

# **(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 regular chapter meeting open to the public on April 12, 2015 at Mexican Water Chapter Multipurpose Building Complex 1 locate at Highway 191 N Milepost#2, Mexican Water, Utah beginning at 10:00 o'clock a.m.

Information regarding the following agenda items may be reviewed in the office of the Council Manager at Highway191 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 Martha Saggboy 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 @ 10:30 a.m.
- B. Invocation – Roy Hathalie, Veteran
- C. Roll Call by Secretary/Treasurer for the record
- D. Approval of previous meeting Journal of Proceedings/minutes of March 08, 2015.  
**Motion for approval by Roy Hathalie, second by Harry Descheny with a vote of 17 in favor, 0 opposed, 2 abstained, motion carried**
- E. Approval of agenda  
**Motion for approval by Gerald Maryboy, second by Vali NaakaiYazhi with a vote of 18 in favor, 0 opposed, 2 abstained, motion carried.**  
David John – mention that the agenda was left open during planning meeting, due to that he would like to request for Shiprock Health Board to be downsize during the last month meeting, etc. Need Yes or No.

## **II. Old Business - none**

## **III. New Business/Action items**

- A. **MWCAPR012-062** Approve to recommend a Representative to be in the pool for selection and to serve as Navajo Representative on the Utah Indian Education Commission pursuant to House Bill 33  
**Motion for approval by Gerald Maryboy, second by Mary Benally with a vote of 15 in favor, 0 opposed, 4 abstained, motion carried.**  
**Jerry Tsosie** – During the meeting in Window Rock with NUC on April 8, 2015, there were several people with letter of interest/resume. Emery Beletso was there but no letter of interest/resume, but SJSD brought in the recommendation letter for him. There were only two recommended: Rebecca Benally and Malinda Blackhorse and Malinda was recommended by secret ballot.  
NUC are representing all the Seven (7) chapters, all chapter officials were told to report this to the community, recommendation only, not selection with letter of interest/resume. Jerry and Martha the only two who decided to recommend Kenneth Joe and Alice Shorty and contact them. There are only two from this chapter who are Malinda Blackhorse and Emery Beletso but Emery had no letter of interest/resume. Salt Lake City Governor will do their selection before the end of April.  
**David John** – we did discuss this at planning meeting and the chapters are supposed to do the selection, not NUC. Then we were supposed to give the name to Governor and they make the selection.
- B. **MWCAPR012-063** Approve to recommend three (3) potential Utah Beneficiaries to be in the pool for selection and to serve as Utah Diné Committee Representative on behalf of Mexican Water Chapter pursuant to Senate Bill 90  
**Motion for approval by Mary Benally, second by Roy Hathalie with a vote of 17 in favor, 0 opposed, 4 abstained, motion carried**  
**Jerry T.** – There used to be a group of committee from each chapter, bring the old by-law back and match with what we should have with the new committee and revise the old by-law. Each of the Utah Dine Committee will have orientation and with what qualification should the person have to be on the committee. It will be advertised now and up to May, we'll see then.  
**Cassandra B.** Are they supposed to submit their letter of interest/resume for this too? There was no advertisement of the issue, not fair.  
**David J.** Because of our chapter meeting being moved to April 12, 2015, there was no advertisement and pretty sure a lot of people don't know about the letter of interest/resume, etc.

**Davis Filfred** – April 6, 2015, along with Speaker and one other Council went to SLC, UT. During this meeting Sponsor of the Bill by Van Tassell suggested that we do the recommendation of 3 people from each chapter before the end of April. This will go in front of the Governor and he will do the selection. The money is coming forth sometimes in June. He heard this from the Horse's Mouth -- All we are doing is recommending.

