Chinle Chapter Government

THE NAVAJO NATION

Myron McLaughlin

David Yazzie, Jr.

Cynthia Hunter
SECRETARY/TREASURER

PRESIDENT

Eugene Tso

Vacant

GRAZING COMMITTEE MEMBER

June 09, 2019 – 1:00 PM AGENDA

- I. Call Meeting to Order
- II. Invocation
- III. Review and Approval of Agenda
- IV. Review and Approval of Last Meeting Minutes
- V. Financial Report
- VI. Announcements:
 - a. Chinle Chapter Steering Committee Meeting is scheduled for Thursday, June 13, 2019 at 9:00 AM.
 - b. Chinle Chapter will be closed all day Tuesday, June 25, 2019 due to a Special Election for Chinle Agency Board of Education.
 - c. Chinle Land Use Planning Committee Meeting is scheduled for Thursday, June 27, 2019 at 9:00 AM.
 - d. Chinle Chapter will begin summer hours June 03, 2019 through August 02, 2019, this means the Chapter will be open to serve the public from 7:00 AM to 6:00 PM, Monday thru Friday and will remain open during lunch time (12:00 PM to 1:00 PM).
 - e. Chinle AmeriCorps is soliciting for 6 part-time applicants, closing date is June 14, 2019 at 5:00 PM.
- VII. Old Business: None
- VIII. New Business:
 - a. CHIN-JUN-19-024: Supporting Arizona Department of Transportations' BUILD Application for US Highway 191 Roadway Safety Improvements. *Sponsor, Don Sneed*
 - b. CHIN-JUN-19-025: Authorizing and supporting the Chinle Chapter Government and Irvin Shirley, Grazing Committee Member to implement an indefinite feral horses and stray and unclaimed livestock removal program in efforts to improve the ecological health and productivity of the Navajo rangelands for present and future generations of the Navajo people. *Sponsor*, *Irvin Shirley*
 - c. CHIN-JUN-19-026: Supporting Resolution DAVC-19-001 of the Fort Defiance Agency Navajo Voters Coalition and recommends to the Honorable Navajo Nation Council to exonerate the 2014 Navajo Board of Election Supervisors of indirect civil contempt, in the spirit of "K'e" to restore harmony for the well-being of the people and the Navajo Nation. *Sponsor, LeNora Fulton*
 - d. CHIN-JUN-19-027: Reconfirming the Chinle Chapter Governments' Fiscal Year 2019 Project Priority List and stipulating Council Delegate, Eugene Tso to advocate for funding and support the development of the approved priority projects for the Chinle Community. Sponsor, Myron McLaughlin
 - e. CHIN-JUN-19-028: Supporting Arizona Department of Economic Security (ADES) to utilize the Land Withdrawal Designation for 2.07 Acres± for the New Site of the Chinle Department of Economic Security. Sponsor, Myron McLaughlin

- f. CHIN-JUN-19-029: Approving the Fiscal Year 2019 Supplemental Funds for Summer Youth Employment Program Budget in the Amount of \$59,938.85 for the Chinle Chapter. Sponsor, Walton Yazzie
- g. CHIN-JUN-19-030: Reaffirming, Requesting and Accepting from the Capital Projects Management Department (CPMD) Funding for the Chinle Chapter Sihasin Project, N7 Solar Street Light, to be Administered and Overseen by the Chinle Chapter from Implementation, Design, Construction and Closeout including accepting all matters pertaining to responsibility, accountability and control of the project and project funds pursuant to Resolution CAP-35-18, "Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan". Sponsor, Myron McLaughlin
- h. CHIN-JUN-19-031: Reaffirming, Requesting and Accepting from the Capital Projects Management Department (CPMD) Funding for the Chinle Chapter Sihasin Project, Waterwell Construction, to be Administered and Overseen by the Chinle Chapter from Implementation, Design, Construction and Closeout including accepting all matters pertaining to responsibility, accountability and control of the project and project funds pursuant to Resolution CAP-35-18, "Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan" Sponsor, Myron McLaughlin
- i. CHIN-JUN-19-032: Reaffirming, Requesting and Accepting from the Capital Projects Management Department (CPMD) Funding for the Chinle Chapter Sihasin Project, Del Muerto Headstart Improvement, to be Administered and Overseen by the Chinle Chapter from Implementation, Design, Construction and Closeout including accepting all matters pertaining to responsibility, accountability and control of the project and project funds pursuant to Resolution CAP-35-18, "Adopting the Sihasin Fund Powerline and Chapter Projects Expenditure Plan" Sponsor, Myron McLaughlin
- j. CHIN-JUN-19-033: Approving budget changes to the Fiscal Year 2019 operating budget for the Chinle Chapter Government. *Sponsor*, *Myron McLaughlin*

