



**DR. BUU NYGREN** *PRESIDENT*  
**RICHELLE MONTOYA** *VICE PRESIDENT*

**The Navajo Nation | Yideeskáądi Nitsáhákees**

November 8, 2023

**TRANSMITTAL**

TO : *Arbin Mitchell, Executive Director*  
*Division of Community Development (DCD)*

FROM : *CSM*  
*Cordell Shortey, Contracting Officer*  
*Contracts & Grants Section (CGS) / OMB*

*BU on Projects / Activities for Churchrock Chapter, Iyanbito Chapter, Mariano Lake Chapter, Pinedale Chapter, Smith Lake Chapter, and Thoreau Chapter- ARPA Funds Allocated to Delegate*

SUBJECT : *Arviso Region*

**I. Information on Contract (per Original Award):**

Churchrock Chapter, Iyanbito Chapter, Mariano Lake Chapter, Pinedale Chapter, Smith Lake Chapter, and Thoreau Chapter	U.S. Treasury American Recovery Plan Act (ARPA)	21.027
Title of Contract	Funding Agency	CFDA No. - Federal
CAU-73-23; CMY-39-23; CAP-11-23	\$ 8,802,340.00	2022
Grant No.	Amount	Fiscal Year
		Term - Begin and End Date
		03/11/2021 to 12/31/2026

**II. Data Entered in FMIS Regarding:**

- New Contract or Grant Company No. 8059 Business Unit (K#) K2115330 to K2115334
- Contract Mod No. Internal Modification No. 2
- Amt of Budget Increase \$1,177,055.67 \$5,043,378.91 to \$6,220,434.58
- Budget Period - Extend End Date: From \_\_\_\_\_ To \_\_\_\_\_
- Other, specify: \_\_\_\_\_

**Authorizing Document - Attached:**

- Contract / Agreement - Date executed \_\_\_\_\_
- NNC / Committee Resolution - No. & Date \_\_\_\_\_
- Other, specify: NN Council Resolution CAU-73-23

**III. Comments by CGS:**

This transmittal documents 3rd budget entered in FMIS on \$8.8 mil ARPA funds allocated to CD Steven Arviso Region. Y-T-D budget in FMIS for CD Arviso Region totals \$6,220,434.58. Information on Section I. of Transmittal above reflects \$8,802,340 ARPA funding allocated for distribution to Chapters the respective Council Delegate service aka Region.

*Copy:* Attachment  
 Contract files  
 Contract Accounting / OOC / DPM  
 Tom Platero, Executive Director - NN FRF Office



**The Navajo Nation**  
Yideeskáadi Nitsáhákees

**DR. BUU NYGREN** *PRESIDENT*  
**RICHELLE MONTOYA** *VICE PRESIDENT*

August 30, 2023

Honorable Crystalene Curley, Speaker  
Navajo Nation Council  
Post Office Box 3390  
Window Rock, AZ 86515

*RE: CAU-73-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CMY-39-23 and CAP-11-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), to Include Additional Projects for this Delegate Region*

Dear Speaker Curley,

I am pleased to sign into law Resolution CAU-73-23 approving the amendments to the Fiscal Recovery Funds Delegate Regional Plan for Honorable Steven R. Arviso's Delegate Region for a total of \$6,220,434. 58 out of a potential allocated amount of \$8,802,340.00.

My Administration supports the plans of these Chapters we have worked very hard to put together their Regional Plans and are working closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice-President and we will work together to overcome it. As you know, my Administration has been working to put in place quicker and more flexible Navajo Nation systems. I look forward to working with you and the entire Council to improve Navajo Nation systems so that we are supporting our communities and taking advantage of this historic funding.

I do want us to be cognizant that the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This date is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on a proposed timeline.

Now let's get to work!

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "BUU NYGREN".

Dr. Buu Nygren, *President*  
**THE NAVAJO NATION**

RESOLUTION OF THE  
 NAVAJO NATION COUNCIL  
 25<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
 AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL  
 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R.  
 ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO  
 LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL  
 PROJECTS FOR THIS DELEGATE REGION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- D. Navajo Nation Council Resolution No. CAP-11-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. Navajo Nation Council Resolution No. CMY-39-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

## SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.
- B. CJN-29-22, Section Three, states, in part and among other things, that
1. The Navajo Nation hereby approves total funding for the NNFRRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation . . . . See CJN-29-22, Section Three (B).
  2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
  3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).

