On another note, Community Development has request Tohatchi Chapter go back under Ft. Defiance Agency and to work with Patricia Begay who is the liaison like Mr. Casey Begay. There is a District 14 Meeting coming up and we plan to ask if we can remain with Mr. Casey Begay and Eastern Agency, but we won’t know until we have a discussion with District 14 council.

**RESOLUTIONS:**
1. Resolution to approve and hire new PEP employees for 2022
2. Resolution to accept the $900,000 for the Halona Canyon Re-route Project.
3. Resolution to approve In-Kind Services for Red Willow Farm.

**Motion to Accept:**
1st Vice President Halona 2nd Gerald Moore Vote: 3-0-1

**VII. ANNOUNCEMENTS:**
**Chapter Meeting**, January 19th @ 10am, CLUPC meeting, January 7th @ 9am, Red Willow Farm Meeting, January 4th @ 1pm. District 14 Grazing Meeting in Mexican Springs @ 9am. District 14 Council Meeting January 5th @ 5pm. Ft Defiance Agency Meeting January 8th @ 9am. Toys for tots can be dropped off with Headstart.

**NEXT CHAPTER MEETING DATE** – January 19, 2022

**VIII. ADJOURNMENT:** 1:43pm

**Motion:** Vice President Halona 2nd Gerald Moore

Submitted by,

Jean Crawford, Secretary/Treasurer, Tohatchi Chapter, - January 11, 2022

cc: Mr. Sonny Moore, President
    Mr. Mike Halona, Vice-President
    Mr. Gerald Moore, Grazing Officer
    Mrs. Maria Allison King, CSC
    Mr. Pernell Halona, Council Delegate
your right it’s just going to be spend in Gallup and the Border towns. What can we do to improve the lifestyle of our people? I think that should be our focus and not so much about giving us cash?

Secretary/Treasurer Crawford - My understanding is we lost out on the remaining Cares Act funds because we did not meet the deadline of December 31, 2021. This money was for the 60-year-old and over. And as far as the ARPA hardship where adults will be getting $2000 each, I don’t think we should be telling our people/neighbors how to spend their money. We don’t know their needs or the hardship they are currently going through. I think these individuals are responsibly enough to know household expenses including food and rent would be priority. As far as plans for the ARPA funds, we have not heard how the Nation plans to start spending this money. Council Delegates and President have been going to Twin Arrows now for some time, I believe its 3-4 times now and you still don’t have a plan. Everyone is coming back from these sessions more confused than ever and we are already into a year, we have 3 years left to get our projects completed. Let’s consider some outside help from consultants who know how to put a plan together, organize, and get these projects off the ground.

Laris Manwelito - I just want to re-iterate the thoughts of the Safety Complex Building. We almost got to where we were able to do a demo of the Detention Building. Senator Pinto is very concern as to when and how we are going to spend the funds. Also, the prioritization of the projects has changed when Public Safety Building was at number #1 now down to number #4. If it was higher priority like it was before it gives it more leverage to be used to get more funding for it.

Re-districting of the borders of the Senate SB bill 2 was something that happen last minutes, The tribal census had sent in their border map which was good until amendments were made by Senators. NN had agreed to an amendment the senators had made that changed the precincts which agreed with the amendments which changed Senator Munoz, and Senator Pinto district. I believe the CSC from Mexican Springs knew this because during the district 14 meeting, she asked Senator Pinto to start working toward funding for their project. If you go to SB bill 2 you can find the map there that changed everything. This occurred without the knowledge of the Navajo people. I want you and community to know this because this a lot of things in effective and other things not as effective as far as funding.

Council Delegate Halona - Last I heard, this legislation was still sitting on the governor’s desk and she had not signed it into law yet, and we have written letters to the governor letting her know we disagree with the legislation. We have not gotten a response back and we are still waiting to hear when the deadline is.

VP President Halona - I’ve been sitting in on a lot of the meetings along with Council Delegate Halona. One key component which has not been discussed because all the projects the chapter have submitted probably will not be funded and that’s going through the guidelines and criteria the treasury department has established. Like we’ve always been told, money will become and issue when discussed/addressed. Some of the challenges are the numbers; for example, the cost of broadband is said to be at $260 million across Navajo, but prior to Cares Act, we were working with entity who has built the skeleton for broadband and fiber which the community will need to get them all connected across Navajo. They provided and estimated cost to be $50-53 million, but people are saying its going to cost $260 million when they don’t know if that’s really the cost. This will slow us down time wise when we don’t do the research to get estimated cost of the projects.

