated Chapter Project. The Chapter Manager can utilize the Navajo Nation pay scales or recommend the Chapter pay scale based on funds availability to pay the Project Supervisor and likewise with other skilled employees their appropriate wages.

### **VI. REQUIREMENTS FOR EACH CHAPTER PROJECTS:**

- A. It shall be the policy of the Chapter Manager to have discretion in selecting prioritized Chapter PEP project(s) and/or an emergency related project(s) and to determine the length of each project and when to begin such as coinciding with pay period start date to assure proper processing of payroll checks and other pertinent paperwork.
- B. All projects shall be approved by the Chapter membership and/or approved by current emergency reduced quorum of three (3) Chapter members and set out in the annual or supplemental Chapter budget until such time the Navajo Nation re-approved the regular quorum attendance.
- C. Projects shall be completed within the annual budget cycle or an extension shall be reflected in the ensuing year's budget and approved by the Chapter membership.
- D. The Navajo Nation Workers' compensation Program shall provide adequate insurance coverage for each participant prior to start of employment.
- E. The Navajo Preference in Employment Act, as amended (codified as Title 15 Chapter 7) is binding on the selection, hiring and all other aspects of the employment process at the Chapter.
- F. In order for the Chapter to deviate from its set policies by employing more than five (5) participants per approved Chapter project and to exceed twenty (20) working days and/or an extension of the project, the Chapter Officials shall request for ratification at the next Chapter meeting based on funds availability.
- G. In no Instance shall any special projects such as Office Assistant, Community Liaison (Rural Addressing), Chapter Planner, Chapter Security, Bathroom Addition, Home Construction Special Project, Electrician, Plumber, Grounds Keeper and other identified as Special Projects shall not in no Instance exceed one (1) fiscal year (FY) based on funds availability, unless an extension is approved at a Regular Chapter Meeting at the beginning of the new fiscal year.
- H. During the Coronavirus emergency health crisis, the interim policy of the Chapter will be to continue to conduct a one-on-one contact with the employable registered and non-registered Chapter residents willing to work on a PEP and/or an emergency Chapter project(s). Due to lockdown of business entities, including the Chapter House, no job notice postings will be accommodated.

## **WHIPPOORWILL CHAPTER PEP POLICIES & PROCEDURES**

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- I. The Chapter will be obligated to employ non-registered member for Special Project position based on skilled and work experience to fulfill chapter projects.
- J. For community special projects, the Project Supervisors with valid Insurance Coverage will be allowed to transport goods to the project sites.
- K. For the community Special projects, by chapter approved resolution, the assigned employee shall be subjected to obtain a Navajo Nation Driver's Permit to utilize the Chapter Vehicle and equipment.
- L. All community special project positions shall adhere to Confidentially and utilize the Chapter Five Management System, Records section.
- M. For certain related construction-projects participants shall provide their own tools.

### **VII. RECRUITMENT, SELECTIONS, HIRING, TERMINATION PAYROLL PROCEDURES OF THE PUBLIC EMPLOYMENT PROGRAM:**

- A. All Chapter Employment Applications received will be reviewed and screened systematically for employment eligibility by the Chapter Administrative Staff and forward the names of the potential employment applicants to the Chapter Officials for selections.
- B. When a PEP participant is a no show on the first day of work at 8:00 a.m. an employable individual or a selected alternate shall be summoned immediately as a replacement.
- C. When a Special Project worker is hired, he/she's hourly wage shall be set using the Navajo Nation Pay Scale, depending on fund availability, skills and trade of applicant.
- D. The Special Project workers shall be allowed to work overtime, depending on work load and with the approval from Chapter Manager.
- E. Administrative Assistant shall record the overtime work for all employees worked overtime.
- F. The Chapter PEP Special Project employees shall be paid with time and half of their set hourly rate for overtime earned and/or can earned compensatory time based on approval by the Chapter Manager. However, if the employee's bi-weekly earned hours is less than eighty hour (80), the employee shall use the extra time earned toward their bi-weekly earned hours.
- G. Compensatory Time shall be filled out by the employee and submit to the Chapter Administrative Assistant, then shall submit to the Chapter Manager.
- H. All Compensatory Time shall be approved by the Chapter Manager based on work load and if necessary.
- I. The Administrative Assistant shall keep record of all earned compensatory time for employees and record all deductions.
- J. Workers shall not be paid for holidays; however, can be allowed to work if approved by the Chapter Manager and based on work load.

## **WHIPPOORWILL CHAPTER PEP POLICIES & PROCEDURES**

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- K. The Chapter PEP employees shall be eligible for two (2) hours delay and early release from work authorized by the Navajo Nation President's Office.
- L. Break Time for all PEP employees will be from 10:00 a.m. to 10:15 a.m. and 3:00 p.m. and Lunch Break from 12:00 p.m. to 1:00 p.m.
- M. At end of each pay period, the Project Supervisor shall complete the required hours worked with daily progress report to the Office Assistant to ensure timesheets and progress reports are completed, then shall submit the documents to the Administrative Assistant for review.
  - a. Administrative Assistant shall review timesheets and progress report for consistency and completeness, then shall submit to the Chapter Manager for approval.
  - b. All payroll checks will be prepared and distributed in accordance with the Chapter's Fiscal Management Policies and Procedures.
  - c. All Accounting and Bookkeeping procedures as timesheets, payroll, appropriate deductions, including FICA, Medicaid, Federal Income Tax, Workers' Compensation Program, and Unemployment Insurance, etc. shall be consistent and in accordance with the LGA as approved by the N.N.C. Resolution CAP-34-98 and the Chapter Five (5) Management System (FMS) for each project.
  - d. All payroll checks will be picked up by the PEP participant (payee) only, unless a written authorization by the payee designating another individual to pick up the check is submitted to and acknowledged by the Chapter administration.

