

Council of Mexican Water Chapter Government

Notice is hereby given to the general public that the Council of Mexican Water Chapter Government will convene a planning meeting open to the public on **September 8, 2013** at Mexican Water Chapter Multipurpose Building Complex 1 located at Highway 191 N Milepost#2, Mexican Water, Utah beginning at **10:00 o'clock am.**

Information regarding the following agenda items may be reviewed in the office of the Council Manager at Highway 191 N Milepost#2, Mexican Water, Utah

The Council may vote to convene in Executive Session, which will not be open to the public for discussion or consultation for legal advice with the attorney or attorneys of the Council for any agenda item below

Members of the Council will attend either in person or by telephone, video or internet conferencing.

If any disabled person needs any type of accommodation in order to attend this meeting, please notify Braniel Smith at (928) 429-0986 at least seventy-two (72) hours prior to the time scheduled for the meeting.

I. REGULAR CHAPTER MEETING

A. Call to Order by Jerry Tsosie @ 1:55 p.m.

B. Invocation given by Darlene Yazzie CHR

C. Roll Call by Mary Ann Woody

D. Approval of previous meeting Journal of Proceedings/minutes of August 15, 2013

Motion to defer by Kenneth Maryboy, second by Darlene Yazzien with a vote of 29-0-1, motion carried.

E. Approval of Agenda

Motion by Susan Blackhorse, second by Herbert Yanito with a vote of 30-0-1, motion carried.

Jerry Tsosie-chapter President gave the floor to two people from Northern Regional Business Development and from Window Rock to make their report while we're waiting for a quorum.

Marjorie Dee (Karis Begay-attorney for Division of Economic)

The reasons they are visiting: Tes Nez lah Store has been closed due to not enough making money. Giant has put a paper to move out because of slow business, Business Site Lease is between Navajo Nation and Giant. Navajo EPA said to wait, don't put the Lease aside yet.

There was gas in the ground and has not been inspected very well so due to that the gas tank in the ground has started to form holes in the tank and gas was licking. Let's wait and not shot it down, lets' restudy the sand in the ground, bugs, and remediation, since it's been there for many years, etc. soil sample is currently good now. Navajo EPA wants to put out information stating "No Further Action Required". Currently, the sand is good again, and on hold again due to there was a **water well** there and has been tested and no petrolium in the water study, etc. There are people living within the surrounding area and they tab into the water system as their drinking water. Monitoring well has been checking and those have been capped so now the water is good. Further down the future somehow the water might seep into another area which could create a problem, etc. Water tank is about 200 feet and needs to be moved at least 200 feet from the Gas tank to water well. Right now the water well is about 40 feet from the gas tank. Settlement agreement is being worked on still.

1979 the Motel was renewed/renovated, etc. Currently it might have to be fixed again or just demolished the whole building, etc. For future, we cannot create another store. Water has to be capped and is there water well within the area?

1990 NTUA said there was water. On the paper it says that there was water according to BIA, water needs to set at least 200 feet away from the gas tank area and who would oversee the water well and at this point it is unknown.

Karis Begay (Attorney for NN Department of Justice) working with Giant Industry and currently 20 business site across the NN. A lot of issues surround this entity. There are EPA issues, some businesses/sites are 20-30 years old and their leases are not up to standard, etc.

We are moving Giant from not being under BIA system. Need agreement between NN and Giant. We are going to each site to determine how to come up with an agreement between NN and Giant. There are needs from both sides.

One of the issues that came up is Tes Nez Iah Store. There is water well and that soil sampling has been done USEPA found that there is potential contamination and they determine that the water well needs to be closed. The problem is the water serves people living within the area and to the store. UPEA and USEPA have agree that they will not issue NFA which is required for them to close down the business legally, but we cannot close it down legally we cannot terminate the business site lease. Because we prefer to determinate business site lease and close it down. There are a couple of questions that come up:

1. Close it and plug it and abandoned it which is what EPA want and are willing to issue NFA.
2. If we keep the building, to be used for future uses, relinquish the building and remove the building to clean water well, etc.

