



December 4, 2023 10:00 A.M.

PLANNING MEETING AGENDA

TELECONFERENCE: 1-219-803-8769 PIN# 160 108 500#

Video call link: meet.google.com/ahs-epsf-aep

I. MEETING CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. REVIEW-OF THE AGENDA

V. COMMUNITY REQUESTS AND PRESENTERS:

1. Larry Tsosie (Grazing Official) –
2. Larry Rodgers—CLUPC and Government Development-Gov't Reform

VI. REPORTS:

***Community Service Coordinator/Officials' Report:**

1. Meeting to be schedule with DCD and NTUA-East Flats, \$80,000 Leach Field, ARPA Portal, House wiring and power line for Teresa Bryant, Vince Natonabah, Possible Power line for Charlene Manuelito, Flatbed purchase.
2. Cemetery Expansion – Update on the processing of documents and the fencing of the extension
3. Audit Status (meet with ASC), Inventory, Records Management,
4. Safety Complex and Parsons Project Team—meeting results and status of Plans and Design
5. 5-year Land Withdrawal for Professional Housing and Commercial Development—going to CLUPC
6. Bike Trail Resolution—Process Agreement for \$7,950 and meet with Patricia Begay and Derek Echohawk
7. Report on the Workforce Office, Status of Senior Center discrepancies, and Head Start
8. Emergency Fund 17—status of expenditures
9. Status of Wood and Coal Purchase—
10. Status of Winterization of Equipment and Vehicle—how are we prepared for the winter and emergencies—working with CHR?
11. Status of purchase of culverts, asphalt millings
12. Highway Lighting-
13. Status Elwood Yazzie no water -
14. Phone Evaluation-possible purchase a new system -
15. Website Maintenance-assistance from Ms. Fern Spencer -
16. HEO training -

***Council Delegate Report:**

1. Updates:

***Red Willow Farm's Report -**

1. Updates:

***Grazing Officer Moore's Report -**

1. Updates: Report on meeting in Crownpoint, NHA etc.

VII. RESOLUTIONS

VIII. ANNOUNCEMENTS

IX. NEXT CHAPTER MEETING DATE:

X. ADJOURNMENT:



December 04, 2023 10:00 A.M.

PLANNING MEETING MINUTES

TELECONFERENCE: 219-803-8769 PIN: 160 108 500#

Video call link: <https://meet.google.com/ahs-epsf-aep>

- I. **MEETING CALL TO ORDER: 10:26am**
- II. **ROLL CALL:** President Sonny Moore, Vice President Mike Halona, Secretary/Treasurer Jean Crawford, and Grazing Officer, Gerald Moore.
- III. **INVOCATION:** President Moore
- IV. **REVIEW OF THE AGENDA**
- V. **COMMUNITY REQUESTS AND PRESENTERS:**
 1. **Ed Harvey** – Specializes in planning and developing Conservation Plans. I have knowledge to help ranchers and farmers. He has worked with families to develop Conservation Plans for them. I will also plan for your agricultural land use field with as much earth information as possible and together you will be able to complete your plan with your successful vision in mind. My service is to help you obtain earth information quicker, allowing you to focus on securing a permit and maybe funding for your field. I am recognized by Economic Development to provide services in the amount of \$250 per plot.
Grazing Officer Moore – I would like to suggest maybe doing a class of 30 community members who have grazing permits to come in to listen to Mr. Harvey.
Vice President Halona – Can the Chapter get a discount of the price if we can get a large group to use Mr. Harvey's services? Or maybe do a cost share using the "unhealthy food tax" to pay Mr. Harvey.
Elvis Bitsilly – 1st Nation is also assisting with Conservation Plans.
Ed Harvey – 1st Nation mainly works with the Pueblos and they abide by USDA out of Denver. The difference between 1st Nation and our services is 1st Nation will assist with getting you started and guide you through the plan, but what we do is we actually develop the plan for you from start to finish.
Caroline Tom – I like Mr. Harvey's presentation. It sounds like he has the education and the knowledge on conservation plans. I would like to see the Chapter work with Mr. Harvey with a possibility of cost-sharing the cost of a conservation plan.
Fern Spencer – This is exactly why we need Vocational Agriculture back in the school.
 2. **Lucinda Barney** – Elvis Bitsilly went out on road 9356 to do assessment. He took GPS reading and made note of the culvert which was broken in half. I would like to have BIA spread some gravel on the road before the winter snow starts up. We had more snow in the eastflats than here in Tohatchi. This road can become very dangerous when it gets muddy.
President Moore - I'm looking into asking Norma Bowman, with NNDOT to have her staff move some of the asphalt milling near the old Chevron gas station to the back of the Senior Center where we have designated a spot. I will work with Clarence with NNDOT with this request. I've also asked Maria and staff to create lines items for diesel fuel, repair and maintenance, and rental. We will need approval from ASC, Patricia Begay and Derek Echohawk.
Elvis Bitsilly – the 9356 road needs repair badly. I took some pictures and not only the culverts need attention but several other issues need to be address. The culverts are filled with dirt and mud causing erosion.
Lucinda Barney – I also want to ask why the families who live down the eastflats get poor reception on phones and internet? I did not have a probably with my phone connection but now the connection is very poor. Are we doing anything differently and what role does Navajo Telecommunication play?
Vice President Halona – Navajo Telecommunication is challenged. T-Mobile wanted to built out but they are being priced gouged. The data that comes off are not feasible. The 1st network came out after 911 and