### **VIII. SEXUAL AND OTHER UNLAWFUL HARASSMENT:**

- A. Any harassment shall immediately be reported to the Chapter Manager, who shall report the incident to the appropriate authorities.
- B. The Chapter Manager shall address the matter in a timely, appropriate, and confidential manner pursuant to the Chapter's Five Management System section XVI (F) Conduct of Employee Sexual Harassment.

### **IX. ILLEGAL DRUG, ALCOHOL OR OTHER ILLEGAL SUBSTANCE USE:**

- A. It is the policy of the Chapter to provide a drug-free, healthy and safe workplace environment. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs in a satisfactory manner.
- B. Employees shall not use, possess, distribute, sell or be under the influence of alcohol, drugs and/or other illegal substance use shall not be tolerated while conducting Chapter related business on Chapter premises and/or project sites.
- C. The legal use of prescribed drugs by a licensed physician is permitted on the job only if it does not impair an employee's ability to perform the essential function of the job.



## WHIPPOORWILL CHAPTER PEP POLICIES & PROCEDURES

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effectively and in a safe manner that does not endanger other individuals in the workplace.

D. Violation of this policy shall lead to disciplinary action including an IMMEDIATE TERMINATION OF EMPLOYMENT.

### X. ABSENTISM:

A. Excessive Leave: If an employee (Special Project) taking excessive leave more than thirty (30) days within time hired shall result to disciplinary action of IMMEDIATE TERMINATION OF EMPLOYMENT, unless has good justification:

1. Family Emergency
2. Medical Reasons (Must submit Doctor Statement)

B. If an employee fails to show up for work two consecutive days, shall result to disciplinary action of IMMEDIATE TERMINATION OF EMPLOYMENT, unless has good justification:

1. Family Emergency
2. Medical Reasons (Must submit Doctor Statement)

### XI. CONFIDENTIALITY:

A. Employee assigned to Administration Office shall abide by the Chapter Five Management System (FMS) Records Management and adhere to strict CONFIDENTIALITY.

B. Only an assigned PEP Special Project employee will have access to handle incoming documentations, stamp, and forward to Administrative Assistance for review.

### XII. EXPENDITURE REPORTING:

A. At the end of each month, quarterly, and calendar year-ending, all required reporting documents shall be submitted to the appropriate departments.

B. The Administrative Assistant shall make a written expenditure report to the Chapter Officials, and the Secretary/Treasurer shall then make an oral report at a duly called chapter meeting on a monthly basis.

### XIII. AMENDMENT:

The Whippoorwill Chapter shall strictly abide and comply with set Policies and Procedures unless otherwise changes or amendments have been made to the Chapter Public Employment Program. The process to amend the Policies and Procedure shall be recommended in writing by any registered community members at a duly called Chapter Planning Meeting.

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

We, hereby certify that the forgoing Chapter PEP Policies and Procedures was duly considered at a duly called Whippoorwill Chapter Meeting in Whippoorwill, (Arizona) Navajo Nation, at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, and 3 abstained this 17th day of February, 2022.

WHIPPOORWILL CHAPTER PEP POLICIES & PROCEDURES

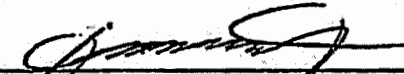
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Motioned By: Phillip Tom, Jr.

Seconded By: Gerald Ahasteen

  
Aaron Yazzie, Chapter President

  
Gerald Ahasteen, Chapter Vice President

  
Phillip Tom, Jr., Secretary/Treasurer

# WHIPPOORWILL CHAPTER PUBLIC EMPLOYMENT PROGRAM FUNDS



## POLICIES AND PROCEDURES

WHIPPOORWILL CHAPTER  
P.O. BOX 279  
PINON, AZ 86510  
Telephone No: (928) 725-3727/3728  
Fax No: (928) 725-3745  
Email: [whippoorwill@navajochapters.org](mailto:whippoorwill@navajochapters.org)