They are willing to build a new well, some sort of system, a lot of entities that come into play. Once the well is build, who will maintain the water? Mainly who can maintain the water well?

Question: Is the chapter willing to accept the responsibility to undertake the well? Need this information quickly. \$500.00 a month to maintain the well, etc. How does the chapter wish to proceed?

Curtis Yanito: who was responsible for the structure of the building?

Marjorie Dee- Felts started the store in 1979 to make it look better. The structure of the building. has not been access, etc. What about the business lease, ready to be closed, from there Thrift store took over again? Don't have information/documents in placed.

Jerry Tsosie: the building has to be inspected? Yes

Martha Saggboy-If the business can be relinquish back to the chapter at a later date due to Farmers Market for fresh vegetables to be sold thee by the community, etc. The restroom is needed there too. Could be used as a Rest Stop, there is a lot of possibility as Economic Development. Should we just let them closed it and we as the chapter can do something about it, etc.

Jerry Tsosie- presently if you look at it, there is erosion coming towards the building, not safe for the area where it is at now. AZ dept. not safe and Truckers come down too fast down the road from each side; the chapter looks at all these issues.

Marjorie Dee, we can ask the company to demolish the blg, but keep the water, with chapter resolution or letter address to Attention Karis Begay with Department of Justice. Right now the water is situated at 40 feet from the gas tank and move it to 200 feet away, etc. Chapter can be responsible for the water well too.

Martha Saggboy- we can discuss and sure there might be money for it later down the road, we still have our Water Settlement, etc. We need a watering point too.

Curtis Yanito- We needs the area and all the safety can be taken care of with safety dept. We just need some good signs to be posted. It is a good potential area for business.

Martha Saggboy –On top of the store is a potential area for business site, Dennehotso is bringing the water line down to the area. The family should never have tab off that water system anyway, due to liability.

Karis Begay – If don't hear from the chapter, will request to demolish the building ask to move the well, have migrated and mutual determination is completed, relinquish the building to the community, then the chapter will be responsible for it, does work with NTUA too

Martha Saggboy –will try to negotiate with NTUA, etc.

Majorie Dee requested for a letter from the chapter with the sign in sheet if there is no quorum and other wiser.

Move to Agenda

..... The recorder did not record from here.....

Mark Maryboy – was not aware of the chapter meeting, but wants to make a report on Water Settlement. Water 83,000 acres of feet of water have been approved, on a yearly basis that's about how much we get in a year. Aneth, Teec Nos Pos, Navajo Mountain, Red Mesa, only 3000 acres feet of water for these chapters. If you subtract its only about 7000 acres feet of water. About 70,000 feet of water you can sell it and make money off it and has been surveyed. CLUP is being revised, no car wash, no swimming pool, no motel and no gulf course, etc. NN IT satellite image and state requested for money and state of Utah has given us money (8.6 million) replace and the project is going. Right now M/W will sell clear water and Harold Skow is working on it and some other projects. Utah water study, right now AZ & CO is (8.2) million being requested, Montezuma/RM is still working on it. Lake Powell, Piute Mesa will receive water. Aneth, Rock Point the water will come there out to different areas, such as Dzil Libai area, etc. Motel and Resorts are being added on.

Washington (200 million) M/W motels/restaurant will be added on and so forth, etc.

Utah Trust Fund-Washington US Senator and their staff have been working. Legislator will be writing out the paper, etc. Agreement has been moved forward but Ben Shelly has been running around and wants the money, etc. Aneth Johnson family has been running around against it. There are 100,500 people; the few people are wanting the money, not going to work, etc.

Keyah being discussed, many people living within the area around Aneth, BLM is taking care of the land, Cowboys and earth diggers want the land and will be drilling for oil, etc. We were never asked what we thought before, etc. So the Navajo people want this land back and it belonged to the Navajo people before and 1.9million acres which will be called "Dine Bi Keyah". So the white people have noticed...racial comment by them towards Navajo people, \$300 million coming through with it. Sand Island and Christians, all the way down to Navajo Mountain, etc.

Department of Natural Resource is working on it, President forwarded a memo and money has been allocated for it.

