

1 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
2 INDIAN HOUSING BLOCK GRANT FORMULA
3 NEGOTIATED RULEMAKING COMMITTEE
4

5 Tuesday, August 26, 2014

6 8:41 a.m.

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19 DoubleTree Scottsdale

20 Coronado Room

21 5401 North Scottsdale Road

22 Scottsdale, Arizona 85250

- 1 PARTICIPANTS
- 2 ANNETTE BRYAN, Co-Chair
- 3 JASON DOLLARHIDE, Co-Chair
- 4 JASON ADAMS
- 5 EDWARD BEGAY
- 6 RODGER BOYD
- 7 HEATHER CLOUD
- 8 GARY COOPER
- 9 PETE DELGADO
- 10 SAMI JO DIFUNTORUM
- 11 EARL EVANS
- 12 DEIDRE FLOOD
- 13 KARIN LEE FOSTER
- 14 CAROL GORE
- 15 LAFE ALLEN HAUGEN
- 16 RICHARD HILL
- 17 ERIN HILLMAN
- 18 ROBBIE HOBGOOD
- 19 LEON JACOBS
- 20 TERI NUTTER
- 21 SAM OKAKOK
- 22 DIANA PHAIR

- 1 PARTICIPANTS (continued)
- 2 MICHAEL REED
- 3 S. JACK SAWYERS
- 4 MARTY SHURAVLOFF
- 5 SHARON VOGEL
- 6 ANEVA YAZZIE
- 7 JEMINE BRYON
- 8 SUSAN PODZIBA
- 9 CHRISTINE VELEZ
- 10 RODNEY VIGIL
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1 P R O C E E D I N G S

2 MR. VIGIL: Father, as we come into Your presence,
3 we seek your blessing, Lord, on this meeting. Father,
4 help us to have our mind at peace and our soul, Lord.
5 So, Father, I ask that you just touch our families at
6 our homes, Lord, and help them. If they're sick, Lord,
7 just touch them so that we can be at peace here to do
8 this work that You sent us here to do. For those less
9 fortunate back home at our respective reservations,
10 Lord, that we're to provide decent, safe, and sanitary
11 housing for them.

12 Help us to come to a place of understanding that
13 we can do that deed that You've given each one of us.
14 And, Father, we just ask that You bless each that came,
15 Lord. Thank You for bringing them safely, and, Father,
16 that you just bless this week as we go forward. Help
17 us to do the work You sent us to do. And I just thank
18 You and praise You for your wonderful blessing for each
19 one. And thank You that we're here.

20 In Your Name, Massi, in the Name of the Father,
21 and Son, and the Holy Ghost. Amen. In the Name of the
22 Father, Son, and Holy Ghost. Amen. Father, Son, and

1 Holy Ghost. Amen. Thank you.

2 MS. BRYAN: Thank you, Rodney. Next on the agenda
3 we have a welcome from Jemine Bryon.

4 MS. BRYON: Good morning, everyone. I hope
5 everyone had safe travels, and I bring you greetings
6 from our Secretary, Julian Castro, who has made a
7 commitment to visit as many of the tribes as he can.
8 He is very interested in the work that we are doing
9 here, and I am trying to keep him as well informed as
10 possible. But very, very supportive of all that we are
11 trying to achieve in these sessions.

12 This is our last of six sessions for this -- for
13 this year. I'm really excited by the progress that was
14 made. Certainly session number five was very, very
15 productive, and I thank you and, again, commend
16 everyone -- the full committee, working group --
17 everyone who contributed to the effort to date.

18 I look forward to this last session being just as
19 productive and coming to resolution on some issues. We
20 are excited. The HUD team is here engaged and ready to
21 -- ready to lend whatever support and participation as
22 is necessary. We will be back in one year for one last

1 time to go over the recommendations of the study group,
2 mainly for that reason, and hopefully to come to
3 consensus on what the next data source will be that we
4 will use for the needs formula.

5 So again, it's an exciting -- I hope it's a
6 productive year. And, again, HUD will participate and
7 lend any assistance that is necessary to the study
8 group. We are excited and look forward to in less one
9 year hearing what those recommendations are.

10 I think it's important to give the work groups
11 today as much time as possible to bring all issues so
12 that the full committee can complete its work most of
13 tomorrow and Thursday. But again, if we make as much
14 progress as we did the last time, I am very hopeful
15 that we'll conclude this session on a positive note.
16 So thank you all very much. We are ready to go.

17 MS. BRYAN: Thank you. Next, Jason Dollarhide and
18 myself would like to welcome each and every one of you
19 back to the table for negotiated rulemaking as well as
20 HUD staff, and our Tribal Housing Authority support
21 teams, and our public who came to join us today. And I
22 hope for productive working group session as well as

1 productive negotiations further on this week. So we've
2 designed the agenda so that we can hope those things
3 will happen.

4 Next we have hotel logistics and housekeeping
5 items from FirstPic.

6 MS. VELEZ: Good morning, everyone. Welcome to
7 Scottsdale. It's nice to see everyone once again.
8 Sarah is not able to join us today, but she will be
9 here tomorrow. But please rest assured that the full
10 FirstPic team is here to help you with whatever you
11 need.

12 To just go over the map of where our breakout
13 rooms are -- here we go. So as you see, we're in the
14 Grand Ballroom, which is the giant orange room. And
15 all of our breakout rooms this time are down the same
16 hallway, which makes it very easy. If you go out the
17 back doors and turn to the right and then to the right
18 again, all the breakout rooms are on this hallway to
19 our right. There's restrooms downstairs down there as
20 well. And as you go down the stairs, there's one
21 breakout room one floor beneath us.

22 Just a sec. You can see the room assignments

1 there for the caucus rooms and also for FCAS, the Full
2 Needs Work Group will be downstairs in the Southwest
3 Room. And the smaller breakout rooms are for the sub-
4 groups for the needs sessions.

5 And finally, if you need to use Wi-Fi, the user
6 name is "paradiseva," and the password is "double2010."

7 For better connection in each of the breakout rooms,
8 you can find the wireless connection for that room, and
9 then once the login screen appears, you can enter the
10 same username and password. So if you have any
11 questions, please let me know. Thank you.

12 MS. BRYAN: Thank you. At this time we'd like to
13 do a quick roll call to establish our quorum. We can
14 start with Leon.

15 MR. JACOBS: Good morning, Leon Jacobs, Lumbee
16 Tribe, North Carolina.

17 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
18 Tribe.

19 MS. YAZZIE: Aneva Yazzie, Navajo Housing
20 Authority.

21 MR. SAWYERS: Jack Sawyers, Paiute Housing.

22 MR. ADAMS: Good morning. Jason Adams, Salish-

1 Kootenai Housing Authority.

2 MR. SHURAVLOFF: Good morning. Marty Shuravloff,
3 Kodiak Island Housing Authority.

4 MS. NUTTER: Good morning. Teri Nutter, Cooper
5 River Housing Authority.

6 MS. GORE: Good morning. Carol Gore, Cook Inlet
7 Housing from Anchorage, Alaska.

8 MR. REED: Michael Reed, Cocopah Indian Housing
9 and Development.

10 MS. HOBGOOD: Robbie Hobgood, Choctaw Nation of
11 Oklahoma.

12 MS. DIFUNTORUM: Good morning. Sami Joe
13 Difuntorum, Siletz Tribes in Oregon.

14 MR. DOLLARHIDE: Good morning. Jason Dollarhide,
15 Peoria Tribe.

16 MS. BRYAN: Good morning. Annette Bryan, Puyallup
17 Nation Housing Authority.

18 MS. HILLMAN: Erin Hillman, executive director,
19 Karuk Tribe Housing Authority, delegate for Michael
20 Thom.

21 MR. DELGADO: Good morning. Pete Delgado, Tohono
22 Nation.

1 MS. FLOOD: Good morning. Deidre Flood, Washoe
2 Housing Authority.

3 MR. HILL: [NATIVE LANGUAGE SPOKEN.]

4 MS. PHAIR: Diana Phair, the Lummi Nation Housing
5 Authority.

6 MR. OKAKOK: Samuel Okakok, Native Village of
7 Barrow, Barrow, Alaska.

8 MS. VOGEL: Good morning. Sharon Vogel, Cheyenne
9 River Housing Authority.

10 MS. BRYON: Good morning. Jemine Bryon,
11 Department of Housing and Urban Development.

12 MR. BOYD: Good morning. Rodger Boyd with ONAP.

13 MR. COOPER: Good morning. Gary Cooper, Cherokee
14 Nation.

15 MS. FOSTER: Good morning. Karin Foster, Yakama
16 Nation Housing Authority.

17 MR. HAUGEN: Good morning. Lafe Haugen, Northern
18 Cheyenne Housing Authority in Montana.

19 MS. BRYAN: Thank you. And we do have word that
20 Heather Cloud will be joining us as soon as her flight
21 arrives. So we do have a quorum, so let's get to work.

22 Right now we're going to do committee review and

1 approval of the proposed agenda. So as I had discussed
2 earlier, we have set the first two days for work
3 groups, so we'll open up in this format in the morning
4 and check in with our work groups, and then break into
5 work groups, coming back here at 5:00 p.m. to close the
6 meeting with public comment and prayer. And you do see
7 on the agenda we are working into the evenings if
8 needed. We will have our -- they're set up until 8:15
9 in the evening. So that's one day one.

10 Day two is the same setup, and then on day three e
11 will, of course, be flexible, but we've set it up so
12 that we have full committee work groups as determined
13 by day two into the afternoon and then, you know, or
14 actually opening if we're ready on day three to go into
15 full committee.

16 So that's how it's established now, and we'll move
17 for approval or any suggestions for changes.

18 (No response.)

19 MS. BRYAN: Do we have consensus on the agenda?
20 Please indicate with a thumbs up or down.

21 (Show of approval.)

22 MS. BRYAN: Okay. I believe I'm seeing approval

1 for the agenda. We have reached consensus early on.
2 Thank you. Now, next on our agenda is approval and
3 review of the minutes from our July session from the
4 29th to the 31st of 2014.

5 MS. DIFUNTORUM: Okay. So I was looking at the
6 transcripts, and I have some changes to that. I know
7 we're not approving the transcript, but how would --
8 who would I talk to to make corrections to that?

9 MS. BRYAN: I'm going to ask FirstPic. Who would
10 we talk to about making changes or corrections to the
11 transcript?

12 MS. VELEZ: You can talk to me.

13 MS. BRYAN: Talk to Christie. Okay, thank you.
14 We'll just take a minute to look at what's in front of
15 you, and then hopefully we've read these.

16 (Pause.)

17 MS. BRYAN: Are we ready to vote on the minutes?

18 (No response.)

19 MS. BRYAN: All right. Do we have consensus for
20 the approval of the minutes for July 29th through the
21 31st of 2014? Please indicate with a thumbs up.

22 (Show of approval.)

1 MS. BRYAN: Okay. We have an abstention. How
2 does that work for consensus? Thank you. The minutes
3 are approved.

4 Next on the agenda we have FCAS and Needs Work
5 Group Review with Jason Adams and Gary Cooper. So
6 we'll start with the FCAS, please.

7 MR. ADAMS: Thank you, Co-Chairs. Jason Adams,
8 Salish-Kootenai Housing Authority. This is, in a way,
9 a review for the FCAS Work Group. The information -- I
10 feel like this has just become repetitive to the work
11 group or to the committee, so I'll be as brief as I can
12 be.

13 We have a document that has our 10 items that
14 we've been working on. It's available on the website.

15 And we have five of those items that we are working on
16 language on that we will be bringing back to the table
17 here as soon as we can get through those items in the
18 next couple of days. So that's really where we're at.

19 If you're interested or want more detail, please come
20 join in the FCAS Work Group. But we will be getting
21 here shortly this morning.

22 And I do want to say on another note that I'm

1 privileged this morning to sit next to the guest of the
2 day, Jack Sawyers. And he -- they should've made him
3 guest of the day on Thursday because Thursday is Jack's
4 birthday. So just to let you all know that. Thank
5 you.

6 MS. BRYAN: Thank you, and welcome, distinguished
7 guest.

8 (Laughter.)

9 MS. BRYAN: Next, we have Gary Cooper for the
10 Needs Work Group.

11 MR. COOPER: Okay. And this morning before we go
12 into a full work group, we'll allow our three
13 subgroups, which is Overlapping Formula Areas, Minimum
14 Funding, and Data Challenges, to meet for about 30
15 minutes to give them time to come back and regroup from
16 our last session. And I think all of them have items
17 that either they are finished up on or just need to put
18 the finishing touches on to bring to the full work
19 group. And then we can see where we're at from there,
20 and then see if we can't find some more issues to
21 tackle.

22 But whenever we break into full work groups, those

1 three subgroups, 30 minutes, and then we'll come back
2 as a full work group to see where we're at. And I
3 believe that they have assigned breakout rooms for each
4 of the subgroups. So just to kind of give you all an
5 update there.

6 We would invite anyone who wants to participate in
7 any of those groups to either join them in the sub-work
8 groups or come back to our full work group. Again,
9 those three sub-work groups are Overlapping Formula
10 Areas, Minimum Funding, and Data Challenges. And you
11 can see that each of those are assigned a room, so
12 we'll give them about 30 minutes to re-collect from
13 their last session, and then come back to the full work
14 group and start our day. Thank you.

15 MS. BRYAN: Thank you. I also wanted to just add
16 that the HUD staff has heard us asking questions
17 repeatedly about, well, how does this impact that in
18 terms of the formulas and the way that they're run for
19 each tribe. So Ben at HUD has produced or has the
20 ability to produce a one-pager. They just happen to be
21 plugging in ACS because it's what they have right now.

22 But if you really want to see the inner workings of

1 one factor change impacts your factors directly, or if
2 the Needs Work Group want to entertain this and talk
3 more about it in your work group, I did want to let you
4 know that there is an opportunity for you to create a
5 one-pager for your tribe and to see really how each and
6 every factor tweaked by the introduction of a new data
7 set, whatever that data set may be.

8 So I'm not sure if HUD has more of an explanation
9 for this one-pager, but I was grateful to hear about it
10 just this morning, and to hear that HUD is listening to
11 our concerns. And when we're asking, well, how does
12 this impact that, and, how does the introduction of a
13 new data set really impact myself or a data run, that
14 Ben will be able to -- if you want to sit down with
15 him, he can show that to you. So I just wanted to make
16 that announcement.

17 Any questions or announcements for the good of the
18 order before we break?

19 (No response.)

20 MS. BRYAN: So I think we have some good energy in
21 the room. I think people have come with really good
22 intentions, and I want you to take those good

1 intentions and that good energy into your work groups,
2 and let's see what we can come up with. So we're
3 dismissed. We'll meet you back here at 5:00 p.m.
4 Thank you.

5 (Recessed at 9:00 a.m.)

6 (Reconvened at 5:09 p.m.)

7 MS. BRYAN: All right. If we can all get seated,
8 we'll get started back up again. 5:09 p.m., session
9 six, Formula Negotiated Rulemaking. Welcome back, work
10 group committee members -- work group members, and
11 committee members.

12 We have an announcement that tonight in the
13 Rattler's Room -- Radcliffe Room, which is around the
14 corner and it has snakes on the doors -- really cool.
15 At 5:30, there's going to be a thank you reception from
16 the Haliwa-Saponi Indian Tribe and the DDC Construction
17 Services out of Navajo to thank us for just being
18 partners with them. And so, we'll go to that reception
19 tonight. You're all invited. It starts at 5:30 or
20 whenever we wrap up here.

21 Okay. At this time, we would like to do reports
22 from the work groups to the committee. And can we

1 please start with Gary Cooper just to switch things up
2 from the Needs Work Group?

3 MR. COOPER: Thank you, Madam Chair. Needs Work
4 Group, of course, as you heard this morning in our
5 formal announcement, we had three subgroups that had
6 been working beginning last month at session five. So
7 we gave those three subgroups a chance to get back
8 together.

9 Those subgroups were Overlapping Formula Areas,
10 and we do have two proposals coming out of that group
11 that, I believe, we can bring to the full committee. I
12 believe we also have copies, if anyone would like
13 those. Those are just some minor changes.

14 The first is to add a new paragraph C, and then
15 re-letter subsequent paragraphs of 326. And it's just
16 to add a paragraph relating to formula area. And then
17 other item is, I believe, adding a paragraph in 336,
18 paragraph E. And those are both related to the same --
19 the same item. So that is something we do have to
20 bring forward out of our work group, those two items.

21 Our Data Challenges Subgroup looked at several
22 different issues, but did not have any recommendations,

1 or any changes that needed to be made, or anything to
2 bring back to the full work group as far as amendments
3 or changes go.

4 Our other one, Minimum Funding, is working on
5 finalizing a couple of items. It is possible that
6 maybe tomorrow we can agree on that concept and draft
7 some language behind that. And then it's possible that
8 there may be one more item that comes forward out of
9 the Overlapping Formula Areas part.

10 We did discuss those items today, came back in and
11 looked at a number of factors all related to variables.

12 And that is where we plan on starting the day at
13 tomorrow, starting discussion and seeing if we can get
14 anything done and advanced on those items. Those are
15 items taken off of our original list. They're all kind
16 of related to variables. They are weighting factors,
17 selection of variables, extent to poverty and economic
18 distress, overcrowding issues, families versus
19 household, and housing shortage. That seems to be
20 where we will pick up the day and the discussion
21 tomorrow in our work group.

22 But we do have, like I said, those two items to

1 bring forward from our work group, and we do have those
2 two items to bring forward. And it's possible that
3 tomorrow we may have two more items to bring forward.
4 So that is where we're at. I'll leave it up to the
5 wishes of the committee as far as when we take up those
6 issues. We can take them up later. But just to let
7 everyone know that we do have those two items ready to
8 bring forward. I believe we have copies of those for
9 anyone who would like them. Thank you, ma'am.

10 MS. BRYAN: Thank you, Gary. Is there a
11 possibility we can get a brief update from the Study
12 Group? I understand there was a call in between last
13 time and this time.

14 MR. COOPER: Yes, ma'am, absolutely. And I would
15 be happy to do that. We did have a call just because
16 that's what you all asked us to do to formulate a plan.
17 We did formulate a plan. I don't have that list in
18 front of me right now, but we are working to get
19 possibly an item set up on here to post the agenda so
20 folks can refer back to it or look at it whenever they
21 need to. We discussed four items, and there's four
22 items that we will, whenever we can meet this time, we

1 will discuss.

2 Our plan is to find somewhere, even if we have to
3 meet outside in the parking lot -- no. Find somewhere
4 to meet at 7:00 on Thursday night if not before. It is
5 possible that if the work groups don't need to meet
6 tomorrow evening, and hopefully maybe tomorrow we will
7 find out whether or not that is needed, and maybe we
8 can call for a meeting of the Study Group then.

9 We do have four items that we want to discuss, the
10 first being compiling -- of course we know a list of
11 data sets. So the first would be compiling that list
12 of data sets. The second would be developing a way to
13 evaluate data sets and developing a matrix for that, I
14 think, is number three. And then I think the last
15 item, and don't hold me to it, but I believe that the
16 last item is related to drafting a public notice to
17 call for any data sets that we don't know about.

18 So that is kind of where we're at. We do have a
19 plan in place. Basically we want to -- we've asked the
20 study group members to come prepared -- to have
21 reviewed some items and come prepared for discussion
22 and see what we can -- what we can do and where we can

1 to bring, you know, a list of any items that they would
2 like to see discussed -- you know, data sources that
3 they know that are out there that they would discuss so
4 we can start looking at those.

5 And then while we're looking at those, also call
6 for any that maybe we do not know about it, and try to
7 get this done in -- we have roughly 11 months left. So
8 we are on track to get that done. So that's where
9 we're at.

10 MS. BRYAN: Good. Thank you. Sami Jo?

11 MS. DIFUNTORUM: Thank you, Gary. I just had a
12 quick question, if you guys are able to get out meeting
13 notices and information well enough, or is that
14 something you need assistance with, if that's all
15 working okay?

16 MR. COOPER: We're working on that right now. I
17 think that maybe possibly we're -- we may be able to
18 get that done. We're going to have to see. You know,
19 of course with -- I don't want to speak on behalf of
20 HUD, but that was kind of my concern originally was,
21 you know, I knew that, you know, FirstPic's -- I think
22 we all know, you know, FirstPic's contract will be

1 ending or, you know, their funding will be ending, I
2 guess, for what they're doing, you know, probably at
3 the end of this Fiscal Year. So going anywhere beyond
4 that, we don't know what we'll be able to do. Bu I
5 think, you know, possibly HUD might be able to assist
6 us with doing a few different things.

7 So I've kind of been trying to work with them to
8 see without throwing too much on them. But I think it
9 is. It's just real simple -- simple things as, you
10 know, do we have someplace that we can post notices and
11 post the information for the public. And, of course,
12 it makes the most sense that perhaps the website that
13 we already use with everything else on it would be the
14 place to do that with just setting up a subtem, and
15 just small things like that.

16 So it's nothing big, nothing major. I think it's
17 something we can work through. And hopefully we can
18 get through that.

19 MS. BRYAN: Thank you. Any other questions for
20 Gary, Needs Work Group -- Study?

21 (No response.)

22 MS. BRYAN: Okay. We'll go on to Jason Adams for

1 an update for FCAS.

2 MR. ADAMS: Thank you. Good afternoon, everyone.

3 Jason Adams, Salish-Kootenai Housing Authority. In
4 regards to the FCAS Work Group, we had a lot of work
5 done today, good work. And I want to personally thank
6 all those folks that did a lot of work between meetings
7 here from the last meeting to this meeting. There was
8 a lot of email traffic and work done by sub-work groups
9 of our group to bring us to where we are today. And
10 so, we've got a lot of things moving towards closure,
11 and so that's where we're at.

12 We started off our morning with a couple of items
13 that we were real close on that we wanted to get some
14 success on. Item number one on our list was the first
15 item that we talked about because this -- the first
16 time it came before the committee was at the end of the
17 last session. And it's the item of the demolition and
18 rebuilding language. And so I think we have 28 minutes
19 left on the clock for that item.

20 We know that there was not unanimous consent on
21 that issue was we ended last meeting, and so we
22 addressed some of those issues, and we will be bringing

1 back revised language for that. Our group has yet to
2 -- we're still drafting that language, and then we'll
3 take a look at it again tomorrow. So we're real close
4 on that issue.

5 And the other issue that we went to is number six
6 on our list is unexpended funds. And I guess on our
7 list we call it grantee expenditures. And we wanted to
8 -- we had a lot of work done, again, between meetings
9 on this issue, and so we were able to just pick right
10 up with that work that was done, and take a look at the
11 language that was proposed.

12 There's new sections in three different
13 regulations existing. That's going to be changed --
14 well, two existing and one new. We have a technical
15 correction that was brought up under Section 310.
16 There's going to be a change -- just a word change
17 there, a correction. Existing language 336 is going to
18 have some new sections to it, and a new Section 342,
19 which is going to be all new regulation. And so, we're
20 -- I think we have -- the 310 language we have
21 consensus on. 336 we are close, and 342, we are very
22 close. We do have one section that we are going to

1 bring forth from 342 that will have dissent coming out
2 of the work group. And so, we'll have that for you
3 tomorrow hopefully.

4 From that, then we went back to our list, and we
5 went back to item number two, which is the local area
6 cost adjustment factors, and as we had asked for
7 previously, you know, the study, I have it in my
8 backpack. But the study was, you know, 136 pages long
9 or something. And so, we've been asking for kind of a
10 synopsis or a presentation on that study, and we were
11 able to have that done this morning. And this
12 afternoon, Jennifer Ballou was able to do a great job
13 in summarizing essentially what that cost study said.

14 There's one major recommendation. There were
15 several recommendations, but one major recommendation
16 came out of that study was to add a new local area cost
17 adjustment factor, which is the 515 Program under USDA.

18 And so, what the problem is that we have TA
19 requests in to basically run a new run -- data run on
20 this using that factor. And as I stated last meeting,
21 we don't have that information yet from USDA, so we're
22 still waiting for that. Once they get the information

1 from USDA, then they've got to reconstruct the formula
2 run for that. So there's a lot of work behind that,
3 and we recognize that's going to probably happen
4 sometime this fall.

5 What our work group plans to do is bring to you
6 draft proposed language under 320 that would include
7 this based on that recommendation with the caveat that
8 we would not probably seek full committee
9 implementation on approval of this without that data
10 run. And so, I want to throw back to the committee and
11 to the co-chairs that we know that the last meeting
12 that's going to happen next August was supposedly
13 supposed to just be for the Study Group. We would
14 potentially have this one item if the committee agrees
15 to it, to allow us to make a final decision on that
16 proposed language. You'll see the proposed language,
17 but we wouldn't ask for committee approval on that
18 until we see the data run that comes out of it.

19 So it's kind of a hold harmless provision on those
20 items of annual expense level and fair market rent.
21 It's adding one more, and so there's going to be some
22 adjustments for everybody's grant. And we know how

1 that affects everybody, but we'll be hoping that'll
2 happen. And again, the language should be ready
3 tomorrow for that item.

4 The last item we discussed today was -- item
5 number three on our list was mutual help conveyance.
6 And we have new language under Section 318 that we are
7 taking a look at. And we are real close on that
8 language also. We should be able to finish our
9 discussion. I'm being optimistic hoping we'll finish
10 our discussion tomorrow. We have a lot of good
11 discussion going on on this issue. It's -- you know,
12 there's things that are playing into the discussion,
13 our ongoing litigation and some of those things.

14 So we acknowledge that, and we want to move past
15 that. But I think we're close. Again, being
16 optimistic, I think we're close on that item. A lot of
17 good work has gone on on that item between the last
18 meeting and this meeting.

19 And we have two other items on our list, items
20 number seven and number nine. And we haven't at the
21 work group level been able to discuss those items
22 today. But neither one of those items we don't have

1 any new language or changes to existing language being
2 proposed as of yet. So I'm not sure we'll have too
3 much work on those items, but I may be wrong. But I'm
4 hoping that and I'm assuming that tomorrow morning when
5 we come back to the table here for after the prayer
6 time is that will decide how tomorrow goes because the
7 agenda currently says that we're going to be in full
8 committee in the morning. We are not ready for that
9 yet.

10 We had a tradeoff in our work group that we
11 wouldn't work tonight, but we would work hard tomorrow.
12 And if we don't get our work done tomorrow, we will
13 work tomorrow night is kind of the tradeoff for our
14 work group. It was going to be me and one other person
15 possibly tonight. It wouldn't have been a bad thing.
16 We'd have got some work done.

17 So with that, that's the report out from FCAS Work
18 Group. Thank you.

19 MS. BRYAN: Thank you, Jason. And if you meet in
20 the pool, you'd probably get a bigger turnout this
21 evening. So that leads me to -- we'll talk about the
22 agenda before we close, but be thinking about the

1 question I'm going to propose, and that is how we want
2 tomorrow to look before we close this evening.

3 We do have order of business here on the agenda.
4 That is the public comment period. So I would like to
5 open up this part of the agenda for public comments.
6 There will be a microphone at end in the back of the
7 room, and we invite the public, those of you
8 participating in the meetings, if you'd like to come up
9 and speak into the public record at this time.

10 (No response.)

11 MS. BRYAN: And so, I thank you for providing us
12 this opportunity to have public comment. And we will
13 have this at the end of each day, so please know that
14 if you're not ready for your public comments, it will
15 be open for you again tomorrow and the following day as
16 well.

17 So with that, we do have the agenda in front of us
18 that says we'll open into full committee in the
19 morning. So I'm going to ask the group how you want to
20 spend your time, and then how long you will need if
21 it's a work group or caucus. Jack?

22 MR. SAWYERS: I'd like to call for a caucus with

1 our -- in our regions in the morning. I don't think it
2 would take more than a half hour, but I think there's
3 some questions in the Needs Committee that they wanted
4 to talk about. So can we schedule that?

5 MS. BRYAN: Yes. Regional caucuses in the
6 morning? How does the group feel about that?
7 Something we might be needing? Okay. So that could be
8 our -- is anybody wanting to jump into full committee
9 in the morning? I'm hearing from both groups that
10 we're not ready, so we're not ready for that. So we'll
11 go into regional caucus from 9:00 to 9:30 or whatever
12 that 30-minute mark is, and then go into work groups.

13 And what's our anticipated work group time? Do
14 you think we could have things ready to come back for
15 by what time? What do the work groups need, or do you
16 know at this time?

17 MR. ADAMS: I laugh because I was telling some
18 folks before when I got back from lunch I thought maybe
19 we could have everything done by noon tomorrow. And
20 then we took one item and spent four hours on it, so I
21 don't know. I'm hoping -- again, we left the table
22 thinking that we can have our work group work done

1 tomorrow. Whether that means just during the day or
2 including tomorrow evening, we would have our work
3 group work done tomorrow. Who knows, it might happen
4 before lunch, but I don't know.

5 MR. COOPER: And our work group does have -- I
6 think we passed out the two items that came out of our
7 work group. You know, we have two more items that
8 potentially could come forward, and we just really
9 began discussion on another item.

10 So I would pretty much say that I will leave it up
11 to this committee to tell us when we need to be back
12 here from our work group because I think that we can
13 probably have some pretty lengthy debate and discussion
14 for most of the day.

15 MS. BRYAN: Thank you, Gary. And I just want to
16 remind all of us that we have two more days of what
17 looks -- appears to be eight- or nine-hour days. So
18 I'm going to encourage us to push for being back early
19 afternoon to get some things done. I just really think
20 some things are ready, and we have the opportunity at
21 two hours, which is the maximum per item. We're going
22 to have to schedule our time pretty wisely. Rodger?

1 MR. BOYD: Thank you. I was just actually going
2 to say the same thing. We might do a quick tally as
3 to, you know, how many different issues or items that
4 we are going to negotiate with the remainder of the
5 time, times two, which will, I think, give us a clear
6 sense of the work that's before us. And I know that
7 both groups are working diligently and very hard, but I
8 think it's always mindful to keep an idea of how much
9 time we have to negotiate.

10 MS. BRYAN: Thank you. Carol?

11 MS. GORE: I have a suggestion. Thank you. Maybe
12 we could ask someone from FirstPic to check in with the
13 chairs of the two work groups, check in just prior to
14 lunch. And if they're not ready, check in again just
15 before the 3:15 break. It would be pretty easy to call
16 us back into session if we have someone that's just
17 monitoring with the two work group chairs. That's just
18 a suggestion.

19 MS. BRYAN: Thank you. Yes, Jemine?

20 MS. BRYON: I just think one of the other things
21 we need to think about is if Thursday is left for most
22 of the items to come before the full committee, will we

1 have a quorum? Will everybody be here, or will we have
2 -- so I just --

3 MR. DOLLARHIDE: Our quorum was established this
4 morning. So as long as we've got somebody sitting at
5 this table to vote, as Jason said, we get a lot of work
6 done.

7 MS. BRYAN: So I think people will be here.
8 They'll want to be here for those decisions.

9 MS. BRYON: Cancel those flights.

10 MS. BRYAN: We have the beauty of establishing a
11 quorum, and then that's it. Be here.

12 So that's a good suggestion that -- if FirstPic is
13 willing. And Jason and I will get together with Susan
14 as well to look at the issues that have been discussed
15 in the amount of time and maybe work backwards to see
16 what we need to do. Jason?

17 MR. ADAMS: To answer Rodger's comment in regards
18 to kind of where we're at, we have -- from our work
19 group, we have three items that will have language that
20 will have the two-hour -- potentially two-hour limit on
21 them. And then we have one item that has 29 minutes
22 left on the clock. I believe that's what it was. And

1 so that's where we're at as of right now.

2 Two other items we haven't discussed, and I don't
3 know if we'll have anything from those two items. We
4 don't have any current thoughts on regulatory language
5 existing or new for those two items. So I don't think
6 they will have, in my opinion.

7 MS. BRYAN: That's helpful information. Thank
8 you. Gary, you said two items and potentially one
9 other? Did I get that right?

10 MR. COOPER: Two items, potentially two other
11 items, you know. Based on our discussion, I'm pretty
12 confident that, you know -- two items passed this
13 morning out of committee. Those are the two items in
14 front of you without really -- I mean, with consensus.
15 There was no minority possession on those.

16 One item they're still working through, but it's
17 potential that we could have -- I mean, as of right
18 now, I would say it's potential we could have four
19 items. So with, you know, with the two-hour time
20 limit, that pushes us to eight hours. I don't foresee
21 it taking that long, but at the same time, that's where
22 we're at.

1 MS. BRYAN: So again, I would encourage us to be
2 mindful of that in our work groups. And we really
3 working backwards need to be in full committee tomorrow
4 morning, but I'm hearing we're not ready for that. You
5 do have the evening this evening. You have -- you
6 know, so people are willing to work tomorrow evening.
7 But this is it, folks. This is the time that we have.

8 So we'll check back in tomorrow morning, and then go
9 from there. Jack?

10 MR. SAWYERS: In our caucuses tomorrow, we'd like
11 to -- at least I would like to see us look at the
12 waiting items for needs, and then get any suggestions
13 we can from each region so that we can -- we can work
14 through that because that seems to be one of the major
15 items that we need to explore. And so, there's
16 probably other items also, but that's certainly one of
17 them.

18 MS. BRYAN: Thank you. Any other questions,
19 comments for the good of the order?

20 (No response.)

21 MS. BRYAN: So next on our agenda to close us out,
22 we have Edward Begay from Navajo for the closing

1 prayer. We'll see you here in the morning at 8:30.

2 Thank you.

3 MR. BEGAY: In Navajo, they say that if the first
4 time doesn't work, you've got three more -- four tries.

5 Good evening, everyone.

6 PARTICIPANTS: Good evening.

7 MR. BEGAY: The presiding co-chairs, distinguished
8 members of the Rulemaking Committee, HUD, and tribes
9 throughout Navajo country and Indian country across
10 these United States, and also for the HUD officials,
11 and other officials that are assembled here.

12 Before you in the agenda you have an outline of --
13 as I glance over, there's seven tough items with the
14 subgroup of four under seven. With the diverse
15 practical experience, not only in doing so, but also
16 with age of all levels are addressing these items. And
17 I sat in a session where everybody take part, and
18 ironed out some things that need to be clarified that
19 has been on the books for some time, but has been
20 silent in clarifying the practical situation in HUD
21 funding to Housing Authority's programs.

22 In Navajo, tradition, they have what they call a

1 prayer bundle, and in there is usually an outline of,
2 you might say, agenda for each family. I think it's in
3 that nature I describe a little bit about the seven
4 items that I alluded to. In a way, it looks like from
5 time to time through prayer bundle, they open that
6 bundle and review what was blessed in that bundle.
7 That's what you are all doing the way I understand the
8 process that you have undertaken.

9 It takes courage, and it takes love, and it takes
10 initiative with vision. That's what I understood. So
11 it's always nice to talk about some things that you
12 differ on to get it on the table, as they say, which I,
13 for one, am appreciative of that. I'd just like to --
14 since I've got the floor, I took the privilege of
15 public comment.

16 (Laughter.)

17 MR. BEGAY: With that, shall we all look to our
18 Maker, and Creator, and our Savior? I will start my
19 prayer in Navajo.

20 [NATIVE LANGUAGE SPOKEN.]

21 MR. BEGAY: Merciful and kind Heavenly Father, You
22 watch over us moment by moment. You give us abundant

1 life in which we have an opportunity to be part of an
2 ongoing program under the United States Department of
3 Housing and Urban Development. Congress appropriates
4 money, and they are also appropriated further down to
5 each tribe for the needs that have been so long
6 outstanding and still lots to come.

7 In it, Lord, You provide us guidance through the
8 statute, through the guidelines. Oftentimes some of
9 the rules have been in place for some time, but now is
10 the time to open that up and review by this committee
11 -- Rulemaking Committee. Guide us, Lord, with Your
12 wisdom, with Your Spirit, to give us kindness, and
13 forthright and with vision. We did our work today. We
14 pray for Your rest tonight because we've still got work
15 to do.

16 Forgive us for our shortcomings, and bless us. In
17 Jesus' Name. Amen.

18 MS. BRYAN: Thank you. We hope to see you all in
19 the Radcliffe Room.

20 (Whereupon, at 5:45 p.m., the meeting was
21 adjourned.)

22