ATTACHMENT II

**NAVAJO NATION LISTING OF CLASIFICATION  
TITLES, CLASS CODES AND ASSIGNED PAY GRADES**

Class Code	Position Classification Title	Salary Grade	Class Code	Position Classification Title	Salary Grade
2258	911 Dispatcher	61	2007	Associate Statistical I Research Analyst	63
1519	Accountant	63	2146	Attorney	68
1360	Accounting Clerk	56	2142	Attorney Candidate	67
1510	Accounting Manager	69	0303	Attorney General	76
1522	Accounting Supervisor	67	2055	Audio-Visual Technician	59
1525	Accounting Technician	57	1654	Auditor	65
1523	Accounting Technician (Cashier)	58	0304	Auditor General	72
1524	Accounts Maintenance Specialist	58	4049	Auto Body Repairer	59
1534	Accounts Maintenance Specialist (AP/PCard)	59	4048	Auto Body Shop Supervisor	62
1533	Accounts Payable Specialist	60	4042	Auto Parts Supervisor	60
3745	Adaptive Education Teacher	66	4044	Auto Parts Technician	57
1260	Administrative Assistant	62	4053	Automotive Service Writer	61
1292	Administrative Legal Secretary	63	4046	Automotive Technician	61
1211	Administrative Services Officer	64	2245	Background Adjudicator (DPS)	65
3314	Air Quality Engineer	66	1435	Background Investigations Manager	68
1212	Air Transportation Director	70	2246	Background Investigator (DPS)	61
4093	Aircraft Maintenance Technician/ Pilot	68	3756	Behavioral Health Director	71
4092	Aircraft Mechanic	61	1422	Benefits Clerk	56
4090	Aircraft Pilot	68	3735	Benefits Coordinator	67
4094	Airport Maintenance Coordinator	62	3245	Biologist	65
0506	AmeriCorp Participant		3246	Botanist	65
3185	Animal Control Officer	59	2068	Broadcast Engineering Technician	64
1854	Application Systems Programmer	66	2072	Broadcast Technician	62
3411	Appraiser	62	1683	Budget Analyst	64
3619	Archaeological Aide	56	1680	Budget Officer	68
3618	Archaeological Technician	57	4080	Building Maintenance Supervisor	62
3616	Archaeologist	64	4082	Building Maintenance Worker	58
3610	Archaeologist (Program Manager)	69	3405	Business Analyst	67
0401	Assistant Attorney General	74	4004	Buyer	61
1233	Assistant Department Manager	68	4171	Cabinet Maker	61
3678	Assistant Superintendent	71	3711	Caregiver Resource Specialist	64
1531	Associate Accountant	62	4173	Carpenter	60
2149	Associate Attorney	66	3764	Case Assistant	56
1655	Associate Auditor	63	3761	Case Management Specialist	64
3312	Associate Civil Engineer	65	3763	Case Worker	57
2019	Associate Contract Analyst	62	3760	Caseworker Supervisor	64
3318	Associate Environmental Engineer	63	1529	Cashier Services Supervisor	65
3043	Associate Environmental Specialist	64	0592	CBP-DOL Employee	
3342	Associate Geologist	64	1530	Chapter Accounting Technician	59
1418	Associate Human Resources Analyst	63	0597	Chapter Employee	
3363	Associate Hydrologist	64	0507	Chapter Youth Employee	
2164	Associate Juvenile Presenting Officer	62	3247	Chemist	65
1983	Associate Management Analyst	62	1515	Chief Financial Officer	71
1660	Associate Minerals Auditor	63	3350	Chief Geologist (Minerals)	73
3345	Associate Mining Engineer	63	2150	Chief Hearing Officer	69
3846	Associate Nutrition Worker	54	0211	Chief Legislative Counsel	76
3851	Associate Nutritionist	62	2361	Chief Medical Investigator	69
3348	Associate Petroleum Engineer	63	2176	Chief of Police	73
2042	Associate Public Information Officer	62	0201	Chief of Staff	71
3038	Associate Reclamation Specialist	64	0206	Chief Operating Officer	72

**NAVAJO NATION LISTING OF CLASIFICATION  
TITLES, CLASS CODES AND ASSIGNED PAY GRADES**

Class Code	Position Classification Title	Salary Grade	Class Code	Position Classification Title	Salary Grade
2155	Chief Prosecutor	74	4085	Custodian	56
3632	Child Development Aide	55	1230	Department Manager I	68
3631	Child Development Worker	59	1231	Department Manager II	69
2172	Child Support Case Management Specialist	63	1232	Department Manager III	70
2170	Child Support Enforcement Officer	60	0400	Deputy Attorney General	75
2171	Child Support Regional Manager	65	2179	Deputy Chief of Police	72
3311	Civil Engineer	67	2156	Deputy Chief Prosecutor	72
3754	Clinical Director	69	2023	Deputy Contracting Officer	68
3804	Clinical Family Therapist	68	1191	Deputy Division Director	70
3753	Clinical Psychologist	69	1192	Deputy Executive Director	70
3702	Clinical Social Worker	68	2316	Deputy Fire Chief	67
3750	Clinical Specialist	67	4142	Derrick Operator	58
3755	Clinical Specialist - Intern	66	3697	Developmental Specialist	64
3433	Collection Clerk	56	2241	Digital Evidence Technician	64
3432	Collection Officer	60	3693	Director of Administrative Services	69
3820	Community Center Supervisor	61	2178	Director of Corrections	72
3798	Community Health Environmental Research Tech	62	2177	Director of Criminal Investigations	71
3792	Community Health Nurse	66	0411	Director of Ethics and Rules	70
3790	Community Health Nurse Director	69	3699	Director of Financial Services	69
3791	Community Health Nurse Supervisor	67	1840	Director of Information Technology	70
3795	Community Health Worker	62	0301	Division Director	71
3799	Community Health Worker Intern	60	4140	Driller	60
3793	Community Health Worker Supervisor	64	4141	Driller Helper	56
3821	Community Involvement Specialist	62	4144	Driver	57
3737	Community Library Manager	68	3655	Early Head Start Teacher	60
3830	Community Resource Coordinator	58	3403	Economic Development Specialist	63
3831	Community Services Coordinator	62	3408	Economist	70
1843	Computer Operations Manager	68	3676	Education Administrator	70
1892	Computer Operator	56	1859	Education Data Network Specialist	65
2022	Construction Employment Analyst	59	3688	Education Data Specialist	63
3515	Construction Inspector	63	3677	Education Program Manager	68
3501	Construction Supervisor	62	3762	Education Specialist	64
2018	Contract Analyst	63	3516	Electrical Inspector	63
2020	Contract Compliance Officer	64	4175	Electrician	61
2015	Contracting Officer	70	2065	Electronic Technician	62
0402	Controller	74	3741	Eligibility Technician	58
3849	Cook	57	2288	Emergency Management Director	68
3850	Cook's Aide	54	2287	Emergency Medical Responder	59
2264	Corrections Captain	69	2284	Emergency Medical Technician - Basic	60
2265	Corrections Lieutenant	67	2283	Emergency Medical Technician - Intermediate	61
2267	Corrections Officer	63	2285	Emergency Medical Technician - Intern	57
2268	Corrections Officer Trainee	61	2286	Emergency Medical Technician - Recruit	57
2266	Corrections Sergeant	65	2281	Emergency Medical Technician Instructor/Coordinator	62
3802	Counselor	62	2280	Emergency Medical Technician Supervisor	64
3430	Credit Manager	66	2290	Emergency Services Coordinator	66
2351	Criminal Information System Specialist	64	2291	Emergency Services Liaison	59
2207	Criminal Investigations Supervisor	70	1213	Employee Housing Specialist	67
2209	Criminal Investigator	67	1423	Employee Insurance Representative	59
0591	CSE-DOL Employee		3673	Employment Assistance Officer	59
4083	Custodial Supervisor	58	3696	Employment Development Specialist	64

