

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
of the 25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
SUPPORTING THE TO'HAJIILEE COMMUNITY SCHOOL BOARD OF EDUCATION,
INC., A P.L. 100-297 GRANT SCHOOL, IN THE PLANNING, DESIGNING, AND
IN ALL CONSTRUCTION PHASES OF A NEW TO'HAJIILEE COMMUNITY SCHOOL
CAMPUS

WHEREAS:

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered to "[a]pprove, sanction, and authorize application, reapplications, reauthorization and amendments for Indian Self-Determination and Education Assistance Act contracts and grants under the Tribal Controlled Schools Act for operation of education programs, approval or denial of authorizations and reauthorizations shall constitute approval or denial by the Navajo Nation the tribal governing body." 2 N.N.C. §§ 400(A) and 401(B)(4)(b).
- B. The To'Hajiilee Community School Board of Education, Inc., ("TCSB") assumed authority and responsibility for the operation, including the construction activity, of the To'Hajiilee Community School as a P.L. 100-297 grant school, pursuant to Resolution ECJY-43-03 of the Education Committee, the predecessor to the current Health, Education and Human Services Committee, and the Resolution IGRJY-129-03 Intergovernmental Relations Committee, the predecessor committee to the Naabik'íyáti' Committee.
- C. Because of the age and dilapidated condition of the current To'Hajiilee Community School, TCSB, the To'Hajiilee Chapter, and U.S. Representative Melanie Stansbury advocated for funding for a new community school. Accordingly, in the "Disaster Relief Supplemental Appropriations Act", H.R. 2617, 117th Cong. (2022) (the "Act"), which is attached as Exhibit A, Congress appropriated \$90,465,000 to replace the current To'Hajiilee Community School.

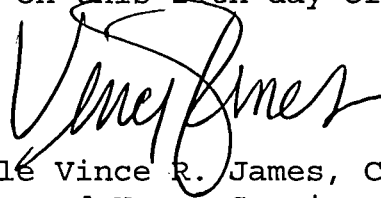
- D. TCSB is a "tribal organization" as defined under 25 U.S.C. § 2511(8)(A) and 25 C.F.R. § 900.6 for purposes of TCSB's carrying out the planning, design, and construction of the new To'Hajiilee Community School campus.
- E. The TCSB approved the planning, designing, and construction of a new community school campus in Board Resolution TCSBE2223-004, attached as Exhibit B. The Assistant Secretary of Indian Affairs, Department of Interior will oversee the new school construction project for TCSB.
- F. TCSB achieved a "low risk auditee status" in its recent audit report, attached as Exhibit C, which is the top rating a P.L. 100-297 grant school can receive, demonstrating that TCSB is fiscally responsible and competent to carry out the planning, design, and construction of the new school campus.
- G. The To'Hajiilee Navajo Chapter withdrew 42 acres of surveyed Canoncito Band of Navajos trust land (set aside by Act of Congress (1949) 25 U.S.C.A. §621) for the new To'Hajiilee Community School campus, as indicated in Board Resolution TNC-22-11-053, attached as Exhibit D.
- H. The To'Hajiilee Navajo Chapter provided its full support for TCSB to plan, design, and construct the new To'Hajiilee Community School Campus as shown by Chapter Resolution TNC-23-03-040, attached as Exhibit E.
- I. The Health, Education and Human Services Committee has considered the information presented to it by the TCSB, and has determined it to be in the best interests of the To'Hajiilee community for the TCSB to plan, design, and construct a new community school in To'Hajiilee.

NOW, THEREFORE, BE IT RESOLVED:

The Health, Education and Human Service Committee of the Navajo Nation Council informs the Assistant Secretary of Indian Affairs for the Department of the Interior, the Director of the Bureau of Indian Affairs, the Director of the Bureau of Indian Education, the Division of Facilities and Management and Construction for the Bureau of Indian Affairs, and other federal and state entities that it supports the To'Hajiilee Community School Board of Education, Inc. in its decision for the planning, design, and construction of a new To'Hajiilee Community School Campus.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 04 in Favor, and 0 Opposed, on this 24th day of May 2023.

A handwritten signature in black ink, appearing to read "Vince R. James", is written over the printed name below.

Honorable Vince R. James, Chairperson
Health, Education and Human Services Committee
25th Navajo Nation Council

Motion by: George Tolth
Second by: Curtis Yanito

Honorable Vince R. James, Chairperson not voting

H. R. 2617—758

to the consequences of wildfires, hurricanes, and other natural disasters occurring in and prior to calendar year 2023.

