

TRIBAL INFRASTRUCTURE FUND
Regular Board Meeting
Room 317, New Mexico State Capitol
September 7, 2017
Meeting Minutes

Board Members Present

Suzette A. Shije, Cabinet Secretary, IAD
Perry Martinez, Pueblo Representative
Judy L. Kahl, Designee, NMED
Zach Dillenback, Designee, NMFA
AJ Forte, Designee, NMDFA
Aiko Allen, Designee, DOH
Ervin Chavez, Navajo Nation Representative

Staff

Lawrence John, Infrastructure Fund Coordinator, IAD
David Mann, General Counsel, IAD
Marion Salvador, Capital Outlay Coordinator, IAD
Audrey Gonzales, Accountant/Auditor, IAD

Ex-Officio Board Members

Chris Bradley, IHS ABQ Area

Board Members Absent

Leon Reval, Jicarilla Apache Representative
Alvin Benally, Mescalero Apache Representative
Sharon Pinto, BIA Navajo Region
Federal Bureau of Indian Affairs Rep., ABQ Office
Federal Bureau of Indian Affairs Rep., Navajo Office

Other

Linda Phillips, White Rock Chapter
Archie Apachito, Alamo Chapter
Arnold Lujan, Santa Ana Pueblo
Stephanie Wallace, San Ildefonso Pueblo
Monica Felipe, Acoma Pueblo
Edward Padilla, ANSBI, Inc.
Hector Guerro, ANSBI, Inc.
Nicole Shaw, Souder, Miller & Associates
Stephen Apache, ANSBI, Inc.
Malcolm Bowekaty, Laguna Pueblo
Michael Eriacho, Ramah CDD
Phyllis Willetto-Lancer, Tseiiahi Chapter
Frank Curley, ANSBI, Inc.
Larla Sturgis, Amec Foster Wheeler
Arvind Patel, Acoma Pueblo
Crispin Kinney, Souder, Miller & Associates
Jason John, NNDWR
Felicia Rivera, Nambe Pueblo
Betsy Dennison, Lake Valley Chapter
Janice Padilla, Tseiiahi Chapter
Tony Padilla, Lake Valley Chapter
Hon. Phillip Perez, Nambe Pueblo
Debra Griego, Tesuque Pueblo
Hon. Michael Chavarria, Santa Clara Pueblo

Angela Apachito, Alamo Chapter
Joseph C. Paez, Alamo Navajo School Board
Nathan W. Tsosie, Santa Ana Pueblo
Royce Beaudry, Souder, Miller & Associates
David Deutsawe, Acoma Pueblo
Bucky Apache, ANSBI, Inc.
George Mihalik, Souder, Miller & Associates
Pamela Mahooty, TSG, LLC
Johnny Johnson, Tseiiahi Chapter
Joan-Marie Sandy, Souder, Miller & Associates
Gilbert Maria, Ramah CDD
Earl Apachito, Alamo Chapter
Jesse Hillis, NNDWR
Elmer Johnson, NNCPMD
Lucinda Davis, NNDWR
Mark Freeland, NN OPVP
Mark Thompson, Santa Clara Pueblo
Sharon Francisco, Baca Chapter
Hon. Lawrence A. Montoya, Santa Ana Pueblo
Tabitha Harrison, White Rock Chapter
Hon. Travis Vigil, Tesuque Pueblo
Steve Wright, Souder, Miller & Associates
Darla Torres, Powerline Technologies
Kelly Craig, Tseiiahi Chapter

Terry Aguilar, San Ildefonso Pueblo
Brandon Herrera, Laguna Pueblo
Inez Apachito, Alamo Chapter
Kenny Vigil, Santa Ana Pueblo
Jon Paul Romero, Northern Pueblo Housing

Hon. Raymond J. Concho, Jr., Acoma Pueblo
Ray P. Lucero, Laguna Pueblo
Buddy Mexicano, Alamo Chapter
Kevin Montoya, Santa Ana Pueblo
Robert Ortiz, Santa Ana Pueblo

Call to Order, Roll Call, Invocation

The meeting was called to order by Chair Secretary Shije at 9:05 a.m. in Room 307 of the New Mexico State Capitol in Santa Fe, NM. Roll call of the Tribal Infrastructure Fund (TIF) Board was made. There were 7 of 9 voting board members present; quorum was established. The invocation was provided by 1st Lt. Governor Raymond J. Concho, Jr. of the Pueblo of Acoma.

