



May 29, 2024 @ 10:00am

## TOHATCHI CHAPTER MEETING AGENDA

AUDIO TELECONFERENCE CALL NUMBER: (575) 567-3331 PIN: 290 206 733#

JOIN WITH GOOGLE MEET: <https://meet.google.com/vsc-zdtr-mbz?authuser=0&hs=122>

**I. MEETING CALL TO ORDER**

**II. ROLL CALL**

**III. INVOCATION**

**IV. REVIEW/APPROVAL OF THE AGENDA**

**V. APPROVAL OF April 17, 2024 MEETING MINUTES**

**VI. PRESENTATION:**

1. Laverne Nakai: Espanola Resource Center -
2. Alyson Kee: United Healthcare Committee -

**VII. UNFINISHED BUSINESS:**

1. Resolution which was tabled: Resolution 033-04-2024 – Resolution to request the Resource and Development Committee (RDC), Division of Community Development (DCD), and the Budget and Finance Committee (B&F) to approve in the Appendix “M” Budget instructions a line item for Utility expenses within the Unhealthy Food Tax for the Red Willow Farm Board.

**III. NEW BUSINESS**

1. April Financial Report

**IX. RESOLUTIONS:**

1. 035-05-2024: Resolution to Approve 25 community members who have not had a septic cleaning since 2022 with a cost share of \$100.00 money order from community member and balance paid by Chapter in amount of \$130.00.
2. 036-05-2024: Resolution to Approve a budget transfer within fund 15 for PEP, heavy equipment operator, and FICA & SUTA taxes.
3. 037-05-2024: Resolution to Approve funds from Sales Tax in the amount of \$65,268.00.
4. 038-05-2024: Resolution to Approve funds from Unhealthy Food Tax in the amount of \$17,749.00.
5. 039-05-2024: Resolution to Approve Billy Jo Eastridge, sewing instructor to give sewing classing to our community members. Two days of sewing instruction at a \$1000 and participates need to provide their own sewing machines.
6. 040-05-2024: Resolution to Approve two wheelchair ramps using the Emergency funds for Herbert Dennison and Cecelia Hardy. They both provided doctor's referrals.
7. 041-05-2024: Resolution to Approve “In kind Services” for Red Willow Farmers.
8. 042-05-2024: Resolution to Approve Housing Discretionary Assistance for Treva Etsitty, Carol Lowe for home repair and Herman Yazzie for homesite survey.
9. 043-05-2024: Resolution to update the ICIP Capital Projects for the current planning year.
10. 044-05-2024: Resolution to approve the Tohatchi Emergency Response Plan.

**X. ANNOUNCEMENTS:**

**XI. NEXT MEETING DATE AND TIME:** June 3, 2024 (Planning Meeting)

**XII. ADJOURNMENT:**





May 29, 2024 10:00am

## TOHATCHI CHAPTER MEETING MINUTES

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- I. **MEETING CALL TO ORDER: 11:04 AM**
- II. **ROLL CALL:** President Sonny Moore, Vice President Mike Halona, Secretary/Treasurer Jean Crawford, and Grazing Office Gerald Moore
- III. **INVOCATION:** Mr. Manuel Shirleson
- IV. **REVIEW/APPROVAL OF AGENDA:**  
 Motion: 1<sup>st</sup> Laris Manuelito 2<sup>nd</sup> Kevin Mitchell Vote: 16-0-5
- V. **APPROVAL OF APRIL 17, 2024 MEETING MINUTES:**  
 Motion to include to read on your own:  
 Motion: Manuel Shirleson 2<sup>nd</sup> Mary Tsinnie Vote: 18-0-5
- VI. **PRESENTERS:**
  1. **Laverne Nakai** – I'm originally from Shiprock and work with the Espanola Resource Center and we are assisting the Department of Labor. We assist with individuals submitting claims for energy employees and the occupational illness compensation program which started back in the early 2000. There was an Act established where uranium miners who qualify for this program can get compensated under RECA (Radiation Exposure Compensation Act). In 1990, the United States federal government passed the Radiation Exposure Compensation Act (RECA). The program provides compensation to individuals suffering from certain health conditions as a result of exposure to radiation from either employment in uranium mines or radiation released by nuclear testing. RECA provides financial compensation to people who developed specific cancers and other serious illnesses from radiation exposure during nuclear testing. **Part B** covers current and former workers who have been diagnosed with cancer, chronic beryllium disease, beryllium sensitivity, or silicosis, and whose illnesses were caused by exposure to radiation, beryllium, or silica while working at a covered Department of Energy facility or for a covered Atomic Weapons Employer or Beryllium Vendor during a specific time period. Certain individuals awarded benefits by the Department of Justice under the Radiation Exposure Compensation Act (RECA) are also eligible for EEOICPA Part B benefits.  
  