BUREAU OF INDIAN EDUCATION

EDUCATION CONSTRUCTION

For an additional amount for "Education Construction", \$90,465,000, to remain available until expended, for necessary expenses related to the consequences of flooding at the To'Hajiilee Community School.

DEPARTMENTAL OFFICES

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", \$75,000,000, to remain available until expended, for wildland fire suppression activities.

For an additional amount for "Wildland Fire Management", \$429,000,000, to remain available until expended: *Provided*, That of the funds provided under this paragraph in this Act, \$383,657,000 shall be available for wildfire suppression operations, and is provided to meet the terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(g)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022: *Provided further*, That of the funds provided under this paragraph in this Act, \$45,343,000 shall be available for fire preparedness.

ENVIRONMENTAL PROTECTION AGENCY

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for "Leaking Underground Storage Tank Trust Fund Program", \$1,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Fiona and Ian.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", \$1,067,210,000, to remain available until expended, of which \$665,210,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, and of which \$402,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated under this paragraph in this Act shall be provided to States or Territories in EPA Regions 2 and 4 in amounts determined by the Administrator for wastewater treatment works and drinking water facilities impacted by Hurricanes Fiona and Ian: *Provided further*, That States or Territories shall prioritize funds, as appropriate, to Tribes and disadvantaged

TO'HAIJILEE COMMUNITY SCHOOL BOARD OF EDUCATION, INC.

(a non-profit government contractor)

TCSBE Resolution No. TCSBE2223-004

RESOLUTION OF THE TO'HAIJILEE COMMUNITY SCHOOL BOARD OF EDUCATION, INC.

DETERMINING TO PLAN, DESIGN, AND CONSTRUCT THE NEW TO'HAIJILEE COMMUNITY SCHOOL CAMPUS AS A P.L. 100-297 TRIBAL ORGANIZATION AND REQUESTING THE NAVAJO NATION TO SUPPORT SUCH EFFORTS BY THE TO'HAIJILEE COMMUNITY SCHOOL BOARD OF EDUCATION, INC.

WHEREAS:

1. The To'hajiilee Community School is a P.L. 100-297 grant school, funded by the Bureau of Indian Education, controlled by the local To'Hajiilee Community School Board of Education, Inc. ("TCSB").
2. In 2004, the Education Committee, the predecessor committee to the current Health, Education and Human Services Committee of the Navajo Nation Council, and the Intergovernmental Relations Committee, as the predecessor committee to the Naabik'Iyáti' Committee of the Navajo Nation Council, authorized TCSB to assume authority and responsibility for the operation of the To'Hajiilee Community School as a P.L. 100-297 grant school.
3. TCSB operates under its Articles of Incorporation, its By-laws, and applicable Navajo Nation and federal laws.
4. Because of the age and dilapidated condition of the current To'Hajiilee Community School, TCSB, the To'Hajiilee Chapter, and U.S. Representative Melanie Stansbury advocated for funding for a new community school, and by the "Disaster Relief Supplemental Appropriations Act", H.R. 2617, 117th Cong. (2022) (the "Act"), Congress appropriated \$90,465,000 to replace the current To'Hajiilee Community School.
5. TCSB is a "tribal organization" as defined under 25 U.S.C. § 2511(8)(A) and 25 C.F.R. § 900.6 for purposes of TCSB's carrying out the planning, design, and construction of the new To'Hajiilee Community School campus.
6. TCSB has achieved a "low risk auditee status" in its recent audit report, the top rating a P.L. 100-297 grant school can receive, demonstrating that TCSB is fiscally responsible and competent to carry out the planning, design, and construction of the new school campus.
7. By Resolution No. TNC-22-11-053, the To'Hajiilee Navajo Chapter withdrew 42 acres of surveyed Canoncito Band of Navajos trust land (set aside by Act of Congress (1949) 25 U.S.C.A. §621) for the new To'Hajiilee Community School campus.
8. By Resolution No. TNC-23-03-040, the To'Hajiilee Navajo Chapter provided its full support for TCSB to plan, design and construct the new To'Hajiilee Community School Campus.

TO'HAIJILEE COMMUNITY SCHOOL BOARD OF EDUCATION, INC.

(a non-profit government contractor)


9. It is in the best interest of the the To'Hajiilee Navajo Chapter, TCSB, and TCSB's students for TCSB to carry out the planning, design, and construction of the new To'Hajiilee Community School campus.