IX. Reports

- a. Eugene Tso, Council Delegate
- b. Chapter Officials
- c. Irvin Shirley, Delegated Grazing Official
- X. Adjournment

CHINLE CHAPTER MEETING June 06, 2019–1:00 PM M I N U T E S

- I. CALL MEETING TO ORDER by Chapter President, Myron McLaughlin at 2:44 PM
- II. INVOCATION by Myron McLaughlin, Chapter President
- III. REVIEW AND APPROVAL OF AGENDA

Motion to Accept Agenda by Leo Max Begay, Second by Oscar Bia

Mark Maryboy, requests to add announcement for Giant Stores, they are in the process of changing the stores name to "Speedy", they will continue the Giant Store services.

Eugene Tso, requests Agenda Items, New Business "d" and Reports "a" be moved up so he can be on his way to Phoenix today.

Myron McLaughlin, I will leave your request up to the motioning parties

Ok with Motioning Parties, Leo Max Begay and Oscar Bia to Approve Mr. Tso's Request

VOTES to Approve Agenda: 23 in Favor, 0 Opposed and 3 Abstentions

IV. REVIEW AND APPROVAL OF LAST MEETING MINUTES

Motion to Accept Last Meeting Minutes by Anderson Jones, Second by Judy Attson VOTES: 26 in Favor, 0 Opposed and 4 Abstentions

V. FINANCIAL REPORT – MAY 2019 FUND ACTIVITY

Motion to Accept Financial Report by Betty Rose Draper, Second by Raymond Paul VOTES: 26 in Favor, 0 Opposed and 4 Abstentions

- VI. ANNOUNCEMENTS:
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 - e. Chinle AmeriCorps is soliciting for 6 part-time applicants, closing date is June 14, 2019 at 5:00 PM.
 - f. Giant Stores are in the process of changing the store name to "Speedy"
- VII. OLD BUSINESS: None

Myron McLaughlin, this request was made and approved for Mr. Eugene Tso to move New Business "d" and Reports "a" Council Delegate Report to this part of the Agenda because he has other business to take care of

a. CHIN-JUN-19-027: RECONFIRMING THE CHINLE CHAPTER GOVERNMENTS' FISCAL YEAR 2019 PROJECT PRIORITY LIST AND STIPULATING COUNCIL DELEGATE, EUGENE TSO TO ADVOCATE FOR FUNDING AND SUPPORT THE DEVELOPMENT OF THE APPROVED PRIORITY PROJECTS FOR THE CHINLE COMMUNITY. Sponsor, Myron McLaughlin

Motion by Anderson Jones, Second by Betty Rose Draper

Myron McLaughlin, this resolution is telling Mr. Tso to advocate on behalf of Chinle Chapter for these ongoing projects, and to give Mr. Tso a sense of direction to where the chapter needs his voice at the Navajo Nation Capital to push these projects forward.

VOTES: 25 in Favor, 0 Opposed and 5 Abstentions

REPORT(a): Eugene Tso, Council Delgate (See written report)

Thank you and I will need the resolution so I may push these projects. Del Muerto Headstart is on the priority list but there are three other Headstart facilities here in Chinle and each one needs attention. We had meeting with the Headstart centers and we will continue to meet regarding issues. Meeting with Aging Program will be scheduled

May 23, 2019 we had 3 meetings one with NABI, Special Council Meeting, Western Agency and Natural Resources. We also have a meeting scheduled with Regional Division Director in Gallup regarding roads.

There also was a conference call scheduled with DES, I was not able to get into the call so they will send me the minutes and I will look into this, the call was last week Thursday or Friday, at the same time we were meeting at Twin Arrows with the Navajo Nation Bar Association. Attorneys/Lawyers discussed certain issues and one was Fundamental Law to include or not include in Title I.