**NAVAJO NATION LISTING OF CLASIFICATION  
TITLES, CLASS CODES AND ASSIGNED PAY GRADES**

Class Code	Position Classification Title	Salary Grade	Class Code	Position Classification Title	Salary Grade
3421	Housing Specialist	64	4143	Laborer	55
1426	HR Background Check Technician	60	3412	Land Agent	63
1407	HR IT Manager	67	3414	Land Support Agent	60
1411	HR Position Control Analyst	65	3770	Laundry Worker	55
1431	HR Records Supervisor	62	2154	Law Clerk - Intern	63
1408	HR Recruitment Manager	67	2251	Lead Police Records Clerk	58
1432	HR Support Services Specialist	66	3413	Leasing Agent	63
1433	HR Technical Specialist	65	0202	Legal Counsel	70
1430	HR/IT Support Technician	62	1291	Legal Secretary	59
3675	HS Admin Regional Mgr.	64	1017	Legislative Accounts Maintenance Specialist	60
3664	HS Community Partnership Mgr.	67	1014	Legislative Advisor I	65
3660	HS Director of Educational Svcs	70	1013	Legislative Advisor II	67
3683	HS Employee Relations Spec	65	1010	Legislative Analyst	66
3633	HS Facilities & Safety Officer	64	1015	Legislative Assistant	60
3679	HS Mental Health & Disabilities Liaison	63	1011	Legislative Associate	66
3668	HS Paraprofessional	60	0210	Legislative Chief of Staff	70
3634	HS Prof Dev & Planning Spec	67	1297	Legislative Clerk Supervisor	63
3684	HS Regional Partnership Coordinator	64	1016	Legislative District Assistant	65
3687	HS School Readiness & Lang Immersion	67	1002	Legislative Financial Advisor	68
3689	HS Student Data Specialist	63	1005	Legislative Financial Manager	69
3669	HS Student Trans Supervisor	64	1012	Legislative Liaison	60
1427	Human Resource Adjudicator	66	1004	Legislative Manager	69
1417	Human Resources Analyst	64	1295	Legislative Reporter	59
1405	Human Resources Classification and Pay Manager	67	1296	Legislative Reporter Supervisor	65
1401	Human Resources Director	70	1298	Legislative Secretary I	58
1410	Human Resources Employee Relations Specialist	66	1299	Legislative Secretary II	59
1412	Human Resources Information Systems Supervisor	65	1300	Legislative Secretary III	60
1413	Human Resources Operations & Development Mgr.	68	1003	Legislative Staff Assistant	68
1424	Human Resources Records Clerk	58	1307	Legislative Transcriptionist	60
1428	Human Resources Specialist (Behavioral Health)	64	1355	Library Assistant	56
1403	Human Resources Systems Manager	67	3738	Library Services Coordinator	64
1419	Human Resources Technician	60	3431	Loan Officer	63
2166	Human Rights Investigator	64	3434	Loan Processor	58
3364	Hydrologic Technician	58	2350	Local Agency Security Officer	64
3362	Hydrologist	65	4176	Locksmith	62
3404	Industrial Development Specialist	67	1362	Mail Clerk	56
1877	Information Security Officer	68	4076	Maintenance Mechanic	58
1872	Information Systems Technician	60	4077	Maintenance Technician	60
1470	Insurance Claims Analyst	64	1982	Management Analyst	64
1471	Insurance Claims Examiner	60	3407	Marketing Specialist	66
0504	Intern	56	2057	Media Production Specialist	65
2206	Internal Affairs Investigator	65	2070	Media Production Technician	62
2205	Internal Affairs Supervisor	68	2056	Media Representative	64
1668	Internal Auditor	68	2360	Medical Examiner	74
2236	Investigator	63	2362	Medical Investigator	64
1511	Investment Manager	71	4028	Mine Safety Officer	67
4070	Irrigation Supervisor	60	3002	Mineral Assessment Specialist	63
2163	Juvenile Presenting Officer	64	3355	Minerals & Royalty Management Director	73
3189	Kennel Officer	56	1664	Minerals Audit Manager	70
2021	Labor Compliance Officer	61	1661	Minerals Auditor	65