 If your claim is accepted under Part B you could receive \$150,000 or for eligible survivors and \$50,000 to RECA Section 5 uranium workers who received \$100,000 from the Department of Justice. You could also receive medical benefits for accepted conditions and medical monitoring for beryllium sensitivity. **Part E** covers Department of Energy contractor or subcontractor employees whose occupational exposure to a toxic substance at a covered Department of Energy facility during a covered time period was a significant factor in causing, contributing to, or aggravating their claimed illness. Certain individuals awarded benefits by the Department of Justice under the Radiation Exposure Compensation Act (RECA) are also eligible for Part E EEOICPA benefits.  
  
 If your claim is accepted under Part E you could receive up to \$250,000 in compensation if available. **Covered Part E employees** receive medical benefits for the accepted conditions, impairment



compensation (\$2,500 for each percentage of whole-body impairment caused by a covered illness); and wage loss compensation (\$10,000 or \$15,000 per year of eligible wage loss). Eligible survivors (employee death related to or caused by covered illness) receive: \$125,000 lump sum compensation payment.

Passed the Senate March 7, 2024. To extend the period for filing claims under the Radiation Exposure Compensation Act and to provide for compensation under such Act for claims relating to Manhattan Project waste, and to improve compensation for workers involved in uranium mining.

It is important to have your documents available when applying for example, marriage license, where you worked, and how many years you worked in this field. Just remember, this program is just for Navajos, it includes everybody who worked in the energy field. I handed out some pamphlet and on last page you will find our information, Espanola Resource Center. You can call us to setup and appointment for a claim interview and the interview can be done over the phone and an application will be sent to you to sign. You do not have to travel to Espanola to submit a claim. I am giving presentations on this topic to make our people aware of this program. The RECA funding will be expiring on June 10, 2024 and I don't know if more funding will be made available.

**Secretary/Treasurer Crawford** – If a couple do not have a marriage license but have been living together for more than 10 years, will they consider their application under common law?

**Laverne Nakai** – I don't see why not. If they can provide documents to support that.

**President Moore** – Just to let you know, the committee called “Red Pond” have a rally annually on July 13<sup>th</sup>. Back in 1979, there some tailing dammed up which spilled into the Rio Puerco. The community of Churchrock and Smith Lake organized a committee called “Red Pond.” They have an annual rally and march in July (July 13<sup>th</sup>) to bring awareness on the spill and the cleanup. I'm just wondering if you have already stop at Churchrock chapter?

**Laverne Nakai** – I will be working my way back to Albuquerque and I appreciate the information.

2. **Alyson Kee – United Healthcare Committee:** Was not available to give her presentation.

3. **Carol Bowman Muskett** – I am campaigning for the position of County Treasurer for McKinley County. I am from Mexican Springs and my husband is Vincent Muskett. Just to remind everyone that tomorrow is the last day to do early voting at Twin Lakes, but the county court house and Rio West Mall will have early voting up to June 1<sup>st</sup>. I'm here to humbly ask for your vote. I am also a chapter official with Mexican Springs chapter as Vice President. We are all running unopposed at Mexican Springs.