AT&T is the new player. They won a grant and this allowed them to build out. Navajo Nation's plans were to put a tower in every dead zone, but decide not to complete this project. They will be looking at the towers which already are existing. Navajo Regulatory are the people who handle all the telecommunications. We can ask Mr. Tico Charley to give us a presentation on this topic.

Lucinda Barney – Illegal dumping is also occurring near Theresa Bryant's residence. Will filing a complaint with EPA be effect?

President Moore – The problem with EPA is they lack enforcement. They will come out and take pictures of the dumping site, but they just don't have the manpower to enforcement the laws for illegal dumping across Navajo. We can look into making some signs to post which I hope will deter these individuals who are dumping illegally.

VI. **REPORTS:**

***Community Service Coordinator/Official's Report:**

1. **Meeting to be scheduled with DCD and NTUA-East Flats, \$80,000 Leach Field, ARPA Portal, House wiring and powerline for Theresa Bryant, Vince Natonabah and maybe Charlene Manuelito, Flatbed purchase.**
2. **Cemetery Expansion, update on our paperwork and the fencing extension** – The Chapter has submitted all paperwork requested, but now they are requesting for the original survey of the entire cemetery.
3. **Audit Status (meet with ASC) Inventory and Records Management** – Our next meeting with the auditors is next month in January 2024. Janice Begay is still working on organizing the Chapter records so the auditors can review.
4. **Safety Complex and Parsons Project Team, status of meeting and Design plans** – The progress on the Safety Complex building has been delayed due to lack of funding. We are working diligently to obtain more funding for the Complex.

LDA Mr. Curley – I met with Dr. Greyeyes last week Thursday to address how we can obtain funding for Parsons Project team. Currently, Parsons is still under contract with the Navajo Nation under the Department of Corrections. From what I've been told the funding is at or near depletion. However, we have been working with Dr. Greyeyes to access special revenue funds specifically allocated to the Justice Department. Council Delegate Notah and I are looking at dropping legislation to allocate more funds from the special revenue fund. The last 2 project meetings were cancelled with Parsons because of the funding issue. When I spoke with Dr. Greyeyes, one of the concerns is whether or not the current IGAs (Intergovernmental Agreements) the State would allow for expenditure on professional services which would be Parsons, Management Team. I research this and unfortunately, in the IGA none of the language was included. However, 2 meetings occurred on Friday. The 1st meeting was with the New Mexico Council Delegates who had a caucus meeting in Iyanbito. At this meeting, the priorities for the district were set forward as part of the collective groups of priorities for the NM side. Included in our priorities were two requests of the caucus leader. The caucus leader is Council Delegate, Seth Damon. What we presented on our part was for the IGA's because the reauthorization period the State gives the tribe is very limited. They technically have a whole year to complete this reauthorization but they push it so far to the right the Tribe has only about 2 months to actually approve the IGAs. These IGAs outline exactly how the money is suppose to be spent, what the money is suppose to produce in the end, whatever project it may be. This is the purpose of these IGA when the money is sent to the Tribe. DCD is the agent for the Tribe when it comes to those monies, however; again when the authorization occurs for lack of progress in some instances the progress of the project is not moving forward, the State, at least in this past year; recouped or wanted to recoup a lot of money back from the Tribe. The Tribe put up a very strenuous argument that would not be prudent on their part. One, because we need the money and we need to finish up these projects, but there are some processes that limit our ability to complete these projects. One being the short time span the Nation is allowed to reauthorization the IGAs. This is the issue we wanted Council Delegate Seth Damon to bring up with State of NM. Second issue being, in those IGAs, for instance; the money that was received by Tohatchi Chapter for the demolition of the ole Detention Center, there was not language included in there to allow for expenses of professional services, again. So, we ask if the caucus would put that statement to the State to allow the expenditure on professional services. Right now, they fund for