4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
  5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. The Navajo Nation Council Resolution No. CAP-11-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the President of the Navajo Nation on May 4, 2023.
- D. CAP-11-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on June 8, 2023.
- F. CMY-39-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

- G. All additional projects listed in the Hon. Steven R. Arviso's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Steven R. Arviso's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities to approve and adopt the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) as set forth in Exhibit A.

**SECTION THREE. AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION**

- A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) set forth in Exhibit A.
- B. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

**SECTION FOUR. AMENDMENTS**

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

**SECTION FIVE. EFFECTIVE DATE**

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

**SECTION SIX. SAVING CLAUSE**

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the 25<sup>th</sup> Navajo Nation Council 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 16 in Favor, and 00 Opposed, on this 25<sup>th</sup> day of August 2023.



Honorable Crystalyne Curley, Speaker  
25<sup>th</sup> Navajo Nation Council

8/28/23

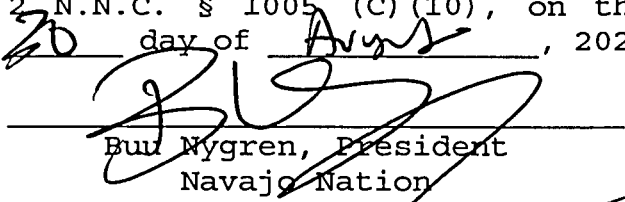
DATE

Motion: Honorable Amber Kanazbah Crotty  
Second: Honorable Lomardo Aseret

Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this 20 day of April, 2023.

  
\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

2. I, hereby, veto ~~the~~ foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation



**NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN**

**COUNCIL DELEGATE:** Hon. Steven R. Arviso

**Exhibit A**

**CHAPTERS:** Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau

FUNDING RECIPIENT	SUBRECIPIENT	EXPENDITURE PLAN / PROJECT	ADMIN OVERSIGHT	FRF CATEGORY	DOJ REVIEW #	AMOUNT
		TOTAL AMOUNT APPROPRIATED in CAP-11-23 on May 4, 2023				\$ 902,209.12
		TOTAL AMOUNT APPROPRIATED in CMY-39-23 on June 8, 2023				\$ 4,141,169.79
Division of Community Development	None Identified	Iyanbito Chapter Eligible Community Members and Rental and Utility Assistance Project	Division of Community Development	2.2	HK0301-2	\$ 10,000.00
Division of Community Development	None Identified	Mariano Lake Chapter Special Duty Pay for Essential Employees	Division of Community Development	4.1	HK0325-2	\$ 49,999.00
Division of Community Development	None Identified	Smith Lake Chapter Long Term Housing for Un-Housed People Project	Division of Community Development	2.15	HK0470-2	\$ 350,000.00
Division of Community Development	None Identified	Smith Lake Chapter Public Sector Workforce Project	Division of Community Development	2.15	HK0469-2	\$ 300,000.00
Division of Community Development	None Identified	Smith Lake Chapter Assistance for Community Members In-Need Project	Division of Community Development	2.2	HK0471-2	\$ 467,056.67
		UN-ALLOCATED AMOUNT				\$ 2,581,905.42

\*Per CJN-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."

**TOTAL:** \$ 8,802,340.00



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

ETHEL B. BRANCH  
Attorney General

HEATHER CLAH  
Deputy Attorney General

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

**RFS/HK Review #:** HK 0471-2

**Date & Time Received:** 5/24/23 at 09:13

**Date & Time of Response:** 06/06/23 at 17:00

**Entity Requesting FRF:** Smith Lake Chapter

**Title of Project:** Assistance for Community Members in Need

**Administrative Oversight:** Division of Community

**Amount of Funding Requested:** \$467,056.67

**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:** 2.2 Housing Assistance: Rent, Mortgage, and Utility Aid

**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:** \_\_\_\_\_

Review is conditional on Smith Chapter establishing a maximum amount each individual can receive and establishing clear eligibility criteria. For example the Chapter might consider that only elders, veterans, those with high health risks or those with household income below \$15,000 or less are eligible. The application form should be modified such that applicants have to attest to which eligibility category they fall under and the applicants should be required to submit supporting documentation to show outstanding bills.

Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: MacArthur Stant

Digitally signed by MacArthur Stant  
Date: 2023.06.06 12:45:45 -0600

**Disclaimers:**

If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to arpa@nndoj.org.** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

An NNDNJ Initial Eligibility Determination is based on the documents provided, which NNDNJ 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 NNDNJ. **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.**

**Smith Lake  
Chapter  
Community  
Assistance**

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR NAVAJO NATION GOVERNMENT UNITS**

**Part 1. Identification of parties.**

NN Government Unit requesting FRF: Smith Lake Chapter Indicate Department, Program, Office, Division, or Branch Date prepared: 11/28/2022

NN Government Unit's mailing address: Smith Lake Chapter PO Box 60, Smith Lake, NM 87365 phone/email: (505) 786-2141 website (if any): smithlake.navajochapters.org

Form prepared by: June Chavez Community Services Coordinator CONTACT PERSON'S name, title and Department, Program, Office, etc. phone/email: (505) 786-2141 jchavez@nnchapters.org CONTACT PERSON'S info

Title & type of Project: Assistance for Community Members in need

NN Government Unit's Director or Manager: Sonlatsa Jim-Martin phone & email: 928-871-6221 sjim-martin@nndcd.org

Division Director (if any): Pearl Yellowman phone & email: 928-259-0291 pyellowman@nndcd.org

Branch Chief: \_\_\_\_\_ phone & email: \_\_\_\_\_

Funding Recipient will be working with: ARPA Funds CJN-29-22 Indicate Branch and/or Division on the Project and the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):  
NM Gas Co, COEC, water companies, cellular companies, local propane companies, mortgage companies, G-Unit, Rental Companies  document attached

Amount of FRF requested: 467056.67 FRF funding period: 01/01/2023 - 09/30/2026 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:

**Smith Lake Community: Navajo Nation families in Smith Lake community request for utility assistance to households experiencing financial hardship due to the COVID-19 outbreak and health crisis. The funding will be available for utility assistance and other expenses related to housing costs (i.e., water, natural gas, propane, electricity, woods, pellets, mortgage, rent, and telephone) incurred due to the COVID-19 outbreak. Whereas one or more Navajo families have either experienced a decrease in household income, incurred significant costs or experience other such as job loss, closure of employment and wage reduction due to requirement to be quarantined based on a diagnosis of COVID-19. This assistance will also benefit individuals/families in a lease agreement with a landlord.**  document attached

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

**There is a population of 900 community members residing within Smith Lake area off road 371. Smith Lake Chapter supports community members in this kind of tough economic situation. Smith Lake Chapter is hopeful utility assistance will help Navajo students, individuals, and families. Community families will have access to water to drink & bath; electricity for warmth; and gas for cooking & heating.**  document attached

**APPENDIX A**

(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:

Utility public assistance program will be completed by September 2026 as ARPA funds disbursed in January 2022. Smith Lake Chapter will pay for the community members utility bills with water, natural gas, propane, electricity, woods, pellets, mortgage, rent, and telephone incurred due to COVID-19

document attached

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

Smith Lake Chapter will be responsible to manage community members utility payment and reach out to various utility companies within New Mexico who serves the individuals. The Chapter method of utility program is a set up an intake application, utility invoice, for payment. The companies will be CDEC, NTUA, PNM Gas, Grants, Thoreau, Gallup propane companies. Also, cell phone companies.

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:

Smith Lake Chapter will be responsible for the utility program for community members within Smith Lake area with a population of 900 Navajo families. The program will provide basic utility access during COVID-19 pandemic widespread across the Navajo Nation.