## VII. UNFINISHED BUSINESS:

**Un-table resolution 033-04-2024:** In order to carry a discussion on this resolution, we will need to un-table this resolution with a motion. The resolution states we have funds in the Unhealthy Food Tax which can be used for agriculture like farming and ranching. We have around \$88,000 in the account and we received our annual allocation again. There are only 12 farms across Navajo and Red Willow being one of them. Just recently Red Willow Farm received a 3-phase power line to the pump house. So now they have a monthly utility bill. With the unhealthy food tax fund, there are specific guidelines on how this fund can be used. We are not asking you to approve the expenditure but to “consider” using Unhealthy Food Tax funds to pay for Red Willow's utility bill on a monthly basis. I understand we need the assistance of our Council Delegate to do this and he can draft a legislation for this to present to council. Maybe next year, there will be a line item added to our fund account for utility expense. So, all we are asking on this resolution is to have this considered in Appendix M of the Budget Management.

**Motion: 1<sup>st</sup> Manuel Shirleson 2<sup>nd</sup> Laris Manuelito Vote: 21-0-5**

**Kevin Mitchell** – I'm wondering what Red Willow Farm's average monthly bill is currently?

**President Moore** – I'm going to guess it will be around \$300-\$500 per month. This 3-phase line will be drawing some power but only when it is being used which should be seasonal. If we can get a legislation



passed, Red Willow Farm can use the Unhealthy Food Tax to pay their utility bill.

**Laris Manuelito** – Looking at this as a delegate's point of view, going before the committee and other delegates and RDC. They are going to ask the delegate on behalf of Red Willow specific questions as to why they want to put this in a BIM? Has Red Willow exhausted other forms of funding opportunities? You know there are funding opportunities out there besides going straight to Council. I in fact, I myself have approach them from the business sense about doing commercial farming in the future in which they can use their sells to pay for operational expense, but they have not come back to me to discuss this. USDA has plenty of agricultural funding opportunities that will cover this as well as the State. The Council will ask the delegate why Red Willow has not looked into other funding opportunities. And then using pure numbers on how much electricity are they using, what exactly is average? And how much are you really using? Is this really enough to change the BIM? I also want to ask to amend this to put a time limit on how long it's going to be in BIM, it can't be eternal or until they become self-sufficient. Other farm boards are self-sufficient and has Red Willow reached out to them to see how they are managing their daily expenses.

**Elvis Bitsilly** – This came about between myself and President Moore when we had a utility bill issue for Red Willow Farm. First question I heard was what is your average? We have not collected that data as of yet. This power to the pump system started last June and we received our 1<sup>st</sup> bill back in January of this year. I talked with NTUA and got an average of the monthly bill which they said was around \$250.00. And this bill that we received was from the power being on continuously during that period. Now we understand, we can turn the power off when not needed and only use during seasonal farming.

I had to go through a lot to get our utility turn back on for Red Willow. I want to thank the Chapter for the funding received for the utility bill. Red Willow also had to use their funding account with the Chapter to pay towards this utility bill as well. But this is not the issue right now, but it may be someday help because I hear our delegate will have to go before the committees in order to make a change to the BIM. We want to explore the possibility of using the Unhealthy Food Tax to pay for Red Willow's utility bill. The guidelines for the Unhealthy Food Tax does not state clearly how this fund can be used. It does say something about irrigation farming purposes and for other things related to agriculture and it gives a listing. So, we need clarification from our lawmakers and this resolution will draw attention to not only Red Willow but other farms across Navajo. Like I've always mention before, our Red Willow Farm is a rural project. Other farm areas across Navajo, for instance; Red Lake and Ganado are using solar power to open their dam valves and gates to the irrigation system. We are not asking to change the budget or allocations; we are just drawing attention to what Navajo Nation can do for farming and agriculture. Red Willow is also looking into using solar energy for operational purposes. I definitely know there are funds out there, but the problem with the State, County, and National monies is it can take years to obtain.

