



2018 FIRST QUARTER REPORT

Fiscal Year 2018



NAVAJO NATION LEGISLATIVE BRANCH
23RD NAVAJO NATION COUNCIL



NAVAJO NATION OFFICE OF THE SPEAKER
P.O. BOX 3390 ♦ WINDOW ROCK, ARIZONA 86515

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Mission Statement:

The Legislative Branch exercises the Navajo Nation's governing authority by upholding public trust and committing to a responsive and accountable government that preserves, protects and enhances Diné Culture and Sovereignty

Vision Statement:

The Legislative Branch will promote a self-sufficient Navajo Nation government consistent with Diné Culture and sovereignty



Speaker's Report

2018 Winter Council Session

Honorable LoRenzo Bates

23rd Navajo Nation Council

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23rd Navajo Nation Council
Winter Council Session
January 2018



Speaker's Report



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, to our Diné Citizens. Thank you for joining us as we welcome you to the 2018 Winter Council Session.

As the 23rd Navajo Nation Council enters the final year of the current four-year term in office, I want to thank all of the various individuals and entities that continue to support my colleagues and I as we move forward with initiatives and priorities. We greatly appreciate the support we receive from our chapters, county, state, and federal officials each day.

At this time of year, one of our primary areas of focus is advocating and lobbying during the legislative sessions in the states of Utah, Arizona, and New Mexico. With the Navajo Nation's recent purchase of the Wolf Springs Ranch in Colorado, it is important that we also begin building relationships and begin educating leadership

within the state of Colorado.

Through the Council's State Task Force we have been able to meet with various state legislators and introduced legislation to outline the Nation's priorities for each state's legislative session. In the following report, I have provided an overview of the priorities and objectives that we along with our lobbyists will continue to promote.

At the federal level, the Office of the Speaker will continue monitoring policy and legislative changes that impact the Navajo Nation including the proposed reorganization of the U.S. Department of the Interior and the Bureau of Indian Affairs – it is imperative that our Nation's leaders have a seat at the table and voice in the discussions of this process to ensure that the proposed change are beneficial and not detrimental to our people.

As we look forward to the remainder of our current term in office, we have many issues and legislative actions that will come forth for consideration. Infrastructure development remains a top priority for this Council and we are proceeding with putting together a plan that includes funding for power lines and capital projects in each of the five agencies.

As Speaker of the Navajo Nation Council, it is my honor to serve alongside my colleagues and to offer my guidance and support. I commend 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.

Moving forward, I am confident that the 23rd Navajo Nation Council will continue to make progress on our ongoing initiatives and face challenges with diligence and prudence. On behalf of the 23rd Navajo Nation Council, I again thank our Diné Citizens and many others for your contributions and continued support.

Áhehéé',

LoRenzo Bates, Speaker
23rd Navajo Nation Council



State Legislative Sessions

New Mexico

Housing and Public Facilities

- **State Revenue:** A current revenue report indicates that New Mexico's economy continues to expand, thanks to the recovery of the oil and gas industry, according to the federal Bureau of Economic Analysis. The state's gross domestic product, a key economic indicator, increased by 4.5 percent to \$97.8 billion in the second quarter of this year.
- **Capital Outlay:** Due to the above revenue report, Capital Outlay disbursements are expected this year. Projects should be vetted by the Navajo Nation Division of Community Development to make sure they are "shovel ready." It is estimated that more than \$100 million is available for capital outlay, which represents approximately \$800,000 for each state senator and approximately \$500,000 for each state representative. This legislature is not expected to revert any previously awarded capital outlay. Any projects that are not currently spending funds should possibly be considered for reauthorization.

Governance

- **Tribal Infrastructure Fund:** Work to add additional Navajo representation on the TIF Board.
- **State/Tribal Collaboration Act:** Define Navajo Nation participation. The Interim Indian Affairs Committee discussed the difficulties that the NM Indian Affairs Department has had in identifying who should attend the tribal leaders summit. The committee decided to make this topic part of their 2018 interim work plan.
- **Tax Reform:** A bill to reform the New Mexico Gross Receipts tax is anticipated.

Economy

- **Gas Tax at the Rack:** Legislation to move gasoline tax to the rack is anticipated once again this year. The removal of the tribal exemption is expected on at least one bill.
- **Fantasy Gaming:** This legislation, which may conflict with tribal compacts, has been presented in the past and may come up again this year.
- **Gaming:** Legislation to allow alcohol on the casino floor is anticipated.
- **Energy:** 2018 PNM Draft Legislation - Energy Redevelopment Bond Act, PNM is proposing legislation that would assist in funding the redevelopment of their property after their coal fired power plant in San Juan County shuts down. Once the power plant closes, many Navajo workers will be without a job and the economy of the area will be affected.

