



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HK0309

Date & Time Received: 12/16/22 10:31

Date & Time of Response: 12/22/22 17:00

Entity Requesting FRF: Many Farms Chapter

Title of Project: Broadband/Cellular Tower

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$750,000.00

Eligibility Determination:

- ☒ FRF eligible
☐ FRF ineligible
☐ Additional information requested

FRF Eligibility Category:

- ☒ (1) Public Health and Economic Impact
☐ (2) Premium Pay
☐ (3) Government Services/Lost Revenue
☐ (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 1.14 Other Public Health Services

Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: _____

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: An NNDOJ Initial Eligibility Determination will be based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

THE NAVAJO NATION
FISCAL RECOVERY FUNDS **REQUEST FORM & EXPENDITURE PLAN**
FOR NON-GOVERNANCE CERTIFIED CHAPTERS

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Many Farms Date prepared: 10/27/22

Chapter's mailing address: P.O. Box 185 phone/email: (928) 781-3605/07 manyfarms@navajochapters.org

Many Farms, Arizona 86538 website (if any): manyfarms.navajo chapters

This Form prepared by: Francine Harrison phone/email: (928) 781-3610

Community Service Coordinator fharrison@nnchapters.org

CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Broadband/Cellular Tower

Chapter President: Katherine O. Arthur phone & email: (928) 255-2669 koarthur3241@yahoo.com

Chapter Vice-President: Aljerino Tsedah phone & email: (928) 679-1092 atsedah@naataanii.org

Chapter Secretary: Jacqueline J. Begaye phone & email: (928) 326-7853 jbegaye@naataanii.org

Chapter Treasurer: Jacqueline J. Begaye phone & email: (928) 326-7853 jbegaye@naataanii.org

Chapter Manager or CSC: Francine Harrison, CSC phone & email: (928) 781-3610 fharrison@nnchapters.org

DCC/Chapter ASO: Edgerton Gene, SPPS phone & email: (928) 674-2251 egene@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): Smith Bagley Inc. - Cellularone of NE AZ

1350 S. Whitemountain Rd. Show Low, AZ 85901 ☒ document attached

Amount of FRF requested: \$750,000.00 FRF funding period: FY 2023 - December 31, 2025

indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

Broadband/Cellular Tower is identified to be installed (18) miles East of Many Farms Chapter (N36°19' 41.00" W109° 25' 11.00"). There are approximately 2,500 community members who reside within the area and building a tower at this location would provide access to telephone and high-speed broadband services. The outbreak of the COVID-19 pandemic has defined the need for access to Internet services for work and distance learning, and when schools switched to distance learning in March 2020, the majority of the families living in this particular area lacked access to services which resulted in severely affecting the connectivity of students and homework bound.

☐ document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:

This service will provide to community members of this region an opportunity to connect to 3G and 4G/LTE Network services. This network will offer unprecedented educational opportunities. Students will be able to attend classes on-line and will allow individuals to work from home. The 4G network will also improve public safety on the reservation, where patchy cell phone and radio coverage are vast.

☐ document attached

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the

Program(s) or Project(s) by December 31, 2026:

10/27/2022 - Draft Proposal Submittal; 11/7/2022 - Pass Chapter Resolution - Continue completing proposals; December 2022 NN Council Winter Session (Delegates Pass Legislation)
1/01/2023 - Build Tower; scheduled to be completed by 12/31/2025.

☐ document attached

(d) Identify who will be responsible for implementing the Program or Project:

Many Farms Chapter Administration & Officials
Smith Bagley INC., Cellularone of NEAZ

☐ document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

According to Smith Bagley INC., once the tower is built it will be the responsibility of the company for the operations and maintenance costs.

☐ document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

Expenditure Category:

6.1 Chapter Projects

5.19 Broadband: "Last Mile" projects

This project will provide Internet and cell phone coverage to more than 2,500 people. That's nearly half of the residents within the Many Farms community. As a Third World communication platform we have today, this technology will allow customers to connect wirelessly to the broadband from home computer or mobile devices.