construction and planning & design, but nothing as far as professional services. If professional services were included in the IGA that would allow project managers to be a part of the discussion, whatever the amount was set forward by the State a certain portion would be allowed for professional services. Thus increasing the likely hood of its success in the long run. We know currently DCD has minimal manpower as far as project managers, planners, and estimators go. The people that are necessary when working on a project to completion. They don't have that capability nor the capacity. With that being said, if the State were to allow, again, the inclusion of the language for professional services the likely hood the Chapter would go out and say we need someone to come in that has the technical capabilities and capacities to help us be successful in these projects. If you were to go out and purchase services on your own, under whatever the contract, the likely hood of that occurring and the project being successful increases. So, we are pushing the State to include this language in our future IGAs.

If we are able to access the special revenues from the Department of Justice then we will get back on track with Parsons Management Team. This depends on the approval of our legislation by Council and maybe Naa'bik'iyati'. Dr. Greyeyes has met with DCD and CPMD to discuss this project and the halt in services by Parsons.

5. **5-year Land Withdrawal for Professional Housing and Commercial Development which will be assigned to CLUPC** – The CLUPC will be discussing this topic at their next meeting.
6. **Bike Trail Resolution – Process Agreement for \$7,950 and meet with Patricia Begay and Derek Echohawk** – Once we meet with ASC, Patricia Begay and Mr. Echohawk to discuss the agreement process with Silver Stallion and DOJ, we can pay for their services to build the bicycle trail.
7. **Report on the workforce office, status on Senior Center discrepancies and HeadStart** – Rolanda Lewis will be overseeing the work force program under the Crownpoint office. The office will be opened on Tuesday and Thursday. The headstart classroom one is being utilized by instructed, Loretta Etsitty. The Chapter has asked Loretta for a key and also to do an update on the progress of the Headstart.
Status on:
8. **Emergency Fund 17 -**
9. **Status of Wood and Coal Purchase** – The Chapter is still purchasing wood from community. We will pay \$120 for short bed and \$140 for long bed truck. The wood would have to be cut and split in advance and we will be accepting truck loads
10. **Status of Winterization of Equipment and Vehicle -**
11. **Status of purchase of culverts and asphalt millings -**
12. **Highway Lighting –**
13. **Status on Elwood Yazzie's water issue** – We have contacted Mr. Larson Manuelito Jr. to do an assessment.
14. **Phone Evaluation – the possibility of purchasing new phones for Chapter** – We were invited to the schools to see what type of phones they are using for business. We were excited to see the capability of their phones and will consider purchasing the same type when funds become available.
15. **Website Maintenance, assistance from Ms. Fern Spencer** – Ms. Spencer will be required to watch a webinar so she can start working on the Chapter webpage.
16. **Heavy Equipment Operator's training** – The operator is not currently working on grading roads until he is trained on how to properly grade a road. He needs training on how to build up a road and not just grade and grade into the road
Maria, CSC – I received an email from Ansley Curley to have Chapter use up the emergency fund which we plan to do by purchasing blankets, cots, and flashlights. I am still taking applications for septic cleaning and I currently have 10 people. I need 15 more people to sign up for the cost-sharing service. The deadline is on December 8th. I also still have coal tickets and so far, I've given out 40 tickets and now I have 100 tickets left. The Chapter has also given out 15 loads of wood to elderly who still use firewood to heat their homes. The Community CHR is very helpful and she identifies elderlies who need assistance at this time. The Chapter is buying wood and paying \$120 for a short bed truck of wood and \$140 for a long bed truck. Drop-off of wood is on Wednesday. Our annual Christmas party for our community is on December 15th.