Richard Yanito – Water Settlement, we want some water being irrigated from Aneth; we want it out here too. The Keyah across is an issue yes, we need to claim it and start saying that, etc. Maybe we need a resolution in placed again, don't know.

Mark Maryboy – R/M, Aneth, Teec Nos Pos, and Mexican Water is really ahead of all the chapters in the surrounding area. M/W is really doing well and running ahead with a lot of things, etc. Water Settlement was the only one that slowed us down; Harold Skow is working on a lot of the paper and moving forward, etc. Mary Benally is also helping us and is working with us and knows about it. Dine Bi keyah is holding a meeting on October 2-3 or 1-2, 2013 in Monticello, Utah. You are all aware of state land there are about 600,000 acres available that we can claim etc.

II. OLD BUSINESS- none

III. NEW BUSINESS/ACTION ITEMS

- A. **MWCSEPT08-144** Approving to accept FY 2013 Navajo Nation General Funds Supplemental Funding of \$6,000.00 for Grazing Official Stipend and its budget
Motion by Kenneth Maryboy from item A – Z because we have been here since 10:00 a.m. and we have a lot to do, second by Cassandra Beletso with a vote of **except L** with a vote of 30-0-1, motion carried.
- B. **MWCSEPT08-145** Supporting and Approving the Mexican Water Chapter Economic Development Committee's establishment of Keyah Energy, LLC to serve as a for-profit organizational entity

- C. **MWCSEPT08-146** Supporting and Approving to request the Navajo Revitalization Fund Board to allocate \$500,000 in investment for the Mexican Water Economic Development Project
- D. **MWCSEPT08-147** Supporting and Approving to request the Navajo Revitalization Fund Board to allocate FY 2014 non-chapter funding in the amount of \$100,000.00 as a regional project that will serve six (6) Utah Chapters with Data Information Sharing and Disaster Recovery System
- E. **MWCSEPT08-148** Supporting and Approving to request the Navajo Revitalization Fund Board to allocate FY 2014 non-chapter funding in the amount of \$99,900.00 as a regional project that will serve six (6) Utah Chapters with road improvement
- F. **MWCSEPT08-149** Supporting and approving to request the Bureau of Land Management to authorized Mexican Water Chapter to utilize the Plugged and Abandoned (PNA) wells as identified on the USGS mappings
- G. **MWCSEPT08-150** Approve to accept the FY2014 Navajo Nation Chapter operating Budget allocation of \$288,197.00 and its budget
- H. **MWCSEPT08-151** Approve to accept the FY 2013 Navajo Nation Chapter Carry-Over Budget of \$ and its budget
- I. **MWCSEPT08-152** Approving to accept FY 2014 State of Utah Navajo Revitalization Funding of \$55,863.00 for Chapter Project Allocation and its budget
- J. **MWCSEPT08-153** Supporting and approving to request the Navajo Nation Council, Budget & Finance Committee and Resources Development Committee to allocate 1.0 Million matching fund for Utah Navajo Chapters
- K. **MWCSEPT08-154** Supporting and Approving to request the Navajo Nation Resources Development Committee and Regional business Development Office to oppose any and all new developments of C-Stores
- L. **MWCSEPT08-155** Supporting and Approving to request the Navajo Nation Resource Development Committee and Regional Business Development Office to involve Mexican Water Chapter in the negotiation of Business Site Leasing during the renewal and novation of the Mexican Water Express Store
- M. **MWCSEPT08-156** Supporting and Approving to request the Navajo Nation AML to allocate FY 2014 funding of \$400,000.00 for the Phase 3 Power Line Extension Project
- N. **MWCSEPT08-157** Supporting and Approving to request the Navajo Nation AML to allocate FY 2014 funding of \$400,000.00 for the Utah Broad Band Project
- O. **MWCSEPT08-158** Supporting and Approving to accept the FY 2014 Mexican Water Chapter Strategic Planning
- P. **MWCSEPT08-159** Supporting and Approving to oppose any and all new contribution to the Permanent Trust Fund, The fund already had accumulated enough funds to give more interest in returns
- Q. **MWCSEPT08-160** Supporting and Approving to request the Navajo Nation Council, Budget & Finance Committee and Resource Development Committee to purchase ___acre of land located in San Juan County, UT to be used for economic development using the Navajo Nation Land Acquisition Funds.
- R. **MWCSEPT08-161** Supporting and Approving to request the Chapter membership to approve the collection of field data to endorse the completion of Rural Addressing Project
- S. **MWCSEPT08-162** Supporting and Approving to use chapter project funds to conduct boundary legal surveys for the ten (10) acres of lands for economic development and to advertise through RFP for Professional Services
- T. **MWCSEPT08-163** Supporting and Approving to acknowledge and re-confirm subcommittee membership for ALERT; CLUP&Z; AFOG; EDC, Senior Citizen Council; and Keyah Energy LLC