Welcome and Introductions

Chair Secretary Shije welcomed everyone and the attendees introduced themselves. Proceeding with introductions of those in the audience

Approval of Agenda

A motion was made by Member Martinez to approve the agenda for September 7, 2017, TIF Board meeting. The motion was seconded by Member Allen; the motion passed with a vote of 7 in favor and none 0 opposed.

Approval of Minutes from April 18, 2017

A motion was made by Member Martinez to approve the April 18, 2017 TIF Board meeting minutes. The motion was seconded by Member Chavez; the motion passed with a vote of 7 in favor and none 0 opposed.

Status of Current TIF Projects

Lawrence John, TIF Coordinator provided an update of closed and open TIF Projects. 2014 TIF Projects, 29 were awarded and 26 have been closed leaving 3 open; 2015 TIF Projects, 32 were awarded and 4 have been closed leaving 28 open; 2016 TIF Projects 21 were awarded and 1 has been closed leaving 20 open. 15 Notice of Obligations have been issued, 5 projects have pending Notice of Obligations that need to be issued.

609-16-0001-TF03 Standing Rock Chapter Waterline Extension – Approving Allocation Funding

Source

David Mann, General Counsel, presented on approving allocation of funds for Standing Rock Chapter's FY2017 Waterline Extension TIF Project. Mr. Mann ascertained that the bonds underlying the Standing Rock Chapter project, which had been assigned from a 2013 Iyanbito project, expired in June 2017, approximately a year-and-a-half before the IGA reversion date. Mr. Mann indicated that the allocation of the 2013 funds to Standing Rock in April 2016 was likely made by the TIF Board without knowledge on part of the Board that the funds were set to expire in 2017. Mr. Mann indicated that to resolve the issue he reached out to DFA and was informed by DFA that \$393,020.20 was available in the TIF Project fund, from general funds that had reverted back in FY2010-2013 to the Project fund. Mr. Mann requested the TIF Board approve \$200,000.00 from \$393,020.20 balance be used to fund Standing Rock's FY2017 Waterline Extension TIF Project. Mr. Mann also suggested the remaining balance of \$193,020.20 be applied to the 2017 TIF funding total. A question was asked by Member Martinez in what year the funding was reverted and if this money can be utilized for FY2017 TIF Projects? Mr. Mann indicated the funding could be utilized for FY2017 TIF Projects. A motion was made by Member Chavez to approve the allocation funding source for Standing Rock Chapter

and seconded by Member Allen by a vote of 6-0-0. The allocation to Standing Rock's project was approved in the amount of \$200,000.

Accept Remaining Amount of \$193,020.20

A motion was made by Member Forte to add \$193,020.20 to the available TIF 2017 funds and seconded by Member Chavez. The amount of \$193,020.20 will be added to the current TIF Project fund of \$5,222,482.95 bringing the total TIF Project fund amount to \$5,415,503.24 by a vote of 6-0-0.

Adding Allocation Amount to Agenda

A motion was made by Member Chavez to add to the agenda new item No. 8 the allocation amount of \$193,030.20 to the TIF Board agenda and seconded by Member Allen and was added by a vote of 6-0-0.

Presentation of Proposed Projects

A. Santa Clara Pueblo

Santa Clara Pueblo presented its Water System Improvement – West Housing project. West Housing is entirely comprised of residences and is without fire protection. Existing hydrants and feed lines are insufficient size to meet fire flow or allow fire trucks to connect to, and operation and maintenance of the aged infrastructure is difficult to impossible, at times requiring the entire area to be without water service. The request for funding is to improve operations and maintenance, replace 6,400 of existing waterline, 2 existing hydrants, replace 9 existing gate valves, and install 6 air valves where there are none, and expansion of fire protection.