**Emery Beletso**. *he wants in, knows the law/policy and history of where the money is coming from, grass root people (chai/nali) and aware of issues within the Trust Fund, etc. Jerry stated that letter of interest and resume has to be submitted again. Requesting recommendation from all officials*

**Mary Benally** recommended **Merdith Benally**

**Gerald Maryboy** recommended - **Jerica Maryboy**

Where do they submit their paperwork? NUC Office, Clarence Rockwell

- C. **MWCAPR012-064** Requesting and Directing the Navajo Nation Law and Order Committee, The Navajo Nation Department of Justice and the Navajo Nation Council to exercise their authority to immediately remove Navajo Nation Supreme Court Justice Herb Yazzie, due to violating the Navajo Fundamental law, Navajo Common Law, Navajo Bill of Rights and Civil Rights of the Navajo People.  
**Motion to give back to oversight committee by Cassandra Beletso, second by Thomas Yazzie, with a vote of 17 in favor, 3 opposed, 4 abstained, motion carried.**  
**Cassandra B.** This should be recommended to oversight committee and we really don't have proof of what he did and it really is not our business to ask him to step down and we did not hire him to begin with. We cannot base everything on newspaper and what we read, those are lies, etc. Who sponsored this issue?  
**Davis Filfred** – Who sponsored this? Aneth pass, Teec Nos Pos pass, Sweetwater pass, and Red Mesa just put it aside. There's this Dine Voters Rights Organization, Coalition who are out there presenting these resolutions. We the Council are just being put in there and we really don't have anything to do with it or we are not the sponsors. People demonstrate in front of the Council Chamber, etc. Check and Balance is what it is called and it works with this. President recommends the Judges and then it goes before the Council, there they confirm and appoint, there's (check/balance). Jini Joe Shirley appointed Herb Yazzie before his time. During Spring Session Leonard Tsosie will probably introduce this to fire the Judge. To do that, this is not the first time this happened, within the NN a few years ago this happened; there was a Judge who was Impeach. Then there was another one in Kin nahalgai di Washington at the Federal level, impeach was used several times. Supreme Court there is only two Judges now (Herb Yazzie and Elinore Shirley), there were three but Irene Black step down, etc. There is a lot of blame against him. Currently there are 70 resolutions from all the chapters. This is really hard, very hard and undesignated reserve fund is not his business, he is trying to take control of it, etc. Impeachment would be possible. Split vote by Oversight Committee/law & Order already, etc. (8 are for him and 6 are unsure/against). It needs 16 votes, simply majority but it's not there.  
**Emery B.** According to newspaper we read with people who are asking to do something for him, for them, he got himself in a lot of trouble, Descheny running for president, two attorneys stated to him that he does not speak Navajo Language and the Judge agreed with it. Navajo Fundamental Law and Western way became two issues and Judge was told to step down at that time. We really don't have anything to do with it, up to presidential, legislative, executive branch, etc.
- D. **MWCAPR012-065** Approve to request the 23rd Navajo Nation Council, Resources Development Committee, Budget & Finance Committee, NÁBIK' IYÁTI' Committee and Resources Development Committee to allocate FY 2015 Supplemental funding for Public Employment Program from the Undesignated Unreserved Fund Balance for 110 chapters  
**Motion for approval by Cassandra Beletso, second by Roy Hathalie with a vote of 25 in favor, 0 opposed, 4 abstained, motion carried.**
- E. **MWCAPR012-066** Recommending and approving the selection of Mexican Water Chapter Representative to DNA-People's Legal Service, Inc. ("DNA").  
**Motion for approval by Cassandra Beletso, second by Roy Hathalie with a vote of 22 in favor, 0 opposed, 4 abstained, motion carried**  
**Jerry** - stated that they meet quarterly and there is no stipend or mileage, etc.  
**Mary Benally** and **Mary Ann Woody** volunteered.  
**Emery B.** suggested since the chapter is certified and that the chapter should pay stipend/mileage for the two representatives. Put this into the Budget too.
- F. **MWCAPR012-067** Recommending the Resources Development Committee of the 23rd Navajo Nation Council to re-evaluate the need for cultural resources, biological surveys and environmental assessments for various projects at the chapter level

