

**MINUTES
of the
THIRD MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**August 1-3, 2005
Tohatchi Chapter, Navajo Nation
Iyanbito Chapter, Navajo Nation
Gallup, New Mexico**

The third meeting of the Indian Affairs Committee for the 2005 interim was called to order by Senator John Pinto, co-chair, on Monday, August 1, 2005, at 10:24 a.m. at the Tohatchi Chapter House.

Present

Rep. James Roger Madalena, Co-chair (8/3)
Sen. John Pinto, Co-chair
Sen. Rod Adair (8/2, 8/3)
Rep. Ray Begaye
Rep. Manuel G. Herrera (8/2, 8/3)
Rep. Patricia A. Lundstrom
Sen. Lidio G. Rainaldi
Sen. Nancy Rodriguez
Sen. John C. Ryan
Sen. Leonard Tsosie (8/1, 8/2)
Rep. Teresa A. Zanetti (8/2, 8/3)

Advisory Members

Rep. Fred Luna (8/2)
Sen. Richard C. Martinez
Rep. Nick L. Salazar (8/2, 8/3)

Absent

Sen. Dianna J. Duran
Rep. Irvin Harrison
Rep. Don L. Tripp
Rep. W. C. "Dub" Williams

Sen. Ben D. Altamirano
Sen. Joseph J. Carraro
Rep. Ben Lujan
Rep. Debbie A. Rodella
Sen. William E. Sharer
Rep. Avon W. Wilson

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Charles H. Van Gorder
Jennie Lusk
Larry Matlock

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Monday, August 1 - Tohatchi Chapter, Navajo Nation

Tohatchi Chapter President Herman Morris opened the meeting with an invocation, following which everyone in attendance introduced themselves.

Tohatchi Chapter - Status Update

President Morris introduced himself and the chapter officers. President Morris then reviewed the historical background of the chapter, explained the chapter's name and commented on the present status of the chapter, including its population (about 3,800) and its geography, including Chuska Mountain. The chapter has a history of its members serving in the United States armed forces, including in Iraq, and is the only chapter within the Navajo Nation that has its own veterans' organization. President Morris reviewed the economic and agricultural activities within the chapter and listed its community services. Vice President Edwin Begay voiced the chapter's desire for economic development and listed goals for hotels, a conference center, a fitness center and a local branch of a university. He also reviewed the status of the existing senior center that is in need of repair. Other facilities needing improvement include the chapter house, the warehouse and housing. Improvements are scheduled for Highway 491 but construction has yet to start. Vice President Begay also presented the committee with resolutions from the Navajo Nation District #14 Council regarding improvements to Highway 491 and capital outlay projects for several individual chapters. Emma Watchman, supervisor for the senior center, briefed the committee on the status of the senior center and its activities.

Following the chapter's presentation, Representative Begaye explained the process for requesting funding for proposed capital projects. He suggested the chapter write the Navajo Nation president and council to request that funds be set aside (\$3 million to \$10 million) in a revolving fund to help finance local capital improvement projects, which funds would be replenished through individual state-financed projects. Other committee members commented on the capital outlay funding process and the need to get the chapters involved in establishing project priorities. On motion of Representative Begaye, seconded by Senator Pinto, the committee voted as a subcommittee to send a letter to Deborah Armstrong, secretary of aging and long-term services, and to Rhonda Faught, secretary of transportation, asking whether each New Mexico chapter of the Navajo Nation has been contacted about deadlines for submitting priorities for capital outlay improvements and GRIP 2 projects.

Temporary Assistance for Needy Families (TANF) Programs

Katie Falls, director of income support at the Human Services Department, and Terralene Gene, Native American liaison for the Children, Youth and Families Department, reported to the committee on the status of the 2005 appropriation in the amount of \$250,000 for Navajo Nation and Pueblo of Zuni TANF programs. They explained what steps must be followed to get those funds distributed, and both have talked with Michelle Walela at the Pueblo of Zuni and Roxanne Gorman at the Navajo Nation about the process of getting funds to the tribes. They will send Ms. Gorman a template for the required joint powers agreement. They also discussed the reasons why nearly \$1.5 million that had been appropriated in 2004 federal funds for the Pueblo of Zuni and Navajo Nation TANF programs could not be spent for that purpose.