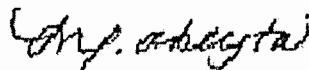
NOW, THEREFORE, BE IT RESOLVED:

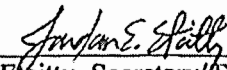
1. The To'Hajiilee Community School Board of Education, Inc., hereby determines to plan, design, and construct the new To'Hajiilee Community School campus.
2. The To'Hajiilee Community School Board of Education, Inc., hereby requests the Health, Education and Human Services Committee of the Navajo Nation Council, to support the To'Hajiilee Community School Board of Education, Inc. in carrying out the planning, design, and construction of the new To'Hajiilee Community School campus.
3. Resolution No. TCSBE2223-001, previously approved by the Board to seek new school funding, has been mooted by passage of the Act and is hereby rescinded.

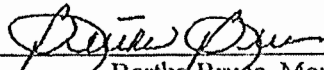
CERTIFICATION

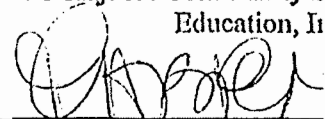
The To'Hajiilee Community School Board of Education, Inc. hereby certifies that the foregoing resolution was duly considered at a duly called meeting at which a quorum was present and that the same was adopted at To'Hajiilee, Navajo Nation, New Mexico, by a vote of 4 in favor, 0 opposed, 0 abstained, on this 29th day of March, 2023.


Lawrence R. Platero, President
To'Hajiilee Community School Board of
Education, Inc.


Michelle P. Abeyta, Vice President
To'Hajiilee Community School Board of
Education, Inc.

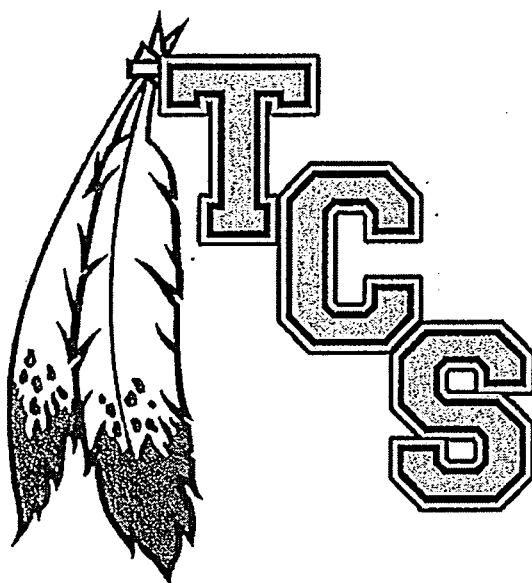

Jordan E. Hilly, Secretary/Treasurer
To'Hajiilee Community School Board of
Education, Inc.


Bertha Bruce, Member
To'Hajiilee Community School Board of
Education, Inc.


Francesca Abcita, Member
To'Hajiilee Community School Board of
Education, Inc.



SJT GROUP LLC
CERTIFIED PUBLIC ACCOUNTANTS



To'Hajiilee Community School Board of Education, Inc.

Basic Financial Statements,
Independent Auditor's Reports,
and
Single Audit Information

June 30, 2022

To'Hajiilee Community School Board of Education, Inc.
Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2022

Section I — Summary of Auditor's Results

Financial Statements

Type of auditor's report issued on whether the financial
statements audited were prepared in accordance with GAAP: Unmodified

Internal control over financial reporting:

Material weaknesses identified? No

Significant deficiencies reported? No

Noncompliance material to the financial statements noted? No

Federal Awards

Type of auditor's report issued on compliance for
major programs: Unmodified

Internal control over major federal programs:

Material weaknesses identified? No

Significant deficiencies reported? No

Any audit findings disclosed that are required to be
reported in accordance with 2 CFR 200.516(a)? No

To'Hajiilee Community School Board of Education, Inc.
Schedule of Findings and Questioned Costs – continued
For the Year Ended June 30, 2022

Section I — Summary of Auditor's Results — continued

Identification of major programs:

<u>Assistance Listing Number</u>	<u>Name of Federal Program or Cluster</u>
15.047	Indian Education Facilities, Operations, and Maintenance
84.425R	COVID-19 Education Stabilization Fund

Dollar threshold used to distinguish
between type A and type B programs: \$750,000

 Auditee qualified as low-risk auditee? Yes

To'Hajiilee Community School Board of Education, Inc.
Schedule of Findings and Questioned Costs – continued
For the Year Ended June 30, 2022

Section II — Financial Statement Findings

None.