Public Safety & Judicial

- **Human Rights:** Sexual assault prevention and human trafficking prevention.
- **Exposure Deaths:** Alcohol related exposure is a concern on the Navajo Nation.

Public Safety

- **FirstNet:** New Mexico has opted-in to the FirstNet initiative for providing emergency communication

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to all of New Mexico, including the areas within the Navajo Nation that does not have telephone service.

- Capital Punishment: Legislation to reinstate capital punishment in New Mexico will be presented in this session.

Education

- There has been a strong legislative response citing violations to the State Tribal Collaboration Act and NMPED's failure to meet the provisions for formal consultation with the sovereign nations.

Human Services

- Health Care
- Radiation Exposure
- Marijuana: In regards to medical marijuana, a legislation was introduced to legalize a medicinal cannabis program.
- Veterans Issues: Among other issues, a bill to reimburse state income tax held from Native American veterans will be introduced.

Natural Resources

- Water rights: To meet the local obligations of all Indian Water Rights settlements the Office of State Engineer is recommending that the State fund a total of \$18 million per year, for five (5) fiscal years to meet the state's cost share obligation for the Aamodt and Navajo settlements.

Infrastructure

- Roads: Capital outlay as well as NMDOT funding approved during this Legislative session will affect the local and state roads to be improved within the Navajo Nation.

Arizona

State Task Force

The 2018 Arizona Legislative Session convened on January 8, and will likely run through March or April. The Naabik'iyáti Committee's State Task Force, chaired by Honorable Dwight Witherspoon has worked for the last several months to refine an agenda for the efforts of the Navajo Nation in the Arizona Legislature. During the State of the State Address, Governor Doug Ducey expressed his primary priority, which is to increase funding for K-12 education, without tax increases. While the budget seems to be reasonably stable, drought concerns may be a major issue during the session.

On January 9, the State Task Force hosted a legislative summit at the State Capitol in which several meetings were held with state leadership where chair Witherspoon and I provided them with the Nation's priorities and educated them on other Navajo issues. This allowed for meaningful discussion on Navajo Nation's priorities. Below is a list of issues and positions. In addition to the areas of focus for each state leader, each legislator was made informed on the overall Navajo agenda.

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Gaming

Navajo policy for gaming is overseen by the Naabik'iyáti Committee's Arizona Gaming Subcommittee, which is chaired by Honorable Alton Joe Shepherd. In the ongoing gaming compact negotiations, the Nation is seeking provisions that will lead to greater profitability, longer duration and greater security to improve and sustain the Navajo Nation's economy.

During the 2017 Arizona Legislative Session, several gaming related bills were introduced to the legislature that would trigger the poison pill – with the help of our lobbyists the bills were defeated. This year, we anticipate more gaming related bills to be introduced that may be disruptive to the compact process. Tribal gaming and tribal exclusivity for casino gaming is expected to be a significant issue in 2018 in Arizona as well. There are current ambitions by non-tribal entities to acquire casino, which has been exclusive to Arizona tribes.

Education

Arizona has the second largest population of Native American students in the U.S. Arizona Department of Education reports indicate Native American students have the lowest student growth percentiles than students of other races/ethnicities attending high-density Native American public schools. More support for education is essential for Navajo children.

Support for additional funding for K-12: Navajo children receive their education in traditional public schools, and charter schools have not been significant in serving Navajo children. Navajo's rural setting has made teacher recruitment and retention a significant challenge as well. Funding based on school performance is a very difficult challenge for Navajo. The policy on K-12 funding must be reexamined to highlight the impact it has on rural schools.

Prop 301 extension, includes additional funding for Tribal Community Colleges: In November 2000, Arizona voters passed Proposition 301. Prop 301 increased the state sales tax from 5.0% to 5.6%, dedicating the increased revenues to public education. To support low-income families for whom the additional sales tax would be an added burden, a tax credit was also included. The extra .6% sales tax and the associated tax credit for low-income households are set to expire at the end of 2020. Prop 301 generates over \$640M annually, with about \$500M going to K-12 education. The balance went to universities, community colleges, and other education related uses.

Expand "Native American Code Writers Education Program" for Navajo students: In April 2016, the Native American Code Writers program (NACWP) was initiated and funded by the Arizona Legislature. The Science Foundation Arizona (SFAz) was awarded a one-year pilot grant to begin the NACWP with the potential of additional legislative funding for up to four years. The funding provides training and support to teachers and Native American students in Computer Science (CS). The two main goals of the NACWP is to provide this program to 100 students yearly, and deliver a variety of skills in content areas including application (app)



PHOTO: *Speaker LoRenzo Bates and Arizona Governor Doug Ducey following the State of the State Address during the opening day of the 2018 Arizona State Legislative Session at the Arizona State Capitol on Jan. 8, 2018.*

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PHOTO: State Task Force chair Council Delegate Dwight Witherspoon, Arizona Senate President Steve Yarbrough (Dist. 17 – R), and Speaker LoRenzo Bates on the floor of the Arizona State Senate at the Arizona State Capitol on Jan. 9, 2018.

development, gaming, website design, multimedia, cyber security, and robotics.