I attended the Law and Order Committee Meeting, discussion was on Navajo Nation Gaming. At the time Gaming was approved an agreement was made with the Arizona Gaming Regulatory to have police officers covered 24/7, but at this time there are no funds. There was no MOA, 638 program funds the Police Officers along with Navajo Nation funds and these conflict with gaming regulations. Due to Dr. John Pinto's passing we discussed an appointment of another person to carry on the duties and responsibilities of the Late John Pinto's position.

The meeting in Phoenix tomorrow is scheduled at 9:00 AM and Tuesday at 9:00 AM, LOC will speak with Navajo Nation Telecommunication Commission, Christopher Becenti (Director) and other Division Directors. Tuesdays meeting is with RDC.

June 20th worksession meeting with NABI – on Natural Energy sources

We (Navajo Nation Council) have our own priority listing and is similar to the Chapter Priority List.

VIII. NEW BUSINESS:

a. CHIN-JUN-19-024: SUPPORTING ARIZONA DEPARTMENT OF TRANSPORTATIONS' BUILD APPLICATION FOR US HIGHWAY 191 ROADWAY SAFETY IMPROVEMENTS. Sponsor, Don Sneed

Mr. Sneed explained the previous studies conducted for US Highway 191 (see powerpoint presentation) – 6 studies all together. 2006, 2012, 2017 (448.2-450.5), 2012 Long Range Study, US 191 Roadway Safety Improvements MP 440 to 470. Highway Safety Improvement Program Funded \$2,909,466 for shoulder widening and rumble strip from MP450.5 to MP 453

Shoulder widening, rumble strips from MP 453 to MP 464 will need \$11-\$12 Million recommended to the BUILD Application – (Better Utilizing Investments to Leverage Developments) which replaced TIGER, it is open Nationally and you can request up to \$92M. The application needs support, partnership, and crash data to justify the needs. So far we have partnership with 1. NDOT for equipment contribution and support; 2. Many Farms Chapter Delegate, chapter resolution and other documentation; and 3. Chinle Chapter Delegate and Chapter Resolution

Motion by Dwayne Billsie, Second by Betty Rose Draper

VOTES: 28 in Favor, 0 Opposed and 4 Abstentions

b. CHIN-JUN-19-025: AUTHORIZING AND SUPPORTING THE CHINLE CHAPTER GOVERNMENT AND IRVIN SHIRLEY, GRAZING COMMITTEE MEMBER TO IMPLEMENT AN INDEFINITE FERAL HORSES AND STRAY AND UNCLAIMED LIVESTOCK REMOVAL PROGRAM IN EFFORTS TO IMPROVE THE ECOLOGICAL HEALTH AND PRODUCTIVITY OF THE NAVAJO RANGELANDS FOR PRESENT AND FUTURE GENERATIONS OF THE NAVAJO PEOPLE. Sponsor, Irvin Shirley

Motion by Eugene Tso, Second by Dwayne Billsie

Myron McLaughlin, Chinle Chapter had passed this resolution before with Mr. Tso's name as Grazing Committee Member. Mr. Irvin Shirley requested we place his name on this resolution so that he can continue working on and carry out the intent of the resolution.

VOTES: 23 in Favor, 0 Opposed and 7 Abstentions

c. CHIN-JUN-19-026: SUPPORTING RESOLUTION FDAVC-19-001 OF THE FORT DEFIANCE AGENCY NAVAJO VOTERS COALITION AND RECOMMENDS TO THE HONORABLE NAVAJO NATION COUNCIL TO EXONERATE THE 2014 NAVAJO BOARD OF ELECTION SUPERVISORS OF INDIRECT CIVIL CONTEMPT, IN THE SPIRIT OF "K'E" TO RESTORE HARMONY FOR THE WELL-BEING OF THE PEOPLE AND THE NAVAJO NATION. Sponsor, LeNora Fulton

