



TEMPORARY AUTHORIZE QUORUM REDUCTION MEETING
March 17, 2021 10:00 A.M.
TOHATCHI CHAPTER MEETING MINUTES

TELECONFERENCE MEETING

MEETING CALL TO ORDER:

10:14AM

ROLL CALL:

Harry "Sonny" Moore, President, Mike Halona, Vice President, Jean Crawford, Secretary/Treasurer, Gerald Moore, Grazing Officer, Pernell Halona, Maria King, CSC, Elvis Bitsilly, LDA, Byron Bitsioe Sr., Geneva Begay, Sam Natonabah, and Kevin Mitchell.

INVOCATION:

Mr. Mike Halona

REVIEW/APPROVAL OF THE AGENDA:

Motion to pass agenda: Kevin Mitchell 2nd Byron Bitsoie Sr.

Motion to add resolution # 7 to the agenda: Motion Gerald Moore 2nd Kevin Mitchell

Motion to omit resolution #3 from agenda: Motion Kevin Mitchell 2nd Gerald Moore Vote: 6-0-3

APPROVAL OF DECEMBER 18, 2020 QUORUM REDUCTION MEETING MINUTES

Accept Minutes and Motion to read on our own.

Motion: Gerald Moore 2nd Geneva Begay **Vote:** 4-0-2

PRESENTATION:

Kevin Mitchell – Gallup McKinley County School District, Schools have been in hybrid mode since the beginning of 2020 school year. Kindergarten through third grade as well as special Education. We are currently open at 100% but received only 20% of students back into the classrooms. The rest of the students have chosen to continue with on-line classes from home. The schools are safe and have been state inspected and certified. Governor Grisham has deemed our school safe as well. We have spent \$14 million in technology and safety devices, ventilation, and personal protective equipment. Most of these dollars came from the federal government and very little came from the state and no money from the Navajo Nation. Our staff is over 75% vaccinated and the CDC has set their guideline at 70% and I'm happy to report we are well over that expectation. We do provide COVID testing, 25% of our staff get tested every week. We have not had any determined spread within our schools. Our parents have elected to have 20% of students back in school and 80% are still doing on-line classes. Student devices which were provided with the hot spot internet and the iPads are still at work. But we still have 1500 students who still do not get the quality internet service that they need. There was a survey put out, 30% parents wanted to see their children back in school and 46% wanted to have their children continue with on-line classes.

Impact Aid- House Bill 6 passed through legislation but did not pass through the Senate. Senator Shannon Pinto who sits on the senate education committee did not vote to pass the bill. But what they did do is combine House Bill 6 along with another bill by Senator Stewart and it passed through Senate Education on Monday. Now, we are hoping it passes through Senate Finance Committee with Senator George Munoz who Chairs the finance committee. We have high hopes this bill will pass.

The federal government did say it was wrong for the state to be taking 75% credits from our district and if everything works out the state should be giving back to our schools \$24 million for last year's credits.

Sports have re-opened at the schools, and allowing parents into the gym to watch the games, but fans will have to continue to watch on line. We are hoping we can open up to 50% capacity soon.

Jean - What does the Impact Aid mean for our schools in Tohatchi?

It will make a major difference when we receive the \$24 million extra per school year. This can be used for upgrading and improving schools including the building of new schools. Tohatchi is up for a new high school and I'm hoping to build over capacity rather than going by student count.

Jean – What about academic wise?

Kevin - There will be a major amount of money being put back into better education for our students. Right now, each student is getting roughly \$1500 per year. With the money coming back from credits, we can bring back extra curriculum classes, for example; woodshop, auto mechanic, and welding.

Jean – We would like to see more Navajo teachers educating our students, currently we have a majority of Asian teachers and is this something GMCS is looking at?

Kevin – There is a shortage of Navajo teachers not only at reservation schools, but its nationwide. We've been trying to recruit at Crownpoint, Tsaile and NAU. Currently we don't have graduating seniors who are interested in a degree in education. We have addressed the issue regarding Asian teachers as well, but they cried discrimination and said the board was being racist. They don't understand the communication barrier between Asian teachers and our Navajo students.