Advocate for Tribal College Dual Credit Program: In 2015, the legislature established the “Tribal College Dual Enrollment Program Fund.” The fund is subsidized by 15% of unclaimed state lottery prize money monthly. This would allow Arizona’s Tribal colleges to help offset costs for dual-enrolled students. Dual enrollment permits high school students to earn community college credit at both their high school and Tribal College. Tribal colleges are reimbursed from the Tribal College Dual Enrollment Program Fund for tuition and fees, which are waived for dual-enrolled students.

The program proves advantageous for students and allows them to ease the transition from high school to college. The program promotes high school graduation and improves student retention.

Advocate for increase in funding for Office of Indian Education: Arizona Department of Education Office of Indian Education provides technical assistance to schools and Indian nations that meets the educational needs of Native American people. Funding is needed to expand beyond the one position currently managing duties of the Office of Indian Education.

Transaction Privilege Taxes - Tribal Equity Proposal

Currently, the Navajo Nation contributes a substantial amount to Arizona’s local governments with local sales tax revenues through purchases of goods and services. Estimates of Navajo Nation-generated dollars earned on the Nation, then spent off the Nation are at 65%.

The Nation is seeking a fair distribution to the Transaction Privilege Tax (TPT). Over the years, there have been a number of concepts offered for a fair share of the Transaction Privilege Tax (TPT) earned on the Navajo Nation for economic development and infrastructure.

Total TPT revenues generated on all Indian Reservations in FY 2017:	\$ 48,473,201
Total TPT revenues generated on the Navajo Nation in 2017	\$ 18,491,502
TPT revenues returned to the Navajo Nation, Dine College/NTU	(\$ 2,625,000)
Net Navajo contribution to state and local contributions in FY 2017	\$ 15,866,502

This legislative session the Navajo Nation is seeking a return of 5% of TPT to Arizona tribes in Year 1, with an increase of an additional 5% for years 2 and 3, totaling 15%. The 15% of TPT earned on the Navajo Nation and other tribal lands would continue in subsequent years for economic and infrastructure development. Based on 2017 TPT collected by Arizona from Navajo is \$2,700,000.

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Budget Impact of the TPT Tribal Equity Proposal:	Navajo Nation
TPT earned on the Navajo Nation, Approximately	\$ 18,000,000
15% of Navajo-generated TPT for Navajo	\$ 2,700,000

Equity for economic development and infrastructure in Year 3:

- Year 1 \$ 900,000
- Year 2 \$ 1,800,000
- Year 3 \$ 2,700,000

Arizona Department of Water Resources (ADWR)

Navajo leadership had an open discussion with ADWR Director Tom Buschatzke regarding the State's interest in working with the Navajo Nation on a Little Colorado River (LCR) Water Rights Settlement. The Nation faces a critical lack of quality water supply and infrastructure for its delivery to our people.

Director Buschatzke was informed that if the Nation made another effort at developing a LCR settlement, that the task will be difficult, due to Hopi and other stakeholders. However, the settlement would provide both certainty in water resources, and funds for water infrastructure development. Navajo leadership asked Director Buschatzke if the State would be willing to engage in a new negotiation, assuming Hopi would be reasonable and be willing to negotiate.

Director Buschatzke said that the State is already involved in a large complex negotiation on the probable shortage of water in the Colorado River and anticipate it to generate water flow reductions from Lake Meade in 2019. The tribes involved in the possibly new Colorado River reduction are the Colorado River Indian Tribe and Gila River. Only tribes with perfected water rights have been invited to the negotiations, Navajo as this point has not been invited.

Director Buschatzke also indicated that in spite of the Lake Meade negotiations, he would engage in a Little Colorado River Water Rights settlement negotiation, and make it a priority. There are a number of significant stakeholders to initiate a negotiation other than Hopi. There were many entities and interest groups involved in the previous negotiation and they will need to be part of the process again. The Governor is in a unique position to get various groups back to the table.

Arizona Health Care Cost Containment System (AHCCCS)

State policy changed several years ago that requires AHCCCS to ask Center for Medicare and Medicaid Services (CMS) to authorize AHCCCS to invoke work requirements through Arizona's 1115 Waiver process and to limit individuals to a 5-year limit on benefits. The work requirements and the 5-year limit would have been detrimental to many Navajos.