**NAVAJO NATION LISTING OF CLASIFICATION  
TITLES, CLASS CODES AND ASSIGNED PAY GRADES**

Class Code	Position Classification Title	Salary Grade	Class Code	Position Classification Title	Salary Grade
1659	Minerals Royalty and Audit Manager	71	2185	Police Recruit	63
3344	Mining Engineer	67	2182	Police Sergeant	67
3003	Mining Financial Analyst	66	1980	Policy Analyst	65
0501	Miss Navajo Nation	61	3186	Predator Control Agent	61
4147	Motor Coach Driver	59	3740	Prevention Specialist	63
3291	Museum Curator	66	1517	Principal Accountant	67
3290	Museum Director	68	3614	Principal Archaeologist	67
3295	Museum Exhibit Technician	58	3612	Principal Archaeologist (Contract Specialist)	67
3297	Museum Facilities Representative	58	2144	Principal Attorney	72
3169	Natural Resource Enforcement Mgr.	70	1652	Principal Auditor	69
3823	Navajo Cultural Specialist	62	1681	Principal Budget Analyst	67
1228	Navajo Nation Fair Manager	66	3765	Principal Case Worker	64
1844	Network Manager	66	3309	Principal Civil Engineer	71
1848	Network Specialist	64	2016	Principal Contract Analyst	67
3847	Nutrition Education Technician	59	3401	Principal Economic Development Specialist	68
3845	Nutrition Worker	57	3670	Principal Education Specialist	68
3842	Nutritionist	63	3323	Principal Engineering Technician	63
3806	Occupational Therapist	68	3070	Principal Extension Agent	66
1367	Office Aide	54	4071	Principal Facilities Maint Tech	65
1364	Office Assistant	56	3055	Principal Forest Technician	62
1366	Office Specialist	58	3339	Principal Geologist	71
3701	Ombudsman	65	3360	Principal Hydrologist	68
4178	Painter	60	1870	Principal Information Systems Technician	62
2282	Paramedic	63	1663	Principal Minerals Auditor	68
3698	Parent Educator	59	3351	Principal Mining Engineer	71
3695	Parent Training Coordinator	59	3843	Principal Nutrition Worker	60
1218	Park Manager	64	3840	Principal Nutritionist	67
3271	Parks Maintenance Worker	57	3349	Principal Petroleum Engineer	71
1526	Payroll Supervisor	65	1960	Principal Planner	67
1528	Payroll Technician	60	1990	Principal Program Analyst	67
3852	Peer Counselor (Breastfeeding)	57	1851	Principal Programmer Analyst	66
0596	PEP Project Supervisor		3315	Principal Remediation Engineer	71
3347	Petroleum Engineer	66	3706	Principal Social Service Representative	62
3009	Petroleum Technician	63	3703	Principal Social Worker	67
3010	Petroleum Technician - Trainee	61	4005	Principal Stores Clerk	59
3808	Physical Therapist	68	3730	Principal Substance Abuse Counselor	65
3723	Physical Wellness Coordinator	62	3338	Principal Superfund Geologist	71
1963	Planner	63	1665	Principal Tax Auditor	68
1962	Planner (Health)	66	2165	Principal Tribal Court Advocate	68
3327	Planner/Estimator	65	3712	Principal Victim Witness Advocate	66
1964	Planning Aide	55	2069	Production Coordinator	65
4180	Plumber	60	1992	Program Analyst	64
2180	Police Captain	70	1993	Program Evaluation Manager	68
2190	Police Commander	71	1235	Program Manager I	67
2253	Police Dispatcher	57	1236	Program Manager II	68
2255	Police Identification Technician	57	1237	Program Manager III	69
2181	Police Lieutenant	68	1246	Program Supervisor I	64
2184	Police Officer	65	1247	Program Supervisor II	65
2240	Police Property Clerk	56	1248	Program Supervisor III	66
2252	Police Records Clerk	57	1853	Programmer Analyst	64