**Motion for approval by Vali Naakai Yazhi, second by Priscilla Nelson with a vote of 25 in favor, 0 opposed, 2 abstained, motion carried.**

**David John** – stated that there are problems within the Resource Committee with power, road, bridges, water, etc. Long ago when damage happens to a road or bridge, it was taken care of right away without anything else. Now environmental assessment is up front and there is no money for these kinds of things. Chilly Yazzie put this in front of the committee at Agency Council Meeting last month. This needs to be re-evaluated, etc. Our old Chapter House is an example, Arch Clearance is needed and this road has been used for so many years and the land has been disturbed for many years, etc. It is not needed, etc. Too many laws involving some of these projects that we are trying to push forward. Jerry stated that this is the problem with Ilene Martin receiving her power line, etc. This is regarding the whole Navajo Nation all over, etc.

**Vali Naakai Yazhi** – Some of these places there are no funding, there are a lot of misallocation of funding within the Nation. Her mom's place for example, at one time they were told that Fish/Wildlife has to approve it. Where are the Fish in Little Water? It's crazy, in 1900, close to 20 years they have been trying to get a home for her mom and **right of way** is the problem. Always something is in the way, the land has been disturbed for so many years, and it's crazy! We are wasting money, do something...it is very frustrating, etc.

**Motion for item G to L for approval by Cassandra Beletso, second by Priscilla Nelson with a vote of 20 in favor, 1 opposed, 3 abstained, motion carried.**

**Curtis Yanito** – Board of Director selection is a grazing issue, disturbed land issue, grazing representative is the responsible person to take care of. This issue should go to grazing representative and selection of the Charter is and how/why was it revised? Any time when Land becomes an issue, \$154M who won the case back, the grazing rep won this back. There is a procedure with Land Withdrawal and needs a resolution to take action on it.

Issue with 21 demand, supposed to select a member from each chapter, not being used with environmental issue such as oil spills, etc. (revisit/revised), a lot of people are requesting for this

**David John** – was an EDC chair it came in front of us, at the time 21 demand instead of agreement, make it into legislation and become a law was the recommendation at the time.

**Cassandra Beletso** – is CLUP recommending this to the chapter? Yes

**Emery B.** – it was put to Council Delegate and nothing was done

- G. **MWCAPR012-068** Requesting and supporting for Navajo Nation to purchase a new airplane (2) (clean air) for Council Delegate, NN President, Miss Navajo, and others for traveling, etc.
- H. **MWCAPR012-069** Requesting/supporting for selection of a representative for Board of Director from Aneth, Utah area to sit in on NN Oil/Gas
- I. **MWCAPR012-070** Requesting and directing Grazing Representative to work on Land withdrawal for Animal Disposal Site
- J. **MWCAPR012-071** Requesting for San Juan County Road Department to maintain county road 449 and 5 point road
- K. **MWCAPR012-072** Supporting Section 17 Federal Charter for Navajo Nation Oil/Gas
- L. **MWCAPR012-073** Health Board Downsize (Steering Committee) IHS, leave it the way it is, not downsize per request by Council Delegate also keep the board as is and opposed the downsize and Council Delegate requested of the motion party.

Council Delegate was excused at this time to go to Sweetwater Chapter meeting.

**Cassandra Beletso** – per regarding what the secretary said, request for a draft of the resolution at planning meeting, if they don't have it, don't put it on the Agenda.

#### IV. Reports/Announcement

**Motion for approval from item 1 to 7 by Cassandra Beletso, second by Alice Shorty with a vote of 17 in favor, 0 opposed, 2 abstained, motion carried.**

##### A. Financial Reports (Attached)

1. Ratification of March 2015 Payroll Expenses of **\$15,640.18**
2. Ratification of March 2015 Chapter Official Stipend Expenses of **\$3,450.00**
3. Ratification of March 2015 Chapter Grazing Official Stipend Expenses of **\$0.00**
4. Ratification of March 2015 Chapter Veteran Organization Expenses of **\$242.22**
5. Ratification of March 2015 Scholarship Expenses of **\$0.00**
6. Ratification of March 2015 Vouchers Expenses of **\$13,729.64**
7. Budget Transfer /Modifications to cover expenses incurred March 2015

Motion for approval for item 8 by Cassandra Beletso, second by Manuel Poyer with a vote of 24 in favor, 0 opposed, 3 abstained, motion carried and wants a list of students who are going, 5<sup>th</sup> grade class teacher is present along with several students.