Section III — Federal Award Findings and Questioned Costs

None.

TO'HAJIILEE NAVAJO CHAPTER Canoncito Band of Navajos

PO Box 3398 To'Hajiilee, New Mexico 87026

Phone: (505) 908-2732/2730 Email: To'hajiilee@Navajochapters.org

Jimmy R. Secatero, President
Nora J. Morris, Vice-President
Francesca Abella, Secretary/Treasurer
Evangeline Willie, Land Board
Janie Henio, Council Delegate
Sherrilyn Apache, Community Service Coordinator

RESOLUTION: TNC-22-11-053

RESOLUTION OF THE TO'HAJIILEE NAVAJO CHAPTER/CANONCITO BAND OF NAVAJOS TO APPROVE THE PERMANENT UTILIZATION OF 42 ACRES, INCLUDING AND ACCESS ROAD, WITHIN THE INDUSTRIAL PARK WITHDRAWAL OF BAND LAND IN THE VICINITY OF NW OF SECTION 36, T-10-N, RANGE 3 WEST IN THE FAR NORTHWEST CORNER FOR THE PURPOSE OF THE CONSTRUCTION OF A NEW KINDERGARTEN THROUGH TWELFTH GRADE SCHOOL.

WHEREAS:

1. The recommended site is located within a 142 + acres designated as an industrial park wherein already located is a Health Clinic, Diabetes Facility, Behavioral Health Facility, CHR Program, Emergency Medical Services Facilities, and a Rodeo Facility.
2. The To'hajiilee Community School was constructed around 1936 in the community to provide Lower Elementary Students the beginnings of an Education. This school was located on the site of the current school. This school, in 1959, was expanded by the construction of a Cafeteria that is still in use and a Boy and Girls Dormitory plus two additional Classrooms.
3. In 1985, the old school was torn down and a new High School, Gym, three Quarters, and the Maintenance Shop were constructed. The Dormitory was converted to Elementary Classrooms.
4. However, this construction did not replace the underground utilities, and as a result, the current systems have problems functioning. The current Utilities are just wore out, and have long passed their life expectancy.
5. The school is also in a flood plain, and has experienced numerous floods of the grounds and some buildings. This Flooding activity has resulted in the High School buildings, the Elementary Buildings, Gym, Shop Building to have had their respective foundations compromised causing structural issues that will lead in the immediate future to compromising the structural integrity of the entire buildings. It is 30 + feet down, under, these buildings before adequate bedrock can be located. The 30+ feet down to this Bed Rock, is Clay saturated with water causing the settling issue with these buildings.
6. These issues have come to the attention of BIA, BIE, and Department of Interior Officials and o they have decided that the school should be relocated to a new site not in an area that has experienced any major flooding issues.
7. Before these officials proceed to acquire, he necessary funding, anticipated to be in excess of 60 million, they have to have assurance that an adequate site is available, adequate water and electricity will be available and a paved road.

RESOLUTION: TNC-22-11-053

8. The School Board has already commissioned a Professional Survey, Environmental Assessment, and an Archeology study of this site. The results of these reports and clearances will made a part of this resolution upon their completion.

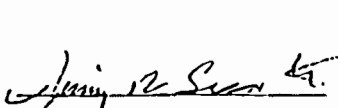
NOW THEREFORE BE IT RESOLVED THAT:

1. The To'Hajiilee Navajo Chapter/ Canoncito Band of Navajos hereby approve the permanent utilization of 42 acres, including and access road, within the N.W. section of the of the already with drawn 142 + acres of Canoncito Band Lands that have been withdrawn as an Industrial Park for the construction of a new K through grade 12 school.

2. The Canoncito Band of Navajos (To'hajiilee) requests the To'hajiilee Administration to expedite the distribution of this resolution to the BIA, BIE, DOI, and the School Board. The School Board is to retain legal counsel to assure that all legal requirements are completed.