Phil Lynch Death

On motion of Representative Lundstrom, seconded by Senator Pinto, the committee voted as a subcommittee to send a letter of condolence to the family of Legislative Council Service bill drafter Phil Lynch, who had died over the prior weekend, expressing thanks for his good work in the health care area.

Montana Representative

President Morris introduced Joey Jayne, a state representative in Montana who is serving her third term in the Montana House of Representatives. Representative Jayne, who was born and raised in Tohatchi, was visiting her mother, Dorothy Bitsiti, while on vacation.

Rights of Way in the Checkerboard Area

Jerry King, assistant commissioner for surface resources, introduced himself and former Public Regulation Commissioner Jerome Block, presently employed by the State Land Office, and Keven Groenewold, executive vice president and general manager of the New Mexico Rural Electric Cooperative Association. Mr. Block reviewed the background of the problem relating to Navajo Nation families living on state trust land in the checkerboard area. In 2005, the legislature appropriated \$250,000 "to settle outstanding trespass issues of Native American homes and roads and other access on or across lands held in trust pursuant to the Enabling Act." He then described efforts that the State Land Office has undertaken to meet with legislators, chapter officials and affected families to determine how to implement a program for accomplishing the intent of the legislation. Commissioner King reviewed the work that had been done in conducting field studies in areas, including the Baca, Haystack and Pinedale chapters of the Navajo Nation. Mr. Groenewold discussed issues related to obtaining rights of way for the extension of utilities to families living on state trust lands. Questions raised by committee members included whether state trust lands would be sold to non-Native Americans (the answer appears to be no), whether state trust lands would be acquired in the name of the Bureau of Indian Affairs or individual Native American families (unknown at this time) and the status of mineral rights (they cannot be sold). On motion of Representative Lundstrom, seconded by Senator Rodriguez, the committee voted as a subcommittee to request that it be able to review any proposed rules for the implementation of the program to transfer trust properties before those rules are adopted and implemented. Commissioner King was requested to return to the committee to discuss the proposed memorandum of understanding between the State Land Office and the Indian Affairs Department.

Pittsburgh & Midway Coal Mining Company Reclamation Project - McKinley North Mine

Tim Hagaman, community development representative, Economic Development Division, Economic Development Department, discussed the organization of a Navajo Nation Task Force, which includes John Plummer and Frank Rivera of the Pittsburgh and Midway Mining Company (P&M), to address the planned closure in 2008 of the McKinley North Mine. Mr. Hagaman is responsible for hiring a consultant to work with the task force to prepare a feasibility plan for the closure and redevelopment of the 27,000 acre area around the mine. He distributed copies of the request for proposal (RFP) and proposed scope of work to the committee. This study will be funded in part by \$128,250 appropriated by the legislature for that purpose in the 2005 session. The consultant is scheduled to be selected by the end of August and the feasibility study is to be presented by the end of the year. Mr. Hagaman is now involved in meetings at chapter houses and drawing up a memorandum of understanding between the state

and the Navajo Nation. Theo Shorty, senior economic development specialist with the Navajo Nation Division of Economic Development, explained the Navajo Nation's involvement in efforts to plan for the development and reuse of the McKinley North Mine upon its scheduled closure in 2008. The process includes the preparation of a proposed reuse plan that must be approved by P&M as well as the Office of Surface Mining, the United States Department of the Interior and the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department. All improvements to the mining property must be removed unless the reclamation plan is amended to permit the retention of specified improvements. Mr. Plummer, president of the Diné Coal Mine Coalition, expressed concern regarding the involvement of grazing rights holders for property within the mine area. Frank Rivera, senior mine engineer/environmental for P&M, was present for the presentation and participated in answering questions from the committee.

On questions from committee members, the presenters explained that the 800 current employees at the mine will be the subject of a feasibility study that is part of the redevelopment plan. The Economic Development Department is already looking into potential companies to replace the mine. Community members protested that they had not been given adequate opportunity to participate in the task force's work with the chapters. The presenters acknowledged that the status of grazing leases in place when P&M started mining is still a legal question. The presenters were instructed to send information to Chase Van Gorder, LCS staff attorney, to distribute to the committee members on the status of grazing rights and whether such rights will be recognized. The reclamation plan states that there will be a 10-year waiting period before families can move back to areas that have been mined.