Motion by Betty Rose Draper, Second by Dwayne Billsie

Lenora Fulton, the Navajo Nation has an election every two years, the Navajo Nation Board of Election gets voted in with two representatives from each agency and we only answer to the Navajo Nation Council and operate by the Title 11 Law and every election year we approve the Election. In 2014: Feb 27, 2014 to May 28, 2014 Candidates completed their Packets to Run for Office, after the deadline we look at their qualifications and they have ten days grievance, we also select the poll workers and train them up to July. The Primary Election at that time was August 26th, when qualifications and grievance was open there was none filed and this was for the Navajo Nation President and Council Delegates. Navajo Nation Election Office has an Agency Office and the Navajo Election Board oversees the Program. When a grievance is filed, Navajo Nation President oversees the Executive Branch; Legislative is with the Speaker; Council Delegates are under the Election Office alongside the Election Board; Judicial has the District Courts and Supreme Court with Office of Hearing and Appeal. After the primary election one of the Navajo Nation Presidential Candidates filed a grievance with Office of Hearing and Appeal. As Board of Election we discuss the General Elections which was to be held on November 4th. We make sure funds are available to get the ballots printed after August 26 (Primary). When there is a decision made by the courts it is forwarded to the Election Office for us to abide by.

September we had ordered the ballots for printing and we were training poll workers, by October there was still no decision made by the Courts so we had to open the election Nationwide and people were coming in for early voting. The courts were still looking into the top two contenders which were Joe Shirley, Jr. and Chris Descheenie as Navajo Nation Presidential Candidates and the grievance was on Chris Descheenie.

October 9th the Court was held, there was also Court held in Chinle, the Window Rock Courts were still testing Mr. Descheenie on the Navajo language test. By October 23rd, 14 days before the General Election a Decision was made and by that time 10,000 had already voted. As Election Board we were ordered by the Supreme Court to terminate the election and get the third runner up on the ballot, to get the ballots reprinted. Printing company would not print the ballots because it was last minute, there was no funding and people had already cast their votes. As Election Board what were we to do? There is no law in the Navajo Nation Government to stop the election so we were meeting with attorneys. In 2000 the Navajo Nation Board of Election postponed an election by resolution and it was four days before the election on October 31, 2014. Supreme Court then took the Election Board to court in Chinle, we were given notice and they told us the Board did not need to be in attendance. When you get served a notice to be in court and you do not attend, you get a warrant issued for your arrest. We cancelled our meeting and came to Chinle, we did not get our say in court but were told that we did not terminate the election, that we did not obey an order and were charged with indirect civil contempt, we were told we were removed and we were no longer the Board. As Board Members we were not allowed any time to speak for ourselves, we did not have our say/day in court.

We were only obeying the law and following the law which states that before the election you cannot postpone it for sixty days, but during 2014, fourteen days before the General Election we were ordered to terminate the election. In the USA there is no time in history that an election was terminated by any Tribe anywhere, once an election starts it has to be completed from beginning to end. As Board members we wanted to speak with Chief Justice before the Hearing, and that did not happen, he did not show up. We also wanted to meet with the Navajo Nation Council, and that did not happen either. We were also told that we would be put in jail and I am happy that did not happen. With this action we were prevented from running for any office for eight years, they removed us from our positions using the School Board Policy while the Election Board Policy states that we can only be removed through a re-call. We were removed through an illegal process and we should have answered to the Navajo Nation Council. It has been five years now that we were told that we cannot run for any office for eight years and with all the years I served the Navajo Nation, I have never violated the Navajo Nation Laws.

I was Ft. Defiance Agency representative along with Mr. Tom White, Jr. is a Marine who served our country, Norman Begay from Lukachukai, also has no criminal history, Eastern Agency, Michael Cowen also is an outstanding person as well as Fran George. What the Navajo Nation Election Board was charged with is Indirect Civil Contempt which is a criminal offense even though we did not commit any criminal activity. This was a very political situation, we used Title 11, we followed the law but the main issue was that we did not stop the election because you can't while people are voting. Many ballot were received from overseas, what do we do? We have to protect those, and all nine of us decided we would protect the peoples votes and although we were removed the election continued. In November the Navajo Nation Council realized that this should not have happened, we were pardoned by the Navajo Nation Council then two months later in February the Chief Justice decided that that was not acceptable, the pardon was invalidated by the Chief Justice. This resolution is just asking for k'e – to get back to working together, we feel we did not do anything wrong we want your support.

