# THE NAVAJO NATION 

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

May 30, 2020

Hon. Seth Damon<br>Office of the Speaker<br>Post Office Box 3390<br>Window Rock, AZ 86515

RE: CMY-34-20, An Action Relating to an Emergency for the Navajo Nation; Approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of two million, four hundred sixteen thousand, seven hundred forty-seven dollars $(\$ 2,416,747)$ to the Navajo Nation Division of Public Safety

Dear Speaker Damon,
Pursuant to the authority given by the People to the Navajo Nation President, I'm exercising a line item veto of the appropriation in CMY-34-20.

We, both the Office of the President and Vice President and the Navajo Nation Council, have the best interest of our Navajo Department of Public Safety in mind. I'm sure you will agree that we are blessed every day and night to have our police officers, emergency medical teams, detention officers, and fire fighters watching over us. We must insure their needs are met so they can continue to carry out their duty.

With the appropriation of $\$ 4,000,000$ from the Bureau of Indian Affairs, we negotiated $\$ 3,000,000$ for police officer pay and extra duty pay to support our front-line personnel who have not had a day off in months and are putting in the extra-long shifts to protect us during this health crisis. There is $\$ 1,000,000$ allocated for personal protection equipment and supplies to sanitize offices and equipment. We appreciate the coordination and cooperation of the Bureau of Indian Affairs Navajo Regional Office. In addition, we have directed donations from World Vision and other organizations of PPEs and other supplies to our police departments, fire stations, and detention facilities; and we will continue to provide the supplies they need with the funds appropriated to the Nation. As you see, the assistance from the Bureau is far above the $\$ 2,416,747$ allocated in CMY-34-20, therefore there should be no need to provide additional funding.

The Office of Management and Budget has raised concerns about this budget which is addressed in their memorandum of May 27, 2020. Three concerns include the fact that individual Police Districts are not mentioned in the budget, the Fire and Rescue Services is a special revenue account and would require a NEW business unit account to receive funds from the UUFB, and the Department of Emergency Management budget is unbalanced in the amount of $\$ 1,000$. These concerns would have been addressed if the budget request was not rushed through the legislative process as an emergency. We again urge the Council to be mindful of the process.

Prior to our health crisis we said we need to be fiscally conservative with our Navajo Nation funds due to the financial outlook at the time. It is even more critical now to not spend our reserve funds because we will need it in the future. We must prepare for our future needs so we can continue to provide necessary services to our People.

We cannot support CMY-34-20 at this time as we have alternative measures in place to support the Department of Public Safety.

Sincerely,

S—TRNe3
Jonathan Nez, President
THE NAVAJO NATION


Myron Lizer, Vice President
THE NAVAJO NATION

# RESOLUTION OF THE <br> NAVAJO NATION COUNCIL <br> $24^{\text {th }}$ NAVAJO NATION COUNCIL - SECOND YEAR, 2020 


#### Abstract

AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF WWO-MIUIION, FOUR HUNDRED-SIXMEEN THOUSAND, SEVEN HUNDRED FORTY-SEVEN DOLIIARS ( $\$ 2,416,747$ ) TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY


## 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. Pursuant to 2 N.N.C. §164 (A) (16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."
C. This legislation is offered as an emergency due to the need to provide continuing law enforcement services during the COVID19 pandemic relief efforts.
D. The Navajo Nation Council has the authority to approve supplemental appropriations. 12 N.N.C. § 820 (L), "[t]he 12 N.N.C. § $820(\mathrm{~L})$. Pursuant to and approve supplemental appropriations to the Annual Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds within the current fiscal year are permitted, (1) if and when additional sources of revenues above and beyond the initial or current revenue projections are projected and which are also in excess of the reserve amount set forth at Subsection (J)."
E. The Title 12 Finance Act Supplemental Appropriation requirements include:

1. All requests for annual operating funds and supplemental funds shall be submitted to the Office of Management and Budget for budget impact analysis. 12 N.N.C. § $820(\mathrm{M})$.
2. When the Controller identifies additional sources of revenues above and beyond the initial or current revenue projections, supplemental appropriations may be approved by the Navajo Nation Council. 12 N.N.C. § 820 (L).
3. Supplemental Appropriations made from non-recurring revenues shall only be made for non-recurring operations or purposes, as set forth at $\S 820(E)$. The Controller of the Navajo Nation shall be responsible for designation recurring and non-recurring revenues. 12 N.N.C. § $820(\mathrm{~L})$.
4. The Nation shall budget all recurring operating expenses, including maintenance of capital facilities, from recurring revenues. Long term debt shall not be used to finance recurring operating expenses. 12 N.N.C. $\$ 820(\mathrm{E})$.
5. The Navajo Nation Code provides, "[t]he Nation shall restrict non-recurring revenues to budget non-recurring expenditures. In addition, non-recurring revenues will be budgeted only after an examination by the Controller to determine whether or not the revenues are subsidizing an imbalance between recurring revenues and expenditures, and expenditures may be authorized only if a long-term (three-to-five year) forecast shows that the operating deficit will not continue. Otherwise, non-recurring revenues will be added to the Unreserved, Undesignated Fund balance. This provision may be amended or waived only by a two-thirds $(2 / 3)$ vote of the full Council." 12 N.N.C. § $820(E)$.

## SECTION TWO. FINDINGS

A. The novel coronavirus ("COVID-19") has caused a global pandemic and has hit the Navajo Nation especially hard. As of April 9 th, the Navajo Nation reported 488 cases of COVID-19 and 20 deaths from the virus.
B. In an effort to reduce the spread of COVID-19 the President of the Navajo Nation extended the previously declared State of Emergency on the Navajo Nation and required government offices remain closed through April 26, 2020 in Executive Order 00220.
C. The Navajo Nation Department of Health has issued a Public Health Emergency Order requiring Navajo Nation residents stay at home to mitigate the risk of spreading COVID-19 and to preserve the health and safety of all individuals residing on the Navajo Nation. Public Health Emergency Order No. 2020-003.
D. The Navajo Nation Department of Health also issued a Public Health Emergency Order extending the Stay at Home Order and implementing a curfew from 8:00 p.m. through 5:00 a.m. for Navajo Nation residents. Public Health Emergency Order No. 2020-004.
E. This supplemental appropriation is requested in the amount of Two Million, Four Hundred Sixteen Thousand, Seven Hundred Eorty-Seven Dollars $(\$ 2,416,747)$. The budget documents are attached as Exhibit A.
F. Due to the emergency nature of this funding request, the budget impact analysis required by 12 N.N.C. $820(\mathrm{M})$ can be provided by the Office of Management and Budget when this matter is heard by Council either in person or telephonically.
G. Due to the emergency nature of this funding request the Controller can satisfy the requirements provided in 12 N.N.C. $\S 820(L)$ when this matter is heard by Council either in person or telephonically.

SECTION THREE. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF TWO MIIIION, FOUR HUNDRED SIXTEEN THOUSAND, SEVEN HUNDRED FORTY-SEVEN DOLIARS $(\$ 2,416,747)$ TO THE NAVAJO NATION DIVISION OF PUBLIC SAFETY, BUSINESS UNIT
A. This supplemental appropriation of $\$ 2,416,7470$ shall be from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller and as indicated the documents in Exhibit A.
B. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of क2,416,747 for emergency funds as indicated in the documents in Exhibit A.
C. The Navajo Nation hereby waives the requirements for any provisions of the Budget Instruction Manual that require budget documents be signed before a Supplemental Appropriation can be approved.

## SECTION FOUR. DIRECTIVES

A. The Navajo Nation Council directs the Office of the Controller to reimburse the Unreserved, Undesignated Fund Balance from the Nation's CARES Act Funds, if such reimbursement is determined eligible, in the amount spent for eligible COVID19 purposes eligible under the Coronavirus Relief Fund and Treasury Guidance.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the $24^{\text {th }}$ 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 22 in Favor, and 00 Opposed, on this $15^{\text {th }}$ day of May 2020.