Vice President Halona – What are the reasons why there is a lack of interest from our tribal members who are certified to provide education. Is it salary, housing, what is the challenges?

Kevin - Recently, we gave an increase for salary and we do offer bonuses to have teachers sign on with us (GMCS). Another thing we do at Tohatchi is offer free rent for teacher housing. Unfortunately, many of the recruits acquire cultural shock and will only stay for one year and then they will move on.

President Moore – How were the 2 bills in Santa Fe created and combined?

Kevin - I feel it is all political. Our representators and Senators don't seem to work together at all. They are all doing their own thing (small bills). It would be more beneficial for the people who they represent if they came together and would create one huge bill and work on getting that bill approved. Senator Mimi Steward's bill was asking us to drop our lawsuit which I'm not willing to do.

President Moore - The representatives for Albuquerque schools down the Rio Grande corridor will not like letting go of all the money they have been receiving for 45 years. Money that was meant for our Navajo students who they have short changed for years. The officials and myself have been discussing this and we want to take steps on behalf of the community to support you. I listened in on the Eastern Agency Council where Mr. Charles Long did state Thoreau and Tohatchi is up for new schools in the near future.

Vice President Halona – It sounds like we are dealing with the political side in state of NM, perhaps we need to go above state and talk to the federal government who appropriate these funds. If there is a lawsuit, I'm sure they are aware of our position and our concern for our children and their education. Perhaps we need to do a strong resolution requesting the education committee for the Navajo Nation make it part of their discussion. They can get the feds or speaker or someone to make it known it's the Navajo Nation that is concerned, not just Tohatchi Chapter or District 14 within McKinley County. I think there is some strategies we can all work on together to get the attention of those who can make decisions to make this fair. It is unfortune, most people don't see the unfairness.

Kevin – GMCS filed a lawsuit with the federal government which we won and the federal government did let the state of NM know they do not have the right to claim those credits and that is why the state of NM owes \$24 million to GMCS. Governor Grisham appealed the ruling and she is one who does not want to let go of the funding. She wants us to drop the lawsuit but we have no plans to drop our lawsuit and will continue to move forward. The state has taken \$2.4 billion from our children over many years. The Impact Aid money is tied to each students' census number. It takes GMCS four months to get the applications together and turn it

in and the federal government gives us the money but the state has been withholding 75% each year.
Vice President – Perhaps we need to expand our lawsuit and ask for more and agree to settle for that amount that they owe us. We need to find a mechanism to get direct funding directly from the feds by passing the state because we can show the state is unwilling to pass down the money to our district for education.
Jean – As officials for the chapter, we will support you with a resolution if need be to get the funding that our students are entitled to. Thank you for all you do for our schools here in Tohatchi.

Council Delegate Halona – I would like to report the opening of the Nation at 25% currently. Permanent Trust Fund is a five-year plan. It started in 2016 and suppose to end 2020 and its now 2021 so they did some sort of extension on that because of the pandemic. We are currently working on that. We are also working on the money for burial assistance and legislation was drafted. Now, I'm just waiting to hear how we are going to proceed and it's an emergency legislation and will go through NN Council. Its money to replace for the burial assistance for COVID 19. There are currently 106 individuals on the list for assistance. Tohatchi Health Center has opening for anyone who wants to get vaccinated. I encourage everyone to get their vaccination. IHS has several vaccination drives, across the nation. Intec is working on purchasing the PNM coalmine. A deal was struck between Intec and PNM and it has not been finalized but will be soon. As far as equipment, the controller's office is working on purchasing the equipment. Waiting on them to get all the money that has been allocated for the equipment purchase. Safety Complex, the legislation that Senator Shannon Pinto had introduced is coming down to the wire now. Last day will be the 20th and it doesn't look like it's going to make it through the budget and finance committee. So hopefully, we can get money from ICIP project to continue with the planning and construction of the Safety Complex. Meanwhile, I will work on legislation to request for money from Sinhasin Fund as well.

Elvis – Council Delegate Halona would you please go over the American Rescue Plan Act that was approved for tribal communities and the plans for it?