Dwayne Billsie, many people feel that the attorneys overstepped their authority. Policies have to be looked at and we cannot allow someone in the Supreme Court to make rules for everything and overstepping the three branch government. We cannot allow this to happen again and Navajo Nation Council laws will have to be amended.

JoAnn Dedman, serves as chairperson on Commission of Navajo Government Development, this subject has to be looked into so if you could refer this to the ONGD perhaps we can look into this further, we tried to meet with Election Board Staff but they are not very receptive. Thank you for your efforts Ms. Fulton.

Myron McLaughlin, does Motioning party concur with adding language to resolution for ONGD to look into this situation

Dwayne Billsie Motions to add language, Second by Betty Rose Draper

VOTES on Amendment to Resolution: 23 in Favor, 0 Opposed and 6 Abstentions

VOTES ON MAIN MOTION: 24 in Favor, 0 Opposed and 5Abstentions

d. CHIN-JUN-19-027: RECONFIRMING THE CHINLE CHAPTER GOVERNMENTS' FISCAL YEAR 2019 PROJECT PRIORITY LIST AND STIPULATING COUNCIL DELEGATE, EUGENE TSO TO ADVOCATE FOR FUNDING AND SUPPORT THE DEVELOPMENT OF THE APPROVED PRIORITY PROJECTS FOR THE CHINLE COMMUNITY. Sponsor, Myron McLaughlin

"Acted on and Approved after Old Business along with Delegate Tso's Report"

e. CHIN-JUN-19-028: SUPPORTING ARIZONA DEPARTMENT OF ECONOMIC SECURITY (ADES) TO UTILIZE THE LAND WITHDRAWAL DESIGNATION FOR 2.07 ACRES± FOR THE NEW SITE OF THE CHINLE DEPARTMENT OF ECONOMIC SECURITY. Sponsor, Myron McLaughlin

Motion by Dwayne Billsie, Second by Anderson Jones

Myron McLaughlin, we have been working on this for quite some time, we would like to get this land situated for infrastructure. If we do not situate this DES threatens to take the office to Holbrook, AZ which will definitely have impact on the people that are on a fixed income and rely on DES services.

VOTES: 27 in Favor, 0 Opposed and 2 Abstentions

f. CHIN-JUN-19-029: APPROVING THE FISCAL YEAR 2019 SUPPLEMENTAL FUNDS FOR SUMMER YOUTH EMPLOYMENT PROGRAM BUDGET IN THE AMOUNT OF \$59,938.85 FOR THE CHINLE CHAPTER. Sponsor, Walton Yazzie

Motion by Dwayne Billsie, Second by Anderson Jones

Dwayne Billsie, Motions to include both New Business "f" and "j" for votes due to similarity pertaining to Chapter Budgets, Second by Mr. Anderson Jones

VOTES for New Business Items "f" and "j": 28 in Favor, 0 Opposed and 2 Abstentions

g. CHIN-JUN-19-030: REAFFIRMING, REQUESTING AND ACCEPTING FROM THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT (CPMD) FUNDING FOR THE CHINLE CHAPTER SIHASIN PROJECT, N7 SOLAR STREET LIGHT, TO BE ADMINISTERED AND OVERSEEN \mathbf{BY} THE CHINLE CHAPTER IMPLEMENTATION, DESIGN, CONSTRUCTION AND CLOSEOUT INCLUDING **ACCEPTING** TO ALL **MATTERS PERTAINING** RESPONSIBILITY, ACCOUNTABILITY AND CONTROL OF THE PROJECT AND PROJECT FUNDS PURSUANT TO RESOLUTION CAP-35-18, "ADOPTING THE SIHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN". Sponsor, Myron

Motion by Dwayne Billsie, Second by Ryan Smith to combine New Business "g" "h" and "i" for Action and Votes

Myron McLaughlin, 23rd NNC approved \$4.1M per delegate, we are requesting these funds to be handled by Chinle Chapter

Oscar Bia, is this waterwell for construction use only?