- U. **MWCSEPT08-164** Supporting and Approving the F& 2014 Plans of Operations for all Subcommittee
- V. **MWCSEPT08-165** Supporting and Approving the FY 2014 Plans of Operations and Maintenance and Operations Plans for the Chapter Assets & Equipment
- W. **MWCSEPT08-166** Supporting and Approving to ratify the use of chapter project funds to implement a landscaping project and to advertise through RFP for Professional Services
- X. **MWCSEPT08-167** Supporting and Approving to oppose the transition plans for the USDA/NRCS that service the Utah Navajo Chapters without consultation with the consumers
- Y. **MWCSEPT08-168** Supporting and requesting for money from Navajo Nation Natural Resource Department Drought Funds used towards Arizona & Utah, application through NRCS for Water/Re-Seeding 2014 Projects, Requesting for food for District 9 Grazing Committee Meeting on November 8, 2013 Mexican Water Chapter.

IV. REPORTS/ANNOUNCEMENTS

- A. NTUA Presentation – no show
- B. UNHS Representative Report: Cassandra Beletso

We bought a land for the clinic, because the clinic was too small, how can we improve so that the people do not have to wait too long for service. Running a business is very expensive and wants to get help from someone else and there are 3 chairs available, etc. The clinic itself is now good due to privacy act, etc. A lot of traveling to be on the committee but is a full time employed which causes away from the regular job, etc. A lot of people don't have insurance and due to this they are traveling to Seattle for conference. **Monday September 9, 2013, is free eye exam and free eye glass. September 10 is at Monument Valley.**

C...Quarterly updates to the Community

- i. Financial Reports (attached)
 1. Ratification of July 2013 Payroll Expenses of **\$40,568.56**
 2. Ratification of July 2013 Chapter Official Stipend Expenses of **\$3,000.00**
 3. Ratification of July 2013 Scholarship Expenses of **\$.00**
 4. Ratification of July 2013 Vouchers Expenses of **\$11, 198.12**
 5. Budget Transfer/Modifications to cover expenses incurred July 2013
 6. Ratification of August 2013 Payroll Expenses of **\$13,143.79**
 7. Ratification of August 2013 Chapter Official Stipend Expenses of **\$3,000.00**
 8. Ratification of August 2013 Scholarship Expenses of **\$.00**
 9. Ratification of August 2013 Vouchers Expenses of **\$10,551.58**

Richard Yanito – we want report from each of the official, we were told there are going to be set up of things within the 50 acres, and we would like to know, requesting it from each official.

Curtis Yanito – grazing committee representative, funding were out but NN did not go through with it, it's good that the animals went down in certain areas, etc. Wednesday last week we had a permit holder meeting here at the chapter, informed from USDA on irrigation, re-seeding, plant growth, etc. All the grazers we can get help from the water settlement, Money for the 2014 budget allocation is coming forward and we need to request. District 9 Grazing Committee meeting at Teec Nos Pos Chapter.