In 2017, Chair Jonathan Hale worked diligently on two particular AHCCCS policies that would have negatively affected Navajo members enrolled in AHCCCS. Navajo leadership's efforts made an impact on Governor Ducey. Consequently, American Indians will be part of those who will be exempted if CMS approves the AHCCCS 1115 Waiver request dealing with the state policy requests submitted CMS on December 9, 2017.

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State Task Force informed Representative Heather Carter, that the Navajo people would be well served if state law was changed, based on the new AHCCCS 1115 Waiver Request from the state, to ensure this policy will continue in the future and not simply changed with new state leadership. Representative Carter agreed and will introduce legislation to support Navajo's position.

Transportation

A top priority this session is for Navajo to keep a greater share of gas tax collected on the Nation. Since October 1, 1999, the Nation has imposed and collected its own Fuel Excise Tax (FET) of \$0.18cents/gallon for all gasoline sold on the Navajo Nation. In the original Intergovernmental Agreement (IGA), the State of Arizona has accepted \$0.06cents/gallon of the \$0.18 cents/gallon, and the Nation keeps \$0.12 cents of the \$0.18 cents/gallon. With that the Navajo Nation has collected an average of \$12 million annually from FET in Arizona, resulting in over \$60M in FET since 1999.

Utah/Colorado

Utah efforts include preparation for the annual American Indian Caucus Day on Monday, February 5, 2018. Every year the Utah Division of Indian Affairs (UDIA) invites state and tribal leaders, legislators, community members and partners to attend our annual American Indian Caucus Day. Caucus Day provides an opportunity for state government to maintain and strengthen its relationship with Utah's eight sovereign tribal nations by encouraging discussions between state and tribal leaders. During American Indian Caucus Day, our lobbyist has scheduled meetings with Utah legislative leadership, in addition to members of Governor Gary Herbert's staff.

The Office of the Speaker has also been in contact with the Navajo Utah Commission, to begin discussion on important Utah policy priorities including local transportation priorities, Utah Navajo Trust Fund, Navajo Utah Water Rights Settlement Act, Bears Ears, redistricting for the San Juan County Utah Commission and the San Juan County School Board.

Colorado efforts will begin with touching base with local elected officials to insure they understand Navajo's move into Colorado. Support of local official will be helpful as Navajo moves to develop relationships with state and federal Colorado elected officials on broader Navajo policy priorities in Washington D.C. as well as Colorado.

Navajo Generating Station

The Navajo Nation Council continues to meet and discuss the challenges facing the Navajo Generating Station and Kayenta Mine. When SRP announced last year that they intended to shut down NGS operations, we went to work on solutions and that is what we continue to do. The 23rd Navajo Nation Council, with the assistance of the Navajo Joint Energy Task Force, first finalized an agreement that would keep NGS open until 2019 and then began working on solutions to keeping NGS open beyond 2019. That work continues today as we work with the Joint Energy Task Force, Peabody, Lazard, and the Council to identify potential new partners.

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With much at stake, it is important that we continue to consider every option in our efforts to finding solutions to secure the jobs and revenue generated from NGS operations. Throughout this past year, we have traveled to the Navajo Generating Station and Kayenta Mine to hear directly from the families who would be impacted by the potential shut down of these facilities. These travels have reinforced in our minds and hearts the importance of working to keep this vital component of the Navajo Nation together. When our Navajo families have a good source of income, they are stronger; they are stronger for their children, for their extended families and for the communities they live in.

We as elected servants of our people gather in Council and Committee meetings to take action on behalf of our people. We are faced with many challenges such as social ills and underfunded programs, to implementing proactive measures to stimulate and diversify our economy. Amidst these challenges, I am hard pressed to think of any of our challenges that could not be fixed without strengthening the core of our Navajo families. When our families are strong, we see stronger and more vibrant communities through out the Navajo Nation.

Too often we equate the Navajo Generating Station and Kayenta Mine with only dollars and income, however, at the heart of these operations is the Navajo working family providing for themselves, their communities and their Nation. During our travels to meet with the workers and their families, we are often greeted with appreciation for helping to keep their jobs. Without their work, we would have more scarce revenues to meet essential governmental operations such as our elderly, children, and veterans programs. The hard reality we face as a Nation is that there is no program, department, branch or chapter that will not be directly impacted by the potential shutdown of the Navajo Generating Station and Kayenta Mine.

Housing Programs for the Navajo Nation

Over the years, the Navajo Nation has struggled with implementing a unique housing program to meet the growing housing needs for Navajo families throughout the Navajo Nation. Although the Navajo Nation has several housing departments/programs, members of the 23rd Navajo Nation Council have moved toward initiating discussions with numerous housing programs within the Navajo Nation, such as the Navajo Nation Veterans Administration (NNVA) in developing strategies to build quality homes.