We will be getting out a memo to the chapters to get a list of people who didn't get the assistance requested, for example; bathroom addition, water, and utility. The 1st list submitted to President's office has disappeared. I don't know if anyone got assistance. I'm requesting for a list of all the people who didn't get assistance and I will run it through myself. Next week Monday, we will be meeting with Naa'bik'iyati Committee and all the division directors to come in to do their presentation to determine what kind of needs they have out in their communities still and get their project on line. It will continue well into April.

Jean – Can we add to the current list? Yes

President Moore – I would like to see representation at the Chapter level at the table with the division directors, even if it includes the District 14 council or officers, people that can represent us that have experience with these funds. We are really at a disadvantage when it comes to skilled and certified workers for the construction of bathroom addition and replacement of septic tanks. All we can depend on is the PEP workers who are temporary employees. It's difficult to draw up an agreement or contract because we are not a certified Chapter. These contracts and agreements have to be reviewed by DOJ. This increases the timeframe for approval process. Assessments are required and the only person we rely on to do the assessment is the CSC. These assessments should be done by someone who is qualified to elevate the scope of work that will be done. Currently, all we have at the chapter is the CSC, Accounts Maintenance Specialist and PEP employees. How can we provide services to our community? When you're not certified, you have to take a different route and it takes a long time. The advantage would be to becoming a certified chapter.

Council Delegate Halona – Chapter officials are more than welcome to listen in on the Naa'bik'iyati meetings. If you have questions or comments you can give to me. Meetings will start next week. Regarding PEP workers, that work should be done through NECA, NTUA and Water Resources. We can get a contract with NECA who can do the bathroom additions and septic work.

President Moore – I'm requesting your assistance to get our utility bill paid. I believe it's at the controller's office.

Council Delegate Halona – This has been going on for quite some time and all I can do is talk with the controller and Dr. Yellowman. I also contacted Mr. Kootz with NTUA to let him know OOC has not paid our bill. Mr. Kootz says not to worry about our utility bill because they know they will get paid.

Vice President Halona – Are we going to see the same thing as we did with the Cares Act, where the council and executive branch go back and forth with legislation on the fund expenditures, or are we going to have council approve the receiving of these funds and have these funds diverted for use immediately based upon need. As far as NECA, if the chapters could get one contract with NECA to do all the work. I believe it would be best to bundle the work by district and agency it will be the fastest and quickest way to get the projects done. I haven't heard anything about deadlines being offered. What we learned from Care Acts was that the operational stand point did not receive any money and they expected all the projects to go through as fast as possible but they didn't have the staff to process the projects in a timely manner. We need to streamline process that everyone can follow to move those projects through with the least amount of administrative work because they don't have the staff to do the work. How will this be different from what we learned previously.

Kevin Mitchell – Council Delegate Halona is on HEHSC (Health, Education, & Human Services Committee) and I was wondering about the schools re-opening. We are still in consultation with the Navajo Nation and we provided everything they asked for as far as our re-opening plan, our safety plan and all the protocols. I was wondering what they were deciding as far as keeping our schools open. I know at one point he was saying they don't have jurisdiction over public schools, but we are still in consultation.

Elvis – I would like to comment on the American Rescue Plan Act. Yesterday, office of the controller Pearlline Kirk stated there will **not** be a deadline with the funds coming from the federal government. The amount of money will be more this year because our census count was higher.

CSC Report - I'm working with Danielle Yazzie with OOC office regarding our utility bill and frontier. The outstanding check with Home Depot is still in the works. I submitted the document they were requesting for and I'm waiting on the higher manager to reverse the check. They also stated they can issue us another check in the same amount, but I did let the manager know we will not be accepting gift cards anymore. I'll be checking our bank account to see if the check has been reversed.

The distribution of supplies went out on Tuesday and Friday. I also had the PEP workers make deliveries to the elders in our community and they were very grateful and appreciative. We do have a few boxes left and if you know of anyone who needs assistance, have them call the chapter. The chapter is now open Monday through Friday 8:00am-5:00pm at 25% capacity according to executive order from Navajo Nation.

Janice Begay is still working on the website and will be working with Jean C to get the site setup. We will be uploading documents and announcements.