Official’s Report/CLUPC - I’ll be sending out the goals for 2022 to the officials and would like their input.

San Juan Lateral - We are working with Souder & Miller; we are short on funds for the plans and design. Mexican Springs has funds in amount of $779,000 and Tohatchi has $593,000, but we are still short. There may be some funds under Water Management Branch.

Warehouse - We’ve written letters to Senator Pinto and Representative Wonda Johnson to request for more funding. We are in the plan and design stage and should be getting cost estimates soon. We are short $700,000.

Eastflat Water Drilling Project - We have a shortfall with this project as well, but the bids will go out in January. We should have some final numbers soon. We have also written letters to these families and informed them we can assist with obtaining homesite leases.
d. **Capital Outlay Projects for New Mexico** - This will be open this month and everyone needs to submit their applications and projects.

**President Moore** - Going back to our District 14 Planning Meeting, we had Senator Pinto on the line and we mention we are working on the project. We are trying to work with the Division to see if we can prioritize the demolition of the Detention Center. You mention an email from Mary West, did that email go to Irma Julian or Dr. Pearl Yellowman and what was in the content of the email?

**Council Delegate Halona** - It went to Irma Julian and the email I read contained information about the cost of the project.

**President Moore** - I think we need to have a meeting setup with Dr. Yellowman and I’m asking you to assist us with this to give it more focus and to prioritize this project within the Division. We can work on getting the bids out for the demolition. We have over a million dollars we need to spend from the state, before January because they may re-direct those funds somewhere else. We have to show the Senator we are making progress.

**VP Halona** - I don’t know if this was discussed at council, but what about the single mothers who are claiming children, how are they ensuring there is no double-dipping happening? Let’s say the father has left the household and he is claiming children as well.

**Council Delegate Halona** - The way the system is setup right now, it’s taking the census numbers of everyone and if it shows up twice then the system will kick it back out, so only one parent will get the check for the child.

**LDA Elvis Bitsilly** - You were asking us to setup a meeting with Dr. Yellowman? She sent a response back this morning and she is requesting CPMD to setup the meeting for the Public Safety Building and to follow-up on the process of that. I sent her an email back on December 15th and it’s taking them this long to respond back to our email. Your name is on the “cc” of the email.

**President Moore** - We talked about the Halona Canyon re-route and there was a number brought out, I believe it was $950,000. What are your plans on how to spend the money? Is it still going to Halona Canyon or are you planning to re-direct those funds to something else?

**Council Delegate Halona** - Right now, I’m trying to get a meeting together with Priscilla Lee and Garrett Silversmith and hopefully Mr. Edwin Begay. We need to find this funding, because according to Priscilla Lee she has no knowledge of this funding and it’s not recorded anywhere. I asked Mr. Silversmith, how can Priscilla change the funding to another project? There is no way she can move that money to another project without a resolution. Elvis is trying to get a meeting setup where we can sit down to discuss where the funding of $950,000 went. In late 2019, at that time I didn’t know about all the road projects that were being funded so I brought the chapter officials with me to W/R to have them request in person just how much money they needed and for which roads they wanted funding for. I told Priscilla Lee, there is $950,000 left which I want to move to the Halona Canyon Re-route and this is where the amount $950,000 came from and I personally saw Priscilla write the amount down on a piece of paper. The money is there somewhere.

Just like the Tohatchi Bridge where the funding was approved 50 years ago and they were waiting on the right-of-way to get completed. When I came into office, I asked BIA why the bridge had never been built and Mr. Steven investigated and he found out the money was still sitting there allocated to build the bridge. The building becomes an historical site after 50 years, now we only have 3-4 years to have that bridge built.

**President Moore** - The referendum to increase the number of council delegates to 48 would also include hiring LDA’s for each of the council delegates which would be very costly. My thoughts are down here at the chapter level, we ask our children to go to school and get an education and come home to help your Navajo people. But we don’t have a place for them here on Navajo and I think the concentration should be on local government as intended in 1998, Local Governance Act. We have not completed that act yet; we still have only 2 personnel which is one of our goals for this year is to hire a permanent heavy equipment operator to serve our community into the future.

