



November 04, 2024 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:
- VI. REPORTS:

***Council Delegate Report:**

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

1. Status of Audit – Assets to be added to Financial Report (upcoming 6-month review)
2. Report on Safety Complex – Management team, Parsons
3. Status of the SYEP Allocation of Funds – Chapter is currently carrying negative balance.
4. Status of Tabled Resolution to increase Fees – Staff has completed the spreadsheet (Old Business Item)
5. Update on cemetery expansion – need to develop erosion control.
6. Bike Trail Documents to DOJ -
7. Update on status of Senior Center discrepancies –
8. CLUPC on Land Use Recertification update –
9. Plans to Designate Land for Commercial Development along Highway 491 – Meetings with Economic Development –
10. Status of East Flats Water Drilling –
11. Preparing for ICIP 2025 -

***Red Willow Farm's Report –**

- 1.

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

- 1.

VII. RESOLUTIONS

1. Resolution to Approve the Teleconferencing and /or Hybrid Meetings
2. Resolution to Approve the East Flats residual (Monies) to be used for Future Repair and Maintenance.
3. Resolution to Amend the 033-04-2024 resolution for Red Willow to add Repair and Maintenance and Diesel Fuel.
4. Resolution to reapprove the updated and new policies as instructed by DOJ.
5. Resolution to approve Housing Discretionary Funds for legal survey for Herman Yazzie's homesite.

VIII. ANNOUNCEMENTS: VOTE TOMORROW!

IX. NEXT CHAPTER MEETING DATE: 11-20-2024 (Chapter Meeting)

X. ADJOURNMENT:



November 04, 2024 10:00 A.M.

PLANNING MEETING MINUTES

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

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- I. **MEETING CALL TO ORDER: 10:34am**
- II. **ROLL CALL:** President Sonny Moore, Vice President Mike Halona, Secretary/Treasurer Jean Crawford, and CLUPC & RWFB Chair Elvis Bitsilly
- III. **INVOCATION:** Priscilla Duncan
- IV. **REVIEW OF THE AGENDA/APPROVAL OF AGENDA**
- V. **APPROVAL OF OCTOBER 23, 2024 CHAPTER MEETING MINUTES**
- VI. **COMMUNITY REQUESTS AND PRESENTERS:**
 1. **Derek Livingston** – My previous experiences include working with NN Land Department for 13 years and NTUA, now I'm currently working for Parsons Management Team. We are working on a 1st Responders substation in Shiprock, NM. Parsons works for the Department of Corrections and is in contract with Director, Dr. Greeyes. We were approached by Tohatchi Chapter to help assist in getting the Safety Complex off the ground. Tohatchi Chapter was working with the Division of Community Development, but they are stretch pretty thin since all the ARPA projects. Parsons has a 5-year contract with the Department of Corrections and this is how we got involved with the Tohatchi project. We starting working last year in June with Tohatchi Chapter and they provided information on what they wanted to do, who should be involved, and who the Safety Complex building will provide services for.

It was decided at the beginning of this project that we would use the same design as the 1st Responders substation at Twin Arrows next to the casino. We have completed the pre-construction, site selection, and currently working on the design. Once the design has been developed, we will have an estimated cost of the Safety Complex. We have completed the contract negotiation and currently worked on the Land contract negotiations and submitted the documents to Department of Justice (DOJ) for contract execution. From my experience it takes around 6-8 months to get the contract executed due to all the ARPA projects that are occurring on Navajo. Hopefully, we can get the contract executed by the end of this month or next month. Tohatchi Chapter and DPS already have a floorplan in mind as to what the design should look and this will be very helpful to get the design completed sooner.

The key stakeholders will be Tohatchi Chapter and Division of Public Safety, Navajo EMS, Navajo Fire Department and Police Station including Navajo Police Investigation will be housed in this building. The Division of Community Development will be handling the payouts to Parsons and general contractor after review. DCD oversees the project management and construction management and they don't deal with any of the payments. LAM Corporation is the architect and they will be designing the building and Blackrock Core Construction will be the General Contractor and will be on site when the design is completed.

Time line of the Safety Complex Project: July 2023 is when we (Parsons) got involved with this project. We started by diving into land records and legal descriptions, ensuring a solid foundation based on the 1962 Navajo Nation Council resolution. August 2023, we visited the BIA real estate services regarding the Tohatchi DPS tract. Boundary points were recovered for the 4.05-acre lot. The land designation happened back in the sixties, so no documents were found at Land Department, everything was at the BIA office. We found the "legal description" and came back to the site and we reidentified the boundary for the 4 acres. We forwarded the documents to General Land Department so they could use it for their records. Then in September into October 2023, we started reviewing documents and started having more meetings with the Chapter. In mid-October, we did and RFQ to advertise for an architect, but we only received one response

from an architect. The selection committee wanted to see more interest in the project. So, we re-advertise and had to go through the whole process again. Around about that time, we hit a road block when the funding that we were using to do the work of the project management had language that stated the State does not pay for project management services. This put a hold on the project for 3 months to get clarification from the State and to get this problem resolved.