**Lee Rodgers** – It's sad to hear the Navajo Nation is not doing anything with our Unhealthy Food Tax. Many years ago, my grandmother, Mrs. Ben and her 11 siblings farmed at Red Willow. The Howards and all the Dennison's farmed and grew their crops there annually. They harvest an abundance of fruit and vegetables from their farm. Now, as I drive pass the farm area, I see the land and soil has dried up all together and mother earth needs our help. We should all be working together as a community to address this issue. I agree Red Willow and chapter should pursue the possibility of using the Unhealthy Food Tax to pay the utility bill for Red Willow. I'm saying this because I would like to see Red Willow farm like it use to be back when our grandmothers and grandfathers farmed this area. Presently, we are challenged with lack of rain and snow and canals need to be repaired and cleaned out. We should be looking into solar energy as well to power the pump system at the farm and also use the Unhealthy Food Tax to pay for the installation of the solar power and to repair the canals leading to the farm. This would greatly reduce their operational



expenses annually. Red Willow Farm Board should let the land rest for a year or so before trying to farm the land again. This is referred to as “healing mother earth.” I would recommend Red Willow Farm start a composite site where community members can dispose of their potato peels, vegetables, coffee grinds, fruits, etc. This can be used to mix with the existing soil and produce more nutrients for the farm land to grow better crops. There is so much red tape involved in making requests for any kind of federal or state assistance, including requesting from the Navajo Nation. So, let’s support Red Willow in their endeavors.

**Laris Manuelito** – I would recommend we change the date on the resolutions to include year 2025 because we are half way through year 2024.

**Vice President Halona** – I want to thank staff for the lunch being provided to celebrate Mother’s Day. I understand the dialogue we are having but our resolution does not say what we are talking about. I would like to make some recommendations to consider because what we are saying we want done, what we want to do, and who is going to do it is not stated on the resolution. The resolution should read: **Resolution to request Honorable Council Delegate Notah to submit to the Resource and Development Committee and the Budget and Finance Committee to amend Appendix M Budget for Unhealthy Food Tax instructions, a line item to include utility expenses for irrigation purposes for Farm Boards on the Navajo Nation.** To change the Appendix in the BIM (Budget Instruction Manuel), is not what we are asking them to amend. We asking them to include a line item for utilities for our Farm Board to be used for agricultural use or irrigation use. This title is much better and straight forward to the point.

**President Moore** – I’ve taken down Laris and Vice President Halona’s recommendations for this resolution and I will be adding it into the resolution itself.

**Laris Manuelito** – I just want to say to Red Willow Farm Board, when they start moving forward one of the supporting factors would be the Farmers Market Initiative and Farm to Table initiative that I want to work with them on for the store, that will be a supporting factor they can use as well. I’m extending that to them.

## VIII. NEW BUSINESS:

### 1. April 2024 Financial Report -

APRIL BALANCE FUND		
1	Chapter Activities Gen Fund	\$19,382.61
2	NN General Fund	\$7.49
3	Land Claims Trust	\$21,278.01
8	Supplemental Youth Fund	\$16,458.59
9	Housing Discretionary Fund	\$16,182.13
10	LGA Grant Fund	\$71,033.49
12	Chapter Stipends	\$29,194.56
13	Scholarship General Fund	\$9,795.00
14	Scholarship Claims Fund	\$2,528.98
15	PEP Fund	\$42,610.22
16	Veterans Fund	\$4,668.98
17	Emergency Fund	\$40,212.02
23	NN Sales Tax	\$73,104.67
25	NN CIP - \$180,000	\$26,818.85



26	Red Willow	\$1,040.37
27	NN CIP - \$200,000	\$3,877.78
34	Agriculture & Infrastructure	\$3.68
40	Unhealthy Food Tax	\$88,120.99
51	NAPI	\$2,299.66
61	Senior Center	\$2,162.99
	<b>Total Fund Balance</b>	<b>\$470,781.07</b>

**Secretary/Treasurer Crawford** – I want to mention our Chapter did get our annual allocation for Unhealthy Food Tax which has not been added into the fund account as of yet. The financial reports are reviewed monthly by officials. For the month of April 2024, our books are in balance and everything has been reconciled back to the bank. Every check that was written by the accountant has been reconciled or accounted for. Again, as always, these reports are posted at the Chapter and a copy of the Budget to Actual is available to the community upon request.

We meant with our ACS, Patricia Begay last week, and we discussed the Unhealthy Food Tax fund. She did mention Chapters are finding it difficult to use the Unhealthy Food Tax fund for their projects. We all agreed that the language used is very vague and we do need some clarification or training on how we should be using this fund.