B. Laguna Pueblo

Laguna Pueblo presented its Striping, Pavement Repair and Safety Enhancement project. This road project will mitigate safety concerns for 4,043 residents of Laguna Pueblo. The asphalt is unraveling, numerous potholes & non-visible road striping which creates safety hazards at night, and the propose improvements will add ten (10) years of service life. The plan and design is completed and certified by a licensed engineer. The anticipated outcome is to decrease surface weathering, have highly visible road striping, drainage and safety enhancements, and new bike/pedestrian route.

C. Alamo Chapter

Alamo Chapter presented its New Community Water Wells project. The Alamo Chapter suffers from water shortages nearly every year especially during the summer. 10-20% of families rely on hauling water to their homes, lack of sufficient water forces community members to move off the reservation and limits business and housing development. The community is in the process of building a new health clinic and water is needed for this facility. Design and engineering work is complete. The anticipated outcome is to double the current water production, allow business to open, build new homes and reduce water hauling in the community.

D. Ramah Chapter

Ramah Chapter presented its Water System Expansion Project. The Ramah Chapter as 11 homes without running water for the past 10 years. The residents have to haul water, creates physical and economic hardships particularly during inclement weather. 35 future homes need to connect to the

system. The project is shovel ready and the project bid and contractor has been selected. Ramah Utilities Authority will operate and maintain the project. The anticipated outcome is to have a completed water system to provide dependable drinking water, improve community health and quality of life and allow residential and commercial growth.

E. San Ildefonso Pueblo

San Ildefonso Pueblo presented its Wastewater System Improvement Project. The project will address 3 separate Pueblo Wastewater system to utilizing lagoons for disposal, approximately 705 existing homes utilize septic tanks and risk of contamination to groundwater. The project is ready for bid and construction. The anticipated outcome of the project is approximately 2.8 miles of new PVC pipe, 4 lift stations, 39 new sewer connections, rehabilitate 40-50 year VCP pipe, protect the investment of the PBRWS by reducing the risk of contamination and economic and physical hardship.

F. Santa Ana Pueblo

Santa Ana Pueblo presented its Design, Construct and Equip an Arsenic Treatment System. The Pueblo's economic development zone is currently supported by one operating drinking water well No. 5 that has been cited for violations by EPA because it exceeds the maximum contaminant level of arsenic in the EPA Safe Drinking Water Act. To mitigate the violations of EMP, the Pueblo must build arsenic treatment systems at Well No. 5 and its newly developed Well No. 6. The project is ready and contracted an engineering firm to update the existing hydro-geologic study. The anticipated outcome is to have a EPA compliant production Well No. 6 and provide additional capacity and backup to Well No. 5, and provide safe drinking water and fire suppression for its economic development area and completion of production Well No. 6 and the arsenic treatment system will allow the Pueblo to continue its operation without interruptions and continue its economic growth.

G. Nambe Pueblo

Nambe Pueblo presented its Early Childhood Learning Center project. The relocation of the current Nambe Pueblo Head Start program seeks funding to increase usable space, hours of service to meet the growing needs and provide service to more children, and early intervention for families by having its own building. Plan and design has been completed and the anticipated outcome is to have more efficient use of space, the facility will allow nearly 4 times the amount of children to receive early childhood education, provide safe and nurturing program and daily services for children and families to promote positive growth and access to healthy resources.

H. Acoma Pueblo

Acoma Pueblo presented its Natural Gas Distribution – Phase I project. Within the Pueblo of Acoma there are approximately 900 homes and businesses, and only 1/3 have access to PRC regulated natural gas. 2/3 of the community is primarily dependent on propane and this project will provide a cost effective energy option to over 300 homes/structures within the Pueblo. There will be an annual savings of \$700 - \$1,100 per structure as a result of this project. The project is ready for construction. Anticipated outcomes is to provide natural gas to over 900 homes and businesses within the Pueblo.