In January 2024 is when we were given the approval to continue doing the work of a project management. In February, initiated RFQ's again to advertise for an architect and this time we had 4 architects who were interested. This gave us a better baseline as to their qualification to build a Safety Complex. We then selected LAM (Loren A Miller Corporation). In April, we started working on contract negotiation with LAM. We had several meetings with them and we asked them to give us a better price on the design of the project. They submitted the contract to us and we reviewed it several times and we then submitted the contract to the Department of Justice. So, currently it is up for review by DOJ. It has been 7 months and I did mention it takes time, but I am hoping it will be completed soon.

In May 2024 we advertise for a General Contractor called CMAR (Construction Manager at Risk). We had 4 interested contractors and we selected Blackrock Core Construction as the CMAR. Based on their RFQ submittal, the selection committee wanted to see a facility which was constructed by Blackrock. So, we traveled to Phoenix to see a couple of the buildings. We received nothing but positive feedback from the tribes who have previously worked with Blackrock Core Construction. From June and July 2024, we went through several contract negotiations trying to get a better price or some additional services. After the negotiation, we did get a better price just for the pre-construction services. Just as a reminder, we don't have all the money for this project. We have money to pay for the design, but not for the construction of the Safety Complex. Once the design is complete, hopefully we have the funding for the construction to get this facility built. This project will be done in 2 phases, the pre-construction-design phase and construction phase. Our recent activities entail: listening to the Police Department and their issues which is the lack of housing in the remote areas they are assigned to work. We met with NHA and they provided us with a listing of all the vacant homes they have available and we will be working with NHA to provide housing for some of these police officers who want to be stationed out here in Tohatchi.

Within the last 2 weeks, Land Department got back with us to say they have reviewed all the documents that were submitted to them concerning the Land Withdrawal. They said everything looked valid so the Advisory Committee Resolution was never voided, it was valid. Land Department said they would issue a letter to us stating the Land Withdrawal is valid and we have site control for the 4 acres, but we are still waiting on this letter from Land Department.

We also coordinated with NTUA to get an update on the electrical capacity analysis for the substation. This is crucial to ensure adequate power supply. Updates and documents resubmissions occurred on October 29th and November 1st, 2024. Capacity analysis for the Water/Wastewater has been received. However; this capacity analysis does not include Fire water supply.

Elvis Bitsilly – the wording on the actual legislation states “approval of the judicial Public Safety Facility Fund and under Tohatchi Safety Complex it lists it would have Police Investigation, Detention, EMS, and Fire just like all the other Safety Complexes that are scheduled to be built across Navajo. Parsons Management is calling it 1st Responders facilities and I think it should have the same name across the board. 2nd question: Is our design of the Safety Complex going to be the 1st design drafted that will be used for all the other facilities? 3rd question: is our facility going to house criminals and for how long?

Derek Livingston – Yes, Tohatchi Substation will be our pilot project to design a building which will also be used at 15 other sites across Navajo, but the design would have to be redone at each location because of the site conditions. So, the engineering company would have to redesign the foundations to make the foundation is stable enough for these other sites. Our design will be a rectangle building which would save on cost, one roof line without any pullouts. We want something that's simple, can be built quickly, and is cost efficient.

In the legislation itself, it does state “corrections,” and from what I know the Department of Corrections wants to revoke their interest in these buildings because like you said, if you have to house people there it brings the level of code and cost up. BIA would have to come in and review all the codes so, the facility will only hold an individual for up to 8 hours to meet codes. This is according to Dr. Greyeyes, she does not

want to see the cost of the building to go up when BIA comes in to review the codes.

Priscilla Duncan – You mention 2 more facilities want to be added, but that would change the scope of work and it should be considered as a new requirement, but that shouldn't delay our project.

Derek Livingston – Right now we only have Tohatchi Substation as our scope of work so when some of these projects come on board, we would have to get a 'task order contract modification.' So, they would have to modify the contract in order for us to work on these projects. Currently, Tohatchi and Shiprock substation are the only ones on the contract. There is a list of 18 proposed sites, but only 4 or 5 chapters have funding for the project which does include Tohatchi. The majority of the funding for these proposed sites are coming from the State of NM. The tribe has some funding to assist with the construction of these buildings, but each Chapter has to show they are working diligently to tap into this fund.