**President Moore** – Just to mention, we have been working on our Audit to correct all the Findings, but we could not get a meeting with our ASC nor her accountant, Mr. Echohawk. We had to ask the LDA, Mr. Curley and our Council Delegate for their assistance to get a response from them. We need the ASC and her accountant's assistance with Finding I. This cannot be resolved at the Chapter level. The ASC and accountant have to review this and try to reconcile this account for the Chapter which is the missing gift cards. We've waited long enough and we need to get this audit completed and send back to the auditors for a 2<sup>nd</sup> review. If these Findings are not cleared up in a timely manner, the Chapter could be put under a sanction. We did meet with Ms. Begay and Mr. Echohawk and we have follow-up meetings scheduled for June 18 & 19<sup>th</sup>. So, hopefully now we can continue with our quest to become a certified chapter.

**Charles Arviso** – I have a question on the Veterans account. At our last meeting, we had a lengthy discussion on how this fund can be spent and it was said it can only be spent on awards and food for the Veterans. We are trying to amend the guidelines where we can spend it on what the Veterans really need. In the breakdown, it states we just need a letter to use the \$331.00 to award jackets. But at the last meeting, Maria stated we needed a resolution to spend the whole money in the account. So for now, can we do a letter only to spend the \$331 or do we need to submit a resolution to spend the whole amount? Since our Council Delegate is here with us, maybe he can make a recommendation to council for us.

**President Moore** – I don't believe you need a resolution, but I can talk to Maria about this. I think just a letter with a request and the number of votes should suffice. But to change the guidelines I believe will be similar to what we just discussed regarding Red Willow and amending the BIM in Appendix M, unless the Council Delegate has other ways to make those amendments. I do agree, there should have been more flexibility as far as line items are concerned. I am whole heartily in support of the veterans and I ask Maria and her staff to be supportive as well by doing cost sharing for food during their meetings.

**Council Delegate Notah** – I would ask the Veterans organization to write a letter requesting to amend the guidelines for using the Veteran funds. I can take that back to Council and see if I can get it approved, it shouldn't be an issue. I want to ask, what is the balance in the fund currently? And what line items do you want to add?



**Charles Arviso** – We could add things like purchasing flags, equipment for the veterans, funds to travel for trainings, and etc. I can give you a list of things we like added.

**Commander Manuel Shirleson** – We have a training coming up here soon in August in Albuquerque, NM. It would be nice to receive travel allocations for our room and board and our meals.

**Laris Manuelito** – On the Audit, I'm amazed that we are finally down to one Finding to correct and that's wonderful news. but moving forward, I do know there is a way where we can have the delegate ask the attorney general to turn this for the Chapter. Because an LGA audit getting us fully certified is similar to the 5-year audit that is being done now. The council delegate can write a memo to the AG, and it doesn't not hurt to ask for an AG certification. I say this because the business' sales tax can come to Tohatchi Chapter and not to W/R.

**Secretary/Treasurer Crawford** – I would like to share the update on the audit. We did finally meet with Ms. Begay and Mr. Echohawk and went over Finding I. He was able to reconcile as best as he could with the receipts that were provided. Even the receipts were not very clear according to Mr. Echohawk. When we received our audit report, there were 12 Findings and the majority had to do with policies and the lack of them. We came together to work on all the policies which required updates. We said these new policies will be reviewed annually because things change from year to year. Finding I which we had difficulty with were the gift cards that were used during the previous administration. Several of the cards were missing which made it impossible for our staff to reconcile here at the Chapter level. We gave the documentations to Mr. Echohawk a year ago and we did not hear from him since that time. We had continuously reached out to them for a meeting but it did take some time. Unfortunately, Mr. Echohawk said some of the receipts were unclear and he did his best to reconcile with what information we provided to him. Now, he will be putting a letter together to state his findings on the gift cards. He will than share this letter with the chapter and submit to the auditor. I want to thank the staff along with the CSC for their assistance on all the Findings.

**President Moore** – We updated the policies to strengthen the accountable portion and hopefully to avoid theft from occurring at the chapter.

**Motion to Accept the April 30, 2024 Financial Report:**

**Motion: 1<sup>st</sup> Priscilla Duncan 2<sup>nd</sup> Charles Arviso Vote: 22-0-5**

## **IX. RESOLUTIONS:**

1. **035-05-2024:** Resolution to approve 25 community members who have not had a septic cleaning since 2022 with a cost share of \$100.00 money order from community member and balance paid by Chapter in amount of \$130.00.