Representative Lundstrom directed the presenters to keep a running sign-in sheet and minutes with public comments for facilitation during the coming months, as she will want to see that the preliminary infrastructure was inclusive. On a motion by Representative Lundstrom, seconded by Senator Tsosie, the committee voted as a subcommittee to write the Navajo Nation Department of Justice on the issues of eminent domain and the legality of Navajo grazing permits.

Native American Arts and Crafts

Steffani Cochran, assistant attorney general, reviewed the history of enforcement of the Indian Arts and Crafts Sales Act, noting that the legislature appropriated money in 1998 to investigate six businesses. Since that year, however, there has been no appropriation for the attorney general to use in enforcing the act. During the 2004 session, there was a proposed appropriation for additional enforcement personnel in the Office of the Attorney General, and the attorney general proposed an amendment to the act to correct some language that makes the act all but unenforceable; neither of those proposals passed the legislature. Currently, there is one investigation pending. The attorney general continues to get consumer complaints on authenticity of Native American crafts and receives requests to investigate these complaints. In commenting upon legislation that could be proposed for the 2006 session, Ms. Cochran suggested the bill should be drafted as part of the Unlawful Practices Act rather than as a criminal statute, as satisfying the criminal standard of proof (beyond a reasonable doubt) is more difficult than the civil standard. She suggested amending the purpose of the law, requiring more stringent labeling and placing the burden on wholesale companies to clearly and conspicuously label items that are not made by Native Americans. She advocated increasing the penalty for

unfair practices. Finally, she also advocated providing funding for all costs, including experts, as well as for investigative personnel. Discussion ensued on the conflicts between bills introduced by two committee members last session and about the measure of intent that should be punished.

Speakers from the Gallup Area Jewelers Association (GAJA) addressed the committee to speak against amending the current law. One speaker noted that the act covers rugs, kachinas and other items beyond jewelry and argued that the federal Indian Arts and Crafts Act of 1990 provides adequate protection for purchasers on Native American arts and crafts products.

On a motion by Representative Lundstrom, seconded by Senator Rodriguez, the committee voted as a subcommittee to ensure that there be an opportunity for input from a broad range of craftspeople and producers, including GAJA and the Navajo Nation, if legislation amending the Indian Arts and Crafts Sales Act is reintroduced during the 2006 legislative session.

Navajo Nation Gaming

Navajo Nation Council delegate Peterson Yazzie, Michelle Dotson, legal counsel for the Office of the President/Vice President of the Navajo Nation, and Theo Shorty, senior economic development specialist with the Navajo Nation Division of Economic Development, reported to the committee regarding the status of proposals to permit gaming activities on the Navajo Nation. Their presentation included the following points: 1) in November 2004, the voters agreed with the Navajo Nation Council's decision to permit gaming activities on reservation land; 2) President Shirley authorized a gaming marketing study, which has been completed and is available to the committee; 3) the next step in the process is to conduct a feasibility study for specific proposed operations; 4) an executive director for gaming operations must be in place before such operations begin and they hope to present for approval to the council in the near future a highly qualified individual; 5) an attorney from Phoenix has been retained to draft appropriate policies, including personnel policies; 6) an administrative assistant has been hired to set up an office for the executive director; 7) the Office of the Controller has prepared an RFP that went out last week for a gaming consultant to advise the Navajo Nation on planning and developing gaming facilities; and 8) there is a debate about who has gaming authority, and it is the position of the president that it is an authority at the national level rather than at the chapter level.

Discussion ensued regarding potential locations of a Navajo Nation casino, controls on the number of casinos on reservation land, revenue sharing and the use of gaming profits for "general welfare" of the Navajo Nation, financing of casinos, whether the casino may be placed on allotment lands, disparities between Arizona and New Mexico gaming laws and Native American hiring preferences. Ms. Dotson responded that the Navajo Nation is not interested in developments on allotment lands or in contracting with individuals. She noted that under the Indian Gaming Regulatory Act, casinos are authorized on tribal lands and the federal law does not recognize chapters. Therefore, casinos are a "central government function" and must be built on land that has been approved by the Navajo Nation. A resolution of support by a chapter would be a prerequisite for any specific gaming proposal.