**NAVAJO NATION LISTING OF CLASIFICATION  
TITLES, CLASS CODES AND ASSIGNED PAY GRADES**

Class Code	Position Classification Title	Salary Grade	Class Code	Position Classification Title	Salary Grade
1850	Programmer Analyst Supervisor	68	3184	Senior Animal Control Officer	61
1252	Programs and Projects Specialist	63	3410	Senior Appraiser	64
3503	Project Manager	64	3617	Senior Archaeological Technician	58
4017	Property Clerk	56	3615	Senior Archaeologist	66
4015	Property Supervisor	61	3613	Senior Archaeologist (Contract Representative)	66
1965	Proposal Writer	65	2145	Senior Attorney	70
2158	Prosecutor	65	1653	Senior Auditor	67
0305	Public Defender Director	74	4043	Senior Auto Parts Technician	59
2041	Public Information Officer	63	4045	Senior Automotive Technician	62
2259	Public Safety Answering Point Supervisor	65	1682	Senior Budget Analyst	65
2257	Public Safety Telecommunications Operator	59	4081	Senior Building Maintenance Worker	60
0503	Public Works Employee		4172	Senior Carpenter	62
4030	Radio Technician	60	3762	Senior Caseworker	60
1219	Ranch General Manager	69	3824	Senior Center Supervisor	61
3179	Ranch Hand	61	3630	Senior Child Development Worker	60
3174	Range Conservationist	64	3310	Senior Civil Engineer	69
3172	Ranger	59	3794	Senior Community Health Worker	62
3175	Ranger Dispatcher	56	1891	Senior Computer Operator	59
3170	Ranger Lieutenant	66	2017	Senior Contract Analyst	65
3173	Ranger Recruit	56	3500	Senior Construction Supervisor	63
3171	Ranger Sergeant	64	3801	Senior Counselor	65
3037	Reclamation Specialist	66	2208	Senior Criminal Investigator	68
1306	Records Clerk	56	4084	Senior Custodian	58
3682	Recreation Aide	55	3402	Senior Economic Development Specialist	66
3681	Recreation Coordinator	61	3671	Senior Education Specialist	66
3680	Recreation Specialist	62	4174	Senior Electrician	62
3510	Registered Architect	69	3324	Senior Engineering Technician	60
3328	Registered Land Surveyor	67	3316	Senior Environmental Engineer	68
3780	Registered Nurse	69	2187	Senior Environmental Law Enforcement Officer	65
3321	Registered Surveyor	67	3032	Senior Environmental Specialist	66
3744	Rehabilitation Services Technician	60	3034	Senior Environmental Technician	58
3734	Reimbursement Specialist	61	3910	Senior Epidemiologist	69
3041	Remedial Project Manager	66	4051	Senior Equipment Mechanic	62
2006	Research Assistant	56	3071	Senior Extension Agent	61
3766	Residential Caseworker	60	4072	Senior Facilities Maint Tech	63
3774	Residential Guidance Technician	57	3685	Senior Financial Aid Counselor	65
3775	Residential Supervisor	60	2331	Senior Firefighter	61
1415	Retirement Officer	60	3056	Senior Forest Technician	58
1404	Retirement Plan Administrator	67	3053	Senior Forester	66
1672	Revenue Data Specialist	62	3462	Senior Gaming Surveillance Observer	64
3418	Right-Of-Way Agent	60	3340	Senior Geologist	68
1863	Rural Addressing/GIS Coordinator	65	3720	Senior Health Educator	65
1864	Rural Addressing/GIS Technician	62	4149	Senior Heavy Equipment Operator	62
4025	Safety Officer	67	3415	Senior Homesite Agent	62
4027	Safety Technician	59	3420	Senior Housing Specialist	65
1368	Sales Clerk	56	1416	Senior Human Resources Analyst	66
3039	Sanitarian	66	1429	Senior Human Resources Technician	62
2340	Security Guard	56	3361	Senior Hydrologist	67
3767	Self Reliance Site Manager	67	1871	Senior Information Systems Technician	61
1518	Senior Accountant	65	2235	Senior Investigator	65



**NAVAJO NATION LISTING OF CLASIFICACION  
TITLES, CLASS CODES AND ASSIGNED PAY GRADES**

Class Code	Position Classification Title	Salary Grade	Class Code	Position Classification Title	Salary Grade
1290	Senior Legal Secretary	61	2002	Statistical Research Analyst	65
4075	Senior Maintenance Mechanic	60	2003	Statistical Technician	57
1981	Senior Management Analyst	66	2004	Statistician/Demographer	68
3001	Senior Mineral Assessment Specialist	65	4007	Stores Clerk	55
1662	Senior Minerals Auditor	67	3732	Substance Abuse Counselor	56
3343	Senior Mining Engineer	68	3733	Substance Abuse Health Educator	63
1847	Senior Network Specialist	65	0403	Superintendent of Schools	73
3844	Senior Nutrition Worker	59	3611	Supervisory Archaeologist	68
3841	Senior Nutritionist	65	3320	Supervisory Land Surveyor	66
1365	Senior Office Specialist	60	1841	Systems and Programming Manager	69
4177	Senior Painter	62	2148	Tax Attorney	68
3270	Senior Parks Maintenance Worker	59	1657	Tax Auditor	65
1527	Senior Payroll Technician	61	1671	Tax Compliance Officer	63
3346	Senior Petroleum Engineer	69	3178	Telecommunications Supervisor	63
3008	Senior Petroleum Technician	65	0500	Temporary Employee	
1961	Senior Planner	65	4170	Trades Helper	56
4179	Senior Plumber	62	3811	Traditional Counselor	60
2183	Senior Police Officer	65	3810	Traditional Practitioner	62
1991	Senior Program Analyst	65	0505	Trainee	
1852	Senior Programmer Analyst	65	1444	Training & Development Supervisor	66
1251	Senior Programs and Projects Specialist	67	1443	Training Instructor	64
4016	Senior Property Clerk	59	1441	Training Manager	67
2157	Senior Prosecutor	67	4032	Transit Dispatcher	59
2040	Senior Public Information Officer	64	1250	Transit Manager	70
3036	Senior Reclamation Specialist	68	1966	Transit Planner	64
3042	Senior Remedial Project Manager	68	3743	Treatment Coordinator	64
3419	Senior Right-Of-Way Agent	62	2162	Tribal Court Advocate	64
4026	Senior Safety Technician	62	3797	Tuberculosis Control Technician	59
3707	Senior Social Service Representative	60	1842	User Services Manager	68
3704	Senior Social Worker	65	4047	Vehicle Service Worker	56
2001	Senior Statistical Research Analyst	66	3829	Veterans Claims Examiner	64
4006	Senior Stores Clerk	57	3825	Veterans Service Officer	61
3731	Senior Substance Abuse Counselor	60	3073	Veterinarian	69
3365	Senior Superfund Hydrogeologist	68	3075	Veterinary Aide	55
2147	Senior Tax Attorney	70	3710	Victim and Witness Advocate	62
1656	Senior Tax Auditor	67	1229	Vital Statistics Manager	65
1670	Senior Tax Compliance Officer	65	2005	Vital Statistics Technician	58
2161	Senior Tribal Court Advocate	66	3692	Vocational Rehabilitation Counselor	64
3709	Senior Victim and Witness Advocate	64	3826	Volunteer Services Coordinator	60
3691	Senior Vocational Rehabilitation Counselor	65	4078	Voter Machine Technician	58
4002	Senior Warehouse Worker	58	3835	Voter Registration Specialist	62
3285	Senior Zookeeper	61	4001	Warehouse Supervisor	61
3456	Slot Compliance Assistant	64	4003	Warehouse Worker	56
3455	Slot Compliance Manager	68	3025	Water Code Compliance Officer	64
3796	Social Hygiene Technician	59	3021	Water Development Technician	62
3708	Social Service Representative	58	1849	Web Developer	66
3705	Social Worker	63	3007	Weights and Measures Inspector	60
3807	Speech Language Pathologist	69	4181	Welder	60
0205	Staff Assistant	64	3180	Wildlife Biologist	65
1442	Staff Training Coordinator	64	3181	Wildlife Conservation Officer	65

