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Josett D. Monette
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**MEETING MINUTES
TRIBAL INFRASTRUCTURE FUND BOARD
Board Meeting
August 29, 2025
1:00PM**

Location: Zoom and NM Indian Affairs Department, Santa Fe, New Mexico

Voting Members Present

Josett D. Monette, Esq., Cabinet Secretary
Wesley Billingsley, DFA
Sara Rhoton, NMED
Janet Johnson, NMDOH
Mark Thompson, Pueblo Rep.
Nathan Notah, Navajo Nation Rep. (1:34PM)

Non-Voting Members Present

None

IAD Staff Present

Adelina Gomez, IAD General Counsel
Aurora Valdez, IAD Deputy Secretary (1:08PM)
Vanessa Gutierrez, TIF/CO Administrator
Tsoniki Crazy Bull, TIF/CO Manager

I. Call to Order, Roll Call

Chairperson Monette called the meeting to order at 1:06PM. The meeting came to order following roll call and an establishment of a quorum. Roll call: Monette, Billingsley, Rhoton, Johnson, Thompson.

- II. Agenda:** Board Member Billingsley motion to approve agenda, Board Member Johnson second. Roll call vote: Monette AYE, Billingsley AYE, Rhoton AYE, Johnson AYE, Thompson AYE. Motion passes.

- III. Open Meetings Act Resolution:** Board Member Thompson motion to approve. Gomez discussion: discusses the act, public is aware of meetings being held and can participate in advance.

Board Member Thompson moves to pass the 2026 Open Meetings Act Resolution. Billingsley second. Roll call vote: Monette AYE, Billingsley AYE, Rhoton AYE, Johnson AYE, Thompson AYE. Motion passes.

IV. Approval of Meeting Minutes from May 29-30, 2025

Board Member Thompson motions to approve minutes for May, Board Member Rhoton second. No discussion. Roll call vote: Monette AYE, Billingsley AYE, Rhoton AYE, Johnson AYE, Thompson AYE. Motion passes.

V. Approval of Meeting Minutes from June 23, 2025

Board Member Thompson motions to approve minute, Board Member Johnson second. No discussion. Roll call vote: Monette AYE, Billingsley AYE, Rhoton AYE, Johnson AYE, Thompson AYE. Motion passes.

VI. New Business

- a. At the February 23, 2025, TIF Board Meeting, project 609-21-TF16 Crownpoint Regional Beacon Bisti N9 Lateral Water Supply Project was approved for a one year No Cost Extension. The date on the request letter indicated the project IGA expires May 4, 2025, however actual IGA expiration date was May 5, 2025, therefore the Amendment date referenced in the TIF Board Minutes from February 23, 2025, is incorrect and the correct date is May 5, 2026. The IGA amendment is correct, the only incorrect date is in February 23, 2025, TIF Board Minutes.

Board Member Thompson motions to amend February 23, 2025, to ensure the correct date is May 5, 2026, for the IGA. Seconded by Board Member Rhoton.

Roll call vote: Monette AYE, Billingsley AYE, Rhoton AYE, Johnson AYE, Thompson AYE. Motion passes.

- b. HB 493 Public Finance Accountability Act and Implications to TIF Guidelines

Discussion: Board Member Billingsley: HB 493 allows for a Nation, Pueblo, or Tribe to receive funds even if they do not have an audit for the previous two years, through a fiscal agent. This is more lenient compared to EO 2016-003. DFA requires a UFC form to move forward with a fiscal agent. If there is no audit for one of the two previous years, a corrective action plan would be put in place.

Chairperson Secretary Monette details where the TIF Guidelines need to be updated: page 4 and 8 each reference EO 2016-003.

Board Member Thompson: Tribal consultation needs to happen to let them know why the TIF Guidelines are being updated. It is the law and has been in effect since July 1, 2025, but there should be consultation. Question: Is there a timeline for this to happen?

Chairperson Secretary Monette: HB 493 in effect July 1, 2025, and the law supersedes the TIF Guidelines. Nations, Pueblos, and Tribes are already following it. IAD Staff will send emails to Tribal Leadership as well as the Planning departments, Finance, etc., to say the TIF Guidelines have been updated.

No action taken on the item.

c. TIF Guidelines, Section 7

TIF Guidelines: 7. Terms & Conditions

The Terms and Conditions for the TIF Guidelines says the following:

7. Terms & Conditions

1. Tribes awarded TIF funding shall obligate at least 5% of the bond proceeds for the project within 6 months of the date of bond sale.

2. Tribes awarded TIF funding shall obligate at least 85% of the bond proceeds within 3 years of the date of bond sale

However, the correct language should be:

1. Tribes awarded TIF funding shall obligate at least 5% of the bond proceeds for the project within 6 months of the **execution of the IGA.**

2. Tribes awarded TIF funding shall **expend** at least 85% of the bond proceeds **by six months before the expiration of the IGA.**

Chairperson Secretary Monette goes over the notes, plus the 36 + 24 months of the reversion dates. This means the Capital Outlay and TIF can revert at the same time.

Board Member Thompson: not a fan of making changes without tribal consultation.

Board Member Billingsley: agrees with Board Member Thompspon, however, everything we are doing is helping Nations, Pueblos, and Tribes. All proposed changes are to the benefit of the tribal community.

Chairperson Secretary Monette: I would entertain a motion to make all the changes discussed or not.