8. Financial Assistance – Enrichment Funds for RMUSD 5<sup>th</sup> Graders Educational Field Trip to Phoenix, AZ (Meals/lodging Only)

Motion for item 9, 10, and 11 approval by Cassandra Beletso (the date changed from April 28<sup>th</sup> to April 29<sup>th</sup> Wednesday at 10:00 a.m.). This includes the re-certification dinner at noon, Second by Francis Haskan with a vote of 26 in favor, 0 opposed, 2 abstained and motion carried also including with the addition of Jack Atcity to Grand Junction for Doctor's appointment and ratify this at the next month meeting since Francis Haskan left the room

9. Food/Paper ware Purchase – Celebrate the Re-Certification of Community Land Use Planning
10. Archaeological Clearances Financial Assistance from Fund 09/Housing  
AZ Resident ( )  
UT Resident ( )
11. Approval of Veterans FY 2008 Supplemental Navajo Nation General Funds to be expended for:
  - Financial Assistance Hardship for two (2) Veterans in the amount of \$300.00 each, totaling \$600.00 for ANahkai; WShorty  
(All prior receipt (s) for the full amount needs to be submitted before any disbursement)

B. Quarterly Reports (Written/Oral)

1. Council Delegate, Davis Filfred

First to make his report, did not go to Aneth chapter planning meeting, but went to Nabiki' yati meeting, \*\*Title 2 to be subcommittee, last time it became reform, at that time Council came to 24, government reform which consist of 3 branch government for a short time and which is now 30 years and has not been told how or what is going on. Council has decided to abolish this and was voted as Vice Chair and Alton J. Sheppard is the Chair. We will have 12 meetings by Summer Session. Due to this a lot of jobs have been on hold, etc. We will be working with DOJ Danna Joe and Legislative Council LAVOR Henry will be working with us and Governor Reform group.

\*\*Two weeks to Spring Session

\*\*Title Two was given to us (lots of overstricken and unlined) if approved we will clean this out, etc.

\*\*The same day one of the legislature the Speaker Bates introduced – 554M was won back (509M is left) the rest went to attorney. The name has been given "Siihasin Fund" Council as legislative branch, who will be on the committee? According to Nabiki yati the whole Council become committee was stated but Leonard Tsosie amend, oversight chair and Vice Chair and those who are not Vice Chair or Chair will be on the committee which he is a part of and will have a meeting sometimes. This will be brought in by Mid-Summer, etc. Public hearing has been set and data will be attached with it and the most important policy is that, we will not just take out money but to borrow it and will use that. The rest will be in the bank and the interest will be paid so we don't start staying we used to have money. A lot of Resolutions came in for this, stating they want this and that, etc. One person follows him to each chapter and requesting for each chapter to receive 1M. If we do that, there still will be some funds left and one of the best ideas that he heard.

\*\*NTAK – coal, Power Plant, price of coal has gone down and the price of oil is down to \$40.00 a barrel. Due to this General Fund will decrease, etc. Section 17 works well with different tribes, we only have one which we work with Navajo Nation Oil/Gas, but has not really been approved yet. The plan is they want to use Section 17 and use it by Fall, he does not know the board members, the committee "Resource" will come down to meet with us the month of April all the date is full, etc. May is also full and maybe til June might go there and there is a lot of litigation against them, which will be discussed separately at a later time.

