



August 20, 2025 10:00am

TOHATCHI CHAPTER MEETING MINUTES

- I. **MEETING CALL TO ORDER: 9:24am**
- II. **ROLL CALL: President Elvis Bitsilly, Vice President Lee Rodgers, Secretary/Treasurer Jean Crawford, and Grazing Officer Gerald Moore**
- III. **INVOCATION: Sarah Tom**
- IV. **REVIEW/APPROVAL OF AGENDA:**
Motion: 1st Fern Spencer 2nd Eulanda Thompson Vote: 15-0-2
Fern Spencer – requesting to do a consent agenda for Resolutions #3 through #7, which are all in-house resolutions provided by Maria, CSC.
Secretary/Treasurer Crawford – Mr. Ty Tsinnijinnie has requested to give a presentation today regarding the Gallup waterline.
- V. **APPROVAL OF JULY 30, 2025 MEETING MINUTES:**
Motion to read on your own:
Motion: 1st Eulanda Thompson 2nd Priscilla Duncan Vote: 19-0-2
- VI. **PRESENTERS:**
 1. **Ty Tsinnijinnie:** With Souder & Miller – The amount of secure funding available from the construction, updated cost estimate is \$12 million but the exact amount is \$13.7 million that is available for construction. The updated construction cost is roughly \$14,680,000 which is based on what has been designed so far. I did bring with me a design copy for the chapter. This is based on construction bids that we received from last year. I put another 20% contingency on top of this amount which came out to nearly \$2 million. You have the estimated cost at \$14,680,000 minus the secured funding of \$13.7 million there will be a shortfall of \$3,950,000. Yes, this sounds like quite a bit but I've discussed with Council Delegate Notah and chapter members. Because of this shortfall, I recommend Tohatchi Chapter and Mexican Springs Chapter apply for TIF State funding next year. By then, we should have 90% of the design completed. I can say, with the amount of dollars that has been allocated from the Navajo Nation, the TIF Board will see the huge invest by the Nation and this is what the TIF Board likes to see. This will give the chapters a better chance of receiving TIF funding.
Vice President Rodgers – Are you running into any other shortfalls? And do we need to increase the contingency?
Ty Tsinnijinnie -That is a hard question to answer but I would try to plan around any more shortfalls. The funding we are currently working with is the ARPA funding and to my knowledge, this funding is not being reverted back to the Federal Government.
Secretary/Treasurer Crawford – What is the estimated completion date of this project? And it sounds like we are heavily relying on TIF funding to complete this project. Are there other resources we should be looking into?
Ty Tsinnijinnie - I am hoping spring of 2027 will be the start of the construction and we can send out the bidding in the latter part of 2026 with a project completion date in 2028. Council Delegate Crotty

requested we look to outside source before asking the Nation for funding.

Council Delegate Notah – I want to mention we are looking at some dollars from the Nation. Several of the Council Delegates, for instead Delegate Toth, Delegate Arviso, Delegate Simpson, and Delegate Yazzie have met with Mr. Tsinnijinnie to look at gaining some funds from the Nation. But we are heavily relying on the State TIF funding. I also want to mention they are confirming the new Assistant Secretary of Interior with the BIA. This individual is a Navajo from Tuba City, when he gets confirm, he will be the highest-ranking BIA official. Also, Senator Lujan mentioned the shortfall in the confirming hearing extensively. I would suggest you work with all the federal legislators from NM, AZ, UT to see if there is funding available. I believe it's called the contingency fund.

President Bitsilly – We have over \$13 million for this project secured, so while we look into other resources for funding, is there a reason why we have to wait to start construction? We have the secured funding of \$13 million which we can use to start the construction now. We should be using this funding before we lose it. I believe TIF funds are somewhat difficult to obtain, but we are willing to try.

Vice President Rodgers – Just to expand on the comment made by President Bitsilly, as we've seen in the pass. If we are not using the money now, it makes us look like we are not doing anything to move the project along. We need to show we are doing something, so when we fall short of funding, we will have justification not only in data but in tangible evidence that we are working to move the project along.

Lucinda Davis – Contract Analysis with the Navajo Nation – I believe what is being express is right. We need to know how much of the design is completed and we need to get started on the construction portion that way we can obligate what we have from the Nation and should there be a shortfall, then that's when the chapters can apply for TIF funding while the construction portion is continuing.

Ty Tsinnijinnie – We can definitely phase out the funding, but my concern would be will be getting a different contractor? I believe this is would be a discussion with the Navajo Nation.