**Motion: 1<sup>st</sup> Sam Natonabah 2<sup>nd</sup> Priscilla Duncan Vote: 22-0-3**

2. **036-05-2024:** Resolution to approve a budget transfer within Fund 15 for PEP, heavy equipment operator, and FICA & SUTA taxes.

**Motion: 1<sup>st</sup> Sarah Tom 2<sup>nd</sup> Lee Rodgers Vote: 21-0-2**

3. **037-05-2024:** Resolution to approve funds from Sales Tax in the amount of \$65,268.00.

**Motion: 1<sup>st</sup> Lee Rodgers 2<sup>nd</sup> Priscilla Duncan Vote: 21-0-3**

4. **038-05-2024:** Resolution to approve funds from Unhealthy Food Tax in the amount of \$19,749.00.

**Motion: 1<sup>st</sup> Priscilla Duncan 2<sup>nd</sup> Laris Manuelito Vote: 19-0-3**

5. **039-05-2024:** Resolution to approve Billie Jo Eastridge, sewing instructor to give sewing classes to our community members. Two days of sewing instruction for \$500.00 and the participates will need to bring their own sewing machines.

**Motion: 1<sup>st</sup> Priscilla Duncan 2<sup>nd</sup> Laris Manuelito Vote: 23-0-2**

6. **040-05-2024:** Resolution to approve three wheelchair ramps using the Emergency Funds for Herbert Dennison, Cecelia Hardy, and Mr. & Mrs. Herman Morris. Doctor referrals were provided.



**Motion: 1<sup>st</sup> Lee Rodgers 2<sup>nd</sup> Mary Tsinnie Vote: 22-0-3**

7. **041-05-2024:** Resolution to approve "In Kind Services" for Red Willow Farm.

**Motion: 1<sup>st</sup> Lee Rodgers 2<sup>nd</sup> Manuel Shirleson Vote: 23-0-3**

8. **042-05-2024:** Resolution to approve Housing Discretionary assistance for Treva Etsitty, Carol Lowe and Herman Yazzie for homesite survey.

**Vice President Halona** – for Mr. Yazzie, if you are already living in the house on the homesite, you do not need a survey.

**Herman Yazzie** – I received a letter from Land Administration stating I need a survey done to complete my packet for a homesite lease. Six months ago, the chapter directed me to go to Land Administration for information on my homesite lease.

**Vice President Halona** – That was 6 months ago, Land Administration has since amended the policy for homesite leases. Go back to Land Administration and have them call me regarding your homesite lease.

**Priscilla Duncan** – Can I have you sign the letter as well, Vice President Halona?

**President Moore** – We will do some follow ups with Land Administration before we cut a check for Mr. Yazzie.

**Motion: 1<sup>st</sup> Laris Manuelito 2<sup>nd</sup> Priscilla Duncan Vote: 18-0-3**

9. **043-05-2024:** Resolution to update the ICIP Capital Projects for the current planning year.

**Motion: 1<sup>st</sup> Laris Manuelito 2<sup>nd</sup> Manuel Shirleson Vote: 18-1-2**

10. **044-05-2024:** Resolution to approve the Tohatchi Emergency Response Plan.

**Motion: 1<sup>st</sup> Manuel Shirleson 2<sup>nd</sup> Laris Manuelito Vote: 19-0-3**

11. **ANNOUNCEMENTS:** Next Chapter meeting, June 19<sup>th</sup> @ 10am.

12. **NEXT MEETING DATE:** June 10, 2024 Planning Meeting @ 10am.

13. **ADJOURNMENT:** 2:04pm

**Motion: 1<sup>st</sup> Manuel Shirleson 2<sup>nd</sup> Laris Manuelito**

Submitted by,



Secretary/Treasurer, Tohatchi Chapter June 3, 2024

cc: Mr. Sonny Moore, President

Mr. Mike Halona, Vice-President

Mr. Gerald Moore, Grazing Officer

Ms. Maria Allison, CSC