***Council Delegate Report:**

1. **Updates – LDA Mr. Ansley Curley:** There was a meeting with DCD and IDIQ firms that were hired by the

Navajo Nation. IDIQ is Indefinite Delivery Indefinite Quantity Contract and the Nation has hired 4 Project Management firms to handle all of the FRF monies that were given to the region. Our Project Management company is LAM Corporation out of Gallup. Initially, we were working with a different Project Management company but we chose to request a change of service from that company and now we will be working with LAM Corporation. So far, I think that has gone well at least across the district looking at it on a boarder landscape. I know this Chapter was schedule last week on Monday and Tuesday to complete assessments on house wiring and some of the other projects but that did not occur. The problem with our project management firm is that all of the project management firms have to have their assessments for all FRF projects completed by the end of December 2023. They are working with 8 delegates and 31 chapters and each chapter has about 5-6 projects that they will have to assess. I believe its 5-10 names per project at least were submitted here at this Chapter and they will have to assess each one correctly. Realistically, they can probably get through 7-8 assessments per day. They are press for time and we are already behind because we didn't get those 2 days of assessments done, so now we are asking for an extension. We asked for the extension at the Resource Committee meeting in Shiprock, NECA and NTUA were present at the meeting, but IHS was on the call. Unfortunately, we did not get a response to our question on an extension but we don't want to be penalize because we changed our project management firm.

Another big topic that was discussed was homesite leases. RDC stated that hopefully by the 13th of this month they will have a definitive answer on how they plan to handle homesite leases. How this effects project is, example; Mr. Curley is asking for water and power to his house, he is also requesting for a bathroom addition as well, but I don't have a homesite lease. However, I put in a homesite lease application, I paid the fees to apply and this should show that I am interest in obtaining a homesite lease. The tribe sees it differently, in order to spend all this money, there are some many applicants who have not obtained their homesite leases that require these services, this infrastructure. They probably won't all receive the assistance for water, power, and bathroom addition only because they do not have a homesite lease. We were told it is a federal requirement and this is push back, a couple of departments are hashing out. Ultimately, it is up to RDC to decide how they want to handle this. If they choose to waive homesite lease requirements, with the fact that Mr. Curley has submitted his application and has paid the fees that shows he wants a homesite lease and we will work with you and we'll push this project in your favor to get you the power, water, and bathroom addition. But if RDC decides otherwise then Mr. Curley will not be getting his power, water, and bathroom addition until he actually has his homesite lease on record and if there is funding leftover. Beyond that with the funding that was given to each one of the Chapters for their FRF (Fiscal Recovery Fund) projects, we know some of these projects were unfunded. For instance, some Chapters put in request for road graders which runs around \$160,000 and if you allocated \$20,000 for road grader, you are not going to get a road grader. What happens to this money? Because it was allocated specifically for a road grader that money cannot be moved to different project without having to go through this whole process of resubmitting paperwork, having it reviewed by the Justice Department deeming it eligible for expenditure on whatever other project. That would take some time, around 2 months because if would have to go before Nabaa and full Council in the sense that it is a lower committee but all 24 delegates would come together to vote on to approve it or disapprove it.

By March of 2024, is when they say all of the money for the FRF projects, the \$8.1 million given to the region, all the money has to be encumbered by the end of March 31, 2024 is what DCD and Council is saying. If that does not happen, the actual deadline to be in a contract with a vendor is September 2024. What Council is doing is moving the deadline to the left in case things like that do happen where there is \$25,000 sitting which is not going to fund a road grader at \$160,000. There will be money which did not get fully encumbered which will leave money all over the place. What they are trying to do is by the end of March, if that money is not encumbered, they will tell all the Chapters, you have not encumbered that money so we are pulling that money back to tribe. At that point, they are still trying to figure out what to do then as well. This does not sound great on the Council or the government but I'm reporting the facts. At this point, some of the delegates are saying "just give the money to the people." Others are saying "no, let's spend this money on infostructure and projects." But as a whole they are going to have to come to a consensus, make consideration on each side of the argument and come up with the best plan.

Secretary/Treasurer Crawford – Why did they even want to change project managers when we already met with previous one?

LDA Curley – It's all business I'm told. During the 1st kickoff meeting, the project management team wasn't ready. At another Chapter, the project management team did a teleconference meeting with Chapter. So, this did not go over very well with some of the Chapters. These Chapters express serious concerns about the firm's professionalism and their ability to conduct themselves in a way that we expect project management firm to conduct themselves. That didn't happen.

President Moore – We were so close to hiring an architect that answered our RFQ and we were in the process of scheduling a meeting with them when we were told we ran out of funding.

LDA Curley – What the RFQ entails for the Safety Complex is this, it asks firms whether or not they are qualified for the type of work we are asking them to complete. So, if it's the design and engineering portion of it, we want to know that they have done this in the past and they have been successful doing that type of work. That's the whole reason for an RFQ. There was only one firm that responded to the RFQ, the question for you as leadership is whether or not if the Chapter just wants to go with the one sole firm that put in their qualifications or would the Chapter like to go out again to see if we can get more fish in the net?

