

**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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Beneficiary Pala Band of Mission Indians (PBMI)

Lead Agency Authorized to Act on Behalf of the Beneficiary Pala Environmental Dept. (PED)  
*(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)*

<b>Action Title:</b>	Diesel Vehicle Replacement
<b>Beneficiary's Project ID:</b>	PBMI-VW 2020
<b>Funding Request No.</b>	<i>(sequential)</i> 2
<b>Request Type:</b> (select one or more)	<input checked="" type="checkbox"/> Reimbursement <span style="margin-left: 200px;"><input type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to:</b> (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

### SUMMARY

<b>Eligible Mitigation Action</b>	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>Vehicle Replacement 6. Class 7 Medium Truck</u> <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
<b>Action Type</b>	
<b>Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):</b>	See Addendum
<b>Estimate of Anticipated NOx Reductions (5.2.3):</b>	96.1 - See Addendum for Details
<b>Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):</b>	See Addendum
<b>Describe how the Beneficiary will make documentation publicly available (5.2.7.2).</b>	See Addendum
<b>Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).</b>	Not Applicable
<b>Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).</b>	See Addendum

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).  
Not Applicable

**ATTACHMENTS**  
**(CHECK BOX IF ATTACHED)**

- |                                     |                     |   |
|-------------------------------------|---------------------|---|
| <input checked="" type="checkbox"/> | <b>Attachment A</b> | <b>Funding Request and Direction.</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment B</b> | <b>Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment C</b> | <b>Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).</b>   |
| <input checked="" type="checkbox"/> | <b>Attachment D</b> | <b>Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]</b> |
| <input type="checkbox"/>            | <b>Attachment E</b> | <b>DERA Option (5.2.12). [Attach only if using DERA option.]</b>  |
| <input type="checkbox"/>            | <b>Attachment F</b> | <b>Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]</b> |

**CERTIFICATIONS**

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary Pala Band of Mission Indians, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: 8/7/2020

Irene Klimas, Administrative Assist.

[NAME]

[TITLE]

SIGNATURE: Irene Klimas

Pala Environmental Department

[LEAD AGENCY]

for

Pala Band Mission Indians

[BENEFICIARY]

**[SAMPLE ATTACHMENT B - USE OF THIS FORMAT IS NOT MANDATORY]**

**PROJECT MANAGEMENT PLAN**  
**PROJECT SCHEDULE AND MILESTONES**

Milestone	Date
Lead Agency Provides Notice of Availability of Mitigation Action Funds	1/2020
Project Sponsor Submits Proposal to Lead Agency	1/2020
Lead Agency Provides Written Approval of Project Sponsor's Proposal	1/2020
Lead Agency Incorporates Project Sponsor's Proposal into Mitigation Plan	1/2020
Trustee Acknowledges Receipt of Project Certification and Funding Direction	3/2020
Trustee Allocates Share of Funds for Approved Project	6/2020
Lead Agency Directs Funding (Advance Funded Projects)	6/2020
Project Sponsor Obtains Cost Share, Notifies or Certifies to Lead Agency	6/2020
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Start	7/2020
Project Sponsor Enters into Contracts, Purchase Orders, etc. - Complete	8/2020
Project Installation(s) – Start	
Project Installation(s) – Complete	
Project Sponsor provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to Lead Agency to support direction to Trustee for Payment (Reimbursement, Direct-to-Vendor) or final accounting (Forward Funded Projects)	-
Lead Agency completes review and certifies payment direction to Trustee (Reimbursement)	<b>8/28/2020</b>
Trustee Acknowledges Receipt of Direction for Payment(s) (Advance Funded, Reimbursement)	-
Project Sponsor Certifies Project Completion	11/2020
Lead Agency Reports Project Completion	11/2020

**PROJECT BUDGET**

Period of Performance: <u>Third Funding Cycle - 2020</u>				
Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$ 160,000.00	\$ 160,000.00	\$	\$
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$	\$	\$	\$
4. Administrative <sup>1</sup>	\$ 6,528.00	\$ 6,528.00	\$	\$
<b>Project Totals</b>	\$ 166,528.00	\$ 166,528.00	\$	\$
<b>Percentage</b>	<b>100 %</b>	<b>100 %</b>	<b>%</b>	<b>%</b>

<sup>1</sup> Subject to Appendix D-2 15% administrative cap.