Recess

The meeting was recessed by Senator Pinto at 5:15 p.m.

Tuesday, August 2- Iyanbito Chapter, Navajo Nation

The meeting was reconvened by Senator Pinto, on Tuesday, August 2, 2005, at 9:35 a.m. at the chapter house of the Iyanbito Chapter, Navajo Nation. An invocation was given by President Karl Katenay of the Iyanbito Chapter, after which those in attendance introduced themselves.

Iyanbito Chapter - Status Update

President Katenay briefed the committee on the chapter, which has a population of 1,500 and has the smallest land base of all of the chapters of the Navajo Nation. The chapter is trying to acquire land between its present boundaries and Interstate 40. The chapter has been trying to proceed with a number of capital outlay projects, including a new senior center, air conditioning for the chapter house, improvement of the road leading into the chapter and 29 new housing units. President Katenay observed that while significant funding has been forthcoming from the New Mexico Legislature, the Navajo Nation in Window Rock has been extremely slow in approving projects, which has resulted in delays and significant cost increases.

Lawrence Morgan is the delegate to the Navajo Nation Council representing the chapter, but he also serves as the speaker for the council. Speaker Morgan identified the intersection of the road into the chapter with the frontage road along Interstate 40 as the most dangerous area in the chapter because there is a grade railroad crossing at that intersection and the road is the only way into the chapter. Speaker Morgan also addressed the issue of processing chapter capital outlay projects through the Navajo Nation and indicated that there is a need to review and improve the process, although Window Rock is not the only entity to blame for delays. He also observed that Arizona and Utah do not contribute capital outlay funds to chapters in the manner done by New Mexico. Louise Mariano, chapter coordinator, also addressed the committee and emphasized the dangerous intersection at the beginning of the road leading into the chapter. Albert Shirley, a resident of the chapter, commented on the contaminated water in the community, the status of the Fort Wingate Army Depot and education of the youth of the community.

On a motion by Senator Rodriguez, seconded by Representative Luna, the committee voted as a subcommittee to write a letter to the Navajo Tribal Utility Authority requesting that it re-evaluate its billing system if the authority is billing residents of the Iyanbito Chapter for water that is not potable.

Health Issues: Suicide, Drug Abuse and School-Based Health Clinics

The following representatives of the Department of Health briefed the committee on issues related to health care for Native Americans: Karen Meador, director, Behavioral Health Services Division; Brenda Martinez, program manager, Prevention Services, Behavioral Health Services Division; Kris Carrillo, program manager, Mental Health, Office of School Health; and Janie Lee Hall, school health advocate, Region 1. The panel distributed and discussed a handout addressing drug-related deaths, suicide, school-based health centers, statewide prevention efforts, the Office of Policy and Multicultural Health, behavioral treatment programs for Native Americans, Native American prevention programs, the results of the 2003 Youth Risk and Resiliency Survey addressing health risk issues and the Project Venture program based in

Gallup. Other issues addressed during questioning by the committee included the quality of the water in the Iyanbito Chapter and substance abuse treatment.

Public Education Issues

The following representatives of the Public Education Department briefed the committee on issues related to the Indian Education Act and other Native American education issues: Penny Bird, assistant secretary of education for Indian education, James Ball, assistant secretary for educator quality, and Arlene Romero, education administrator, Bilingual/Multicultural Education Bureau. Also presenting was Larry Emerson, chair of the Indian Education Advisory Council. The panel distributed and discussed a handout addressing new and continuing Indian education initiatives, efforts to increase the number of Native American teachers and administrators, Native American language programs, ongoing research at the University of New Mexico, standards for cultural competence, tribal departments of education, tribal elders in classrooms and Native American students in urban schools. Other issues addressed during questioning by the committee included adequate yearly progress results, school curricula and reports that students in McKinley County cannot take books home at night.

Minutes

There being present a quorum of the voting members of the committee, Representative Lundstrom moved that the minutes from the committee's July meeting be approved as submitted. The motion was seconded by Senator Rodriguez and passed without objection. The committee also ratified without objection the prior motions that had been approved by the subcommittee earlier in the day and on the previous day.