President Moore – I want the community to know the same firm we selected to do the ARPA projects is the firm who answered the RFQ and they are called "Indigenous Design Studio and Architect." Personally, I would like to see if we can get more firms to answer our RFQ. If we can get two, that would be great.

Vice President Halona – Just make sure they advertise on a broader scale, not just the Navajo Times, but there are a lot of businesses who are afraid to do business with Navajo.

LDA Curley – My last meeting with Parson, I believe they said they advertised in Farmington and all the way out to Phoenix.

LDA Curley – The northwest council of governments, whether or not if they have funding, if this project is something that is an allowable expense to be included. Evans Williams runs the northwest council of governments in Gallup and I would like to visit with him to see if they might have funding for the project management portion of the project.

Elvis Bitsilly – I've mentioned this before, our delegate needs to advocate for these funds internally. He is on the Law-and-Order Committee and their chair; Council Delegate Newton is working with the Investment Committee. Investment Committee has funding for these Safety Complexes across Navajo. At our last meeting here with Delegate Newton, she stated these Safety Complex buildings were priority and Tohatchi's project is either 1st or 2nd priority. Why are we sitting around waiting for money when they told us themselves that there are funds and that they are going to get this project done for us. We need to deal with this immediately and directly. I've always said we need to follow up on this. We have a million dollars allocated and approved by the State of NM for the Safety Complex, are we just going to let this money go? If we don't have the money to continue with the construction of the Safety Complex, why didn't someone say before we started working on the project? And where did they get the money that was used on the project? It must have come from Dr. Greyeyes department, Public Safety. There should be some money leftover somewhere and someone needs to research this to see what is going on. The Investment Committee does have money for Safety Complexes, last I heard was about \$30 million plus from the 24th Navajo Nation Council. They know about and should have been passed down to the 25th Council.

Elvis Bitsilly – When you apply for the Capital Outlay funds, you have to be specific as to what you are requesting funds for. We have always put in for plan, design, and construction. We need to make sure we are adding more language in the comment section to be more specific of our request. That's probably where "professional services" needs to be added.

Secretary/Treasurer Crawford – I attended a meeting in Albuquerque several months ago and this topic was brought up then where the people who review these applications said it was difficult for Chapters to complete. The language on the application is difficult to understand and it should be written where everyone understands the language being used on these applications.

Caroline Tom – I'm wondering why projects are not moving forward. It seems like there is an obstacle everywhere and even in the wording of documents. Why doesn't Nation, communities, State, and everyone involved make the language clearer for everyone to understand? It had mentioned a year ago, not to let this money lapse for any reason. We must spend this money and the deadline is coming up and this concerns me. The Council needs to think of creative ways to through all the paperwork. You also spoke about the project management firms and how only one firm responded to our advertisement. When you advertise across the

nation, you have to consider their travel which cost money and you also have to consider the fact that they do not know how the Navajo Nation operates which will entail more questions from the firms. We have businesses here or around the Navajo Nation which is closer and can be do the work. They are familiar with the Tribe and their business operations. The money which comes from the State is our money, it's the money from the city and county we shop in which generates these funds. I would like to ask the officials to flood their offices with letters and resolutions to get our projects moving. We definitely need to spend these dollars allocated to our Chapter.

***Red Will Farm's Report:**

Updates - **Elvis Bitsilly President:** Not much to update, we are continuing with our projects and looking for funding to start our projects. I gave President Moore 2 resolution to review and just to let the community know as president of the CLUPC, we have made some edits to the plan of operations.

***Grazing Officer Moore's Report:**

1. Updates - the issue of the dog attack on a 3-year-old around the NHA housing came up again. We will be meeting with them.

I'm also getting calls about someone vandalizing the pipes at hot springs. I'll be looking into this issue. Navajo Nation Veterinarian Services are coming back to assist the public.

VII. RESOLUTIONS:

1. Amend CLUPC's Plan of Operation
2. Budget transfer from fund 23 into fund 17
3. Budget transfer from fund 23 into fund 25
4. Resolution to extend the PEP workers, Janice Begay, Oscar Desteaa, and Ray the operator.

VIII. ANOUNCEMENTS:

IX. NEXT CHAPTER MEETING DATE: December 20, 2023 @ 10am

X. AJOURNMENT: 1:57pm

Submitted by;



Jean Crawford, Secretary/Treasurer, Tohatchi Chapter -
cc: Mr. Sonny Moore, President
Mr. Mike Halona, Vice-President
Mr. Gerald Moore, Grazing Officer
Ms. Maria Allison, CSC
Mr. Nathan Notah, Council Delegate