**PROJECTED TRUST ALLOCATIONS:**

	2017	2018	2019	2020	2021
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$	\$	\$	\$ 166,528.00	\$
2. Anticipated Annual Cost Share	\$	\$	\$	\$ 0.00 +	\$
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$	\$	\$	\$ 166,528.00	\$
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$	\$	\$	\$	\$
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$	\$	\$	\$	\$
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$	\$	\$	\$	\$
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$	\$	\$	\$	\$
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$	\$	\$	\$	\$

**Addendum to D-4 Beneficiary Eligible Mitigation Action Certification**

**Detailed Description of Mitigation Action Item Including Community & Air Quality Benefits (5.2.2).**

Currently the Pala Band of Mission Indians (PBMI) has 113 fleet vehicles. Out of that PBMI has identified 25 fleet vehicles, which is 22% of our inventory that are eligible for replacement under the Volkswagen Environmental Mitigation Trust Settlement. For this third year of funding PBMI has chosen to focus on replacing Pala’s Community Garbage Collection Truck, a 1994 Volvo Garbage Truck, VIN 4V52ACEC9RR47318. To improve air quality in our community PBMI will replace with a 2020 International Garbage Truck.

PBMI will assume 100% of the cost involved in “Scrapping” replaced vehicle. Pala’s Fleet Department, will render the vehicle inoperable and at a minimum cut a 3-inch hole in the engine block. Pala Transfer Station will make vehicle chassis available for recycle.

**Estimate of Anticipated NOx Reductions (5.2.3).**

The Eligible Mitigation Actions to be undertaken by PBMI will result in a significant reduction in NOx emissions, other pollutants and fuel consumption. Detailed data regarding Diesel Emissions Qualified (DEQ) standards of the U.S. Environmental Protection Agency and the Eligible Mitigation undertaken for vehicle replacement are as follows:

<b>Vehicle</b>	<b>Annual Reduction in NOx Emissions</b>	<b>Lifetime Reduction in NOx Emissions</b>	<b>Annual Reduction in PM2.5</b>	<b>Lifetime Reduction in PM2.5</b>
International Garbage Truck	96.1%	96.1%	98.1%	98.1%

**Identification of Governmental Entity Responsible for Reviewing & Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance w/ Applicable Law (5.2.7.1).**

PBMI Finance department, headed by Theresa Nieto, Tribal Treasurer, will be responsible for reviewing and auditing all expenditures associated with eligible mitigation action funds to ensure compliance with applicable laws.

**Describe how the Beneficiary will make documentation publicly available (5.2.7.2).**

PBMI will establish a link on their Pala Environmental Website: [www.pedpalatribe.com](http://www.pedpalatribe.com). This link will be dedicated to the funding received from the VW Settlement Trust, which will include information for members of the public to request additional information and documents related to the funding request and expenditure of funds. PBMI will endeavor to respond to such requests within ten (10) business days and when documents are requested, will advise the individual within that timeframe of the procedure for reviewing such documents.

These procedures conform with all applicable laws related to the publication of confidential business information and personally identifiable information.

**Describe how the Beneficiary complied w/ subparagraph 4.2.8, related to notice to US Government Agencies (5.2.9).**

PBMI certifies that, no government agency has contacted the Pala Band of Mission Indians regarding the Tribe's intent as a Beneficiary.



**Attachment C (5.2.11)**

Pala Band of Mission Indians Air Quality Program will submit Semi-Annual Programmatic Report no later than six months after receiving disbursement, by July 30, 2021 to the Trustee via Intralinks. Reporting on EMAs will be posted on the Pala Environmental Departments website: [www.pedpalatribe.com](http://www.pedpalatribe.com).