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:

**2.2 Household Assistance: Rent, Mortgage, and Utility Aid**

Smith Lake Chapter will be responsible for the utility program for community members within Smith Lake area with a population of 900 Navajo families. The program will provide basic utility access during COVID-19 pandemic widespread across Navajo Nation.

document attached

**Part 3. Additional documents.**

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

**1. Chapter Resolution**

**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:

NN Government Unit  
Preparer: *James Chavez* Approved by: *Sondata Jiri*  
signature of Preparer/CONTACT PERSON signature of NN Government Unit's Dept./Program Chief, Director or Manager



Approved to submit  
for Review: \_\_\_\_\_ Print Name, Title,  
signature of Branch Chief or Division Director Branch or Division: *Lisa Jymn, NMFGE*  
print name and indicate title or position

\_\_\_\_\_ indicate Branch or Division

FY 2023



THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

Page 1 of 3  
BUDGET FORM 1

PART I. Business Unit No.: <u>X - (New)</u>				Program Title: <u>Smith Lake Chapter</u>		Division/Branch: <u>DCD/ASC</u>		
Prepared By: <u>June Chavez, CSC</u>				Phone No.: <u>505-786-2141</u>		Email Address: <u>jchavez@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
NN ARPA Funding - CJN-29-22	1/1/23-9/30/26	467,056.67	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance	6		467,056.67	467,056.67
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	467,056.67	467,056.67
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted		0	0	
				Total # of Vehicles Budgeted		0	0	
TOTAL:				\$467,056.67	100%			
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>Sonlatsa Jim-Martin</u>				APPROVED BY: <u>Pearl Yellowman</u>				
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name				
								
Program Manager's Signature and Date				Division Director / Branch Chief's Signature and Date				



THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA

<b>PART I. PROGRAM INFORMATION:</b>									
Business Unit No.: <u>.K - (New)</u>			Program Name/Title: <u>Smith Lake Chapter</u>						
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>									
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
<b>1. Goal Statement:</b>									
<u>Assist families with mortgage/rental payments</u>									
<b>Program Performance Measure/Objective:</b>									
<u>Provide funding for 100 renters/homeowners</u>				50		25		25	
<b>2. Goal Statement:</b>									
<u>Assist families with cell phone/telephone payments</u>									
<b>Program Performance Measure/Objective:</b>									
<u>Provide funding for 100 community members with phone assistance</u>				50		25		25	
<b>3. Goal Statement:</b>									
<u>Assist Families with fuel assistance (wood/pellets, propane)</u>									
<b>Program Performance Measure/Objective:</b>									
<u>Provide funding for 100 community members with fuel assistance</u>				50		25		25	
<b>4. Goal Statement:</b>									
<u> </u>									
<b>Program Performance Measure/Objective:</b>									
<u> </u>									
<b>5. Goal Statement:</b>									
<u> </u>									
<b>Program Performance Measure/Objective:</b>									
<u> </u>									
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>									
<u>Sonlatsa Jim-Martin</u> Program Manager's Printed Name				<u>Pearl Yellowman</u> Division Director/Branch Chief's Printed Name					
 Program Manager's Signature and Date				 12.2.22 Division Director/Branch Chief's Signature and Date					

THE NAVAJO NATION  
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Smith Lake Chapter</u>		Business Unit No.: <u>K - (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)
6	8000 Public Assistance 8020 - Social Assistance Provide assistance for mortgage/rent, fuel assistance, utility assistance for the community of Smith Lake Chapter	467,057 467,057 467,056 <sup>62</sup>	467,057 467,056 <sup>62</sup>
TOTAL		467,056 <sup>62</sup> 467,057	467,056 <sup>62</sup> 467,057



**SMITH LAKE CHAPTER**  
**The Navajo Nation**  
P.O. Box 60 Smith Lake, New Mexico 87363

Phone: 505.786.2141 Fax: 505.786.2143  
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*Dr. Ben Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER**  
**SLC-03/2023-005**