Rural Business Start-Ups

Phil Jesse with Jesse Consulting briefed the committee regarding concerns he has regarding state financial assistance to start-up companies in rural parts of the state. He detailed problems he experienced when he submitted an application for assistance in raising capital to start up a restaurant project in Gallup. Greg Kulka, director of private investments with the State Investment Council (SIC), explained to the committee the SIC programs to provide financing and investments in start-up companies in New Mexico and the guidelines for approving investment proposals. These programs include debt financing as well as equity financing through either the New Mexico Private Equity Program or the New Mexico Small Business Investment Corporation. He also outlined the guidelines used in determining whether investment proposals are to be funded and instances where start-up businesses in rural areas of the state have been approved. Assisting in the presentation was Paul Goblet of Asset Advisors, LLC, who advises the New Mexico Small Business Investment Corporation. Other issues addressed during questioning by the committee included the record of investments in rural businesses, advisors who assist in managing the investment funds and review of investment proposals. Representative Lundstrom asked that the committee be provided with a copy of the report being provided to the Legislative Finance Committee by the SIC the following week at the LFC meeting in Farmington.

Predatory Lending Practices

Joel Cruz-Esparza, chief of the Consumer Protection Division, Office of the Attorney General, addressed the committee to brief them on what his office has done since the close of the

2005 legislative session to address the continuing problem of predatory lending in New Mexico. He reviewed the nature of the problem with so-called "payday loans" and the results of his office's review of collection cases filed in McKinley County. In addition to continuing to consider proposed legislation for the next legislative session, the Office of the Attorney General is considering taking alternative actions to address the problem that do not require new legislation: 1) review payday loan practices as extensions of credit that may be regulated pursuant to the Unfair Practices Act and institute litigation if such practices are found to violate that act; 2) promulgate administrative rules regarding the extension of credit; 3) undertake consumer education efforts; and 4) issue a series of civil investigative demands to gather more information regarding the payday loan industry. There was also a discussion of the use of pawn shops and car title loans. The committee discussed when this can be scheduled for consideration again by the committee, including a report from the task force being put together by the lieutenant governor and input from the industry as well.

Recess

The meeting was recessed by Senator Pinto at 5:05 p.m.

Wednesday, August 3 – Gallup High School

The meeting was reconvened by Senator Pinto on Wednesday, August 3, 2005, at 9:30 a.m. at Gallup High School for a special meeting on the capital outlay process, involving state, chapter and Navajo Nation stakeholders. Senator Pinto requested that Senator Rainaldi preside at this meeting.

The initial presentation was done by a panel representing the Indian Affairs Department, including Benny Shendo, Jr., secretary of Indian affairs, Michelle Brown-Yazzie, deputy secretary of Indian affairs, Rebecca Martinez, capital outlay manager, and Priscilla Thomas, capital outlay analyst. In his introductory remarks, Secretary Shendo described the capital outlay process in New Mexico and identified problems that result in the failure of some appropriated funds to be expended in a timely manner, resulting in their reversion to the state. He emphasized the need for a common understanding among all interested parties on how the process works. Deputy Secretary Brown-Yazzie described the efforts the department has undertaken during the past year to minimize the problem of reverting capital outlay funds. She indicated that over \$900,000 in approved capital outlay funds appropriated to pueblos and chapters of the Navajo Nation for projects approved as far back as 1998 were scheduled to revert back to the state. Ms. Martinez reviewed for the committee the numbers for capital outlay appropriations to the chapters and indicated the status of those appropriations as of July 29, 2005. On that date, there was \$29.6 million in active projects being administered through the department, of which \$6.4 million was awaiting approval by the Navajo Nation. Ms. Martinez reviewed the flow chart outlining the capital projects funding process, including the involvement of the Navajo Nation. Finally, Ms. Martinez reviewed six suggestions regarding ways in which the capital outlay process, may be improved to reduce the reversion of funds to the state. These documents are included in the meeting file. Committee members and departmental staff engaged in a lengthy discussion of many points regarding the capital outlay process, including joint powers agreements (JPA), the Infrastructure Capital Improvement Plan (ICIP) process and priorities, project-ready proposals, coordination between governmental entities and the anti-donation clause of the New Mexico Constitution.