# NAVAJO NATION SALARY SCHEDULE

Navajo Nation  
REGULAR

PAY GRADE	HOURLY RATES BY PAY GRADE AND STEP											Maximum	
	A	B	C	D	E	F	G	H	I	J	K	L	
51	7.22	7.43	7.66	7.88	8.13	8.35	8.60	8.87	9.15	9.40	9.68	10.01	
52	7.86	8.12	8.34	8.59	8.84	9.14	9.39	9.67	9.99	10.28	10.57	10.91	
53	8.58	8.83	9.11	9.36	9.64	9.95	10.26	10.54	10.88	11.20	11.53	11.90	
54	9.34	9.62	9.92	10.20	10.51	10.85	11.18	11.48	11.83	12.18	12.57	12.94	
55	10.18	10.49	10.82	11.12	11.45	11.80	12.14	12.52	12.90	13.30	13.69	14.10	
56	11.09	11.42	11.77	12.11	12.47	12.85	13.27	13.66	14.05	14.48	14.91	15.35	
57	12.09	12.45	12.83	13.21	13.63	14.02	14.44	14.88	15.31	15.80	16.25	16.75	
58	13.18	13.59	13.99	14.39	14.83	15.26	15.73	16.22	16.72	17.22	17.73	18.26	
59	14.37	14.81	15.24	15.69	16.18	16.69	17.18	17.71	18.24	18.59	18.98	19.53	
60	15.63	16.10	16.57	17.07	17.61	18.11	18.49	18.86	19.44	20.00	20.60	21.22	
61	17.03	17.56	18.08	18.63	18.83	19.37	19.96	20.56	21.17	21.81	22.48	23.18	
62	18.60	18.78	19.34	19.93	20.52	21.13	21.76	22.40	23.09	23.77	24.38	25.10	
63	19.87	20.44	21.06	21.70	22.34	23.02	23.71	24.33	25.02	25.78	26.54	27.36	
64	21.66	22.26	22.94	23.67	24.39	24.97	25.74	26.49	27.28	28.12	28.97	29.84	
65	23.62	24.32	24.91	25.67	26.44	27.21	28.05	28.88	29.74	30.65	31.54	32.49	
66	25.59	26.37	27.16	28.00	28.80	29.68	30.58	31.47	32.43	33.39	34.40	35.44	
67	27.91	28.72	29.58	30.49	31.39	32.36	33.33	34.33	35.35	36.38	37.48	38.61	
68	30.41	31.32	32.28	33.24	34.27	35.26	36.33	37.42	38.55	39.70	40.90	42.13	
69	33.15	34.14	35.16	36.23	37.34	38.42	39.55	40.78	42.00	43.24	44.56	45.90	
70	36.14	37.20	38.33	39.48	40.69	41.88	43.16	44.47	45.81	47.14	48.33	49.78	
71	39.40	40.56	41.78	43.04	44.33	45.65	47.03	48.44	49.67	51.15	52.67	54.25	
72	42.93	44.21	45.54	46.91	48.33	49.54	51.02	52.54	54.13	55.73	57.40	59.14	
73	46.78	48.21	49.39	50.90	52.44	54.00	55.61	57.28	59.00	60.75	62.61	64.46	
74	50.77	52.30	53.85	55.49	57.15	58.84	60.63	62.43	64.33	66.25	68.25	70.31	
75	55.33	56.98	58.69	60.47	62.28	64.16	66.07	68.05	70.10	72.20	74.36	76.59	
76	60.31	62.15	63.97	65.92	67.87	69.92	72.03	74.20	76.41	78.73	81.06	83.49	
77	65.74	67.74	69.75	71.85	74.00	76.23	78.51	80.87	83.31	85.79	88.37	91.00	