I. Tesuque Pueblo

Tesuque Pueblo presented its Wastewater Expansion Project. The human health risks associated with 49 aging and failing septic systems, visible sewage effluent on ground surface and potential groundwater contamination. The engineering design needs to be completed and once completed construction will commence. The anticipated outcome is to advance sewage treatment at existing wastewater treatment plant, eliminate human health hazards of existing septic system and improve system efficiency from centralized collection and have a healthier community.

Discussion on Presentations & Award Proposed Projects

A motion was made by Member Martinez and seconded by Member Chavez, to allocate funding to all 9 projects, adjusting the dollar amounts variedly for each project. Justification for the award amounts proposed in the motion centered around the following key arguments: (1) the desire to make a decision today to avoid further delays; (2) the desire to reduce Tesuque's award proportionally more than other projects because it is a design project, and not construction; (3) the desire to reduce Ramah's award for having already received funding before and reverted most of it. Lawrence John, TIF Coordinator, provided second reading of the reduced amounts.

As part of the discussion/debate associated with the motion, Chair Shije requested each potential tribal awardee to present a one (1) minute statement about the proposed amounts. Tesuque Pueblo disagree with the reduced allocation amount; San Ildefonso Pueblo is willing to accept the amount but recommended to the Board to take time and think about the allocation amount; Nambe Pueblo stated it is happy and accepts the allocation; Ramah Chapter will try to work with that amount and is thankful for what they are receiving; Acoma Pueblo is not present; Santa Clara maybe willing to accept the amount; Santa Ana stated it will accept the amount; Laguna Pueblo stated it will accept the amount; Alamo Chapter will accept the amount.

After a brief comment from tribal representatives, discussion resumed at the Board level. Member Dillenback voiced concerns with the motion; namely with the Board expediting a decision without having time to consider the presentations or the recommendations by each of the Board Members. The motion was put to vote and failed by a 2 in favor (Perry Martinez and Chair Shije) and 3 opposed (Judy Kahl, Aiko Allen, Zack Dillenback) and no abstention.

Project Name	Tribe	Type	Funds Requesting	Funds recommended by Board Member Martinez
Wastewater Expansion Project	Tesuque Pueblo	Design	\$750,000.00	\$650,000.00
Early Childhood Learning Center	Nambe Pueblo	Construction	\$780,000.00	\$750,000.00
Ramah Mountain View Estates Water System Expansion	Ramah Chapter	Construction	\$500,000.00	\$450,000.00
Natural Gas Distribution Project Phase I	Acoma Pueblo	Construction	\$780,000.00	\$700,000.00

Water System Improvements - West Housing	Santa Clara Pueblo	Construction	\$711,245.15	\$700,000.00
Design, Construct and Equip an Arsenic Treatment System	Santa Ana Pueblo	Design Construction	\$780,000.00	\$700,000.00
Pueblo of Laguna Reservation wide striping, pavement repair and safety enhancements	Laguna Pueblo	Construction	\$434,275.52	\$434,275.52
San Ildefonso Wastewater System Improvements Project	San Ildefonso Pueblo	Construction	\$780,000.00	\$721,227.72
New Water Wells	Alamo Chapter	Construction	\$310,000.00	\$310,000.00
Total Project Amount			\$5,825,520.67	\$5,415,503.24

Next Steps & Meeting Dates

Schedule the next TIF Board meeting for September 18, 2017 to award the FY2017 TIF Projects.

Adjournment

Member Kahl made a motion to adjourn the meeting at approximately 1:00 p.m. The motion was seconded by Member Allen; the motion passed with a vote of a five (05) in favor, none (0) opposed, and none abstained.

Respectfully submitted by,

Lawrence John, TIF Coordinator
Indian Affairs Department

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