☐ document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

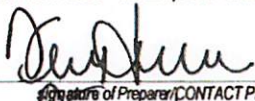
1. Smith Bagley, INC. - Wireless Assessment 10/20/22
2. Chapter Resolution (11/7/2022)
3. Chapter Resolution (MF-29-05-2021 Date: 5/10/2021) 4. Chapter Resolution (MF-45-08-2020)

☒ Chapter Resolution attached

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

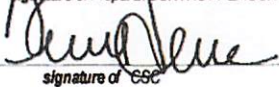
Chapter's
Preparer:


signature of Preparer/CONTACT PERSON

Approved by:


signature of Chapter President (or Vice-President)

Approved by:


signature of CSC

Approved by:

 12/09/2022
signature of Chapter ASO

Approved to submit
for Review:

 NWFRFO
signature of DCD Director

FY 2023

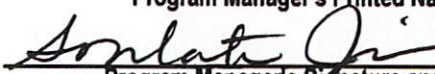
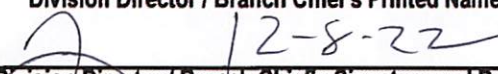
**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 01 of 03
BUDGET FORM 1

PART I. Business Unit No.: <u>NEW</u>		Program Title: <u>Many Farms Chapter</u>		Division/Branch: <u>Division of Community Development</u>	
Prepared By: <u>Francine Harrison, CSC</u>		Phone No.: <u>(928) 781-3610</u>		Email Address: <u>fharrison@nnchapters.org</u>	

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
APRA Funding Allocation	<u>10/1/22</u> FY 2023 <u>12.31.2025</u>	750,000.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities	<u>6</u>	<u>750,000</u>	750,000	750,000
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	750,000.00	750,000

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Vehicles Budgeted:		0	0

SUBMITTED BY: <u>Mrs. Jim-Martin</u>	APPROVED BY: <u>Dr. Pearl Yellowman</u>
Program Manager's Printed Name	Division Director / Branch Chief's Printed Name
 12/09/2022	 12-8-22
Program Manager's Signature and Date	Division Director / Branch Chief's Signature and Date

FY 2023

**THE NAVAJO NATION
PROGRAM BUDGET SUMMARY**

Page 02 of 03
BUDGET FORM 1

PART I. PROGRAM INFORMATION:Business Unit No.: NEW

Program Name/Title:

Many Farms Chapter

*Broadband /
Cell tower***PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:****PART III. PROGRAM PERFORMANCE CRITERIA:**

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Goal Statement:

Provide Wireless (Cell Tower) Facility for East Many Farms Community

Program Performance Measure/Objective:

This service will provide 4g and Cell Phone connectivity to members of East community.

1		1		1		1	
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2. Goal Statement:**Program Performance Measure/Objective:**

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3. Goal Statement:**Program Performance Measure/Objective:**

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4. Goal Statement:**Program Performance Measure/Objective:**

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5. Goal Statement:**Program Performance Measure/Objective:**

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Mrs. Jim-Martin

Program Manager's Printed Name

Sonlata Jim

12/09/2022

Program Manager's Signature and Date

Dr. Pearl Yellowman

Division Director/Branch Chief's Printed Name

12-8-22

Division Director/Branch Chief's Signature and Date

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARYPage 03 of 03
BUDGET FORM 1

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Many Farm Chapter</u>		Business Unit No.: <u>NEW</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
5620	5620 - Cell Tower Facility & Services Broadband/Cellular Tower is identified to be installed (18) miles East of Many Farms Chapter. This service will provide 4G/LTE Network connectivity to members of the community. The network will offer unprecedented educational opportunities for students and working class families. This service will also improve services to Public Safety, EMS and community members.	750,000	750,000
TOTAL		750,000	750,000

THE NAVAJO NATION

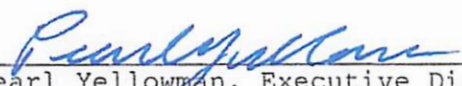
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



DCDA-M23032

MEMORANDUM

TO : DCD Department and Program Staff
All Concerned

FROM : 
Pearl Yellowman, Executive Director
Division of Community Development

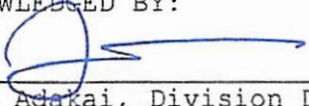
DATE : December 6, 2022

SUBJECT : DELEGATION OF AUTHORITY

In my absence from the office on December 6, 2022 at 2:00pm to December 9, 2022 at 5:00pm, Mr. James Adakai shall be delegated the authority of the Executive Director for Division of Community Development. This delegation includes handling administrative matters and signatory authority, except those matters he feels requires my attention.