Motion: Honorable Pernell Halon
Second: Honorable Rickie Nez

Speaker Seth Damon not voting

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this
$\qquad$ day of $\qquad$ , 2020.
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Jonathan Nez, President
Navajo Nation
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2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), on this $\qquad$ day of $\qquad$ , 2020 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President Navajo Nation
3. I, hereby, exercise line-item veto pursuant to the 2010 Certified Initiative, over the supplemental appropriations approved herein by the Navajo Nation Council; on this Jonathan Ne, President
Navajo Nation

## THE NAVAJO NATION SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

| PART I. Business Unit No.: Multi-See Attachments <br> Division/Branch: PublicSafety | Program Title: Multi-See Attachments |
| :---: | :---: |
|  | Amount Requested: $\mathbf{\$ 2 . 4}$ Million $\quad$ Prepared By: Herbsrt H. Tsosie III |
| Phone No.: X7859 | Email Address: hhtsosie@navajo-nsn.gov |

PART II. REASON FOR REQUEST AND STATEMENT OF NEED:
The following budges were submitted by each department essential to First Responders Personal Protection \& Equipment (PPE) needs for Operation Covid 19 curfew and traffic enforcement, inmate sentencing, patient transport, fire suppression \& response, mass casualiity, within declared Public Health State of Emergency (CEM-20-03-11).signed by President Johnaton Nez and Vice President Myron Lizer.

PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:
The Navajo Nation is awaiting Federal Asssiance primarily offered to Indian Health Services and States for NM, AZ, and UT. AZ has earmark for the Navajo Nation in the amount of $\$ 486,348$. under the CARES Act of 2020.

PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

Jesse Delmar, Division Director Jonathan Nez, President
REVIEWED BY: Division Director's Signature / Date
RECOMMEND APPROVAL: Branch Chief's Signature / Date



PART I. PROGRAM INFORMATION:
Business Unit No.: 116018 Program Name/Title: Division of Public Safety Administration

## PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:

(CAP 12-13/2 N.NC S 1351) Enabling Legislation: The purpose of the Navajo Nation Division of Public Safety shall be (1) To plan, organize, and administer all aspects of Navajo Division of Public Safety programs so as to provide mult-public safety services that meet the needs of the tribal members of the Navajo Nation, as well as other individuals and entities, within the territorial jurisdiction of the Navajo Nation as defined in Title 7 N.N.C $\S 254$ and 18 U.S.C $\S 1151$; (2) To exercise control and authority overall law enforcement and public safety activities within the Navajo Nation and adjoining Indian country as designated under Navajo, Federal, and other applicable laws where the Navajo Nation exercise jurisdiction.

| 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 supplies to prevent the spread of COVID-19 to DPS personnel
Program Performance Measure:
Maintain a clean and sanitary environment for the facilities


2. Goal Statement:

To address and assist all other DPS departments regarding COVID-19 Program Performance Measure:

3. Goal Statement:

To recommend CDC proactive approaches regarding COVID-19
Program Performance Measure:
Implement self awareness and protective measures on PEP apparatus and outerwear 7 1 $\quad 7$ 7 7
4. Goal Statement:

Program Performance Measure:
5. Goal Statement:

Program Performance Measure:
PART IV. IHEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Jesse Delmar, Division Director $\stackrel{\text { Program Manager's Printed Name }}{3} \mathrm{C}$ Delv 1220
Program Manager's Signature and Date