Members of the 23rd Navajo Nation Council recently established a Housing Work Group to focus on the potential of producing quality and efficient homes for Navajo families to serve our elders, veterans, educators, and law enforcement, just to name a few. The intent of the work group is to work thoroughly with all Navajo Nation housing programs to provide feedback on various strategic, affordable, and supportive housing initiatives and to address challenges in developing these strategies to begin building quality homes.

Additionally, members of the 23rd Navajo Nation Council have set forth on a tremendous effort in establishing a housing work group that will help implement strategies to align with the Nation's plan to ensure resources are available to maximize the number of people that can be served. The Navajo Nation faces many challenges, however, members of the 23rd Navajo Nation Council will continue to work diligently and cohesively with tribal leadership and Navajo communities in order to serve the overwhelming housing needs of Navajo families.

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Naabik'iyáti' Sexual Assault Prevention Subcommittee

The Naabik'iyáti' Committee's Sexual Assault Prevention Subcommittee is developing the Navajo Nation's first Human Trafficking "White Paper," which is a researched-based document that will allow the Nation to begin understanding human trafficking from a comprehensive and analytical perspective. Upon completion of the White Paper, a strategic plan would be developed to begin addressing human trafficking policies, laws, and post-vention protocols on the Navajo Nation.

Leading the project, subcommittee member Council Delegate Nathaniel Brown, sponsored legislation which ultimately led to the passage of the 2017 Navajo Nation Law Against Human Trafficking that was enacted in Aug. 2017. He is also a member of the Arizona Human Trafficking Council, which has worked diligently to address human and sex trafficking in the state of Arizona, and Delegate Brown has served as a vital voice for the Navajo Nation and Native Americans within Arizona.

To complete the White Paper, Delegate Brown has developed partnerships with Casey Family Programs and the University of Colorado-Boulder Indian Law Clinic to aid in completing the Nation's white paper. Also aiding with the project is the Navajo Nation Department of Family Services - Strengthening Families Program, the Navajo Nation Sexual Violence Prevention Work Group, and the Navajo Nation Missing Persons Update Group.

As some of my colleagues may be aware, the month of April is Human Trafficking Awareness Month, and during the Winter Council Session we will be recognizing this important issue. Delegate Brown and subcommittee chair Council Delegate Amber Kanazbah Crotty coordinated with the Office of the Speaker and the Strengthening Families Program to hold a "Blue Campaign" Awareness Walk, in which members of the community have walked to the Council Chamber today to bring this important message to their leaders and Navajo citizens.

The SAP Subcommittee continues to coordinate Sexual Assault Response Trainings to identify processes, protocols, resources, and gaps in services on the Navajo Nation to aid victims of sexual violence. The next training will focus on the Utah Navajo Area and is tentatively scheduled for March 28-29, 2018.

As the New Year begins, the SAP Subcommittee continues to focus on the priorities they set out to complete and I commend the members for the positive progress they have made in the last year and a half since the inception of the subcommittee.



PHOTO: Council Delegates Nathaniel Brown and Amber Kanazbah Crotty began outlining the Navajo Nation's first Human Trafficking "White Paper," at the beginning of Dec. 2017. They continue to hold strategic planning sessions as the document develops.

Groundbreaking – Former Bennett Freeze Area

On behalf of the Council, I thank Honorable Walter Phelps and Otto Tso for their advocacy and support in securing funding in the amount of \$3 million to begin developing 36 new homes within the Former Bennett Freeze Area.

As chair of the Navajo-Hopi Land Commission, Honorable Phelps initiated the funding request and played a vital role in coordinating with the Office of the President and Vice President, Navajo-Hopi Land Commission office, and Navajo Housing Authority to secure the funding as part of the Fiscal Year 2017 Comprehensive Budget that was ultimately approved by the Council and President.



PHOTO: Council Delegates Walter Phelps and Otto Tso with NHA officials and staff with the Office of the President and Vice President during a groundbreaking ceremony in Tuba City, Ariz. on Dec. 19, 2017.

In late December, Honorable Phelps and Honorable Tso joined three families in the community of Tuba City for a groundbreaking ceremony hosted by Navajo Housing Authority to mark the start of development of the new homes.

Every member of the Council understands the great need for infrastructure development, housing, and economic stimulation for the Former Bennett Freeze Area, and through the combined efforts of these various individuals and entities, these families will soon have homes in an area that went undeveloped for decades due to the freeze imposed by the federal government in 1966.

Again, I want to thank my colleagues for their support and all of the entities that are making this initiative a success. This project can also serve as a model for future projects as we continue to pursue initiatives to help the families within the Former Bennett Freeze Area.