President Moore – So, the order of the facility sites might change and that is why Dr. Greyeyes is encouraging our Council Delegate to advocate to get our project into the top 5. In February 2025, we will be applying for Tribal Infrastructure funds (TIF). I think if they see what we have done, I believe they will fund us. It is usually 30% of the total cost of the project. We are looking at \$15-16 million for this project.

Secretary/Treasurer Crawford – I believe the State is not too happy with the Navajo Nation currently because of how things are processed. The delays that occur and the lack of project managers in W/R cause us to lose our funding which was reverted back to State. The Chapter has completed the majority of the ground work but the delay is always in W/R. Hopefully in 2025, it will get better and my understanding is the Governor just wants to see projects that are shovel ready.

President Moore – What keeps coming up with the Safety Complex is the O&M cost. The chapter does not have funding for O&M cost. The Navajo Nation is building into this whole contract with BIA and I hope they will continue to be part of the contract and they will be given O&M monies to run the buildings. So, when we talk about the construction of the Warehouse, we have matching funds in sales tax in the amount of \$30,000. I want to keep this money to cover the O&M expense for when the Warehouse is built, because we will be asked who will be paying for all the expenses for the Warehouse.

Elvis Bitsilly – Is Parsons doing the plan and design phase?

Derek Livingston – We are helping out with project management so we are reviewing the design, documents, and applications. We are making sure the quality is there, they are not charging for things that have not been done, we making sure everything is accounted for in the design and we are also doing more procurement for code inspector. The code inspector will be reviewing the design, making all the codes have been met for the substation. In the future we will also have to procure a special inspector who does site inspection for concrete, rebar, and structural to make sure everything is up to code. Another thing we will be procuring for is furniture, fixtures, and equipment. That's anything in the building that is not tied down.

Secretary/Treasurer Crawford – how long does it normally take an architect to design a building?

Derek Livingston – That depends on the size and the complexity of the design, but we are anticipate 8-10 months to complete the design. The biggest hold up right now is the review of the water and the electricity by NTUA. They are short staff there and are working on other projects. Some of the reviews we've seen take about 2-3 months which delays our schedule and we have no control over this.

Elvis Bitsilly – Our Council Delegate will need to lobby for some funds for this project. We need his assistance in obtaining funding needed because the State will not fund the total amount needed to complete this project.

Derek Livingston – We met with Blackrock Core Construction; we asked them to give us a cost estimate for the Twin Arrow Complex today. In their eyes, it would cost around \$10 million, but that was just for hard cost and it didn't include soft cost. With the soft cost it would bump it up to \$16 million. I do agree District 14 Chapters need to contribute and get involved with this project. This did not happen.

President Moore – There was a special meeting scheduled for November 7th but they want to change the meeting date to the 6th instead. I will work on getting this topic on the agenda f

2. **President Moore** – Elvis, where are you at with the transport of the portable building for Red Willow?

Elvis Bitsilly - Last Friday, the mover gave me a respond and quoted me \$7000 to move the building down to Red Willow. Gallup Mckinley County School will be here at our meeting on Tuesday and hopefully they will have some ideas as to how we can get this building moved. They will also have some information on the "Startup Program in Agriculture" with the students at Tohatchi High School. I did reach out to BIA as well,

but they did not give us a respond.

Secretary/Treasurer Crawford – I thought we discussed this topic at our last meeting where RWF can request for Unhealthy Food Tax Funds to move the portable building.

Elvis Bitsilly – The approval has to come from the Chapter Administration and I did mention it to Delegation Notah as well. He didn't see a problem with using the Unhealthy Food Tax Fund. Maybe the Chapter can help us with some money, but GMCS is not pushing us to move the portable building out.

Secretary/Treasurer Crawford – I believe the stipulation per Maria, was as long as we are not asking the other chapter to participate in Red Willow Farm there should not be a problem with using the Unhealthy Food Tax Fund.

2. **President Moore** – Vice President Halona, I know your department has heavy equipment like a “lowboy trailer” to assist in moving the portable building?

Vice President Halona – I can follow up with water resource, they have that kind of equipment to see if they can assist. They have all kinds of equipment for irrigation.

President Moore – I will be meeting with Tom Platero next week to request for a belly dump and to follow up on the 15-mile designations.

VII. REPORTS:

***Council Delegate's Report:** Not in attendance.

***Community Service Coordinator/Officials' Report:** Maria, CSC is at a training today

1. Status of Audit –

2. Report on Safety Complex – Management team is Parsons.

President Moore – Derek Livingston from Parsons gave update on project.

3. Status of the SYEP allocation of Funds – Chapter is currently carrying negative balance.

President Moore – Maria, CSC is not available to give update, but as far as I know the chapter has not received this funding as of yet.

Vice President Halona – It was approved but I don't believe it's been allocated to the Chapters.