CERTIFICATION

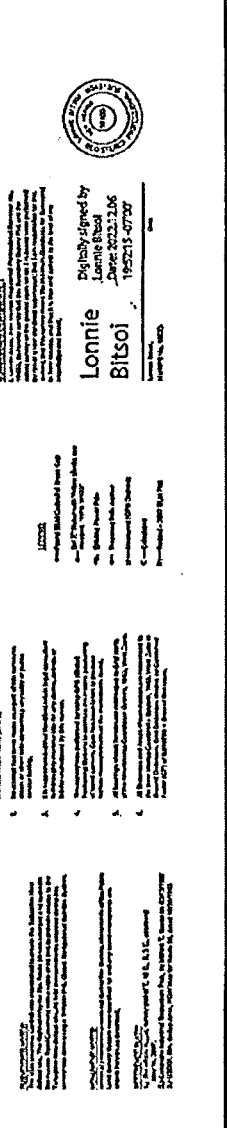
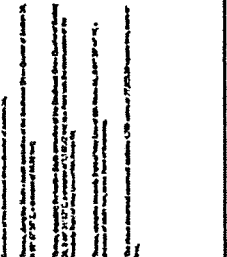
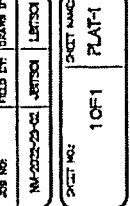
We hereby certify that this forgoing resolution was duly considered by the To'Hajiilee Chapter Membership at a duly called virtual meeting at which a quorum was present and that an approval was passed with a vote of 21 IN FAVOR, 00 OPPOSED and 02 ABSTENTION this 15th day of November 2022, Motion by: Nora J. Morris Second by: Francesca Abeita


President, Jimmy R. Secatero


Vice President, Nora J. Morris


Secretary/Treasurer Francesca Abeita

RESOLUTION: TNC-22-11-053



TO'HAIJILEE NAVAJO CHAPTER

Canoncito Band of Navajos

PO Box 3398 To'Hajiilee, New Mexico 87026
Phone: (505) 908-2732/2730 Fax: (505) 908-2731

Jimmy Secatero Sr., President
Nora J. Morris, Vice-President
Francesca Abelta, Secretary/Treasurer
Evangeline Willie, Land Board
Norman Begay, Council Delegate
Sherrilyn Apache, Community Service Coordinator
Vacant, Accounts Maintenance Specialist

RESOLUTION: TNC-23-03-040

RESOLUTION OF THE TO'HAIJILEE NAVAJO CHAPTER SUPPORTING THE TO'HAIJILEE COMMUNITY SCHOOL BOARD OF EDUCATION, INC., A P.L. 100-297 TRIBALLY CONTROLLED GRANT SCHOOL, TO PLAN, DESIGN AND CONSTRUCT THE NEW TO'HAIJILEE COMMUNITY SCHOOL CAMPUS; AND REQUESTING THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL TO SUPPORT SUCH EFFORTS FOR THE TO'HAIJILEE COMMUNITY SCHOOL BOARD OF EDUCATION, INC. TO PLAN, DESIGN AND CONSTRUCT A NEW TO'HAIJILEE COMMUNITY SCHOOL CAMPUS

WHEREAS:

1. The To'Hajiilee Navajo Chapter is recognized as a local government under the Local Governance Act with the authority to make decisions and recommendations concerning local matters. 26 N.N.C. § (1).
2. On August 13, 1949, the Canoncito Band of Navajos ("CBN"), now organized as the To'Hajiilee Chapter, was granted by an Act of Congress from the United States certain lands in New Mexico to be held in trust for CBN. *see*, Portions of Tribal Lands to be Held in Trust by the United States; Remainder to Become Part of the Public Domain, 25 U.S.C. § 621.
3. The To'Hajiilee Navajo Chapter by Resolution No. TNC-22-11-053 authorized and approved 42 acres of surveyed CBN land, held in trust by the United States, for the construction of a new school.
4. The site location of the new school is within CBN lands that had been surveyed and withdrawn by a previous resolution for the area to become an Industrial Park, and the Canoncito Band of Navajos Health Center, Diabetes facility, Behavioral Health facility, Navajo Nation Emergency Medical Service facility, and a rodeo arena, are fully operating and already in existence in the designated Industrial Park area.
5. The To'Hajiilee Navajo Chapter applauds U.S. Representative Melanie Stansbury (N.M.-01) and the To'Hajiilee Community School Board for their efforts in securing \$90,465,000 to construct a new community school. See H.R. 2617, 117th Cong. (2022) (enacted).
6. The To'Hajiilee Navajo Chapter also recognizes that U.S. Representative Melanie Stansbury received a commitment from Bureau of Indian Education Director to support the acquisition of funding for the replacement of the To'Hajiilee community school. Press Release, Congresswoman Melanie Stansbury, *Rep. Stansbury Secured a Commitment From BIE Director Dearman to Address the Urgent Construction Needs of To'Hajiilee Community School* (June 28, 2022), <https://stansbury.house.gov/media/press-releases/rep-stansbury-urges-congress-fund-indigenous-schools>