Your assistance and cooperation are appreciated. Thank you.

ACKNOWLEDGED BY:


James Adakai, Division Deputy Director
Division of Community Development

C.

MANY FARMS CHAPTER

WIRELESS ASSESSMENT

Smith Bagley, Inc., Cellular One

October 20, 2022

Smith Bagley, Inc., has conducted an initial engineering study of two proposed wireless facility locations, which are identified as **Many Farms east** and Many Farms north.

Both site locations are approximately 6 - 8 miles north of the Chapter House with access from hwy 191.

Both proposed sites would include the installation of a permanent 120'+ tower and support 4G-LTE wireless services, connected by future fiber optic cable.

With the completion of these two facilities, mobile and fixed 4G wireless services will be extended into the north Many Farms area.

The initial proposed budget for each tower project, pre-sales tax is as follows:

Soft costs - site acquisition/permitting/eng.	\$28,000
Tower manufactured and delivered	\$85,000
Construction (foundation work)	\$210,000
RBS (Radio network)	\$260,000
Backhaul/utilities	\$103,000
Integration	\$8,000
Site BOM (bill of materials)	\$56,000
Total	\$750,000

The total projected cost for both tower sites on air and in service is **\$1,500,000**.

Submitted by:

Brian Gilbert, Regulatory and Governmental Affairs
Cellular One
bgilbert@cellularoneaz.com
928-358-7364

MANY FARMS CHAPTER GOVERNMENT

P.O. BOX 185

MANY FARMS, ARIZONA 86538

PHONE: (928) 781-3605 FAX: (928) 781-3608

Email: manyfarms@navajochapters.org



Kee Allen Begay Jr., Delegate 24th Navajo Nation Council

Katherine O. Arthur, President

Aljerino Tsedah, Vice President

Jacqueline Begaye, Secretary/Treasurer

Francine Harrison, CSC

Lewanda A. Ben, AMS

Roland Tso, Grazing Representative

MF-07-11-2022

Resolution of the Many Farms Chapter

REQUESTING SUPPORT AND APPROVAL FROM THE NAVAJO NATION TO ALLOCATE FUNDING IN THE AMOUNT OF \$750,000.00 FROM THE NAVAJO NATION FISCAL RECOVERY FUND (NNFRF) FOR THE CONSTRUCTION OF A CELLULAR TOWER DEVELOPMENT WITHIN THE EAST REGION OF MANY FARMS CHAPTER BY THE SMITH BAGLEY INC.-CELLULARONE.

WHEREAS:

1. Pursuant to CMY-23-79, the Many Farms Chapter is a certified chapter of the Navajo Nation vested with authority and responsibilities to provide and enact on all matters affecting the community; and
2. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) that allows Many Farms Chapter to make decisions over local matters; and
3. The COVID-19 pandemic has further demonstrated the importance of access to cellular, mobile broadband and internet technology for emergency, our children's education community meetings and economic development for our people to enter the global market; and
4. The COVID-19 pandemic has highlighted the urgent need to bridge the digital divide by recognizing the need for towers and networks of wireless communication and connectivity for everyone within our community; and
5. Telecommunication and broadband services are now considered a basic human necessity, since virtual learning and community meetings are now the primary communication models for all educational levels, employers are now implementing virtual work environments for their employees, and organization have now transitioned to offer only online services; and
6. The Many Farms community members do not have access to reliable cellular/broadband services, electricity, or Wireless fidelity within the East region of Many Farms Chapter; and
7. The development of the Cellular Tower within this region of the Chapter will provide sufficient Telecom and Network connectivity for residents throughout the area.