I did send the list of people who are requesting waterline/bathroom additions to Council Delegate Halona. When the list was created, we went out into the community and did the elevation along with previous Chapter President. There was only one person from the list who got assistance through the Cares Act. Hopefully Delegate Halona can assistance the individuals who are still on the list waiting. The staff have received their 2nd dose of the vaccinate.

We do have wood for sale by the cord along with bags of coal. The coal is free and we are giving out 2 bags per family. PEP workers will be hauling wood to the elderly who cannot make it to the chapter.

Council Delegate Halona – I want to answer Vice President Halona's earlier question. I hope we are not going to be fighting over the money again this time around. I combined the two legislations one from the executive office and legislation office. Even though I combined the two, the president still found way to veto

one part out. Hopefully, and the president did say himself, we can work on it together to get this through and spend the money correctly. We have a deadline of December 2024 to spend the Cares Act money so we have some time to assistance community members with waterline/bathroom additions.

Jean – This question is for Maria. How many people actually came into the chapter requesting for assistance?

Maria – We have people coming in asking for Copy Service only and really no one for other assistance programs, for example; housing discretionary fund.

Geneva – Are the wood sold by the truck load? I'm asking for my grandmother who lives in the mountain.

Maria – Your grandmother is on the list for coal but I will note that she is needing wood as well. Our elderly who are in need are given a load free of charge. We normally charge \$47.70 per cord to our community members.

Dorothy – Does the chapter sale/give out pellets for people who utilized pellet stoves?

Maria – We have not purchased bags of pellets recently, but we did purchase 15 bags at the beginning of the pandemic. If there is a need to purchase more bags of pellets, we will do so.

Jean – How is the gas card working for the purchasing for fuel for the chapter vehicles?

Maria – The card and log is working very well for us. The card is loaded monthly for the heavy equipment vehicles which receive \$600 and the chapter vehicles get \$300-\$500. We use the log for check in and check out, including milage and how much gas was purchased and used. Recon has retrieved their tank which was sitting in the back of Chapter, but left 15 gallons of fuel mixed with water. Not sure what we will be doing with the remainder. Stand, tank and gate was also retrieved by Recon. We had our vehicles serviced and Herbert is responsible for the heavy equipment vehicles.

UNFINISHED BUSINESS:

Public Safely Complex - we have the plans and design. Senator Pinto had requested \$5.6 million on our behalf but Council Delegate Halona does not feel this will get approved. So, Delegate Halona would like to create legislation to request money from the Sihasin Fund. We met with all the individuals who are involved with this project.

Warehouse – Requesting money in the amount of \$750,000 with the assistance of our state Representative Wanda Johnson. I will write a letter to NTUA to get a utility clearance as we wait for funding.

Leak field replace – We have not touched this, probably need to contact Dennis Murphy with OEA. We like to know what their schedule is like so we can coordinate according.

Cemetery Expansion – We have a meeting scheduled for tomorrow with Bertha Desteia and Cecelia Yazzie and I also called Howard Martinez who has the necessary documents needed to complete the agreement. Hopefully we can get the consent from the two parties so we can move forward with the expansion.

East-flat water drilling – I've tried calling Natanya Y. Garnenez who is overseeing this project and have not heard from her, but I understand she is involved in two projects, East flatwater drilling and San Juan Lateral.

San Juan Lateral - We did received money from San Juan Lateral and I'm currently working with Mexican Springs. We will be combining our funds. Mexican Springs requested \$779,000 through the state. Plan and design will cost us \$3.3 million. This project will require collaboration with Mexican Springs.

Vice President Halona – Have we started the archeological clearance for the cemetery? No, we have not.

NEW BUSINESS:

Financial Report – Some financial reports were sent out to officials and committees. The most important report is the balance sheet and the reconciliation statement. Reconciliation accounts for all the checks written. All the deposit and cash collected is accounted for based on the Reconciliation except for the 2 checks which were destroyed by printer. I have to look into the CEO (commercial electronic office) with Wells Fargo and also need to request access for both Secretary/Treasurer and the CSC. We also have the outstanding check