Navajo Indian Irrigation Project

The Navajo Indian Irrigation Project (NIIP) Negotiation Subcommittee continues to advocate for the funding and 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.

On November 13 and 14, 2017, members of the NIIP Negotiation Subcommittee met with Congressional members, White House Officials, Officials of the U.S. Department of the Interior, and Congressional staff members. Subcommittee members in attendance included Honorable Steven Begay, Honorable Kee Allen Begay, Jr., Wilton Charley, NAPI CEO, Lionel Haskie, NAPI O&M Manager, and I. The purpose of the visit was to brief congressional and federal leaders on the Navajo Nation's top priority, which is to complete Block 9,

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in addition to securing adequate federal funding to carry out maintenance, repair, and replace components of the NIIP.

Congressional and federal leaders were provided a thirty-eight-page report on NIIP funding, prioritizing the remaining authorization to construct the NIIP. The report highlighted the available NIIP Authorization, Current Allocation, Requirements to Complete NIIP, NIIP Block 10 & 11 foundation, On-Farm Development, Deferred Maintenance Projects, NIIP Block 9 Benefit-Cost Ratio, Optional Projects Benefit-Cost Ratio, Current Operations, Maintenance and Replacement (OM&R) Funding, and the Water Infrastructure and Improvements for the Nation Act (WIIN) Projects.



PHOTO: The NIIP Negotiation Subcommittee held a meeting on Jan. 12, 2018. In attendance at the meeting included Council Delegates Leonard Tsosie, Tuchoney Slim, Jr., Speaker Bates, Kee Allen Begay, Jr., Benjamin Bennett, Leonard Pete, NAPI management, and other Navajo Nation program representatives.

The report was introduced to congressional and federal officials and emphasized the need for adequate funding to be restored for NIIP new construction based on the NIIP Priorities. These priorities include the following:

1. Adequate funding to complete NIIP Block 9 (10,000 acres)
2. Increased 638 contract for an additional \$6 million for NAPI to provide adequate O&M of NIIP
3. Eligibility for funding appropriation under Water Infrastructure Improvements for the Nation Act. The completion of the project would include On-Farm Development (OFD) functions to develop new irrigable land; sustain Operations, Maintenance, and Repair (OM&R) functions for the NIIP under the P.L. 93-638 contract; and to address the backlog of deferred maintenance concerns of Blocks 1 – 7 within the NIIP.

In addition, the NIIP Negotiation Subcommittee informed congressional and federal officials that NAPI is not able to reach its full capacity in terms of revenue, production, and job creation due to the funding deficiencies. It was further emphasized that the estimated service life of the NIIP infrastructure is 45-50 years and the project is reaching this limit. It will be important for the NIIP Negotiation Subcommittee to continue their strategy in educating congressional officials on the history and importance of the NIIP to the Navajo Nation and food security for future generations.

Moving forward, the NIIP Negotiation Subcommittee will continue to collaborate with Navajo Nation leadership in identifying strategies in addressing the funding needs of the project. The next NIIP Negotiation Subcommittee will continue working with federal officials to further discuss the completion of Block 9 for the NIIP.

Through the efforts of the Subcommittee, the U.S. Senate Committee on Indian Affairs invited Navajo Agricultural Products Industry (NAPI) to an Oversight Hearing entitled, "Breaking New Ground in Agribusiness Opportunities in Indian Country." The hearing was held on Jan. 17, 2018 in Washington, D.C. where Lionel Haskie, O&M Manager for the P.L. 93-638 programs at NAPI, provided testimony. His testimony provided the committee an overview of the challenges for NIIP and identified ways to include the vitality of agribusiness on Indian country as part of the 2018 Farm Bill.

Community Outreach

Turkey Donations to Senior Centers

I extend my appreciation to my colleagues of the Navajo Nation Council for taking time in December to distribute turkeys to feed Navajo elders at 80 senior centers across the Navajo Nation during the recent holiday season.

As stated by Honorable Steven Begay, the turkey distribution was our way of showing our appreciation to our elders during the holiday season. We are very grateful to our mothers, fathers, and grandparents for their teachings and guidance each and every day.

Honorable Herman Daniels, Jr., Raymond Smith, Jr., and Nathaniel Brown also helped the Navajo Area Agency on Aging staff members distribute nearly 300 turkeys. In coordination with the NAAA, the donations were delivered to senior centers.

On behalf of the Navajo Nation Council, I extend my greatest appreciation to Navajo Agricultural Products Industry, Navajo Transitional Energy Company, Navajo Tribal Utility Authority, Navajo Nation Gaming Enterprise, Navajo Nation Oil and Gas Co., Arizona Public Service, and Peabody Western Coal Co. for their contributions to make the donation initiative a success.