Priscilla Duncan – Are you the project manager or the project officer or do you contract? And who is the person who oversees the work?

Ty Tsinnijinnie – Souder & Miller is contracted to provide the design for the Navajo Nation and I'm the project engineer record or project manager.

Lucinda Davis – As the contract analysis, I work with Souder & Miller and Ty was hired to do the design. We work with other individuals not just Ty to get cost estimates for this project. Souder & Miller job is to design the project and they will do an estimated cost of the project. On my side (Navajo Nation), we put out the funds and if there is a shortfall we will assist with locating existing funds for the project. So, we work very closely with our engineers and when it is ready for construction, we are the ones who put out the bids.

Priscilla Duncan – Who signs off on the approval of the work?

Lucinda Davis – our boss does, Mr. Jason John along with the President of Navajo Nation.

VII. UNFINISH BUSINESS:

1. None

VIII. NEW BUSINESS:

July 2025 Financial Report –

JULY BALANCE FUND		
1	Chapter Activities Gen Fund	\$18,688.28
3	Land Claims Trust	\$59,251.83
8	Supplement Youth Fund	\$4,332.30

9	Housing Discretionary Fund	\$1,307.86
10	LGA Grant Fund	\$62,798.32
12	Chapter Stipends	\$25,968.96
13	Scholarship General Fund	\$1,992.00
14	Scholarship Claims Fund	\$4,463.48
15	PEP Fund	\$33,173.19
16	Veterans Fund	\$10,803.00
17	Emergency Fund	\$24,719.71
23	NN Sales Tax	\$64,827.97
25	NN CIP - \$180,000	\$13,831.58
26	Red Willow Farm	\$1,040.37
27	NN CIP - \$200,000	\$3,877.78
40	Unhealthy Food Tax	\$91,127.25
61	Senior Citizen Fund	\$2,162.99
51	NAPI	\$2,237.56
80	General Fixed Assets	
34	Agriculture & Infrastructure	\$3.68
	Total Fund Balance	\$426,653.11

Secretary/Treasurer Crawford –For the month of July 2025, our books was off by **\$1.13**. This is and overage and not a negative amount. We also have the Chapters total assets amount which is **\$880,726.90**. The Chapter can provide a Budget to Actual report on request.

Jeannie Muskett, Accountant – I called the IGT person in Albuquerque and they reviewed the financial reports and stated the overage is coming from the MIP system side. They state the \$1.13 should clear out by the next cycle when reports are generated again.

Eulanda Thompson – I’m wondering why there are different amounts in pay for each PEP worker? Maria, CSC – that is because they have different job titles and they don’t all work 40-hour week.

Fern Spencer – how is the Unhealthy Food Tax used and what can it be spent on?

Secretary/Treasurer Crawford – This fund has some restrictions and every time we want to use the fund for our project, we are told we can’t use this fund for that project. Maybe we need to have someone from W/R come out to explain exactly how it can be used.

Maria, CSC – The fund can be used to upgrade the Nakai Park. Funds have to do with some sort of activity like the bike trail we are trying to build. It can be used for something healthy like having Zumba classes or any activity which will bring our community out to exercise. We can also do healthy snacks for workshops here at the chapter.

Priscilla Duncan – Can we get a listing of what is allowable for the unhealthy food tax. What kind of services or activities are allowed. We’ve had an excessive amount in this fund account and we don’t seem to be using it.

Council Delegate Notah – If you want to find out what these individual accounts are for you can do a search budget and finance, rules and regulations under appendix “M.” Appendix M list all the funds and it tells you exactly where the money can be spent. I also want to mention the Budget and Finance Committee; they did a hearing across the Navajo Nation and completed it last month. A lot of the Chapter Officials

asked to have the unhealthy food tax fund opened up with less restrictions.

I did hear that our bike trail money did get caught up in W/R circles. Apparently, President Nygren approved the funding for the bike trail but he turned it back over to the Office of the Controller and Budget and Finance Office. It is now having to go through the 164 processes, I don't know why that's the case but myself and LDA Moore are looking into it. We will find out why and what is happening to the funding for the bike trail and get the funding released.