\*\*Nabikiyati – There was a woman from Lupe, AZ. wanted to confirm for her to be on board with Navajo Nation Oil/Gas, motion was made but there was no second so the motion died. The legislation died because Section 17 stated that to be a member, cannot have been a prior chapter official. So that chapter became sanction, also chapter officials ruined all this and they were chapter officials before who were members, so currently have to be business minded and have a degree under section 17.

\*\*NN Oil/Gas requesting for 110 thousand or Million in the hole don't remember which, if it comes before you, just leave it along, but not going to support it for now. They are in the hole \$108, 000 and they want to borrow \$110,000, but CEO wants to borrow \$80,000. There was a person who told him that the money is for Audit. Already have people who audit with the Nation, don't need to pay someone outside, don't know how this will be later on.

\*\*NN Oil/Gas Orientation and workshop and Resolute did their presentation and all was done in one day, set another date on the 17 of April. Maybe then the report will be made and board members have

expired and only one person was valid. Current board members have expired and one which is Deandra Benally term over in Fall, one is very old with the members and Young Jeff Tom, was fired from the board but put back on, there is only four members so the board has a problem, no presidential appointee. In the meantime C-Store, within certain areas, Kayenta, Cortez, etc. build some more but was declined because there is no funding, C-Store separated from division or like program and want to get away from C-Store because Twin Arrow there is no gas there at the casino. So have to go down to Flagstaff, etc. If you go down at Beeshsinil there is a restroom/rest area you see a lot of truckers, it was suggested to build a gas station there before, but we are in a land lock, everything south the Hopi bought, West is bought, East is State, North is Navajo Nation a small piece, etc. There is a small place put a C-Store, but there is no funding, still being discussed, etc. Recent Council Delegate with Budget/Finance committee Nelson Begay stated that there was \$80,000 allocated for them, and is still there, etc.

**\*\*Going to Albuquerque Monday and meeting with Resolute, attorney Paul Fry and is working against NN Council, don't really know him and meet just for a short time. Will discuss NTUA issue with Aneth and Red Mesa, was Utah Power/Light and currently Rocky Mountain Power put out the electricity throughout the community, all these NTUA will purchase. It has been approved by Resolutions from the chapter. Public hearing has been done and no choice but to support it because NTUA is an enterprise of Navajo Nation so he has to support it. Rocky Mountain says yes and to go ahead and purchase it. But Resolute is saying NO because of the agreement with Rocky Mountain. So this is what will be discussed at the meeting. Resolute their position is that NTUA is up there (payment) and Rocky Mountain is lower. Everything is a go and legislation is in to support NTUA.**

**\*\*Navajo Companies in Montezuma Creek area, some are Navajo Operated/owned and some are half Navajo owned, became an issue in December. Resolute brings in only (bilagaana) contractors, business regulatory and several other Navajo Labor Relation Office not working accordingly and there was a court order from the Supreme Court regarding a pipeline to Gallup (waterline) it was position by the Supreme Court Justice base on an attorney Justin Jones says that if they don't obey Resolute he is going to sue them. There is a company from Montezuma Creek area, and we will discuss this. They say they do obey them but for some reason but some letters went out; OSHA, NLRO, EPA, Business Regulatory, etc. need to be in Montezuma Creek area and working there.**

**\*\*Little Colorado River, not a river anymore (pond) etc., and HOPI are concern about this due to Anaaszi/anaatsiil. The river belongs to them and they have grouped themselves and are moving around. (na'aldaa) They were activist before and demonstrated against, it was these same people. There was a Council from Nahata Dził who allocated 1.4M for them. This is what they are using to move/go around. He questioned this and was puzzle about it, where is water management and water rights, where are they and does the President Office aware of it, found out they did not have this, etc. Their reason is that they want to go after some more funding, etc. Kind of don't want this because we already have water right and plan of it in placed, it is difficult.**

**\*\*Professional Building in Montezuma Creek, Navajo Utah Commission have bid out, there were desks and chairs very expensive they are there but computers/documents are missing and tribal vehicle has been taken away. Went back to Aneth and Victor Dee got an attorney from Gallup David Jordan. This was reported last month about the two guys hashing things over the building.**