RESOLUTION: TNC-23-03-040

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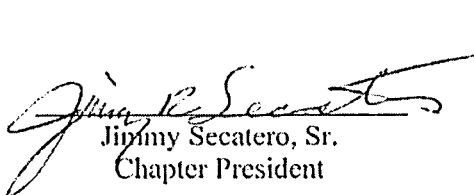
7. By Resolution No. CBN-02-06-17-670, on June 17, 2002, the To'Hajiilee Navajo Chapter fully supported and approved the To'Hajiilee Community School Board of Education, Inc. to become a P.L. 100-297 tribally controlled grant school.
8. The To'Hajiilee Community School Board of Education, Inc., is a local community school board on the Navajo Nation and has been authorized by the Health, Education, and Human Services Committee of the Navajo Nation Council to operate the To'Hajiilee Community School on behalf of the Bureau of Indian Education, as a grant school authorized under the Indian Self Determination and Education Assistance Act and the Tribally Controlled Schools Act.
9. The To'Hajiilee Navajo Chapter is satisfied that the To'Hajiilee Community School Board of Education, Inc. has demonstrated competent performance in its management and administration of the To'Hajiilee Community School and has received a "low risk auditee status" in their recent audit report.
10. The To'Hajiilee Navajo Chapter recognizes and understands that the To'Hajiilee Community School Board has commissioned an environmental assessment, and an archeological study for the new school construction site. The results of these reports and clearances will be furnished upon their completion.
11. In light of the above, the To'Hajiilee Navajo Chapter respectfully requests support from the Health, Education and Human Services Committee of the Navajo Nation Council for To'Hajiilee Community School Board of Education, Inc. to plan, design and construct the new community school.

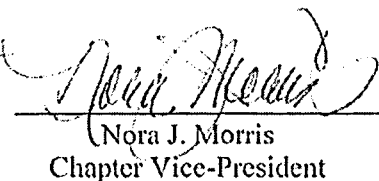
NOW THEREFORE BE IT RESOLVED THAT:

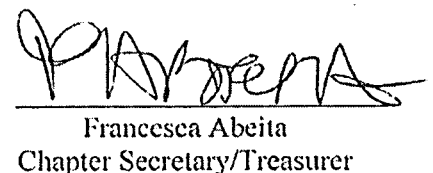
1. The To'Hajiilee Navajo Chapter hereby supports the To'Hajiilee Community School Board of Education Inc., a P.L. 100-297 tribally controlled grant school, to plan, design and construct the new To'Hajiilee Community School campus.
2. The To'Hajiilee Navajo Chapter hereby respectfully requests the Health, Education and Human Services Committee of the Navajo Nation Council to support such efforts for the To'Hajiilee Community School Board of Education, Inc., to plan, design and construct the new To'Hajiilee Community School campus.

C E R T I F I C A T I O N

We hereby certify that this forgoing resolution was duly considered by the To'Hajiilee Chapter Membership at a duly called meeting at which a quorum was present and that such resolution was passed with a vote of 23 IN-FAVOR, 00 OPPOSED and 01 ABSTENTION this 21 day of MARCH 2023, upon Motion by Nora J Morris and Seconded by Francesca Abeita


Jimmy Secatero, Sr.
Chapter President


Nora J. Morris
Chapter Vice-President


Francesca Abeita
Chapter Secretary/Treasurer

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
May 24, 2023

Legislation No. 0109-23: An Action Relating to the Health, Education and Human Services Committee: Supporting the To'Hajiilee Community School Board of Education, INC., A P.L. 100-297 Grant School, in the Planning, Designing, and in All Construction Phases of a New To'Hajiilee Community School Campus

Sponsor: Delegate Dr. Andy Nez

VOTE TALLY:

Main Motion:

Motion: Honorable George Tolth
Second: Honorable Curtis Yanito

Yea: Helena Nez Begay, Andy Nez; George Tolth; Curtis Yanito

Nay:

Not Voting: Vince R. James (Presiding Chairperson)

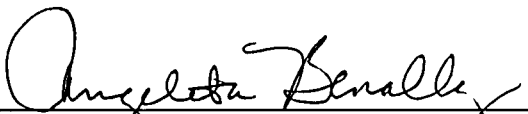
Excused: Germaine Simonson

Absent:

Vote: 4-0-2



Honorable Vince R. James, Chairperson
Health, Education and Human Services Committee
25th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services