4. Status of Tabled Resolution to increase Fees – Staff has completed the spreadsheet (Old Business Item)

President Moore – I don't know if the staff will have these documents ready for the Chapter meeting.

Priscilla Duncan – After talking with Mr. Destea who works at the transfer station, he stated it is always very slow on Sunday. Not many people coming by to dump their trash.

President Moore – We may have to change the days when the transfer station is open.

5. Update on cemetery expansion – need to develop erosion control –

President Moore – No work has been done at the cemetery

6. Bike Trail Documents to DOJ –

President Moore – the documents were returned by DOJ and they were asking for documents again, but these documents were already submitted to them. I'm not sure if Maria has spoken to them.

7. Update on status of Senior Center discrepancies –

President Moore – I have no update on the HVAC, but I did suggest to Mr. Jole to go with just the 2 vendors.

Secretary/Treasurer Crawford – I spoke with Mr. Jole as well and he stated there are no applicants for the cook, driver, and supervisor positions.

8. CLUPC on Land Use Recertification update –

9. Plans to Designate Land for Commercial Development along Highway 491 –

10. Status of East Flats Water Drilling –

President Moore - Theresa Bryant finally had her electricity hookup and everyone who was on the list for

6. water drilling on the eastflats has water.

Secretary/Treasurer Crawford – Can they drink the water?

President Moore – They will be putting in filters in for fluoride. The drillers are out in Lake Valley and will be there for the next 2 months.

11. Preparing for ICIP 2025 –

President Moore – I want to carry a discussion with Denise Copelyn on our ICIP 2025 listing. I would like to do this right away, because it may require us to amend our plan this month.

***CLUPC REPORT & RED WILLOW FARM:**

Elvis Bitsilly – I had initially requested to have RWF added to the ICIP list so we can do a solar project for our farm in the future.

Vice President Halona – there is plans to have solar panels installed here in Tohatchi and they already have the money for the project.

Elvis Bitsilly – For the CLUPC, we are having a work session on the recertification of CLUPC with Nastasha James next Thursday, November 14th. Her title is Senior Planner with DCD and works with Arbin Mitchell. The certificate document is ready and we are hoping to have this certification by spring of 2025.

Secretary/Treasurer Crawford – I'm just wondering since there is not much interest in farming from the community, why isn't RWFB doing some farming at Red Willow. You could do a greenhouse with rows of raised beds with different vegetables to start with.

Elvis Bitsilly – It's the funding, we just don't have the money to do these projects and it's a process to apply for funding through USDA.

We also met with Leonard Francisco from Economic Development and he stated they will start advertising for the business sites here in Tohatchi. They will be inviting potential vendors to look at the sites available and to do business here in our community.

President Moore - we have 2 areas available for business sites which is ready to go; one at the road that goes to the lake which is around 4 areas. The other is next to the transfer station along 491.

Council Delegate Notah: Called into the meeting to say he is doing an amendment to add Tohatchi Public Safety Building to a higher level. I just heard Chinle has been bumped out of the top 5 and I'm working on getting Tohatchi's project into that spot. I need you to send me any resolutions, funding amounts, any kind of supporting documentation we put into the amendment. We will be voting on this this afternoon.

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

Grazing Officer Moore – We did Part 4 workshop on October 29th, and we go around 35-45 people who came in. It turned out to be a pretty good showing but die off in the afternoon with the beef quality assurance program. Things have slowed down, not very much requests for tally counts. So, everything is on hold until tomorrow.

VIII. RESOLUTIONS:

1. Resolution to Approve the Teleconferencing and /or Hybrid Meetings
2. Resolution to Approve the East Flats residual (Monies) to be used for Future Repair and Maintenance.
3. Resolution to Amend the 033-04-2024 resolution for Red Willow to add Repair and Maintenance and Diesel Fuel.
4. Resolution to reapprove the updated and new policies as instructed by DOJ.
5. Resolution to let Economic Development know we don't know want a Motor Pool here in our community.
6. Resolution to approve Housing Discretionary Assistance for a legal survey of Herman Yazzie's homesite.

IX. ANNOUNCEMENTS:

Tohatchi Chapter's Thanksgiving Luncheon on November 20, 2024.

Grazing committee meeting on November 6th at Twin Lakes Chapter @ 9am. Tohatchi Chapter Arts n Craft Sale, November 14&15th. Red Willow Farm committee meeting Tuesday, Veterans Meeting November 9th @ 9am. Holidays are Veterans Day, November 11th and Thanksgiving, November 28&29. American Indian Heritage Month (November)

X. NEXT CHAPTER MEETING DATE: November 20, 2024 @ 10am

XI. AJOURNMENT: 12:20pm

Submitted by;