Kenneth Maryboy – Even though there are talks, we were progressing forward, some are aware and some are not, etc. West Water and Oljeto people came out to the meeting, etc. Budget hearing went on in Window Rock, money allocated we had to analyze, budget cut, some are decreasing and some are increasing, etc. Some of the staff are giving themselves a raise, over 50,000 a year, etc. Amendment to the project, grazing rep. allocated some money for him. Chapter Official was put aside, M/W chapter has been working together very well, and other chapters are not. Trust Fund resolution being requested by Kaa'yalii even though they were told it's not going to happen. Teec Noz Pos requested for \$100,000 for the chapter due to damage and

Martha is requesting for some money for Senior Citizen to be built. NN does not understand mainly because it's in Utah. Trust Fund people are asking, Ben Shelly might go against it and last year he put forth a memo which states that it's a Utah issue and out of it. But another memo went out again. Government to government from Washington, October and January bill has been out, chapter official need to be ready when it comes to testifying which is moving forward, etc. Council in progress for election and doing their campaign, etc. Utah Dineh Agency paper is being forwarded and no resolution from the other chapters, etc. If this goes through there will be 3 council delegates in placed. Money for Utah people is short due to priorities. Navajo/Oil and Gas, Roger Joe, shareholders meeting, legal agreement, Utah is the one that has oil, etc. District 13 Navajo/Oil/Gas did 8 wells and did not work – over 1 million tests well were done. Canadian Oil Company is doing horizontal Drill being done and our money is going that direction. Roger Joe wants to work with Utah Oil. 2.0 million was allocated sometimes ago, Navajo Oil/Gas, Avery Denny was paid to be one of the practitioner hired to teach the traditional ways of life, etc. Invite all Oil/Gas to come out and make their report to the Chapter. San Juan County putting a resolution to them and San Juan County had their meetings, etc. Phil Diamond is promoting and racial profile is out. We will proceed with the Land Bill.

Larry Tuni – Navajo preference needs to be discussed due to some construction owners, etc. It is not being considered maybe make it strong, etc.

Kenneth Maryboy – put forth to DOJ, Indian Preference is out many times. Half of it is federally owned.

Esther Reddoor – 3,000 acres out of 6000 acres, who actually who owned that land? This is public land meaning that it belongs to anybody. Senator Robert Billy initiated a Land Bill “Escalated Staircase”; this is designated land and added Cedar Mesa and Bear’s Ears. Multiple use of land and tree hugger and go against each other and been to court for many years. We put a site a committee and. Aboriginal land owner, county needs to get on board therefore there are medicine/herbs, etc. hunting area, 350,000 sacred site, Native American Activity act. River walks alongside the SJ River, etc.

Jerry Tsosie – A lot of committee, CLUP, ALERT, EDC, AFOG, Senior Citizen Council and Keyah Energy LLC. Entrance to the chapter is being paved, chapter has been fenced in, and land scape plants/trees around the chapter.

David John – September is expiration of the funding. October is month of new allocation of funding. CLUP is revising their booklet for the next five years, is almost done, etc. Power line, Scattered Project, our children moving back from the city, new houses, 215,401 CDBG funding for the 8 homes, 3 trailer, etc. Complex is on its way \$400,000, cost will be about 1.5 million, etc. Chapter infrastructures phase 3, the store, still on the way. Since we got certified, we were going to work with Title 26, resource development chapter is obtaining more power so it slowed down and still pending, etc. Council of M/W Council Government. Decal/Excel still pending, etc. Solid Waste, Veterans Memorial, natural gas, pending for 2014 and 2020, cost 2.2 million.

A lot of list for housing in order is in place for the community, etc. (9.205, 000) hopefully we get all these done.

Mary Ann Woody–requesting for money for Leo Saggboy’s kidney transplant/surgery/operation sometimes in December. The individual donating the kidney is one of his own daughters. The money donated will go towards the home/place he will be occupying while he recovers. The place has to be the hospital where he will be getting treatments, etc.

Motion for all reports by Marlin Saggboy including Mark Maryboy’s report second by Richard Yanito with a vote of 25-0-1, motion carried.

V. MEETING ADJOURNMENT BY Jerry Tsosie @ 3:45 p.m.

Motion to adjourn by Marlin Saggboy and second by Darlene Yazzie with a vote of 25-0-1.

Planning Meeting by Oct. 2, 2013. Regular Chapter Meeting will be discussed at planning meeting.

Posted by: Mary Ann Woody

Date Posted: 9/8/13

Time Posted: 3:47.