Myron McLaughlin, yes it is not for human consumption but for construction use only VOTES on "g" "h" and "I" in New Business: 25 in Favor, 0 Opposed and 2 Abstentions

h. CHIN-JUN-19-031: REAFFIRMING, REQUESTING AND ACCEPTING FROM THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT (CPMD) FUNDING FOR THE CHINLE CHAPTER SIHASIN PROJECT, WATERWELL CONSTRUCTION, TO BE **ADMINISTERED** AND OVERSEEN \mathbf{BY} THE CHINLE **CHAPTER** IMPLEMENTATION, DESIGN, CONSTRUCTION AND CLOSEOUT INCLUDING ACCEPTING ALL **MATTERS PERTAINING** TO RESPONSIBILITY. ACCOUNTABILITY AND CONTROL OF THE PROJECT AND PROJECT FUNDS PURSUANT TO RESOLUTION CAP-35-18, "ADOPTING THE SIHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN" Mclaughlin

Motion by Dwayne Billsie, Second by Ryan Smith VOTES: 25 in Favor, 0 Opposed and 2Abstentions

i. CHIN-JUN-19-032: REAFFIRMING, REQUESTING AND ACCEPTING FROM THE CAPITAL PROJECTS MANAGEMENT DEPARTMENT (CPMD) FUNDING FOR THE CHAPTER PROJECT, CHINLE SIHASIN DEL **MUERTO** IMPROVEMENT, TO BE ADMINISTERED AND OVERSEEN BY THE CHINLE CHAPTER FROM IMPLEMENTATION, DESIGN, CONSTRUCTION AND CLOSEOUT INCLUDING ACCEPTING ALL MATTERS PERTAINING TO RESPONSIBILITY, ACCOUNTABILITY AND CONTROL OF THE PROJECT AND PROJECT FUNDS PURSUANT TO RESOLUTION CAP-35-18, "ADOPTING THE SIHASIN FUND POWERLINE AND CHAPTER PROJECTS EXPENDITURE PLAN" Sponsor, Myron Mclaughlin

Motion by Dwayne Billsie, Second by Ryan Smith

VOTES: 25 in Favor, 0 Opposed and 2 Abstentions

j. CHIN-JUN-19-033: APPROVING BUDGET CHANGES TO THE FISCAL YEAR 2019 OPERATING BUDGET FOR THE CHINLE CHAPTER GOVERNMENT. Sponsor, Myron Mclaughlin

Motion by Dwayne Billsie, Second by Anderson Jones

VOTES on New Business Items "f" and "j": 28 in Favor, 0 Opposed and 2 Abstentions

IX. REPORTS

- a. Eugene Tso, Council Delegate Moved up this Agenda Item and completed after Old Business along with New Business "d"
- b. Chapter Officials None
- c. Irvin Shirley, Delegated Grazing Official Absent

Motion to Accept Reports by Dwayne Billsie, Second by Judy Attson

VOTES: 27 in Favor, 0 Opposed and 2 Abstentions

X. ADJOURNMENT at 4:30 PM

Adjournment Motioned by Anderson Jones, Second by Oscar Bia

VOTES: 25 in Favor, 0 Opposed and 2 Abstentions

Chinle Chapter Meeting Minutes for June 09, 2019 are hereby prepared and submitted by Cynthia Hunter, Chapter Secretary/Treasurer (Miller) (19/2013)

Chinle Chapter Government Sign-in Sheet

Date: 06/09/2019 Planning Meeting	⊠Regular Meeting □Special Meeting
1. President: M. Ruefll.	21. Judy Att80n
2. Vice President:	22. May - L. Yaya
3. secretal/Attendates accepted	23. Symul Ful
4. Grazing Official: Cons	24. Markflogley
5. Council Delegate: Coro Gra	25. In Bolley
6. Jan ADOT	26. Draglalem ON Jarghrei
7. Heshawna Tarrie	27. Maru, See
(8.20me \$1) 3/3/20	28. P. D. O
9. Jason Jam	29. Danshie Begun
10. Rudy Jani	30. Venel Emely
11. Ruchelle Bedonie	31. Ryan Smits
12. Rudrell Cabatit	32. 23.
13, Jan Jour	33. Shley Beden
14. Osen 3	34. Alexander Evon
15. Andemore Joen	35. Juanito Loman
16) evalley	36. Orlando Brown
17 Bess Sungson	37Fylix Brown
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