Council Delegate Notah – I'm on the Law & Order Committee and we are currently working on budgets. We are making sure the budgets are put together and we oversee 13 different programs across Navajo. Each of the programs have to present to the Law & Order Committee on how their funding will be spent. There are 4 committees within the Navajo Nation which are: Law & Order, Health & Education Services, RDC (Resource Development Committee), and Budget and Finance. Each one has department/division they oversee. So it took us a month and half to do the 13 programs and all of these reports go to the Budget & Finance committee and finally to the Navajo Nation Council and this is how we approve our budget every year. I have mentioned this before; the Navajo Nation is basically broke because we don't have the oil companies nor the coal companies anymore which brought in quite a bit of money to the Nation. We are relying on our trust fund, gaming, NAPI, and NECA including 638 contracts. I've talked with the president about how we can get more money coming back into the Nation. The \$340 million has to be divided among all the different departments within the Navajo Nation. Last year, we did not complete the budget in time so the Nation had to do a continuing resolution which caused serious shortfalls at the chapter level. They were not able to provide services to the community until they received the 2nd half of their budget. So, this year we made sure the budget was completed so the chapters would not have to suffer.

Also, we let the ICIP with the State know where we want to put money but I believe there will be some changes coming down and we want to be ready. We are finally starting to move funds from the RRR and ARPA to the pending projects. We will be having a meeting with the chapter officials and the chapter staff here on September 5th. We will be bringing in people from W/R to explain what is happening with the RRR and ARPA funds. We will be meeting with each chapter individually. We, myself and the LDA's are also setting up a meeting with DALTEC and the chapters. We are also meeting with the Veterans in district 14 on September 12th (Stand Down) and will be held at Twin Lakes Chapter from 9am-3pm. We will have the State at the meeting to go over programs that they have for our Veterans. I've met with the Secretary of Veterans with the State of New Mexico to ask him to send his people here to provide information on what type of funding is available for them. I've also asked the Veterans Department from Window Rock to attend this meeting as well and provide budgets for each of the chapters. What can the Veterans expect in the new fiscal year.

I am glad to see that the record keeping is developing at the chapters and other chapters in district 14 are having issues. LDA Moore, myself, and Patricia Begay are working to clarify these budgets when they are presented to the community. We want to see a better job on the presentation of the budget to the community.

Lastly, I want to mention there are a lot of "jini" news that come out of council room and W/R. The hot topic is the missing \$24 million. The Navajo Nation Council wants to do an investigation as to where this money went. There were suggestions made that the council should handle this, but we as council have no idea how to do an investigation nor the experience. So, we will be bringing in a professional from the outside to assist with this. We hire Kyle Novack who is a federal prosecutor and he will be coming in to do the investigation on the missing \$24 million. Once the investigation is complete, they can share the information with council and base on the findings we will make a decision moving forward. I just want you to know from the Navajo Nation perspective, there are 3 branches which are legislative, executive, and

judicial branches. Council Delegates are under the legislative branch, we make all the rules and regulations and we also make changes to rules and regulations to benefit the people of the Nation. The executive branch is overseen by the president of the Navajo Nation. All the different division/departments report to the president. The president has finally authority as to who he wants to appoint to his cabinet. But as far as removing the President of the Navajo Nation, the council does not have that authority. I did confirm that this morning so we are taking the right steps on handling the missing \$24 million. The only person who can remove the current president is the people of the Navajo Nation and there was a petition in place to have him removed but it did not get enough signatures. But I understand there are a couple of organization who have file for another petition to have him removed. I'm just letting you know that there are processes that need to be followed and this includes chapter officials. You can't just have a meeting to have someone removed. You have to file and follow the process which have been established and there would have to be another election if you are successful.

JoAnn Jayne – I would like what the overall budget is for the chapters across Navajo for 2026? And how much of that will be allocated to Tohatchi Chapter.

Delegate Council Notah – That is the responsibility of the Budget and Finance Committee and as far as I know, that has not been determined. The council is still working on parts of the budget and we have a special meeting at the end of this month. I should have more information on the budget for our chapter after that meeting.

I like to make a comment on the budget for example; some of these items that were given out like the chapter's activity fund, the veterans fund, the emergency fund, the unhealthy food tax fund, the scholarship fund, and SYEP fund. Some chapters have high amounts in these funds balances and council is seeing these amounts so they have put a ceiling on these funds. If the amounts are above a certain amount because the chapter is not using the funds, then council will not give more funding to these chapters for those individual fund accounts.

Motion to accept the July 2025 Financial Report

Motion: 1st Priscilla Duncan 2nd Fern Spencer Vote: 18-0-2

IX. RESOLUTIONS:

1. **066-08-2025:** Resolution supporting El Paso Natural Gas company, LLC (EPNG) in seeking a new right-of-way (ROW) grant for the continued operation and maintenance of existing natural gas pipelines and related facilities within the Tohatchi chapter jurisdiction.

Secretary/Treasurer Crawford – Jonathan Garcia with Kinder Morgan who gave the presentation at our Planning Meeting stated he is willing to help the Chapter in anyway. I just want to let Jonathan know the Chapter is still working on a list to provide to him later this week.

Fern Spencer – I like to know who will benefit from this list, is there a rule which says it should benefit the Chapter, or the student, or the elders? And what is the turn around?

Arvis Francisco – I believe it's for the Chapter and Kinder Morgan would respond to your request quickly to let you know what they can do for the Chapter.

Victor: Representative for El Paso Natural Gas – I would like you to know that Kinder Morgan is a major contributor of the Navajo Nation and they are the parent company of El Paso Natural Gas Company.

Vice President Rodgers – These “pigs” you mention, when were they put in place to clean and detect problems with the pipeline?

Arvis Francisco – It's been in place for more than 30 years. With technology, there are new pigs available now.

Council Delegate Notah – You are negotiation with the Minerals Department with the Navajo Nation,

I would like to know when the deadline is and we talked about the possibility of funds for things like scholarships, other Chapter needs like office supplies for the year, school supplies or laptops that was discussed. Secondly, are you considering the grazing permittees who live along the pipeline?

Victor – The negotiation with Navajo Nation when this pipeline was put in place will stay as is, but that is up to the Nation. But I will ask about the permittees and get back with you.

Geneva Begay – I'm wondering if these 'pigs' can help Red Willow Farm map out the irrigation system for us?

Arvis Francisco – We actually don't have the means to look for waterlines because waterline is smaller, we are talking 42" pipe and runs through metal pipe. The pigs we use comes from a 3rd party and unfortunately, we won't be able to assist with your request.

Council Delegate Notah – I'm reading the resolution and it does state that the Tohatchi Chapter supports the rights-of-way and the Chapter recognizes the importance of the continued operation of what you are doing are listed on here. Some of these things we talked about like Chapter needs and I think the grazing permit holders should be added to the resolution. I think this resolution should be tabled until the grazing permit holders are considered and put into the resolution.

President Bitsilly – The request for this support resolution was discussed at the Planning Meeting when Mr. Jonathan Garcia gave the presentation. I feel a lot of these questions were covered during the Planning Meeting. All we are doing today is approving the renewal of the rights-of-way.

Victor – President Bitsilly is correct; it's the rights-of-way we are asking for support today. The Chapter can still submit their list of items they feel would benefit the Chapter and the community. You can always reach out to us; we are not going away. Other Chapters in District 14 has drafted another resolution to request for items for their Chapters.

Secretary/Treasurer Crawford – I have to reiterate what President Bitsilly just stated, Mr. Garcia with Kinder Morgan went into detail about the pipeline and the rights-of way. We had the opportunity to ask questions during this discussion. At the meeting, Mr. Garcia stated he would be responsible for overseeing all the request from the Chapters. As far as adding something into the resolution regarding the grazing permittees, I'll let Council Delegate Notah speak to that.

Council Delegate Notah – All I'm saying is when you pass this resolution you are saying you support the resolution as is. This resolution will be utilized with the Mineral Department when they negotiate with Kinder Morgan. As you all know, TEP is also doing a renewal of their rights-of-way and with them we make sure it was written in the resolution. It might have been talked about during the Planning meeting but we need clarification for that reason I would suggest this resolution be tabled. Also, your request from Kinder Morgan as a Chapter should be written into the resolution as well and that's how this resolution should be passed. There is always that possibility you might not get what you are asking for because it's not in the resolution which is a legal document. I'm sure it's in the meeting minutes but it really needs to be put into the resolution. But it is up to the community here.

Vice President Rodgers – The question was posed; do you have a deadline to gather all these resolutions? These rights-of-way were negotiated many years ago and we are not sure what was agreed upon. I think that is what the Council Delegate is referring to when he says we should be careful when agreeing to a support resolution because I believe we were probably taken advantage of during those negotiations. Many of our ancestors were not educated and some who attend our meetings today don't have minimal education. But I believe the Navajo Nation can and will benefit from agreeing to their support resolution. We also have the younger generation who are educated who will say "where is the sheep you speak of." They say to us, "why are you unwilling or selfish with our land." We don't sell our land but we appreciate any kind of benefit to our community. This support resolution is really up to you

the community.

Victor – The rights-of-way lease expires in October, but we would like to have all the resolutions before then.

Geneva Begay – I would like to make a motion to vote on this resolution.