Board Member Billingsley: Motion to replace the TIF Guidelines w HB 493 and law and also make the updates to section 7 of the guidelines, contingent upon pushback from tribal communities and will be brought to the board for further consideration. Board Member Rhoton second.

Discussion:

Board Member Thompson: There needs to be tribal consultation because of the government-to-government relationship.

Board Member Billingsley: If the motion is changed to include sending the proposed changes out to tribal leadership prior to execution of the replacement, would that suffice for Board Member Thompson.

Board Member Thompson: Maybe, but some of the tribes are going to want consultation, a letter or email or notice is not enough for consultation.

Board Member Johnson: Point of clarification in terms of the modification. When we are considering the intersectionality of the guidelines and state tribal collaboration act. The act gives more direction on communication, collaboration and consultation, formal or informal. Understand we are updating the proposed language, and I appreciate Board Member Thompson's comments, and I think right now I'm in between what we are acting upon and the intersectionality's with STCA, which specifies the development and implementation of program. This would be a modification.

Chairperson Secretary Monette: Look at the State Tribal Collaboration Act, it says state agencies shall make reasonable effort to collaborate. We aren't changing anything that hurts tribes, though understands what Board Member Thompson says. Likes Board Member Billingsley's motion because of the contingency. The TIF Board would have to redo the action if there is pushback. Look at the amendment to motion to say something along the lines of IAD will do outreach by such and such date, solicit response from tribal leadership, host a meeting, etc. If we hear back from tribal leaders, we want you to come meet with us, then we will do that and come back to the board. If nothing is opposed, that gives us the time to change. One of the reasons we look at our tribal reps is what would the tribes say, what would the pushback be, what would they say, which is why it's important to have reps on the boards, part of other agencies, etc.

Does the contingency make people feel better? Or do we table? We would do outreach about this and have to come back for a board meeting regarding the responses to the outreach.

Board Member Billingsley – we might have to come back for a board meeting anyway.

Roll call vote on Billingsley's motion:

Josett D. Monette, Esq., Cabinet Secretary - yes

Wesley Billingsley, DFA - yes

Sara Rhoton, NMED - yes

Janet Johnson, NMDOH - yes

Mark Thompson, Pueblo Rep. - no

Nathan Notah, Navajo Nation Rep. - yes

Motion passes.

d. HB 450, Section 59 (2025)

Secretary reads the section as it is short. Big thing for the board is we don't know what the reversion amounts are, we won't know until end of September. Secretary wants to have the board understand how to get the funds out. Recommendation is use same review committee from the spring, follow same process, open the portal, entities submit application, use the same scoring, everything the same.

Billingsley – reversion amount is closer to 8-10 million compared to 15m earlier this year. Another thing to bring up is open up the application portal and if not enough applications consider going back to the applications already submitted so we don't have to do over again. Lastly, TIF itself sits within DFA and at DFA, so we need to figure out how to access the fund. DFA doesn't want to administer the projects, have to figure out the agreement so IAD can access the fund in some manner.

Thompson: with Wesley's last point, it's a heavy lift for 10m, I'm more inclined to go w/ Wesley's and use the existing applications now and go back with what was reviewed and scored. "we have to apply again? We already have active applications" Just go ahead and use what was already reviewed.

Secretary concerned about no opportunity to apply, we have been getting inquiries from Navajo Nation for what is going to happen.

Wesley – it's a heavy lift for a smaller amount of money.

Sec – putting together info from board for what we are going to do, questions have been what is the plan moving forward.

Thomson – these are Navajo projects so maybe – if they agree to these projects, then yes, otherwise apply for further projects – TRC would then review.

Secretary – we will reach out to Navajo Nation – tif board will use previously submitted applications from Navajo nation to determine which projects already been scored by trc and look at those amounts for allocating the funding under section 59. IAD will come up w/ list of those projects – will send to TRC, send to Navajo Nation – this is what you submitted for – this is what potentially could get funding – does this still work w/ the nation, if not let us know otherwise we will move forward.

Thompson – risk is new applications score better and bump the ones they really want to fund down. One way to convince them that the status is the status, and the existing applications are there and can be funded.

Secretary – we inform NN President and let Speaker know, IAD staff reaches out to those who submitted applications – we will wait for something from the president’s office to really tell us for sure this is the projects they want funded

Notah – agree w Thompson – as long as the information is provided, he will help disseminate information as well.

Secretary – will need a meeting to make sure everything moves forward. November mtg will be a decision mtg for those projects.

VII. Next Meeting Discussion

a. November 20-21, 2025, Navajo Technical College, Crownpoint, NM

Secretary – best to go to the community where the funding is going to go. Also be sure there is a virtual option for board members and or presenters.

Notah – let him know who is the NTU contacts are **(TCB email Notah)**

Billingsley – comment: we do have a new CO system launching on Tuesday, replacing icip and cpms system – there are going to be some issues, be patient, reach out if issues, if you don’t have a user id, reach out to Wesley. Can request user id on Tuesday – once everyone is in, webinar planned for sept 10 for training 2-4pm, will be recorded, lots of other opportunities. Work w IAD for trainings. Scheduling trainings in different regions – Farmington Oct 1 – could have one strictly for tribal communities as well.

Secretary – introduce Deputy Valdez to all on the call.

VIII. Adjournment

Chairperson Monette adjourned the meeting at 2:23PM