NOW THEREFORE BE IT RESOLVED THAT:

1. Approving the Request and Approval to the Navajo Nation to Allocate Funding in the Amount of \$750,000.00 from the Navajo Nation Fiscal Recovery Fund (NNFRF) for the Construction of a Cellular Tower Development within the East Region of Many Farms Chapter by Smith Bagley Inc.-Cellularone.

CERTIFICATION

We, hereby certify that the foregoing resolution was considered by the Many Farms Chapter at a duly called meeting in Many Farms, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 20 in favor, 9 opposed and 6 abstained this 7th day of November 2022.

Motion: Willander Charley

Second: Anson Etsitty

Katherine O. Arthur
Katherine O. Arthur, Chapter President

Aljerino Tsedah
Aljerino Tsedah, Vice President

Kee A. Begay, Jr.
Kee A. Begay, Jr., Council Delegate

Roland Tso
Roland Tso, Grazing Committee



**MANY FARMS CHAPTER
P.O. BOX 185
MANY FARMS, ARIZONA 86538
PHONE: (928) 781-3605
FAX: (928) 781-3608**

**E-Mail: manyfarms@navajochapters.org
Kee Allen Begay, Jr., Council Delegate, 24th Navajo Nation Council**

Katherine O. Arthur, President
Aljerino Tsedah, Vice President
Jacqueline J. Begaye, Secretary/Treasurer

Francine Harrison, CSC
Lewanda Ben, AMS
Roland Tso, Grazing Committee

**Resolution of the
Many Farms Chapter**

MF-29-05-2021

**REAFFIRMING THE REQUEST TO THE NAVAJO NATION AND TELECOMMUNICATION
TO ALLOCATE \$1,500,000.00 FROM THE AMERICAN RESCUE PLAN ACT (ARPA)
FUNDING FOR THE SMITH BAGLEY INC. TO CONSTRUCT TWO RELIABLE TELECOM
AND INTERNET TOWERS TO BE DEVELOPED WITHIN THE EAST AND NORTH VALLEY
SITES OF MANY FARMS COMMUNITY**

WHEREAS:

1. Pursuant to CMY-23-79, the Many Farms Chapter is a certified chapter of the Navajo Nation vested with authority and responsibilities to provide and enact on all matters affecting the community; and
2. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) that allows Many Farms Chapter to make decisions over local matters; and
3. The COVID-19 pandemic has further demonstrated the importance of access to cellular, mobile broadband and internet technology for emergency, our children's education, community meetings and economic development for our people to enter the global market; and
4. The COVID-19 pandemic has highlighted the urgent need to bridge the digital divide by recognizing the need for towers and networks of wireless communication and connectivity for everyone within our community; and
5. Telecommunication and broadband services are now considered a basic human necessity, since virtual learning and community meetings are now the primary communication models for all educational levels, employers are now implementing virtual work environments for their employees, and organizations have now transitioned to offer only online services; and
6. The Many Farms community members do not have access to reliable cellular/broadband services, electricity, nor Wireless Fidelity within the regions of East and North Valley Many Farms; and
7. Many Farms Chapter as a duly recognized tribal government entity to receive funds through the American Rescue Plan Act (ARPA) Funding to expend cost for Telecommunication services for our people.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Many Farms Chapter hereby supports and reaffirms the request to the Navajo Nation and Telecommunications to allocate \$1,500,000.00 from the American Rescue Plan Act (ARPA) Funding for the Smith Bagley Inc. to Construct Two Reliable Telecom and Internet Towers to be Developed within the East and North Valley Sites of Many Farms Community.

CERTIFICATION

We, hereby certify that the foregoing resolution was considered by the Many Farms Chapter at a duly called meeting in Many Farms, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 6 in favor, 0 opposed, and 1 abstained this 10th day of May 2021.