After lunch, there was a presentation giving the perspective of the Navajo Nation regarding the state's capital outlay process. The panel included Arbin Mitchell, director, Division of Community Development, Cordell Shorty, contracting officer, Office of Management and Budget, Casey Begaye, manager, Capital Improvement Office, and Lena Arviso, accounting manager, Controller's Office. Mr. Mitchell, representing the Office of the President/Vice President, stated the two main problems are not to have appropriated funds revert to the state and to complete capital projects in a timely manner. His office is committed to improving the process and it is a priority. They have already set up a joint corrective action team that has issued a report with recommendations that will be implemented. They will be working to streamline the present process that has 42 steps in it. Mr. Shorty indicated problems that he feels must be overcome, including indirect costs for proposed projects, proposals that are funded but are not project-ready, turnover in chapter leadership and the fact that chapters go directly to state legislators for project funding, thereby bypassing the Navajo Nation. He agreed that the Navajo Nation needs to conduct its own internal working session on these problems and then meet with the Indian Affairs Department. Mr. Begaye observed that the JPA process needs to be improved and there needs to be approved capital improvement plans. Legislators need to be sure that proposed projects are in fact "project-ready" if they are to be funded and ensure that funds can be used for planning and designing as well as construction. Ms. Arviso distributed a handout and described in more detail the process through which capital outlay projects must go in the Navajo Nation to be finally approved. Contracts need to be approved and coordinated with the Capital Improvements Office. Her office needs to comply with a myriad of state, tribal and federal accounting regulations and is subject to audits. Communication can be a problem because the Navajo Nation operates at a large scale. She also expressed her belief that reverted funds are much less than \$900,000. Committee members and Navajo Nation staff discussed a number of topics, including project-ready versus construction-ready, ICIP planning, the Navajo Nation Permanent Fund, the adverse impact of the bureaucratic process within the Navajo Nation that hinders the expenditure of capital outlay funds and the possibility of establishing a revolving fund within the Navajo Nation to facilitate getting construction projects off the ground.

At the end of the discussion between the panel and the committee, members of the audience had an opportunity to express their concerns and questions. Mark Maryboy, chair of the Transportation and Community Development Committee of the Navajo Nation Council (TCDC), stated that the recommendations of the Indian Affairs Department seem good and he hopes they can be implemented. It is important that the coordinating policy adopted by the committee be followed and that proposed projects are ready to be carried out. The council is trying to encourage the process to move faster, but it might be faster if money could be given directly to the chapters rather than having to go through Window Rock. Scott House of the Naschitti Chapter suggested that there be a project assessment procedure to be followed before funds are appropriated for a project. Other audience members commented on delays in getting projects approved by the Navajo Nation, changes in scope of work, direct funding to chapters and direct invoicing to the state.

The third and final panel of the day consisted of representatives of the Navajo Nation Council, including Speaker Lawrence Morgan and Dave Rico, council delegate. Others who participated in the discussion included representatives of individual chapters. Speaker Morgan observed there are four different aspects to the capital outlay process: request, approval, execution and construction. He recognized there are internal bureaucratic processes at each of

these levels at both the state and tribal levels, and he identified some of the issues that complicate the process. The Navajo Nation is committed to improving the process, but it is important to coordinate activities between the Navajo Nation and the individual chapters. One problem lies in the fact that state funds are used to reimburse tribal entities after funds are expended, which can be a problem for chapters. Mr. Rico commented on the fact that the time period for expending capital outlay funds runs quickly, and he presented the coordination policy for capital outlay projects that had been approved by the TCDC in December 2004. He suggested following that policy might make project funding run more smoothly.

Following these presentations, it was moved by Representative Madalena and seconded by Senator Rainaldi that the Indian Affairs Department conduct with the Navajo Nation a working day on the capital outlay process and report back to the committee at its October meeting. There was no objection to the motion. Further commentary by committee members and members of the audience included suggestions for the creation by the Navajo Nation of a revolving fund for capital projects, requiring that approved proposals be project-ready and preparing a master JPA for use for all projects. The committee discussed a motion by Senator Ryan, seconded by Senator Pinto, expressing support for a Navajo Nation legislative initiative giving chapters local governmental authority to proceed with capital outlay projects. After discussion among committee members, it was agreed that consideration of any such motion should wait until the committee gets an updated report at its October meeting. It was observed that giving chapters local governmental authority is not as easy as it may sound.

Adjournment

The committee meeting was adjourned at 5:00 p.m.