Winter Clothing Drive

For nearly three years, the Office of the Speaker has been aiding the Gallup Immediate Action Group in collecting donations of winter clothing, non-perishable food items, and personal hygiene products to give to our homeless relatives in the city of Gallup.



PHOTO: Office of the Speaker staff Curtis Berry and Jolene Holgate dropped off winter clothing donations to the Gallup Immediation Action Group founder, Bill Camarota on Jan. 3, 2018 in Gallup, N.M.



PHOTO: Council Delegates Steven Begay and Nathaniel Brown with NAAA staff members in Window Rock, Ariz. on Dec. 14, 2017.

As one of the most overlooked populations that include nearly 90-percent of Navajo people, our office took the initiative to hold a winter clothing drive at the beginning of December and will conclude on February 28, or until the winter weather has ended. Staff set up drop-off locations at Fort Defiance Chapter, St. Michaels Chapter, Navajo Nation Museum, and our office.

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Understanding that our office has limited manpower, inquiries that were received regarding donating to other border town communities were directed to shelters in those areas. In fact, I was pleased to hear that our winter clothing drive encouraged Navajo community members to drop off their own donations to other border town shelters. My staff compiled shelter information to provide to the public who wanted to donate near their areas.



PHOTO: Office of the Speaker staff dropped off a truck load of winter clothing donations to the Immediate Action Group on Jan. 3, 2018.

With many resources aiding our people on the Navajo Nation who are in the same disadvantaged situations, we want to send the message that the spirit of K'é knows no borders and that it is important that we extend a helping hand to our homeless relatives on the outskirts of our Nation.

I would like to commend my Council colleagues who have participated in this ongoing drive, and I want to recognize and give special thanks to our Navajo citizens and outside entities – without their help we would not have had another successful winter clothing drive. For more information regarding the drive, please see my staff and they will provide you with the necessary information.

Encouraging Navajo Veterans to Submit Claims to Recover Income Taxes

The Navajo Nation Council is encouraging Navajo veterans to submit claims to the states of Arizona and New Mexico to recover income taxes that were unlawfully withheld on military wages for certain periods of time, in violation of the Soldiers and Sailors Civil Relief Act (SSCRA), which was passed by congress in 1940 to prohibit states from taxing the income of military service members.

In Arizona, the U.S. Department of Defense began withholding taxes on active duty military income in late 2003 and this continued until the end of 2005. In July 2016, the state legislators established the Native American Veterans Income Tax Settlement Fund and set aside \$2 million to refund veterans who were wrongfully taxed. Veterans have until the end of 2019 to file a claim through the Arizona Department of Revenue.

In 2008, the state of New Mexico also created a fund through legislation sponsored by Sen. John Pinto for the purpose of issuing settlement payments to Native American veterans who had their taxes withheld. There may be thousands of Navajo veterans that have yet to file claims with the states. We want our veterans to be well aware of this opportunity to submit a claim to the states to recover what is rightfully theirs.

Council is encouraging Navajo veterans that reside in Arizona to visit the Arizona Department of Veterans Services website at www.dvs.az.gov, or contact Scott Fincher by e-mail at nasf@azdvs.gov or by phone at (602) 234-8432. For Navajo veterans residing in New Mexico, please visit the New Mexico Taxation and Revenue Department's website at www.tax.newmexico.gov, or contact Alan Martinez by phone at 1-866-433-8387.

First Quarterly Report Program Summaries Fiscal Year 2018

Office of the Auditor General

Contact Person: Elizabeth Begay, *Auditor General*

Phone: (928) 871-6303

Contact Email Address: elizabethbegay@navajo-nsn.gov

Accomplishments from FY2018 1st Quarter: Issued 7 reports

Program/Chapter audits – 2 reports

- 18-01 Board of Education Performance Evaluation
- 18-06 Unspent Chapter Funds as of September 30, 2017

Follow-up on Corrective Action Plan Implementation – 5 reports

- 18-02 Navajo Occupation Safety and Health Administration P-card Activities Corrective Action Plan Follow-up
- 18-03 Jeddito Chapter Corrective Action Plan Follow-up
- 18-04 Navajo Division of Transportation Corrective Action Plan Second Follow-up
- 18-05 Division of Economic Development P-card Activities Correction Action Plan Follow-up
- 18-07 Coalmine Canyon Chapter Corrective Action Plan Follow-up

Goals for FY 2018 2nd Quarter (ongoing projects and activities)

- Tribal Parks Special Review (Monument Valley, Lake Powell, Little Colorado and Four Corners)
- Water Rights Commission Special Review
- 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
- Tsayatoh Chapter Special Review
- Tohajiilee Chapter Special Review
- Pueblo Pintado Special Review
- Crystal Chapter Corrective Action Plan Follow-up
- Fraud Investigations of chapters/staff
- Revisits of sanctioned programs and chapters