**ACCEPTING AND APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS AND EXPENDITURE  
PLANS**

**WHEREAS:**

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. The Smith Lake Chapter membership recognizes the requested amendments from the Navajo Nation Department of Justice (DOJ) and Navajo Nation Fiscal Recovery Fund Office (NNFRF) to the previously approved ARPA Resolution No. SLC-10/2022-001 REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER & TELECOMMUNICATIONS FOR NAVAJO PEOPLE. On October 21<sup>st</sup>, 2022, this resolution passed by a vote of 17 in favor, 0 opposed, and 2 abstained.
3. Smith Lake Chapter was allocated \$1,467,056.67 under the Navajo Nation Council Legislation CJN-29-22 for Chapter and Regional Projects; and
4. Smith Lake Chapter established and prioritized four (4) Delegate Regional Expenditure Plans in accordance with the NNFRFO and the Division of Community Development (DCD) policies; and
5. The Smith Lake Chapter membership discussed and agreed to propose the following community-centered projects and budgets:
  - A. Assistance for Community Members in Need - \$467,056.67
  - B. Home Renovation Assistance - \$350,000.00
  - C. Long Term Security – Services for Unhoused Persons - \$350,000.00
  - D. Public Sector Workforce – Other - \$300,000.00
6. Smith Lake Chapter recognized the need for these projects to improve the quality of life for its residents while combating and recovering from the COVID-19 pandemic; and
7. Smith Lake Chapter affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Smith Lake Chapter, hereby, accepts and approves the utilization of the American Rescue Plan Act (ARPA) Delegate Regional Chapter Funding allocation to the Smith Lake Chapter in the amount of \$1,567,056.67 for four (4) community-centered projects and expenditure plans.





**SMITH LAKE CHAPTER**

**The Navajo Nation**

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*Dr. Burt Nygren, NN President*

*Richelle Montoya, NN Vice President*

*Steven R. Arviso, Council Delegate*

**RESOLUTION OF SMITH LAKE CHAPTER  
SLC-03/2023-005**

**ACCEPTING & APPROVING THE UTILIZATION OF THE AMERICAN RESCUE PLAN ACT (ARPA)  
DELEGATE REGIONAL CHAPTER FUNDING ALLOCATION TO SMITH LAKE CHAPTER IN THE  
AMOUNT OF \$1,467,056.67 FOR FOUR (4) COMMUNITY-CENTERED PROJECTS & EXPENDITURE  
PLANS**

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 16 in favor, 0 opposed, and 3 abstained on the 21<sup>st</sup> day of March 2023 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Edmund Henry

\_\_\_\_\_  
Heather Yazzie Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer





## SMITH LAKE CHAPTER

The Navajo Nation

P.O. Box 60 Smith Lake, New Mexico 87365

Phone: 505.786.2141 Fax: 505.786.2143

Email: smithlake@navajochapters.org

*Jonathan Nez, NN President*

*Myron Lizer, NN Vice President*

*Edmund Yazzie, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

#### REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

#### WHEREAS:

1. Smith Lake Chapter is a duly recognized and certified local government of the Navajo Nation Government, pursuant to 26 N.N.C. Local Governance Act, under Section 1, whereas the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition, and other enactments stated within this law.
2. Many Navajo chapters are in dire need of housing, water, electricity, broadband, and other infrastructure to meet the necessities to develop projects that are directly connected to rural homes across the Navajo Nation; and
3. The 24<sup>th</sup> Navajo Nation Council has appropriated over one (1) billion dollars in American Rescue Plan Act (ARPA) – Navajo Nation Fiscal Recovery Funds (NNFRF) and Sihasin Funds for the construction of infrastructure projects; and
4. These NNFRF/ARPA funds have strict deadlines under the U.S. Treasury's Final Rule and must be fully expended by December 31<sup>st</sup>, 2026, and encumbered by December 31<sup>st</sup>, 2024, with all ARPA-NNFRF funds fully spent by June 30<sup>th</sup>, 2026; and
5. Other funding sources, such as Bureau of Reclamation, New Mexico Capital Outlay, and Tribal Infrastructure Funds, and other local, state, and federal funding are planned to be used in conjunction with ARPA-NNFRF and Sihasin Funds for projects and have similarly strict funding deadlines. Any funds not encumbered and spent by these deadlines will be lost; and
6. The single largest delay in the execution of infrastructure projects is typically acquisition of Right-Of-Way (ROW)/Tribal Authorization Access (TAA); and
7. Acquiring ROW/TAA in an efficient and simplified manner for the time-sensitive ARPA-NNFRF funded projects is of the utmost urgency and necessity – these projects include buried water and sewer lines, overhead electric and telecommunication lines, and equipment, such as pumps, wells, towers, and tanks that do not significantly impact grazing permitted area; and
8. The biggest source of delays and risks in the ROW/TAA process on tribal lands is typically obtaining consent from the Grazing Permittee(s); and
9. Under the current Navajo Nation policy, a single Grazing Permittee can deny ROW/TAA for a project on tribal lands where they have a grazing permit. Grazing Permittees have expanded this use privilege of grazing lease to effectively absolute veto power over a project that may be needed and supported by the entire community. Even if a Grazing Permittee eventually gives consent, it can delay the project leading to loss of funding; and
10. Optional paragraph for BBN9 Chapters, including Smith Lake, Casamero Lake, Thoreau and Baea Chapters: As an example, BBN9 is a major federally funded waterline project that will provide renewable water supply to Coyote Canyon, Tse'ii'ahi, Nahodishgish, Crownpoint, Becenti, Lake Valley, White Rock and Littlewater. A few individual Grazing Permittees are allowed to stop BBN9 waterline by not giving consent. Thousands of Navajo homes, businesses, and communities will be denied good source of water; and
11. Livestock grazing is an important part of Navajo tradition, culture, and livelihood. The rights and concerns of Grazing Permittees are important and needed to be respected, while balancing this against development; and
12. Unlike oil and gas or mining projects, public benefit utilities, such as underground water, sewer lines, overhead powerlines, and communication lines, do not permanently affect grazeable land because the lands are still available for grazing after construction is completed. In fact, the lands are required to be re-seeded after construction; and
13. Supporting equipment needed to operate water systems, such as pumps, wells, and tanks, do not significantly impact grazing because these facilities utilize minimal land (typically ½ acre or less) and would have negligible impacts on grazing lease stocking rate established in the grazing lease agreement for the identified range unit; and

**Anselm Morgan, President**

**Heather Yazzie-Kinlacheeny, Vice President**  
**Anthony Begay, Land Board (Smith Lake & Mariano Lake)**

**Tyson Ramone, Secretary/Treasurer**





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*Jonathan Nez, NN President*

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*Edmund Yazzie, Council Delegate*

### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

#### REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC) TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO PEOPLE

14. We need a bold solution to allow critical infrastructure projects that benefit the Navajo people to move forward and meet funding deadlines, while still respecting the rights and concerns of the Grazing Permittees; and
15. The most effective solution to this problem is to enact legislation that allows the Navajo Nation to approve TAAs and/or ROW consents in a timely manner to benefit Navajo people and chapters; and
16. A potential legislative solution for the Resources and Development Committee (RDC) to consider by enactment of legislation is a situation, where Grazing Permittees cannot be found or are unwilling to give consents under the following conditions:
  - A. The project must provide a public benefit to the Navajo people, such as water and power supply and distribution, service line extensions, or economic/community development; and
  - B. The Project Sponsor(s) shall document their efforts to reach out to the Grazing Permittee(s) prior to construction to give them the opportunity to ask questions and voice their concerns, how contact/notification was made, why consent was not obtained, and what effort was made to mediate peacemaking efforts; and
  - C. Reasonable efforts typically consist, at the minimum, of at least three (3) attempt to contact permittees by phone, email, mail and/or person; and
  - D. The Grazing Permittee shall have thirty (30) days to respond to the project sponsor and, in the absence of such a response, they shall be deemed to have waived any objection to the project.
  - E. A Grazing Permittee not having an updated tally count or who is otherwise out of compliance with the grazing lease cannot raise objection; and
  - F. There shall be at least one (1) peacemaking session with an elected official to allow the Grazing Permittee to state his/her grounds for the objection or to reach an agreement; and
  - G. If an infrastructure project traverses more than one (1) grazing permit, obtaining consent from 50% or more of the grazing permittees affected by the overall project shall be deemed sufficient for project approval. Consent for every single grazing permit shall not be required. If an infrastructure project traverses only one (1) grazing permit, consent from the grazing permittee(s) shall not be required; and
  - H. The Project Sponsor(s), Chapter officials and their designees shall be authorized to obtain consent signatures; and
  - I. This option/waiver is only for infrastructure projects, such as water, wastewater, electric, telecommunications, that benefit the Navajo people, and shall apply regardless of project funding source; and
  - J. This policy shall not apply to projects such as oil and gas or other projects that do not benefit the Navajo people.
  - K. This streamline policy shall "sunset" on December 31<sup>st</sup>, 2026, unless extended by RDC.
17. This option would provide the following benefits:
  - A. Expedite delivery of basic and life-essential services to the Navajo people; and
  - B. Meet stringent funding deadlines to avoid loss of funding; and
  - C. Streamline administrative processes for a specific time to achieve completion of necessary and essential basic infrastructure to the Navajo people; and
  - D. Create jobs for Navajo people by getting projects into construction; and
  - E. Respecting rights of Grazing Permittee(s) by employing appropriate communication and attempts to obtain consent for the delivery of basic infrastructure to existing homesteads, with the understanding that certain waivers may result due to non-consent.