Appendix D

NAVAJO NATION  
SALARY SCHEDULE

Navajo Nation  
REGULAR

Appendix D

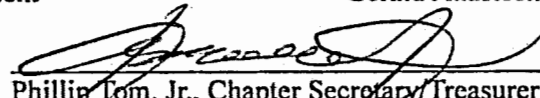
PAY GRADE	HOURLY RATES BY PAY GRADE AND STEP											Maximum	
	A	B	C	D	E	F	G	H	I	J	K	L	
51	7.22	7.43	7.66	7.88	8.13	8.35	8.60	8.87	9.15	9.40	9.68	10.01	
52	7.86	8.12	8.34	8.59	8.84	9.14	9.39	9.67	9.99	10.28	10.57	10.91	
53	8.58	8.83	9.11	9.36	9.64	9.95	10.26	10.54	10.88	11.20	11.53	11.90	
54	9.34	9.62	9.92	10.20	10.51	10.85	11.18	11.48	11.83	12.18	12.57	12.94	
55	10.18	10.49	10.82	11.12	11.45	11.80	12.14	12.52	12.90	13.30	13.69	14.10	
56	11.09	11.42	11.77	12.11	12.47	12.85	13.27	13.66	14.05	14.48	14.91	15.35	
57	12.09	12.45	12.83	13.21	13.63	14.02	14.44	14.88	15.31	15.80	16.25	16.75	
58	13.18	13.59	13.99	14.39	14.83	15.26	15.73	16.22	16.72	17.22	17.73	18.26	
59	14.37	14.81	15.24	15.69	16.18	16.69	17.18	17.71	18.24	18.59	18.98	19.53	
60	15.63	16.10	16.57	17.07	17.61	18.11	18.49	18.86	19.44	20.00	20.60	21.22	
61	17.03	17.56	18.08	18.63	18.83	19.37	19.96	20.56	21.17	21.81	22.48	23.18	
62	18.60	18.78	19.34	19.93	20.52	21.13	21.76	22.40	23.09	23.77	24.38	25.10	
63	19.87	20.44	21.06	21.70	22.34	23.02	23.71	24.33	25.02	25.78	26.54	27.36	
64	21.66	22.26	22.94	23.67	24.39	24.97	25.74	26.49	27.28	28.12	28.97	29.84	
65	23.62	24.32	24.91	25.67	26.44	27.21	28.05	28.88	29.74	30.65	31.54	32.49	
66	25.59	26.37	27.16	28.00	28.80	29.68	30.58	31.47	32.43	33.39	34.40	35.44	
67	27.91	28.72	29.58	30.49	31.39	32.36	33.33	34.33	35.35	36.38	37.48	38.61	
68	30.41	31.32	32.28	33.24	34.27	35.26	36.33	37.42	38.55	39.70	40.90	42.13	
69	33.15	34.14	35.16	36.23	37.34	38.42	39.55	40.78	42.00	43.24	44.56	45.90	
70	36.14	37.20	38.33	39.48	40.69	41.88	43.16	44.47	45.81	47.14	48.33	49.78	
71	39.40	40.56	41.78	43.04	44.33	45.65	47.03	48.44	49.67	51.15	52.67	54.25	
72	42.93	44.21	45.54	46.91	48.33	49.54	51.02	52.54	54.13	55.73	57.40	59.14	
73	46.78	48.21	49.39	50.90	52.44	54.00	55.61	57.28	59.00	60.75	62.61	64.46	
74	50.77	52.30	53.85	55.49	57.15	58.84	60.63	62.43	64.33	66.25	68.25	70.31	
75	55.33	56.98	58.69	60.47	62.28	64.16	66.07	68.05	70.10	72.20	74.36	76.59	
76	60.31	62.15	63.97	65.92	67.87	69.92	72.03	74.20	76.41	78.73	81.06	83.49	
77	65.74	67.74	69.75	71.85	74.00	76.23	78.51	80.87	83.31	85.79	88.37	91.00	

**PAGE TWO: RESOLUTION – ARPA**  
**WHIPPOORWILL CHAPTER**

We, hereby certify that the foregoing resolution was duly considered at a duly called Whippoorwill Chapter in Whippoorwill, (Arizona), Navajo Nation, at which a quorum was present and that same was passed by a vote of 04 in favor, 00 opposed, and 02 abstained on this 04 day of November, 2022.

MOTIONED BY: Raymond Joe

SECONDED BY: Johnny Naize

  
\_\_\_\_\_  
Aaron Yazzie, Chapter President  
\_\_\_\_\_  
Gerald Ahasteen, Chapter President  
\_\_\_\_\_  
Phillip Tom, Jr., Chapter Secretary/Treasurer

# NAVAJO NATION

71

4/18/2023

Navajo Nation Council Spring Session

10:50:46 AM

Amd# to Amd#	Legislation 0019-23: Approving	PASSED
MOT Nez, R	the Navajo Nation Fiscal	
SEC James, V	Recovery Fund Delegate Region	
	Plan for Honorable Germaine.....	

Yeas : 21

Nays : 0

Excused : 2

Not Voting : 0

## Yea : 21

Arviso, S	Damon, S	Nez, R	Slater, C
Aseret, L	Daniels, H	Notah, N	Tolth, G
Begay, H	James, V	Parrish, S	Tso, O
Begay, N	Johnson, C	Simonson, G	Yanito, C
Charles-Newton, E	Nez, A	Simpson, D	Yazzie, C
Claw, S			

## Nay : 0

## Excused : 2

Jesus, B	Crotty, A
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## Not Voting : 0

Presiding Speaker: Curley, C