President Bitsilly – As far as the recommendation made by the Council Delegate, remember it's just a recommendation. He is not making a motion to table the resolution. His recommendation is if someone wants to table this resolution then someone needs to make a motion. Kinder Morgan is presenting to 17 other chapters within Navajo. If there is a need for further discussion that can be done at a later time. I want people to remember, Kinder Morgan pipeline has been in existence since 1947 so I believe the people back then said it would be on-going. Do we want to cut that short if we table this resolution. Again, it's up to the community members, but I do support this resolution.

Sam Natonabah – I'm glad Vice President Rodgers voiced her thought and opinion. I believe her statement is very true and I think the grazing permittees should be considered in the resolution. We elected you officials to fight for us to get more from this negotiation.

President Bitsilly – Are you making a motion to table Mr. Natonabah? Wait, let's go back, we already have a motion on the floor and a recommendation from Geneva Begay to vote on the resolution. We have a motion on the floor, we've had discussion and now, let's move forward.

Emery Begay – I live at El Paso next to the pipeline and I see construction going on and I've asked the workers their questions and I believe we should support this resolution that is why I 2nd the motion to approve. We can do another letter or resolution to request for items from Kinder Morgan after this resolution has been approved. So, let's not make it difficult.

JoAnn Jayne – I just want to mention there is still a motion to vote on the floor.

President Bitsilly – Ok, Geneva Begay made a motion to move this resolution to a vote before Sam Natonabah made his motion to table. I will recognize Geneva Begay's recommendation to vote on this resolution so let's vote.

Motion: 1st Fern Spencer 2nd Emery Begay Vote: 22-1-2

2. **067-08-2025:** Resolution of the Red Willow Farm Board requesting and approving Natural Resources Conservation Services (NRCS) watershed program in planning assistance for a potential public law (PL) 566 project in Mckinley County, Halona Canyon, Tohatchi, NM.

Motion: 1st JoAnn Jayne 2nd Priscilla Duncan Vote: 20-0-2

3. **068-08-2025:** Resolution approving a budget transfer within fund 10, the Navajo Nation LGA grant fund, in the amount of \$700.00 to cover the negative balance for workmen's compensation and operating supplies for the chapter.

Motion: 1st Fern Spencer 2nd Tommy Badonie Vote: 20-0-2

4. **069-08-2025:** Resolution approving a budget transfer within fund 23, the Navajo Nation Sales Tax fund, in the amount of \$1000.00 to cover the negative balance for repair and maintenance.

Motion: 1st Fern Spencer 2nd Tommy Badonie Vote: 20-0-2

5. **070-08-2025:** Resolution approving a budget transfer within fund 08, the Navajo Nation supplemental youth fund (SYEP) fund, in the amount of \$100.00 to cover the negative balance in financial assistance funds.

Motion: Fern Spencer 2nd Tommy Badonie Vote: 20-0-2

6. **071-08-2025:** Resolution approving a budget transfer within fund 12, the Navajo Nation chapter stipend fund in the amount of \$120.00 to cover the negative balance for workmen's compensation for the chapter.

Motion: 1st Fern Spencer 2nd Tommy Badonie Vote: 20-0-2

7. **072-08-2025:** Resolution approving a budget transfer within fund 03, the Navajo Nation land claims fund in the amount of \$2,000.00 to cover the negative balance for operating supplies for the chapter.

Motion: 1st Fern Spencer 2nd Tommy Badonie **Vote:** 20-0-2

8. **073-08-2025:** Resolution to adopt and approve the Chapter Meeting Rules of Order provided by DOJ.

Motion: 1st Fern Spencer 2nd Geneva Begay **Vote:** 23-0-3

- X. **ANNOUNCEMENTS:** Maria, CSC – Bike Repair clinic for the community member on August 21st at 4pm, Zumba classes on August 5, 12, 19, and 26th at 5:30pm, Sewing class for 10 people on August 22nd at 10am, Food Handlers on August 25th for 40 people at 10am.

- XI. **NEXT MEETING DATE: September 2, 2025 (Planning Meeting) at 9am**

- XII. **AJOURNMENT: 11:58am**

Motion: 1st Sonny Moore 2nd Priscilla Duncan

Submitted by



Secretary/Treasurer, Tohatchi Chapter **August 30, 2025**

cc: Mr. Elvis Bitsilly, President

Ms. Lee Rodgers, Vice-President

Mr. Gerald Moore, Grazing Officer

Ms. Maria Allison, CSC