**Emery B. If need information go to Clifford Tohtsoni, but this is in litigation and cannot talk about it.**

**David John – C-Store, when it was being worked on they're supposed to work with Navajo Small Business people, has that been recommended? If you're going to get out of it, they should consider and send out advertisement and see if these small business people can take over. This is how it was planned but it looks like Navajo Oil/Gas is starting to compete with small Navajo Business. Also from Mexican Water Chapter 2M per chapter was what was requested.**

**Cassandra – C - Store and we did request for one (convenience store) we are in need of this type of store in this area and we did requested for one of this store here in Mexican Water area, etc. We excuse the Council Delegate at this time.**

2. **Grazing Committee Representative, Curtis Yanito**

How many people sheared? Still too cold, after shearing, put oil on for lice, brochure available on how to apply. Tally count and make sure everyone do the tally count, no hiding animals. Last Tuesday Soil & Water Conservation which will be every first Tuesday of each month. There were just a few people there at the meeting.

What is natural Resource Conservation?

–It is the law; take care of the land, plants, water, etc.

–There are signs in District 9, it should read Navajo Nation Soil & Water Conservation on the sign and post at the entrance of all roads, identify them and need to renew this. We need funding for this from Oil Companies, etc. to help us out

--Back 1940s "Dust Bowl", Bilagaana killed all the Buffalo, broke the ground for farming and ruin the ground soil, needed to be tilt and breaking of the ground makes the wind worst. 1980  
--Conservation, taking care of the land. Many of the water are contaminated, etc. also talking about the ranching and farming.

--A lot of policy/law working against us and a lot of what is in the ground is ours but they don't look at that way.

--There are 5 Districts on the NN: Chinle, Little Colorado River, Ft. Defiance, Navajo Mountain and Shiprock.

-- **Requesting for a resolution to become a member of the SWCD**

--Money provider EQIP, NRCS and USDA for farming, etc. (Corn) not considered as a crop and this is according to the Washington Law.

--Different Tribes law/policy given to him again, etc.

--A lot of opportunities/jobs available but we are still in the learning stage

--What he does is by the community's request; he gives recommendation to BIA and tells them what to do. Those people who herd sheep do understand what's going on with the land, plants, water, etc.

**Jerry Tsosie** – regarding Jack Atcity going to Grand Junction for Doctor's appointment, forgot to add onto the Agenda, asking the motion party. Also we are told not to have chapter meeting lengthy due to elders (Mr. Descheny fell asleep and fell off the chair) they cannot sit for very long, etc.

**Emery Beletso** – Spring water being care for and water does a lot as far as planting. Fish and Wild Life was mention earlier because it is due to this there is Water available in these areas such as Little Water and there is fish and wildlife because there is water. How far is the dam going, response is Curtis needs resolution before he takes action on issues. Frogs are considered as fish, protection only. Monday, April 13, 2015 Shiprock is giving out Seeds to the community

3. UNHS, INC Health Board, Cassandra Beletso

Thanks the committee and officials for recommending her as the Utah Dine Committee but she declined because of her job. Approved of budget for extension of the clinic, Dentist will have several chairs and it is a high demand.

Doctor McDonald in Blanding sold his business to Aneth and is now working for us. Blue Mountain Hospital partner with Utah Navajo Health System and name was used by Blanding for Grant Funding and is paying back to UNHS.

Bluff Fair Board go to Mussi to request for the budget for Bluff Fair, like to help out and the budget is coming up in July.

**Jerry** stated that R. Benally to take over for Davis

4. Chapter Officials

V. Meeting Adjournment by Jerry Tsosie

Motion to adjourn by Roy Hathalie, second by Cassandra Beletso at 1:35 with majority vote

**Emery Beletso requested to be put on the Agenda for next month SJSD Rep IEC**

Posted by: Mary Ann Woody

Date Posted: 4/12/2015

Time Posted: 1:36 p.m.