Motion: Aljerino Tsedah

Second: Roland Tso

Katherine O. Arthur
Katherine O. Arthur, Chapter President

Aljerino Tsedah
Aljerino Tsedah, Vice President

Jacqueline J. Begaye
Jacqueline J. Begaye, Secretary/Treasurer

Kee A. Begay, Jr., Council Delegate

Roland Tso
Roland Tso, Grazing Committee



MANY FARMS CHAPTER
P.O. BOX 185
MANY FARMS, ARIZONA 86538
PHONE: (928) 781-3605
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Katherine O. Arthur, President
Aljerino Tsedah, Vice President
Jacqueline J. Begaye, Secretary/Treasurer

Francine Harrison, CSC
Lewanda Ben, AMS
Roland Tso, Grazing Committee

**Resolution of the
Many Farms Chapter**

MF-46-08-2020

**Establish a Reliable Wireless Communication and Connectivity for the Enrolled Members of
District # 10, Through the CARES Act Funding**

WHEREAS:

1. Pursuant to CMY-23-79, the Many Farms Chapter is a certified chapter of the Navajo Nation vested with authority and responsibilities to provide and enact on all matters affecting the community; and
2. Pursuant to CAP-34-98, the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) that allows Many Farms Chapter to make decisions over local matters; and
3. With technological advances occurring frequently, wireless communication and connectivity are no longer a luxury, but are now essential; and
4. Distant learning is now the primary learning model for all educational levels, employers are now implementing virtual work environments for employees, and organizations have now transitioned to offer only online services; and
5. The Many Farms community members do not have access to reliable cellular service, electricity, nor Wireless Fidelity; and
6. Pursuant to the 26 N.N.C. § 3(A), the Many Farms Chapter is a certified Chapter of the Navajo Nation as listed under 11 N.N.C., Part 1, P10; and
7. Pursuant to 26 N.N.C. § 1(B), the Many Farms Chapter is delegated the governmental authority to make decisions over local matters consistent with the "Dine Bi Beenahaz'aanii," Foundation of Dine Law (1 N.N.C. § 201)
 - a. Diyin bitsaadee beenahaz'aanii (Traditional Law)
 - b. Diyin Dine'e bitsaadee beenahaz'aanii (Customary Law)
 - c. Nahasdzaan doo Yadihlil bitsaadee beenahaz'aanii (Natural Law)
 - d. Diyin Nohookaa Dine bi beenahaz'aanii (Common Law)

And under 11 N.N.C. Part, P10 have delegated authority to make local decisions in the best interest and welfare of the community members; and

8. Pursuant to 26 N.N.C. § 102(A); Many Farms Chapter met the requirements under the Five Management System Policies & Procedures; and

9. Pursuant to 26 N.N.C. § 103(D) (1), the Resources and Development Committee certified Many Farms Chapter as Governance Certified, who shall exercise authorities pursuant to 26 N.N.C., Section 103, with exceptions of Land Administration Authority beginning February 28, 2012; and
10. Many Farms Chapter as a duly recognized tribal government entity shall receive funds though the Navajo Nation Council CARES Act Fund Expenditures; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Many Farms Chapter hereby supports and approves the Many Farms Chapter members' request to establish reliable cellular service, electricity, and Wireless Fidelity for the District # 10 community; and
2. The Many Farms Chapter urges the chapter staff to proceed and expedite the necessary procedures to enable the construction and installation of infrastructure to support cellular service, electricity, and wireless fidelity for the enrolled District # 10 members, who are deprived of said service.

CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Many Farms Chapter at a duly called meeting in Many Farms, Navajo Nation, (Arizona) at which a quorum was present and that the same was passed by a vote of 16 in favor, 0 opposed, and 01 abstained this 16th day of August 2020.

Motion: Rosita Charles

Second: Theresa Tsosie

Katherine O. Arthur
Katherine O. Arthur, Chapter President

Aljerino Tsedah
Aljerino Tsedah, Vice President

Jacqueline J. Begaye
Jacqueline J. Begaye, Secretary/Treasurer

Kee A. Begay, Jr.
Kee A. Begay, Jr., Council Delegate

Roland Tso
Roland Tso, Grazing Committee