**Anselm Morgan, President**

**Heather Yazzie-Kinlacheeny, Vice President**  
**Anthony Begay, Land Board (Smith Lake & Mariano Lake)**

**Tyson Ramone, Secretary/Treasurer**





# SMITH LAKE CHAPTER

## The Navajo Nation

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### RESOLUTION OF SMITH LAKE CHAPTER SLC-10/2022-001

**REQUESTING THE NAVAJO NATION COUNCIL RESOURCES & DEVELOPMENT COMMITTEE (RDC)  
TO APPROVE & ENACT LEGISLATION TO AUTHORIZE CONSENT FOR INFRASTRUCTURE  
PROJECTS FUNDED BY ARPA/NNFRF & OTHER FUNDING SOURCES THAT WILL BENEFIT & MEET  
THE BASIC NECESSITIES OF HOUSING, WATER, POWER, & TELECOMMUNICATIONS FOR NAVAJO  
PEOPLE**

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Smith Lake Chapter membership hereby requests that the Navajo Nation 24<sup>th</sup> Council Resources & Development Committee (RDC) approve and enact legislation to authorize consent for infrastructure projects funded by ARPA-NNFRF & other funding sources that will benefit and meet the basic necessities of water, power, and telecommunications for Navajo people.
2. Smith Lake Chapter ("Chapter") affirms that the Chapter will only use awarded Fiscal Recovery Funds and implement this FRF Expenditure Plan in compliance with the ARPA, ARPA Regulations, and with all applicable Federal and Navajo Nation laws, regulations, and policies.

#### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Smith Lake Chapter at a duly called Chapter Meeting at the Smith Lake Chapter (Navajo Nation), at which a quorum was present and that same was passed by a vote of 17 in favor, 0 opposed, and 2 abstained on the 21<sup>st</sup> day of October 2022 in Smith Lake, Navajo Nation.

\_\_\_\_\_  
Anselm Morgan, President

Motioned by: JD Kinlacheeny

Seconded by: Esther House

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer

\_\_\_\_\_  
Anselm Morgan, President

\_\_\_\_\_  
Heather Yazzie-Kinlacheeny, Vice President  
Anthony Begay, Land Board (Smith Lake & Mariano Lake)

\_\_\_\_\_  
Tyson Ramone, Secretary/Treasurer



**NAVAJO NATION**

221

Navajo Nation Council Special Session

8/25/2023  
02:27:23 PM

<p>Amd# to Amd# MOT Crotty, A SEC Aseret, L</p>	<p>New Business: Item B. Legislation 0159-23: Amending CMY-39-23 and CAP-11-23, the Nation Fiscal Recovery Fund. . .</p>
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**PASSED**

**Yeas : 16**

**Nays : 0**

**Excused : 5**

**Not Voting : 2**

**Yea : 16**

Arviso, S	Charles-Newton, E	James, V	Slater, C
Aseret, L	Crotty, A	Johnson, C	Tolth, G
Begay, H	Damon, S	Notah, N	Tso, O
Begay, N	Daniels, H	Parrish, S	Yanito, C

**Nay : 0**

**Excused : 5**

Claw, S	Nez, R	Simpson, D	Yazzie, C
Nez, A			

**Not Voting : 2**

Simonson, G	Jesus, B
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**Presiding Speaker: Curley, C**