Paulson Chaco, Chief of Stafff/OPVP
Division Directatlansh Chief's Printed Name

Diviston Director/Branch Chief's Signature and Date


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| PART I. PROGRAM INFORMATION: |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Business Unit No.: 116001 Program Name/Title: | Navajo Police Department - Administration |  |  |  |  |  |  |  |
| PART II. PLAN OF OPERATION/RESOLUTION NUMBERIPURPOSE OF PROGRAM: <br> (LOCAP-08-18) The purpose of the Navajo Police Department is to enforce all NN laws within the territorial jurisdiction of the NN as defined by Titte 7 N.N.C. $5254 \&$ U.S.C. 81151 , to provide effective and efficient law enforcement services on a twenty-four (24) hour basis to protect life and property, and to screen all police personnel to determine their level of law enforcement skills and knowledge and provide them with the required law enforcement training to achieve full potential as Navajo Nation law enforcement officers. The application of these objectives is subject to the terms of the Department's Public Law 93-638 Contract. |  |  |  |  |  |  |  |  |
| PART III. PROGRAM PERFORMANCE CRITERIA: | 1st QTR |  | 2nd QTR |  | 3rd QTR |  | 4th QTR |  |
|  | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |
| 1. Goal Statement: <br> To recommended CDC proactive approaches regarding COVID 19. |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Program Performance Measure:Implement self-awareness and proctective measures on PPE apparatus and outerwear for PO: (7) Districts |  |  |  |  |  |  |  |  |
|  | 7 |  | 7 |  | $\cdot 7$ |  | 7 |  |
| 2. Goal Statement: |  |  |  |  |  |  |  |  |
| To address and assist all other Navajo Nation Divisions regarding COVID 19. |  |  |  |  |  |  |  |  |
| Program Performance Measure: |  |  |  |  |  |  |  |  |
| Assist and report to NDOH EOC 911 or Dispatch Calls regarding individuals having COVID 19 symptoms. | 7 |  | 7 |  | 7 |  | 7 |  |
| 3. Goal Statement: |  |  |  |  |  |  |  |  |
| Protection against COVID 19 and ICS Trainings. |  |  |  |  |  |  |  |  |
| Program Performance Measure: |  |  |  |  |  |  |  |  |
| Ascertain NPD personnel to train or update NIMS 700 and 100 certifications. | 7 |  | 7 |  | 7 |  | 7 |  |
| 4. Goal Statement |  |  |  |  |  |  |  |  |
| Program Performance Measure: |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| 5. Goal Statement |  |  |  |  |  |  |  |  |
| Program Performance Measure: |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. |  |  |  |  |  |  |  |  |
| $\qquad$ | DivisipHireclor/Branh Gijefs Printed Name 41320 |  |  |  |  |  |  |  |
|  | Division Director/Branch Chief's Signature and Date |  |  |  |  |  |  |  |



| PART I. Business Unit No.: | 16011 | Program Title: | Na | ajo Department of Criminal Investigatio | ons | Division/Branch: | DPS/Exec |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Prepared By: | Gravatt | Phone | No.: | $\times 6390$ Em | Email Address: | sgravat | havajo-nsn.gov |  |
| PART II. FUNDING SOURCE(S) | $\begin{gathered} \hline \hline \text { Fiscal Year } \\ \text { Term } \end{gathered}$ | Amount | $\begin{aligned} & \% \text { of } \\ & \text { Total } \end{aligned}$ | PART III. BUDGET SUMMARY | Fund |  | (B) | (C) |
| Unmet Need Funds | FY 2020 | 120,000.00 | 100\% |  | Type | NNC Approved |  | Difference |
|  |  |  |  |  | Code | Original Budget | Proposed Budget | (Column B-A) |
|  |  |  |  | 2001 Personnel Expenses |  |  |  | 0 |
|  |  |  |  | 3000 Travel Expenses |  |  |  | 0 |
|  |  |  |  | 3500 Meeting Expenses |  |  |  | 0 |
|  |  |  |  | 4000 Supplies | 1 |  | 420.000 | 120.000 |
|  |  |  |  | 5000 Lease and Rental |  |  |  | 0 |
|  |  |  |  | 5500 Communications and Utilities |  |  |  | 0 |
|  |  |  |  | 6000 Repairs and Maintenance |  |  |  | 0 |
|  |  |  |  | 6500 Contractual Services |  |  |  | 0 |
|  |  |  |  | 7000 Special Transactions |  |  |  | 0 |
|  |  |  |  | 8000 Public Assistance |  |  |  | 0 |
|  |  |  |  | 9000 Capital Outlay |  |  |  | 0 |
|  |  |  |  | 9500 Matching Funds |  |  |  | 0 |
|  |  |  |  | 9500 Indirect Cost |  |  |  | 0 |
|  |  |  |  |  | TOTAL | \$0.00 | 420.000 .000 | 120.000 |
|  |  |  |  | PART IN. POSITIONS AND VEHICLES |  | (D) (E) |  |  |
|  |  |  |  | Total \# of Positions Budgeted: Total \# of Vehicles Budgeted |  |  |  |  |
| TOTAL: |  | \$120,000.00 | 100\% |  |  |  |  |  |
| PART V. IHEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE. |  |  |  |  |  |  |  |  |
| Michael Henderson |  |  |  | Jesse Delmar |  |  |  |  |
| SUBMITTED BY: Program Manager's Printed Name Avisilen 4/13/2020 BMITTED BY: Program Manager's signature and Date |  |  |  | APPROVEDPY: Division Pirector/Branch Chief's Printed Name UKl |  |  |  | 4 |