**Hardship funds** - $2 billion is a lot of money and on a broad range, I think we should be spending this money on improving the standard of live for our community members instead of just giving cash. And
Grazing Officer Moore - Yes, I'll try to identify the livestock owner and let them know their livestock is getting into RWF area first before I call to get them impounded.

*Council Delegate Report's - Happy New Year to everyone! I hope this year will be the year we get rid of this virus. Something we all need to be concerned about and work hard to eradicate this virus, of course we need the rest of the world to follow us. I want to say to our community, thank you for being a part of this community and working hard for your community.

a. Safety Complex - Elvis is trying to get a meeting together with CPMD and public safety. There was an email from Mary West to CPMD detailing the budget report and analysis as to the cost of this project. I have not read the email but I know she was requesting to start the bids on the demolition of the old Detention Center.

The 3 persons quorum - This was on the agenda to be discussed but the topic of hardship took all day, so we did not get to the 3 persons quorum. We will be having winter council session meetings the last part of this month and we will be working to approve the 3 persons quorum due to the high numbers of the virus. Right now, most chapters including our chapter has done very well with the 3 persons quorum and having teleconference calls. Until we get that legislation passed, we want chapters to adhere to the chapters resolution the department of health has set forth. This legislation will allow only 17 people into the chapter for meetings but we still need to follow guidelines the health department has set forth for chapters. The third world countries that don't have the means to get vaccinations for their citizens is where all new variants are mutating and in fact there is a 4th variant coming again.

b. Addition of 24 Council Delegates - I would also like to talk about the legislation which speaks to increasing the NN Council from 24 to 48 members. I do have some reservations about this legislation. I do agree we do need some sort of increase and it should be based on population count per council delegate. I disagree with increasing it to 48 just because we need more help, but I also want to see some justification on where and how they plan to increase the delegates to 48. Without that, we would just be adding more and more delegates without justifications. I hope everyone will take the time to educate themselves on this legislation before the referendum comes out during this year's election.

c. Hardship programs - there are 2 hardship programs, one for Cares Act and the other is the ARPA. The Cares Act Hardship is the one we are working on currently. There was, I believe $14 million or $18 million (it jumping around) that was left from the Cares Hardship which will be used for the new legislation that President Nez has signed into law for the 60 and over Navajo people. As soon as OOC can set this up, checks will be coming out soon for this population of Navajos. Now for the ARPA funding, there is only $270 million dollars to payout and I believe that was $600 per person. But there was a new legislation introduced to council which states $2000 will be paid out to Navajo people over 18 years of age, and $600 to children under the age of 18. This was approved through council and the money that was already allocated but had not been approved yet which is legislation 257-19. The amount being paid out for this hardship will be way over 2 billion dollars, I'm not sure how President Nez will approach this. If this legislation gets approved it will be a problem because some of these funds that were already allocated from the beginning like for water, broadband, and so forth, this will cut back the funds for these projects. We don't have over $2 billion; we have $1.8 billion. From the standpoint of giving $1350 per person, that is a total of $2700 per household, and if they have 3 children that's $1800 which comes out to $4500 per household. And for a payout of $2000 per individual and same household, they would be receiving $5800 per household. The benefit is our people would not have to worry about where they can get the extra funding needed for their daily expenses. The downside to is we will be making our border towns rich. The Navajo people will be going to these Bordertown's to spend their money and making them rich. This is a problem for me because we need to keep this money on the Navajo Nation to upgrade our water system, electrical system and all the projects which will improve the Navajo people's living conditions. I'm thinking about the future of the Navajo people and right now its 50/50, it can go either way, it'll be a good idea for our people or it'll be a bad idea. Right now, we'll be making the Anglos rich in the Bordertown's. This money was for getting our people out of poverty level. We need to work hard to move the Navajo Nation forward and be successful.
I’ve asked our AMS Jeannie to submit financial reports in a timely manner. I am currently advertising for new PEP workers. The announcement will close on January 21st and I will be interviewing starting January 24th and the new employees will start on January 31st. I would also like to request to extend Janice Begay and Elan Begay’s employment to the end of January 2022. Elan is covering at the transfer station and Janice is working to complete the chapter inventory with the help of the college students who were hired for the winter break. They will be here up until January 16th. We are having issues with the tags that were provided by W/R. They are not sticking to equipment like they should, so I will be ordering new metal tags from Butlers.

4. **Status of Arch Clearance for Cemetery Expansion.**
   I’ve been working with Iris Begay (surveyor) to get a detail cost estimate of the 2-acre expansion of the cemetery. When I do, I’ll share with officials.

5. **Hiring of Heavy Equipment Operator and Scheduled Training** -
   Chapter is in the process of hiring a heavy equipment operator, I have 3 applicants and I will start the interview process next week. We’ve been in dire need of an operator and would like to make a selection as soon as possible. We are getting request from community to have roads graded for them due to the recent rain and snow.

6. **Status of November 2021 Financial Reports** -
   We are reviewing the report to make sure it is correct and no discrepancies. We will combine the November and December financial reports and present it at the next Chapter meeting.

*Grazing Officer Moore’s Report:*

a. **AIF Status** - I’m waiting on CDC to release the funds to the Chapter and we did submit all required documents to CDC and they are giving us the responsibility of how we will be handling the distribution. I’m currently looking for a vendor now. Applications for the AIF program is available at the chapter house. You can pick up an application along with the guidelines for the program. Please have your 2020-2021 tally count and valid grazing permit readily available. So far, I’ve only done 26-27 tally counts when there are 133 permit holders. Should the distribution be divided up between just the 26-27 that are in compliance? I would like to have the distribution announced on radio and on Tohatchi Chapter website.

b. **Grazing Officer Future Outlook and Projects for 2022** -
   I would like to provide to our community one on one education/workshops and maybe bring in specialist on different topics for our livestock owners. Hopefully this will increase our knowledge on agriculture. I’m also looking forward to partnering up with RWF to do some farming. I know it’s difficult to do now with the virus, but it’s something I’m looking forward to doing in the new year.

*Red Willow Farm Board -

*Elvis Bitsilly* - We have lots to do in the new year, in regards to funding, budget, and guidelines. NTUA completed the powerline to RWF. Water Resource is waiting to complete their work at the powerhouse. NTUA has to complete their inspection as well and hopefully will be complete by February. We have selected an operator for RWF and need to coordinate with Chapter on training. Also, we are asking Chapter to setup a budget for RWF.

*Geneva Begay* - I would like to say thank you for all the teamwork. I would like to request for a support resolution from the chapter for In-Kind services for RWF. We’ve been having issues with all the traffic around RW and Elvis is thinking about blocking of the roads. Also, I’m not sure if the department of Agricultural still has the impoundment of livestock in effect because we have livestock in and around the Red Willow Farm. Also like to mention once the water pump is installed, we will be having a celebration and I’m hoping we will be getting more farmers back to Red Willow to start farming again.
guarantee you what they are paying the Nation is probably 10% of what they are paying the cell companies or tower owner to get on that tower. I think when the people start voicing their needs, wants, NNTRC has a better opportunity to speak to these companies and their business action. This is what the people are asking, this what the people are requesting, there is poor service, they’re being price gouged. Same thing for internet, you pay a lot of money for internet but the speed is too slow, those types of things the customers at the local areas the chapters can become their voice to the commission to say this needs to be corrected. All we are asking for; is better and effective services they give anywhere else we should be able to receive here on Navajo as well.

President Moore - Is there a chapter on the nation that is getting any type of rental fees on these towers?

Vice President Halona - If there is, they shouldn’t be because they don’t have that authority at all. That’s where some of these companies have done the short cut. They have circumvented the process and they have already gone to the chapters and pulled good hearted officials into a corner and said you already have this land withdrawn so we’ll put a tower there and your people will be happy and they will be getting all the good services. They have done this to chapters, schools, and other businesses so these are some of the problem areas that we are trying to clean up now. Those leases and withdrawals were primarily for one purpose which is for governmental use, such as the chapter here in Tohatchi. It did not allow them to enter into contracts or start regulating or dealing directly with telecom companies. That’s where the Nation and NNTRC has responsibilities to ensure the revenues are paid and 100% of these revenues goes straight into general funds and disbursed out to all the chapters so everybody is getting something back from these towers. These companies are paying rent on land rentals and every land use rental goes into General funds. That’s part of the money which is almost the number 1 generating revenue for Navajo, because of the coal and mine closures so land rental is at number 1 and 2 right now I think just under Tax Revenue. That’s where some of this money that we all operate under can be used to service the people with. So, we need to be very cautious of that and make sure everybody receives the benefits.

President Moore - I’ve been asking for some time now who owns the tower at Chooshgai School, no one seems to know.

Laris Manuelito - I want to expand on VP Halona’s explanation and you’ve given several points as to why there should be a definition between air and land. Secondly, my understanding is if a chapter is certified, meaning they have their own government and they can collect some revenue from these companies. When you talk about dividing up this committee with regulations in 2014 perhaps air rights can be defined. Our community is slating to get a new school, if we have the authority to put in advance technology that will enhance our student’s education capabilities and should have access to very secure type of communication. So, the definition of air rights needs to be address.

VI. DISCUSSION ITEMS and REPORT

Community Service Coordinator - Maria, CSC

1. Status of Utility, telephone, internet accounts with NTUA and Frontier corrective action -
Back in November we were getting disconnection phone calls from NTUA and we paid $2,506.90 to avoid disconnection. Then on Dec 13th we paid $508.18 for Utilities to cover the months Oct and Nov. On Dec 28th we paid for Utilities again in amount of $2465.74 which brought us up to date. Just as a reminder, we thought these bills were being handled by Dr. Yellowman’s department.

2. Report on the Tohatchi Chapter Community Christmas Dinner Drive-thru -
We gave out about 175 plates to our community members during the annual Christmas/New Year Dinner. We had 6 turkeys and 6 briskets. The dinner plates consisted of turkey, brisket, mashed potato, vegetables, roll, cake, cookies, and a goodie bag filled with peanuts, hard candy, apples, and oranges.

3. Audit Status/Inventory/Reconciliation of Finding 1/PEP Policy Revision.
Grazing Officer Moore - I’ve been with practically all the carriers in our area and right now I have T-Mobile which works fine for me except for a short distance around the bend in El Paso. I believe T-Mobile is a part of Cellular one. And where I reside in Tohatchi I can’t get service with Verizon, but I can with Cellular one and T-Mobile.

Commissioner Montoya - I will include the areas where there are no coverages in my report to the Executive Director. We will be doing the research of these areas.

Laris Manelito - If you own a homesite lease, do have air rights to that area? Or does that belong to the Federal Government?

Commissioner Montoya - I’m not sure, but I’ll have an answer for you when we report back.

Vice President Halona - Homesite lease and grazing permits do not give you air rights. What your doing is leasing the land not the air. Your lease does not give you rights above the ground, you’re just leasing the land. In some cases, you don’t have subsurface rights, which includes minerals underneath. You need to define “air” meaning waves and microwaves, and so forth that are being utilized, I don’t know any place in the country which has regulations on air except for space. Over the Grand Canyon there is an agreement for “air space” use. Planes and tour operators cannot come down to a certain level based on their flight plans, approach, and departure. So, they are given authorization to use air space. Right now, the only air space that we are regulating is “drones” which is being regulated by NNDOT mainly for surveying use. We are looking at drones, because more and more companies are starting to use drones to do their legal land surveys and its quicker, less expensive, and more accurate. We are currently in discussion with NNDOT, actually our GIF people are coordinating that as to how we will be using drones to do land surveys. But we are already getting complaints from individuals regarding drones flying over their homesteads to see what they are doing.