**Attachment D (5.2.6)**

Pala Band of Mission Indians utilized Trucks and Parts, a family owned business since 1950. With two locations in Pennsylvania and Florida, the company delivers exceptional value on new garbage trucks; [www.trucksandparts.com](http://www.trucksandparts.com)

Attached is the Truck Purchase Agreement.

### **Administrative Expenditures**

Pala Band of Mission Indians is requesting funds to replace our 1994 Volvo Community Garbage Collection Truck, VIN 4V52ACEC9RR473138.

Pala's Community Garbage Collection Truck will be replaced with a new 2020 International HV607 Rear Loader Cobra Garbage Truck, which includes a full manufacturer's warranty. Cost for new Garbage Collection Truck is \$160,000.00.

In addition Pala Band of Mission Indians is requesting \$6,528.00 to be used for actual administrative expenditures as follows:

Pala's Tribal Treasurer, will allocate approximately 30 hours of staff time, at \$50.00 per hour, to review and audit all expenditures associated with eligible mitigation action funds to ensure compliance with applicable laws. **\$1,500.00**

Pala's in-house legal counsel, will allocate approximately 20 hours of staff time, at \$80.00 per hour, to continue to review all documents related to eligible mitigation action funds to ensure compliance with applicable laws. **\$1,600.00**

Pala Environmental Departments Air Technician and administrative staff will allocate approximately 137.12 hours of staff time at \$25.00 per hour. Air technician will continue to monitor emissions, maintain air quality and supply data as it relates to the Volkswagen Environmental Mitigation Trust Settlement. Administrative staff will be responsible for processing all expenditures along with maintaining and making publicly available all documentation and records. **\$3,428.00**

# TRUCKS & PARTS



## TRUCK PURCHASE AGREEMENT

### CUSTOMER INFORMATION:

### Customer PO Number:

Stock #: TW1200103RL Customer T/M#: CUST-03820 Salesman: Brian Cebuhar Date: 7/6/2020  
Company: Pala Band of Mission Indians Contact: Joe Nejo  
Address: 12196 Pala Mission Rd City, State & Zip: Pala, CA 92059  
Phone: (760) 936-3513 Cell Phone: Fax: Email address: jnejo@palatribe.com

### VEHICLE DESCRIPTION:

Year: 2020 Make: International Model: HV607 VIN: 3HAEJTAN5LL365906  
Odometer: 0 Body Type: Rear Loader Body Make: New Way  
Capacity: 20 yds Body Model: Cobra Body Serial #: 19103C  
Projected Delivery Date:

### TERMS OF SALE:

1. Base Purchase Price: \$ 155,000.00

#### 2. Summary of Extras:

Truck Sold New with Full Manufacturer's Warranty  
New 2020 International HV607  
New 20yd New Way Cobra Rear Load Body

\$2,500 deposit received on (7/6/2020)

3. Total Extras \$ 0.00

4. Total Cash Price (Line 1 plus Line 3) \$ 155,000.00

5. Net Amount of Trade-In: \$ 0.00

Trade In Description:

6. Cash Price less Net Trade-In (Line 4 minus Line 5): \$ 155,000.00

#### 7. Sales Tax: (Taxable amount: Line 4 minus Line 5)

A. Florida State \_\_\_\_\_ x 6.0% = \$ \_\_\_\_\_

plus

B. County Surtax \_\_\_\_\_ x \$ \_\_\_\_\_  
(Up to \$5000)

Total Sales Tax: \$ 0.00

Sales Tax Affidavit Obtained:

8. Federal Excise Tax: (Taxable amount: Line 4) \_\_\_\_\_ x 12%= \$ 0.00

FET Type: FET Exempt

9. Title & Registration Fee: (GVW: 33,000) \$ 0.00

10. Delivery charge (check one):

**FOB**

*FOB Location*  
Booneville, MS

**Freight Included  
in Price**

**Delivery  
Charged to  
Customer**

X

\$

5,000.00

**11. Extended Warranty:**

\$

0.00

**12. Total Amount Due From Customer:**

\$

160,000.00