$\qquad$ PROGRAM PERFORMANCE CRITERIA

$\qquad$ PROGRAM PERFORMANCE CRITERIA


THE NAVAJO NATION PROGRAM BUDGET SUMMARY

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| PART I. PROGRAM INFORMATION: |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| PART II. PLAN OF OPERATION REFERENCELEGISLATED PROGRAM PURPOSE: <br> LOCMA-05-18 - The Navajo Depariment of Corrections throughout the Navajo Reservation provide on-going services 10 all individuals who require detention placement within the jurisdiction of the Navajo Nation as defined by 7 NNC and 18 USC Section 115. The Department of Correction will provide and ensure the health, safety and well being of all individuals with the set local \& national mandates. |  |  |  |  |  |  |  |  |
| PART III. PROGRAM PERFORMANCE CRITERIA: | 1st QTR |  | 2nd QTR |  | 3rd QTR |  | 4th QTR |  |
|  | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |
| 1. Program Performance Area: <br> Provide supplies necessary to prevent the spread of COVID-19 w/in detention facility. |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Goal Slatement: |  |  |  |  |  |  |  |  |
| To maintain a clean and sanitary environment for detainees. |  |  | 3 |  | 3 |  | 3 |  |
| 2. Program Performance Area: <br> To provide basic nutritional needs of detainees |  |  |  |  |  |  |  |  |
| Goal Statement: $\quad$ To maintain adequate food supplies to support the health needs of detainees. |  |  |  |  |  |  |  |  |
|  |  |  | 10,000 |  | 10.000 |  | 10.000 |  |
| 3. Program Performance Area: <br> To implement the COVID-19 protocol for health assessments at booking \& monitoring throughout the facility to prevent the Corona |  |  |  |  |  |  |  |  |
| Goal Statement: $\quad$ To maintain the highest level of infection control measures wfin the facilities. |  |  |  |  |  |  |  |  |
|  |  |  | 10.000 |  | 10,000 |  | 10,000 |  |
| 4. Program Performance Area: |  |  |  |  |  |  |  |  |
| Goal Statement: |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| 5. Program Performance Area: |  |  |  |  |  |  |  |  |
| Goal Statement: |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| PART IV. IHEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. <br> Delores Greyeyes, Ph.D. MSW, Director <br> Program Manager's Printed Name |  | Jesse Delmar, Division Direclor |  |  |  |  |  |  |
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THE NAVAJO NATION PROGRAM BUDGET SUMMARY

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## THE NAVAJO NATION PROGRAM BUDGET SUMMARY

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FY $\underline{2020}$
THE NAVAJO NATION
Page $\underline{03}$ of $\underline{05}$ DETAILED BUDGET AND JUSTIFICATION




THE NAVAJO NATION PROGRAM BUDGET SUMMARY

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## 24th Navajo Nation Council <br> Special Session <br> Teleconference

ACTION:
Legislation 0081-20
MOTION: $\qquad$ SECOND: Rickie Nez

1. Elmer P. Begay
2. Kee Allen Begay, Jr.
3. Paul Begay
4. Nathaniel Brown
5. Eugenia Charles-Newton
6. Amber Kanazbah Crotty
7. Herman M. Daniels
8. Seth Damon
9. Mark A. Freehand
10. Parnell Halona
11. Jamie Henio
12. Vince R. James
13. Rickie Nez
14. Carl R. Slater
15. Raymond Smith, Jr.
16. Wilson C. Stewart, Jr.
17. Daniel E. To
18. Charlaine To
19. Eugene To
20. Otto To
21. Thomas Walker, Jr.
22. Edison J. Wauneka
23. Edmund Yazzie
24. Jimmy Yellowhair


TOTAL: $\quad 22 \quad 0$

CERTIFICATION:


