



Speaker's Report

2018 Spring Council Session

Honorable LoRenzo Bates

23rd Navajo Nation Council

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23rd Navajo Nation Council
Spring Council Session
April 2018



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Message from Speaker LoRenzo Bates

Yá'át'ééh and welcome my colleagues of the 23rd Navajo Nation Council, President Russell Begaye, Vice President Jonathan Nez, chapter officials, federal, state, and county officials, legislative staff, and most importantly our Diné Citizens. Thank you for joining us as we welcome you to the 2018 Spring Council Session.

As the 23rd Navajo Nation Council enters the final months of our current term in office, I again thank all of the individuals and entities that continue to support my colleagues as we move forward with initiatives and priorities.

This year, we recognize the 150th anniversary of the Treaty of 1868 between our Navajo people and the federal government – this is not a time of celebration, but it is a time to remember our past leaders and to recognize and appreciate the many sacrifices that our people made to ensure the livelihood and prosperity of Diné, the People. Through the songs and prayers of those who suffered on the Long Walk, we are still here, prospering, and creating a path for our people for generations to come.

With that notion in mind, the 23rd Navajo Nation Council has worked to make our communities stronger by investing more dollars in infrastructure, economic development, agricultural, and community development projects than any other time in our Nation's history.

Recently, legislation was introduced requesting \$100 million for power lines and chapter projects in each of the 24 districts across the Navajo Nation. This is an initiative of the Council that stems from the needs of our constituents, chapters, and others that have continuously voiced their concerns to our leaders. This is an opportunity to build our Nation's infrastructure, create jobs and revenue, and to continue on the path of developing stronger communities for our future.

As Speaker of the Navajo Nation Council, it is my honor to serve alongside my colleagues and to offer my guidance and support. I thank each of my Council colleagues for their hard work in bringing forth legislations that contribute to the improvement of our communities for our youth, elderly, veterans, and many others. On behalf of the 23rd Navajo Nation Council, I again thank our Diné Citizens and many others for your contributions and continued support.

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LoRenzo Bates, *Speaker*
23rd Navajo Nation Council



"Naaltsoos Saní" – 150th Year Anniversary of The Treaty of 1868

In February, the Navajo Nation's three branch chiefs came together to sign a proclamation to recognize the 150th year anniversary of the signing of the Naaltsoos Saní – The Navajo Treaty of 1868. The "Year of the Naaltsoos Saní" recognizes, honors, and reflects on the strength, growth, healing, and resilience of the Navajo people in the past, present, and future.

In 1864, the Navajo people were forcefully removed from their homelands and moved 300 miles east to Bosque Redondo, N.M, which is known as Hwéeldi. The Treaty allowed the Navajo people to return to their homelands and established a governmental relationship between the Navajo people and the U.S. government.



PHOTO: (left to right) President Russell Begaye, Vice President Jonathan Nez, Council Delegate Steven Begay, Council Delegate Tuchoney Slim, Jr., Council Delegate Davis Filfred, and Council Delegate Kee Allen Begay, Jr., during the installation celebration of The Treaty of 1868 at the National Museum of the American Indian in Washington, D.C. on Feb. 20, 2018.

Members of the 23rd Navajo Nation Council, in February, also attended the Smithsonian's National Museum of the American Indian's unveiling of the original Treaty of 1868 at the "Nation to Nation" exhibit, which explores the diplomacy, promises, and betrayals involved in the 200 years of treaties and treaty making between the U.S. government and Native American peoples.

Upon the completion of the Naaltsoos Saní's exhibit/display at the Smithsonian's National Museum of the American Indian, the original Treaty will be exhibited/displayed at the Navajo Nation Museum for 30 days beginning in June, which was achieved through an agreement between the Navajo Nation and the Smithsonian's National Museum.

To assist in bringing the original Naaltsoos Saní back to the Navajo Nation, the Navajo Nation Council voted in support of Legislation No. 0027-18 sponsored by Honorable Alton Joe Shepherd, approving supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$350,000 to allow the Navajo Nation Museum to exhibit/display the original Navajo Treaty of 1868 for the public to view and to acknowledge the 150th Anniversary of the signing.

During the month of June, the Legislative Branch will also host Diné cultural nights every Wednesday evening and daily tours of the Council Chamber in coordination with the exhibit of the treaty. On behalf of the 23rd Navajo Nation Council, we extend an invitation to our visitors and Navajo people, families, and communities to join us. The 150th Anniversary of the signing of the Naaltsoos Saní will highlight and recognize the Navajo Nation's journey of strength, growth, healing, and resiliency.

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Permanent Trust Fund Income Five-Year Expenditure Plan Projects

The Budget and Finance Committee has remained very diligent in requesting continuous updates on the progress of projects that were funded by the Navajo Nation Council in 2016, through the \$150 million Permanent Trust Fund Income Five-Year Expenditure Plan. If you recall, the five-year plan funded economic development projects, agricultural development projects, and water infrastructure development.

Honorable Seth Damon has requested periodic updates from the various entities that received funding to ensure that the projects are making progress and to offer assistance when needed.

In June, a grand opening is tentatively scheduled for the new shopping center located near Burnside, Arizona, which will include a grocery store, laundromat, hardware store, and food retail stores. These are much needed services and goods that were funded through the Permanent Trust Fund Income Five-Year Expenditure Plan.

Recently, the committee also commended the progress of two projects that are expected to begin construction within the Crownpoint community. The expenditure plan provided approximately \$6.9 million for economic development projects in the Eastern Navajo Agency, which included \$3.75 million for a hotel and conference center, and \$3.1 million for a convenience store, gas station, and laundromat.

CSB Enterprizes, LLC, a partially Navajo-owned company, which is overseeing the construction of a 50-room hotel and conference center reported that the project is nearly construction ready and that the group intends to break ground in June, if they are able to secure the approval of permits for water and sewer lines from NTUA and the BIA.

Navajo-owned Thompson's Acquisitions, LLC, has completed preliminary requirements including the land withdrawal, land clearances, and business site lease for the convenience store, gas station, and laundromat development in Crownpoint. The owners said they are hopeful that the project will break ground in August of this year with a grand opening in August 2019.

I am thankful to the Budget and Finance Committee members for offering their assistance in meeting with NTUA and the New Mexico Department of Transportation to help resolve the delay in permit approvals and road access in order to move the two projects forward immediately.

The Permanent Trust Fund Income Five-Year Expenditure Plan provided funds for many other projects and we hope to continue seeing progress and completion of these initiatives in the coming months. Once again, I thank Honorable Damon and the Budget and Finance Committee members for their work in overseeing the progress of these projects and for offering their assistance to our Navajo business owners.



PHOTO: The new Ganado shopping center located near Burnside, Arizona, which was funded through the Council's \$150 million Permanent Trust Fund Income Five-Year Expenditure Plan. The new shopping center is tentatively scheduled to open in June 2018.

Omnibus Spending Bill / Navajo Nation Budget

On March 23, President Trump signed the \$1.3 trillion omnibus-spending bill passed by Congress to fund the federal government until the end of September. The bill provides \$5.5 billion for Indian Health Service – a 10-percent increase, and over \$3 billion for the Bureau of Indian Affairs and the Bureau of Indian Education, which represents a seven-percent increase from the previous budget.

I extend my appreciation to my Navajo Nation Council colleagues for their advocacy and lobbying efforts at the federal level, which were very instrumental in convincing congressional and senate members to vote in support of the funding increases. On numerous occasions, Council has lobbied, advocated, and testified in support of funding for various initiatives and issues including many that were funded in the spending bill.

The bill also includes over \$15 million for the Office of Navajo and Hopi Indian Relocation, which was established to oversee the relocation of Navajo people who were affected by the Navajo-Hopi land dispute settlement, operating under Public Law 93-531. As Speaker of the Council, I support ONHIR's efforts to continue helping Navajo people, especially after the office was recently placed in jeopardy.

In addition, the spending bill provides an approximate \$1.3 million increase for operations and maintenance costs for the Navajo Indian Irrigation Project specifically for the Gallegos Pumping Plant, which does not currently operate at its full capacity due to federal funding shortages over the years. The NIIP is operated and maintained through the Public Law 93-638 federal contract between the Bureau of Indian Affairs and Navajo Agricultural Products Industry.

In April 2017, the Council created the Navajo Indian Irrigation Project Negotiation Subcommittee to advocate for the completion of the federally created project and for increased operations and maintenance funds from the federal government. The group has met with congressional members on several occasions and has presented the NIIP needs to the Western Caucus Foundation on two recent occasions. The caucus membership includes House and Senate members from both political parties that represent states in the western portion of the country.

In regards to the Navajo Housing Authority, the budget bill states that \$655,000,000 would remain available until September 2022. The funding through the Native American Housing and Assistance and Self Determination Act of 1996 is distributed to tribes for housing needs based on several factors including census data. NHA has risked losing millions of dollars recently due to several concerns including the lack of homes being built. The Council has taken several measures over the years to ensure more accountability and efficiency among NHA officials.

Aside from the increases included in the omnibus spending bill, the Navajo Nation must continue to closely monitor our Nation's revenue projections for the current fiscal year as well as FY2019. As noted by the Controller on several occasions, the price and status of coal, oil, and gas continue to fluctuate each day, which changes our revenue projections often.

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On March 29, the Controller issued a memo indicating that the gross recurring revenue for FY2019 is estimated to be approximately \$200 million, less \$51 million in set-asides, for a net general fund projection of approximately \$150 million. This preliminary projection demonstrates a possible budget shortfall that will require great diligence and prudence in the allocation and consideration of funds.

Moving forward this Council will continue to closely monitor spending and revenue projections to ensure that the Nation is able to meet our funding needs in the years to come.

Ashlynnne Mike AMBER Alert in Indian Country Act



PHOTO: Leadership commemorated the passage of the Ashlynnne Mike AMBER Alert in Indian Country Act during a press conference held at the Arizona State Capitol hosted by U.S. Rep. Andy Biggs on March 28, 2018 in Phoenix, Ariz.

On March 28, I had the honor of joining my Council colleagues and Congressman Andy Biggs (R – AZ) during a press conference at the Arizona State Capitol, to commemorate the passage of the Ashlynnne Mike AMBER Alert in Indian Country Act by Congress.

If signed into law by President Trump, the bill will amend the PROTECT Act to make Indian tribes eligible for U.S. Department of Justice grants that aid in implementing “America’s Missing: Broadcast Emergency Response Alert” systems, or AMBER Alert, for law enforcement agencies. We are also thankful to Congress for naming the law after our precious child, Ashlynnne Mike.

I am also grateful to Congressman Biggs for inviting the Navajo Nation to be a part of the event, and to Senator John McCain who sponsored the Senate bill. Recognizing the fact that this was a bipartisan effort, we look to President Trump to sign this bill as quickly as possible.

The Naabik’iyáti’ Sexual Assault Prevention Subcommittee is to be commended for bringing awareness and education regarding child safety issues that exist on the Navajo Nation and advocating for the bill on behalf of Indian country. Honorable Amber Kanazbah Crotty has been a long-time advocate for youth and sexual assault prevention and she also provided testimony before Congress in support of this bill.

In addition, the Subcommittee and the Law and Order Committee have called on state and federal leadership to aid the Nation in advocating for resources to improve its telecommunications infrastructure to ensure AMBER Alerts reach all Navajo citizens, and to provide safety for law enforcement that patrol and provide aid in the most rural areas of Navajo land.

During the press conference, the parents of Ashlynnne Mike shared their gratitude to leadership for creating the bill and obtaining bipartisan support in the spirit of their daughter. During the event, leadership presented her parents with a custom-made sign commemorating the passage of the Ashlynnne Mike AMBER Alert in

Indian Country Act with a portrait of Ashlynn.

In addition to the congressional bill the Arizona State Legislature will consider S.B. 1498 entitled, "Ashlynn Mike AMBER Alert on Tribal Lands Act" sponsored by Arizona Senator Steve Smith (R – Dist. 11), which will require the Arizona Department of Public Safety to assist tribes in implementing and testing AMBER alert notifications on tribal lands, as authorized under Congressman Biggs' bill. The Act also allows the Arizona Peace Officer Standards and Training Board to provide additional training resources for tribes.

The Navajo Nation Council stands prepared to continue advocating for this bill and for our youth, and to continue strengthening and bringing awareness to sexual assault prevention.

Naabik'íyáti' Sexual Assault Prevention Subcommittee

In this last quarter, the Naabik'íyáti' Sexual Assault Prevention Subcommittee has made significant strides in furthering their human trafficking project, advocating for the passage of the Ashlynn Mike AMBER Alert in Indian Country Act, and promoting partnerships with various entities to achieve their overall goals in combating sexual violence on the Navajo Nation.

Since the inception of the subcommittee, our colleagues and their collaborating groups have made significant impacts in terms of promoting sexual violence awareness and putting plans into action, such as the Navajo Nation Human Trafficking White Paper.

In March, leadership and Navajo programs held a two-day work session with law students from the University of Colorado–Boulder American Indian Law Clinic to begin drafting the research paper. The research will be utilized to identify data trends, prevalence of trafficking, and more importantly, recommendations for Navajo leadership to consider in amending our laws.

The overall goal of the White Paper is to strengthen Navajo laws to fight human trafficking, prosecute the perpetrators (Native and non-Native), expand VAWA/TLOA, advocate for resources and services from our federal partners, and to empower Navajo Nation programs to improve direct services to victims of human trafficking and sexual violence.

As the project has developed, the SAP Subcommittee created important partnerships with the Sexual Violence Prevention Workgroup, Casey Family Programs, CU-Boulder, Coalition to Stop Violence Against Native Women, Southwest Indigenous Women's Coalition, and the Navajo Nation Missing Persons Update Group.

On behalf of the Council, I would also like to extend our gratitude to the Navajo Department of Family Services, Strengthening Families Program, Office of the President and Vice President, Judicial Branch, Office of the Attorney General, Office of the Chief Prosecutor, Navajo Nation Police Department and Criminal Investigations, Navajo Department of Health, and the Department of Diné Education, for participating and contributing their expertise to the Human Trafficking White Paper.

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In February, Honorable Nathaniel Brown along with the Arizona State University School of Social Work, Arizona Office of Inspector General, and Not Our Native Daughters, provided human trafficking training to all Navajo Nation Gaming Enterprise employees at all four Navajo casinos. It is common knowledge that traffickers utilize casinos as locations for sex trafficking, as well as along busy interstates like the I-40. I applaud Honorable Brown for taking an active role in providing education and awareness to our enterprises, and continuing to keep this discussion thriving.

In March, Honorable Crotty was invited to provide the keynote address at the Coalition to Stop Violence Against Native Women's Tribal Leaders Summit, which provided vital information to tribal leadership regarding violence in native communities and recommendations as to how tribes can begin addressing these issues through policy changes, research projects, and data sovereignty.



PHOTO: Honorable Amber Kanazbah Crotty provided the keynote address and a presentation on sex trafficking at the Tribal Leaders Summit on March 20-21, 2018 in Albuquerque, N.M.

She also presented to other tribal leadership regarding the Navajo Nation's human trafficking initiative. Based on the presentation, tribes were able to get a glimpse as to how Navajo is actively combatting trafficking and provided insight on how they can create their own human trafficking prevention framework within their own communities. I commend Honorable Crotty for providing this education to our neighboring tribes, and we hope we can create an inter-tribal human trafficking task force in the future.

As you may know, the month of April is Sexual Assault Prevention Awareness Month, and we kicked off our Spring Session with an awareness walk from the Window Rock Wells Fargo parking lot to the Council Chamber. I encourage my colleagues to continue spreading awareness throughout their communities. The Office of the Speaker can provide further information on how you can get your chapters involved in sexual violence prevention initiatives, such as the "Start by Believing" campaign.

As the SAP subcommittee moves forward, I am confident my colleagues will continue on their path to completing the White Paper, further accomplishing their goals to battle sexual violence issues within Navajo communities, and continue working with Navajo programs to ensure direct services are provided to sexual assault victims and survivors.

Síhasin Fund Pasture Rangeland and Forage Expenditure Plan

In February, the Navajo Nation Council along with the Navajo Nation Department of Agriculture and CKP Insurance, LLC marked the successful first-year return of over \$17 million as a result of the Síhasin Fund Pasture Rangeland and Forage Expenditure Plan adopted by the Council in October 2016, which provides agricultural insurance coverage for select portions of the Navajo Nation based on rainfall levels.

On behalf of the 23rd Navajo Nation Council, I thank the Síhasin Fund Subcommittee for their due diligence

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and careful vetting of this opportunity that has proven to be of great benefit for the Nation. The Nation's investment insures the Navajo Nation during the periods of time that our homelands receive little to no rainfall resulting in drought conditions that impact agriculture, livestock, and many other factors.

Recently, I met with the Department of Agriculture and recommended that their office develop and implement a feral horse management plan, perhaps with the assistance of outside professionals who are trained and equipped to conduct horse round-ups. This approach is much more conducive to the overall goal of reducing the feral horse population while also working to preserve grazing lands on the Nation. It is important that the horse population be addressed before we begin addressing the restoration of grazing lands, windmills, and other critical agricultural initiatives.



PHOTO: Navajo Nation Council members were presented a check to mark the Navajo Nation's successful first-year return of over \$17 million on agricultural insurance that the Nation purchased in 2016 that will be used to fund agricultural infrastructure projects on the Navajo Nation, which was presented in Phoenix, Ariz. on Feb. 3, 2018.

First Responder Network Authority (FirstNet)

In 2012, Congress authorized the First Responder Network Authority ("FirstNet") through the Middle Class Tax Relief and Job Creation Act. FirstNet was developed to establish and deploy a nationwide public safety broadband network ("NPSBN"). Each state through their respective governor, was granted the option to opt-in or opt-out of the FirstNet program.

On behalf of the governor of each state, a State Point of Contact ("SPOC") was designated and responsible for the decision making process and delivering a state plan mandated by the act. Although tribal nations are within state boundaries, the governor of those states would determine who would be responsible for building, operating, and maintaining the public safety broadband network.

Due to the unique position and circumstances of the Navajo Nation, the Nation through resolution encouraged the governors within the states of Arizona, New Mexico, and Utah to opt-in to the program. I am pleased to report that the governors of Arizona, New Mexico, and Utah have opted in to the FirstNet Program. FirstNet along with AT&T, which was selected by the program to build and manage the broadband network dedicated to police, firefighters, and emergency personnel, are now responsible for deploying the program within each of these states.

To ensure the Nation is actively involved in the deployment and receives the benefits of the program, Honorable Kee Allen Begay, Jr. initiated and arranged for several meetings and continues to be a strong advocate on behalf of the Council and the Nation.

On February 28, wireless carriers were invited for an informal meeting with members of the 23rd Navajo

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Nation Council. The wireless carriers that participated in this meeting included Verizon Wireless, Americans Communications, Cellular One, and Navajo Tribal Utility Authority Wireless.

The intent of the meeting was for Navajo leadership to receive firsthand information regarding some of the obstacles encountered by businesses that seek opportunities within the Nation. The discussion was focused around public safety and the lack of telecommunication services. Navajo leadership is focused on the full deployment of the FirstNet Program and developing a strong partnership among these carriers to ensure that coverage and services are met. The Navajo Nation has adequate procedures to build small cell development, but lacks the ability to enable the new service network, which may be a challenge in the future. The biggest obstacle at this point is lack of telecommunication infrastructure.



PHOTO: Navajo Nation Council members meet with officials with FirstNet and AT&T in Phoenix, Ariz. on March 14, 2018.

Following these meetings, Honorable Begay, members of the Law and Order Committee, and I met with representatives from FirstNet, AT&T, State Points of Contact, Navajo Nation Division of Public Safety, and the Navajo Telecommunications Regulatory Commission to discuss the program and the 25-year contract with AT&T. Now that all states have decided on the initial opt-in and opt-out phase, the next step will involve the build-out of the radio access network ("RAN"). The goal of this meeting was to discuss what FirstNet has to offer and to ensure that all entities are fully aware that this initiative is to cover public safety.

Congress allocated funding for the build-out of the FirstNet program, however due to the overwhelming need of telecommunications infrastructure nationwide, the funding will only cover the major development. States and tribal nations interested in a full build-out will be responsible for commercial development.

Due to the overwhelming requests for tribal consultation, a practice was developed and divided into two phases: pre-decisional and post-decisional. The Tribal Consultation Policy can be found at www.firstnet.gov. Each state is different in their approach as to how they choose to work with tribal nations, Arizona was one of the few states that fought to make sure that Navajo Nation and other Tribal Nations in the state were considered in the deployment of the build-out.

FirstNet officials requested that the Nation identify individuals to be delegated the authority to serve as the initial contact source and have the ability to request consultation as needed. The Delegation of Authority can be acknowledged through a formal letter or resolution. The Law and Order Committee and Division of Public Safety Director Jesse Delmar have agreed to identify the individual(s) who would serve in this capacity.

Upon discussing the various items related to telecommunications and FirstNet's mission, the Navajo Land Department has agreed to provide a map of the Navajo Nation and AT&T will establish the entire 5-year build-out plan for Navajo leadership to review. The Navajo Nation Council will continue to meet with FirstNet and Navajo Nation Division of Public Safety to further discuss the deployment of the program.

Energy

There have been a lot of articles recently in widely read publications suggesting that the shutdown of our Navajo Generating Station and Peabody Coal mine is inevitable due to current market conditions and consumer interests. It is true that technological advances in renewable energy components and economies of scale have pushed solar and wind resources into more favorable market conditions and that environmentally conscience consumers are choosing these resources more and more.

Despite these truths, even the most environmentally friendly places on earth have found middle ground to maintain the jobs and revenues of their citizens, and we must do the same. It has always been at the heart of our Navajo culture to maintain a balance in the world around us, to work with our people to find common ground and to move responsibly within the winds of change.

While we continue to determine how to preserve the Navajo work force at the Navajo Generating Station and Kayenta Mine, we are also making strides toward a more diversified energy portfolio with the announcement of the second phase of the Kayenta Solar project by NTUA. This will put over 50 MW of electricity into our local grid and reduce our reliance on outside sources of energy. We are also working with Shonto Community Governance to assist them in their Shonto Transitional Clean Energy Project, which will include solar, wind, organic farming, and coal-to-hydrogen. We are working with the Leupp Chapter as well to assist them in their next generation bio-fuel project.

With each one of these endeavors, we are working with companies engaged in the next generation of technological advances that will assist us as a Nation to transition our use of natural resources to more economically viable and environmentally friendly markets while maintaining and growing our jobs and revenues. This is the more balanced and feasible approach to moving our people and Nation forward while providing opportunities for our educated and skilled youth to return home and operate these next generation projects.

Another technology we have been working on over the past few months is block chain software technology. This "internet of things" is poised to revolutionize the way we interact with the world around us; from the way we exchange currency with one another to the way we store and exchange information. Today's marketplace has an insatiable appetite for the development of block chain computers to host this decentralized software for digital assets. These computers along with this software technology represent the fastest growing demand for energy in today's marketplace. Because of this demand, we have been working with block chain companies to bridge the gap in our potential customer base at the Navajo Generating Station to ensure its operation beyond 2019.

Advances in technology have threatened to shut down our number one job and revenue producing facility



PHOTO: Speaker of the 23rd Navajo Nation Council LoRenzo Bates addresses Kayenta Mine workers at the Arizona State Capitol Rose Garden in Phoenix, Ariz. on Feb. 6, 2018.

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and take away 50,000 acre-feet of water along with it, but alternatively, moving toward the next generation technology will also save our jobs and revenues, provide stability for Navajo families, and create additional jobs within the Navajo Nation.

Office of Legislative Services Performance Audit

The Office of Legislative Services had a performance audit completed at the beginning of 2015. The entrance conference for the audit was held on October 14, 2014, while the exit conference was completed on March 25, 2015. The audit was contracted to the auditing firm REDW from Albuquerque, New Mexico.

The performance audit examined two areas within the Office of Legislative Services: the legislative process (Report No. 15-20) and legislative staffing (Report No. 15-21). The legislative process had 10 findings with recommendations. The legislative staffing had 20 findings with recommendations. Through the collaborative effort of the Office of Legislative Services staff, the corrective action plan is nearly complete. **Corrective measures made within Report No. 15-20 Corrective Action Plan include:**

- Establishing a Legislative Process Policy
- Legislation intake/review procedure
- Digital distribution of legislation procedures
- Comment report procedures
- Legislation referral process procedures
- Web-based legislation tracking system - Diné Bibeeshaz'aanii Binaaltsoos (DiBB)
- Legislation engrossment procedures
- Vote tally procedures
- Uniform meeting procedures
- Uniform agenda procedures
- Uniform journal procedures
- Uniform documentation procedures
- Uniform sign in/roll call procedures
- Uniform monthly/quarterly reporting
- Travel/time procedures

Corrective measures made with Report No. 15-21 Corrective Action Plan include:

- Establishing an organizational chart and structure
- Legislative Manager Position
- Records Clerk position
- Position reclassifications
- Provide training
- Request for Information procedures
- Shared drafted legislation files procedures
- Legislative process backup/redundancy
- Electronic legislation number assignments
- Creation of job descriptions

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- Updating job classifications
- New employee orientation process
- Training plans
- Coordination meetings
- Establishing a Strategic Plan

Throughout this process, the Office of Legislative Services had to devote countless hours of drafting, re-drafting, and eventually creating the final product. Drafted policies and procedures were reviewed by the Office of Legislative Counsel to ensure legal sufficiency. The Office of Legislative Services staff's work has resulted in written policies and procedures that are similar to most state legislative governments.

The final step of the corrective action plan process was a three-day in-service to allow legislative staff to be oriented on the recommended procedures. There will be an annual review of all implemented policies and procedures to ensure the incorporation of any future revisions to ensure continuous improvement. The legislative process has always existed and this transition of documenting the process is to ensure that future legislative staff can easily adapt to the legislative process and functions.

Navajo Indian Irrigation Project

The 23rd Navajo Nation Council's Naabik'iyati Committee in accordance with Resolution NABIAP-38-17 established the Navajo Indian Irrigation Project (NIIP) Negotiating Subcommittee. Members of the subcommittee include Honorable Kee Allen Begay, Jr., Honorable Steven Begay, Honorable Benjamin Bennett, Honorable Leonard Tsosie, and myself.

The Navajo Indian Irrigation Project Negotiating Subcommittee is actively involved in advocating for funding and the completion of the NIIP in a joint effort with the Resources and Development Committee, Office of the President and Vice President, Navajo Agricultural Products Industry Board of Directors and Management, former NAPI legal counsel, and other entities. Since the establishment of the subcommittee, the following have been accomplished:

- NAPI has identified NIIP priorities to restore adequate funding for the NIIP new construction.
- The NIIP priorities were introduced to the Tribal Interior Budget Council (TIBC) to gain their support for completion of the NIIP – Block 9, which resulted in a supporting letter.
- The Subcommittee visited with congressional and federal leaders in Washington, D.C. for an introductory on NAPI and the Navajo Nation's top priority in completing Block 9 and to secure adequate federal funding to carry out maintenance, repair, and replace components of the NIIP.
- NAPI officials' emphasized continued challenges to operate and maintain NIIP with inadequate funds during a NAPI hosted NIIP tour for Congressman Ben R. Lujan and his staff.
- Together, the subcommittee and NAPI Management presented to the Congressional Western Caucus Foundation on two separate occasions in advocating funding needs for the NIIP.
- The NIIP has become eligible for the WIIN Act for BIA to conduct an assessment on the NIIP infrastructure focusing on deferred maintenance; based on the results of the assessment, Congress will

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consider the total appropriation to address the backlog of deferred maintenance concerns of the NIIP. The WIIN Act may allocate an Indian irrigation project up to \$15 million over a three-year period (\$5 million per year).

- NAPI has initiated the process for a Master Agricultural Lease for the NIIP boundary. The process will be divided into four phases.

Furthermore, the omnibus spending bill recently passed by Congress will provide an additional \$1.5 million for NAPI's operation and maintenance costs to operate the Gallegos Pumping Plant, which was built to deliver water to Blocks 8, 9, 10 & 11. Currently, the pumping plant is 70% underutilized due to the lack of completion of the NIIP.

The NIIP Negotiating Subcommittee will continue to collaborate with federal officials and Navajo Nation leadership emphasizing that funding be restored to complete NIIP Block 9. Nearly two years ago, NAPI experienced a NIIP siphon breach that severely impacted NAPI's overall operating and financial performance. NAPI had no water for 29 days, which led to significant revenue loss and cost NAPI a total expense of \$1.7 million to repair. This incident further highlighted the importance of the water delivery system for NAPI's success in producing the highest quality products for the global food market.

Despite these challenges along with the unfulfilled completion and funding of NIIP, NAPI continues to employ over 400 people. The completion of Block 9 will further benefit NAPI and the Navajo Nation by providing additional jobs, assets, education, and agricultural expertise.

Moving forward, the NIIP Negotiating Subcommittee will visit with more congressional leaders in Washington, D.C. within the next few months to continue advocating on behalf of the NIIP.

Navajo Head Start

I would like to begin by extending my appreciation to the members of the Health, Education, and Human Services Committee and their Head Start Subcommittee for recognizing that changes and improvements are needed in order to move Navajo Head Start in the right direction. Through their oversight, I am confident that we will see improvements within the program that will ultimately benefit our Navajo students.

Recently, the U.S. District Court for the District of Columbia ruled that the federal government must fund Navajo Head Start at the original \$23 million, and provide the Navajo Nation its right to notice, appeal, and a hearing before the federal government may attempt to reduce the overall funding by \$7.3 million. This successful first step was due to the collaborative efforts of the Health, Education, and Human Services Committee and the Department of Justice, however, the case is not over and we must continue to work diligently to ensure our students receive adequate funding.

The U.S. Department of Health and Human Services sought to reduce the Navajo Nation Head Start budget to approximately \$15.7 million without providing the Navajo Nation notice, appeal, and hearing rights

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before making any adjustments to the allocation, citing under-enrollment as justification for reducing the budget.

Honorable Jonathan Hale has maintained that it is the responsibility of the federal government to provide the Navajo Nation an appeal and hearing prior to the U.S. Department of Health and Human Services issuing a decision to decrease the Navajo Head Start funding.

As Honorable Hale has previously stated, federal officials are fully aware that that the Nation lacks the facilities to house head start programs, which has resulted in under-enrollment.

Under the leadership of Delegate Hale, the Health, Education, and Human Services Committee recognizes the challenges associated with Head Start and as a Nation, it is incumbent of us to address those issues to preserve the longevity of the program for our students.

Second Quarterly Report Program Summaries Fiscal Year 2018

Office of the Auditor General

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Accomplishments from FY2018 Second Quarter: Issued 13 reports

- Program/Chapter audits – 7 reports
- 18-10 Monument Valley Tribal Park
- 18-11 Four Corners Monument Tribal Park
- 18-12 Little Colorado River Tribal Park
- 18-15 Lake Powell Tribal Park
- 18-16 Tsayatoh Chapter
- 18-18 110 Chapters Available Fund Balances FY2018 First Quarter (as of December 2017)
- 18-20 To'Hajiilee Chapter

Follow-up on Corrective Action Plan Implementation – 2 reports

- 18-13 Crystal Chapter Corrective Action Plan Follow-up
- 18-19 Leupp Chapter Second Corrective Action Follow-up

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Investigations – 4 reports

- 18-08 Whippoorwill Chapter investigation on Chapter officials
- 18-09 Whippoorwill Chapter investigation on Chapter employees
- 18-14 Pueblo Pintado Chapter investigation on Accounts Maintenance Specialist
- 18-17 Tsayatoh Chapter investigation on Chapter employees

Goals for FY 2018 Third Quarter (ongoing projects and activities):

- Water Rights Commission Special Review
- Navajo Food Distribution Program
- Parks and Recreation Corrective Action Plan Follow-up
- Division of Public Safety P-card Activities Corrective Action Plan Follow-up
- Veterans Administration Fort Defiance Agency Corrective Action Plan 2nd Follow-up
- Navajo Housing Authority Forensic Audit of Non-Program Funds
- Hardrock Chapter Special Review
- Pueblo Pintado Chapter Special Review
- Nahodisgish Chapter Special Review
- Manuelito Chapter Special Review
- Fraud Investigations of chapters/staff
- Revisits of sanctioned programs and chapters

Issues/Recommendations:

- Recommendation to hire additional auditors to conduct surprise audits of chapters.

Black Mesa Review Board

Contact Person: Andrew Benallie

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Section One: Accomplishment from 2nd Quarter FY2018

- Monitored to the completion of Phase # 1 Many Mules Water Project.
- Initiated and continuing the development of transition plan for community self-government proposed to be implemented before or upon Peabody WCC's departure from Black Mesa when the mining ends.
- Monthly meeting with Peabody WCC on Many Mules Waterline Project, Phase #1 construction is 100% complete, testing will begin for structure integrity to detect any leaks, etc.
- Continue to work with Peabody on grazing land reclamation of the mined areas.
- Submitted BMRB resolution requesting Infrastructure Committee to obligate the full \$1.5 million Peabody's annual contribution to Many Mules Waterline Project, which was approved.
- Assisted Peabody Coal in their effort to rid of feral horses that are damaging reseeded areas.

Section Two: Goal for 3rd Quarter in FY2018

- Develop wide ranging plan in coordination with the local community for consideration and support by the Navajo Nation officials and pertinent departments pertaining to environmental concerns, post mining land use plan, economic development possibilities, etc.
- Involve the Office of the Navajo Nation President for the support on self-government plan and request the assignment of a representative from the Office of the President to work with Black Mesa Review Board.
- Schedule a meeting with the Speaker in April to provide update on Many Mules Waterline Project Phase 2 and Phase 3, and to seek support for construction funds for Many Mules Phase 3 waterline project.
- To get residents compensated pursuant to settlement agreement which obligated the Navajo Nation and Peabody to provide fair compensation to residents for their loss of grazing lands.

Section Three: Issues/ Recommendations

- Develop strategy for revision /amendment to Resource and Development Committee's legislation/ regulations which are contrary to Navajo Nation laws.
- Continue to assist Peabody Coal to stop/prevent illegal fence cutting by certain residents to graze their livestock in reseeded area thus destroying reseeded vegetation.
- Continue to meet with Peabody and I H S to restore the families that were deleted from the original list on Phase 2 Many Mules waterline project.

Eastern Navajo Land Commission

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Commission's top priorities:

1. NELI-NIIP Project;
2. FWAD Parcel Transfers, Railroad attention, and future use planning;
3. Feedback to Navajo Communities regarding Land Buy-Back Program Results;
4. New land purchase opportunities;
5. Tracking two Land Exchanges: a) NN-State; b) BLM-State

Section One: Accomplishments for the 2nd Quarter FY2018

- The Commission Feedback: Presented LBBP Results report to last of the Agency Council meetings (Northern), provided to Casamero Lake CLUP Committee;
- Fort Wingate Army Depot Land Division: Commission recommended fiyr (4) more Parcels for Restricted Fee Status to BIA;
- NELI-NIIP Project: No Commission activity;
- Submitted a Proposal/Federal Application for Round II of Land Buy-Back Program.

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Section Two: Goals for 3rd Quarter FY2018

- Re-new talks on the NELI-NIIP Project;
- Coordinate work on new Cooperative Agreement on new Navajo LBBP-II;
- Continue any work under the Fort Wingate Army Depot ;
- Continue with ranch land purchase work/Take tour of Ranches
- ues

Section Three: Issues/Recommendations

- The NELI-NIIP Project needs to be clarified by the Office of the Speaker as to where the "NELI" part of the project fits in;
- Attempt to resolve NN-State of New Mexico Land Exchange issues.

Navajo Election Administration

Contact Person: Edbert Little, *Executive Director*

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Section One: Accomplishments from 2nd Quarter FY2018

- Election Board members conducted six (6) regular meetings.
- Election Board approved 14 resolutions during their regular meetings
- Legislation No. 0335-17, An Act Relating to Law and Order, Budget and Finance, Naabik'iyati' and the Navajo Nation Council; Amending Per Diem Provision of 2 N.N.C. § 874(F) is going forward from Naabik'iyati to the spring council session.
- Conducted 11 Special Elections to fill 11 elected Positions, and 1 chapter referendum election.
- Program Project Specialist two applicants applied for the position and scheduled an interview for April 9, 2018 and Voter Machine Technician's positions is being advertised on the NNDPM website.
- Sr. Tribal Court Advocate applicant grievance hearing at OHA
- Cancellation of 52,458 voter registration
- There are 85,332 Registered Navajo voters

Section Two: Goals for 3rd Quarter FY2018

- One hour each of public education on the KTNN and KGAK on the 2018 election.
- Two hour Public Education Forum on KTNN and 3 hour Public Education Forum on KGAK
- Updating candidate qualification and application for the 2018 Navajo Nation Election
- Continue working on amending Election Laws/Codes
- NEA's vacant positions are; Program Project Specialist and Voter Machine Technician positions will be filled.
- Continue other Goals and Objectives of the Election Administration/Board; implement directives
- 19 elected positions to be filled reservation wide

- NEA is working on upgrading computers, printers, and replacing the old election data base with a new one.

Section Three: Issues/Recommendations

- Election Administration needs funding for a new office building
- Elections 2020
- Recommend: Fixed cost for all elections in the coming years and in anticipation of 10% budget shortfall for FY 2019/2020
- Hire a Legal Counsel.
- Selection was made; but one of the applicants for the Sr. Tribal Court Advocate filed a grievance against the NEA for non-selection and awaiting second hearing with OHA.
- Establish Board and Administration as an independent entity.

Office of Ethics and Rules

Contact Person: Stacy Allison, *Executive Director*

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Section One: Accomplishments from 2nd Quarter FY2018

- The vacant Ethics Presenting Officer position was filled and new Ethics Investigator Santana Yazzie began employment on January 22, 2018; the vacant Office Aide position was filled by Amber Sandoval, she began employment on March 5, 2018. With these new employees the Ethics and Rules Office is almost at full staff, former investigator, now retired, Ron Largo's position has been open since January and has been difficult to fill, however interviews will begin in the next couple of weeks. Once that position is filled the office will be operating with the largest staff it has ever had.
- The Ethics and Rules Office has been providing more presentations as stated in our goals for the 2nd Quarter 2018, and has surpassed the required program goal.
- The Ethics and Rules Office has surpassed the quarterly goal for filed complaints and OSC's with the Office of Hearings and Appeals.

Section Two: Goals for 3rd Quarter FY2018

- Fill the Ethics Investigator position that was vacated by retired investigator Ronald Largo, bringing the number of Ethics Investigators to four (4).
- Hire a summer law student intern to assist the Executive Director and Presenting Officer to begin addressing all unpaid restitution orders and conduct a comprehensive file review and create an electronic copy.
- Draft a new plan of operation and a Memorandum of Agreement for more efficient work flow with the Office of the Auditor General, Office of the Attorney General/Chief Prosecutor, Navajo Government Development and Division of Community Development.

Speaker's Report

- Purchase new desktop computers and printers for all office staff.
- Training- send Ethics Investigators and the Presenting Officer to training on fraud investigation and prosecution to keep them up to date on modern techniques.

Section Three: Issues/Recommendations

- Develop changes to either the Ethics Plan of Operation or OHA Rules to allow the Ethics and Rules Office to place officials on temporary leave or suspension, during active investigations if there is evidence of financial misuse of funds.

Office of Navajo Government Development

Contact Person: Edward K. Dee, *Executive Director*

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Section One: Accomplishments from 2nd Quarter FY2018

- Research four current Navajo government issues and provide recommendations. The Office of Navajo Government Development (ONGD) is currently evaluating the Navajo Nation Government in a comprehensive mode with a comparison of the central government to its local governments to determine if the current governmental configuration will be sustainable for the next 50 years and beyond.
- ONGD is re-visiting Resolution No.: TCDCAP-36-01 Approving the Alternative Forms of Chapter Governance Models Policies and Procedures, specifically the Commission-Manager forms of governance. Under the four different models of alternative forms of governance that the then Transportation and Community Development Committee of the Navajo Nation Council devised has not been updated after 16 years. ONGD is committed to reexamining the four models that the then TCDC generated the policies and procedures on guidance to governance-certified chapters to consider when adopting alternative form of governance, under 26 N.N.C. § 103(E)(6).
- Sustainability scholars and practitioners at Arizona State University's School of Sustainability and the Julie Ann Wrigley Global Institute of Sustainability have reviewed this document. The next stage is policy development that will be crafted based on the concept paper with two different purposes; one template will be for Navajo Nation chapters and the other for Navajo Nation central government.
- Develop partnerships with universities and entities for Navajo government studies or special projects that will improve the Navajo Nation government. ONGD is one sub-component in Navajo government that partnered with Arizona State University, Northern Arizona University and the Navajo Nation's Memorandum of Agreement (MOA), so to help assist the NATION in conducting outreach to—and producing discussion with—Navajo communities, including chapter houses, regarding the potential benefits associated with renewable energy development and how renewable energy development could complement existing land uses, such as grazing.

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Section Two: Goals for 3rd Quarter FY2018

- The Office, directed by the "Commission," will continue to direct resources to organizing the first-of-its-kind 2018 Navajo Sustainability Symposium: Nahasdzáán dóó Yáidíhíłł. The mission of the Sustainability Symposium is to engage business, academia, communities, and NGOs in active discussion of the issues of Sustainability for Navajo Nation including, but not limited to, sustainable business practices, sustainable energy transitions, energy conservation, adopt and implement sustainable practices, creating sustainable tourism, water conservation, natural capital investments, and reinvestment in language and culture.
- ONGD in a joint-research endeavor with Diné College DPI will continue to share findings from our 2-month questionnaire that was conducted at three different venues. ONGD has set an internal deadline of April 2018 to produce a draft report on Navajo Nation Chapter Government Systems.
- The revision of 2 NNC Article 3 – Plan of Operation will be completed and presented to NNC Law and Order Committee and Naabik'iyáti' Committee and eventually to Navajo Nation Council (Summer Session) for referendum election legislation.

Section Three: Issues/Recommendations

- The Commission is quite concern about the need to critically address and explore every possible remedy in Title 26, distinction between LGA Certified Chapters and Non-LGA Certified Chapters as to what "authority" is given to non-LGA certified chapters.
- The Office and the Commission strongly encourage the Navajo Nation Council to endorse a sustainability practice and procedure policy for the Nation and chapter government.

Navajo Nation Human Rights Commission

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Section One: Accomplishments from 2nd Quarter FY2018

- San Juan County Utah Voting Rights: The Office continues to work on voting rights issues for the State of Utah San Juan County. Currently, the Commission is a complaining party in the matter of Navajo Nation Human Rights Commission et al v. San Juan County et al and Navajo Nation v. San Juan County. In both lawsuits, the Commission was the prevailing party.
- Hate Crimes Training: The Office, in a partnership with the Lawyers Committee for Civil Rights Under Law from Washington, D.C., held a two-day training for attorneys and law enforcement officers at the Flagstaff Police Department. Delivery of this training program utilized case studies, group work, role-playing exercises, and facilitator led discussions, with the goal of encouraging learning by actively engaging participants in realistic exercises to practice skills and consider new approaches.
- Consumer Seminar on Small Loans. The Office, in partnership with the New Mexico Center on Law and Poverty, held two consumer seminars that focused on Small Loans; Pawn Loans; Holiday and Anticipated Tax Refund Loans; 2017 New Mexico House Bill 347, which capped the small loans annual

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percentage rate and reporting requirements to the credit bureaus; and Understanding Credit History, Credit Scores and Credit Reporting.

- Reviewed Citizen Complaints: The Office received new complaints during the second quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory automobile sales and employment issues.

Section Two: Goals for 3rd Quarter FY2018

- Conduct Public Seminar: Development of advertisement and educational materials on hate crimes, which will be a partnership with the Lawyers Committee for Civil Rights Under Law from Washington, D.C. The hate crime project will be a seminar, and the dates and locations for the seminar will be finalized in the third quarter.
- The Treaty of 1868: Develop public education materials to educate the Navajo youth on the Declaration on the Rights of Indigenous Peoples and Navajo human rights, which will be in line for the upcoming recognition of the 1868 Treaty when it comes to the Navajo Nation in June 2018.
- Continue Receive Complaints: Navajo citizens file complaint about discrimination and human rights violations. Will continue to assess and investigate filed complaints.

Section Three: Issues/Recommendations

- Subcommittee on Sacred Sites: Several internal Navajo sacred site issues come to the commission. While the office is required to coordinate with other Navajo government programs, it continues to be a concern that Navajo individuals raise concerns on sacred sites with the commission while the Navajo Historic Preservation Department ("HPD") statutorily protects all Navajo cultural resources. It is necessary to streamline how the commission and HPD would respond to cultural properties issues.

Navajo Nation Labor Commission

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Section One: Accomplishments from 2nd Quarter FY2018

- Efficient use of allocated funds, NNLC held (00) evidentiary hearings due to lack of duly NNLC appointment.
- NNLC and program timely processed three (00) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed twelve (15) formally filed complaint
- NNLC timely adjudicated (00) NPEA cases but no duly NNLC appointments
- NNLC and program timely closed and issued (00) orders due to lack of duly appointment of NNLC
- NNLC & program timely issued and mailed six hundred (600) subpoenas and notice of hearings & NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties

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- NNLC will continue to adjudicate seventy (70) pending NPEA cases
- NNLC program made three (00) audio copies at parties' request

Section Two: Goals for 3rd Quarter FY 2018

- NN Presidential & NNC Health, Education and Human Services appointments of NNLC membership per CJY-42-16. Continue to refer candidates to appointing authorities.
- Efficient use of allocated funds and timely processed appealed NNLC case(s)
- NNLC & program will timely adjudicate NPEA cases
- NNLC & program will timely process formally filed NPEA complaint(s) and/or petition(s)
- NNLC & program will timely issue and close out NPEA cases
- NNLC & program will continue review and amend NNLC Ruled of Procedure
- NNLC & program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law
- Closure of NNLC cases heard by current sitting NNLC members

Section Three: Issues/Recommendation(s)

- Due to lack NNLC appointments, all hearings for October, November December, 2017 and January, February, March & April , 2018 were vacated and hearings maybe reset for coming months if no other appointment(s). Only two NNLC members confirmed.

Navajo Utah Commission

Contact Person: Clarence Rockwell, *Executive Director*

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Section One: Accomplishments from 2nd Quarter FY2018

- Prepared and submitted funding application for the Aneth Chapter seeking \$549,242 in FY2018 Navajo Nation CDBG Program appropriations for a scattered sites powerline extension project serving 28 families.
- A two-year effort and toil by the Navajo Utah Commission and the Utah chapters culminated in the appropriations of \$4,030,358 in January 2018 by the Navajo Nation CPMD for 09 construction-ready capital projects prioritized by Utah chapters.
- The Navajo people of Utah and their advocates achieved a major court victory in the Utah District Court with a ruling requiring San Juan County (UT) to redraw election boundaries in compliance with the U.S. Constitution and the Voting Rights Act, and despite continuing legal challenges, redistricting mandated for the 2018 elections.
- The Navajo Utah Commission and the Utah chapters were successful in recruiting 2 Navajos in District 3 and 2 Navajos in District 2 to vie for commission seats, and a total of 08 Navajos to seek school board seats in 4 of 5 school board districts.

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Section Two: Goals for 3rd Quarter FY2018

- Assist one Utah chapter with a funding application for submittal to the USDA Rural Development for an economic development project.
- Assist Utah chapters with implementation of capital projects appropriated by Navajo Nation Capital Projects Management Department (CPMD).
- Seek project scope of work amendments for Navajo Utah Commission projects previously appropriated by the Utah Navajo Revitalization Fund (NRF) due to project inactivity and prevention of funding reversion.
- Strengthen collaboration with Utah chapters in establishing performance measures for registration and mobilization of Navajo voters for the June primary elections in Utah.

Section Three: Issues/Recommendations

- The Navajo Utah Commission recommends Navajo Nation Council standing committees to conduct periodic meetings in the Utah region, and to conduct field tours and assessment of certain conditions and challenges as necessary.
- The Navajo Utah Commission recommends Navajo Nation leadership to strengthen tribal dialogue and collaboration with the state of Utah by staying engaged throughout the year, rather than depending on limited time during the annual legislative sessions.