Commissioner Montoya is aware and trying to do the telecommunication regulation for the NN since 2014, but this needs to happen because of the competition that is starting to happen in the telecom industry. The changes of equipment and technology and telecommunications. We’ve always been behind and still trying to catch up. The 1st real legislation that was ever passed for telecom was in 2005 when they allowed Cell One to do an aggressive build out of 47 cell towers that they worked on and RDC passed the legislation. The outside cell companies avoided Navajo because it was so sparse and the terrain was very different, and limitation on technology at the time. But now technology has change and more cell companies are coming in. There is a clause in the regulations that states the 1st thing a company needs to do is a feasibility to find out what exist in that area, if there is already a tower there by another company, equipment can be placed on their base on the integrity of tower, this regulation would require them to use that tower, enter into a sublease with the tower owner. A lot of this technology and moving forth is contingent upon these regulations. After our meeting with a lot of these companies, they do not want to be regulated at all and say let us do whatever we want. It’s getting to point where some of that built out is slowing down because some of these tower owners don’t have leases for what they have out there right now so they can’t sublease because they don’t have a lease. Now, they are told you have to get a lease, they’ve been here for 10 years and they have not paid a penny to Navajo Nation and they owe back rent. We’ve done some provision for AT&T and 1st Net which is geared only to public safety for Navajo. We processed about 40 core locations for them so they can build out and they are sending more in. There are some towers out there that can’t get power and using generators because we only have one utility provider on Navajo. If they’re a telecom company, do they want competition, so they control those aspects of it that’s why T-Mobile is having a challenge building out. The Nation has a telecom tower company called “Vertical Bridge” that has done all the inventories and assessments on telecommunication on Navajo. They are contacted directly by companies that want to build out. So, there is 2 types of competition, customers competition which is; which tower or carrier do I go with? And the other is, we want to be the only carrier in town to provide services and protect our area as well and what we have already put in place. If you want to get on one of our towers you can pay us this much so they are being doubled charged. For companies to come to a tower they have to pay a fee to that company and another fee to the NN to get that sublease. I
TEMPORARY AUTHORIZE QUORUM REDUCTION MEETING
January 03, 2022  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: 10:11AM

II. ROLL CALL: President Sonny Moore, Vice President Mike Halona, Secretary/Treasurer Jean Crawford, Gerald Moore, Grazing Officer, LDA Elvis Bitsilly, and Council Delegate Halona

III. INVOCATION: President Moore

IV. REVIEW OF THE AGENDA

V. COMMUNITY REQUESTS AND PRESENTATORS:

Bill A. Montoya - Vice chair for NNTRC, NN Telecommunication Regulatory Commissioner. I received the resolution that was passed by your chapter and a copy was sent to our executive director, Mr. Christopher Becenti. They have been out of the office, but I'm sure he will make the 5 commissioners aware of the resolution and the request for assistance. We have an upcoming meeting and I will make sure this resolution will be added to our agenda. We can look at the possibility of having a company share an existing tower, but we would have to look at terms and cost. We will use the resolution you provided as a bases to bring in Verizon company to do some research and maybe an expansion. We will give you an update at your regular chapter meeting later this month to provide information as to how we can assist your chapter and bring in Verizon into Tohatchi and Buffalo Springs.

President Moore - Does NNTRC have a working relationship with all the cellular providers? Do you have access to the people in charge? We would like to have an assessment done along 491 to Naschitti and I do believe Naschitti does have a tower in their community. Just to give you some background on the planning, the former officials were planning to place a tower around the El Paso area.

Commissioner Montoya - Yes, we do, we recently met in Twin Arrows with majority of the cellular providers, we had a public hearing type meeting and we had presentation from each of the cellular providers including Verizon. To give it more weight, we can also state we have schools, clinic, and chapter and we are in need of connectivity to provide better service.

Laris Manuelito - We've had service companies come through something call the utility corridor that they try to access. If you could expand on that? Also, does the Land Department oversee the air rights or is there a committee who oversees air rights? Who actually owns the air rights over Tohatchi and surrounding communities because some providers have been able to put up towers without the consent from local chapters and community members? And lastly, with the construction of the new public safety complex which will be designed to hold several entities, communication is crucial. I'm sure President Moore or Secretary/Treasurer Crawford can share the plans for the new safety building with you to help strengthen a supporting resolution if we are to go with Verizon.

Commissioner Montoya - I believe overall, the federal communication (FCC) or commission has air authority. We do have a good working relationship with FCC in Washington and we have an attorney based there who we utilize when we have meetings with the FCC. I would like to include language in the supporting resolution that stress the need for better communication for the public safety complex, clinic and schools. Again, I wish our Executive Director, Mr. Becenti was on the call with us so he could provide more information to you, but we will provide you with a report after our commission meeting.