Issues/Recommendations

- Recommendation to establish a Fraud Hotline to report suspicious activities by Navajo Nation employees and elected officials

Speaker's Report

Eastern Navajo Land Commission

Contact Person: Larry Rodgers, *Executive Director*

Contact Phone Number: (505) 786-2430

Contact Email Address: lasar98@yahoo.com

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 from 1st Quarter in FY2018

- The Commission Feedback: Presented LBBP Results report at three Agency Council meetings, two more to go, also provide to four (4) CLUP Committees;
- Fort Wingate Army Depot Land Division: Conveyed Commission's selection of two Parcels for Restricted Fee status to BIA; Participated in tour of metal and soil separation operation in Parcel 3
- NELI-NIIP Project: Commission updated the RDC about the Project; a work session schedule in January 2018 to make certain resolves. The Nabi NIIP Subcommittee current priority but disregarding the NELI project.

Section Two: Goals for 2nd Quarter in FY2018

- Re-new talks with Congressional member on the NELI-NIIP Project;
- Begin looking into preparing a new plan for Navajo BBP-II;
- Continue any work under the Fort Wingate Army Depot , including conceptual land use planning
- Resume land purchase talks

Section Three: Issues/Recommendations

- Standby for federal LBBP announcement as to the degree of Navajo involvement under Round-II.
- 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.
- ENLC will re-focus on proposed ranch purchases in NM.

Navajo Election Administration

Contact Person: Edbert Little, *Executive Director*

Contact Phone Number: (928) 871-7263

Contact Email Address: eslittle@navajo-nsn.gov

Section One: Accomplishments from 1st Quarter in FY2018

- Election Board members conducted six (6) regular meetings and one (1) work session.
- Election Board approved 13 resolutions during their regular meetings
- Recommended three amendments to the Navajo Nation Council to Title 11 and only one of the amendment is moving forward; 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).
- Conducted 1 Special Elections to fill 17 elected Positions, 3 chapter referendum elections, and 1 Navajo Nation Wide Referendum Elections.
- Program Project Specialist position vacant for Navajo Election Administration
- Selection was made for the Sr. Tribal Court Advocate, but the position is on hold, because one of the applicants filed a grievance with the Department of Personnel Management.
- Initiated the 2017 purge on November 28, 2017, sent pink postcards to all registered non-voters and the deadline for the return of all pink cards from non-voters is December 29, 2017.

Section Two: Goals for 2nd Quarter in FY2018

- Work with Navajo Nation Council on Transportation Stimulus Referendum Election on October 24, 2017.
- Continue working on amending Election Laws
- NEA's vacant positions are; Program Project Specialist position will be filled or filled base on the applicant's background check- in the process of hiring.
- Enforcement of Policies.
- Continue other Goals and Objectives of the Election Administration/Board; implement directives

Section Three: Issues/Recommendations

- Election Administration needs funding for a new office building, new voting equipment, upgrade office equipment, funds for operations and funds for 2018 primary elections.
- Recommend: Fixed cost for all elections in the coming years and in anticipation of 10% budget shortfall for FY 2018/2019 and to upgraded NEA technology relating to data collection and elections.
- 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.
- Establish Board and Administration as an independent entity.

Speaker's Report

Office of Ethics and Rules

Contact Person: Stacy Allison, *Executive Director*

Contact Phone Number: (928) 871-6369

Contact Email Address: sallison@navajo-nsn.gov

Section One: Accomplishments from 1st Quarter FY18

- Interviews for Presenting Officer candidates took place on October 6, 2017 and the new Ethics Presenting Officer started on November 13, 2017. The Presenting Officer, who is a certified trainer in law enforcement investigations, conducted an in-service training with the current Ethics Investigators to standardize our investigations at Ethics and Rules, to ensure uniform reports, and lead to more efficient filing of complaints with the Office of Hearings and Appeals. In collaboration with the Division of Community Development, DOJ, Office of the Auditor General, the Ethics and Rules Office provided training to the western agency chapters at Twin Arrows Casino. The Ethics and Rules Office also worked collaboratively with the Division of Community Development to plan a Chapter Official Summit, which was scheduled for January 2018, however, it had to be postponed. Ronald Largo, Ethics Investigator, retired on December 29, 2017, after serving this office for 20 years; he worked with the Navajo Nation for 30 years overall. The Ethics and Rules Office selected an individual to fill a vacant Ethics and Rules Investigator position who will start with this office on January 22, 2018. The Ethics and Rules Office continues to be a part of the Title 26 Task Force and the Public Corruption Prevention Task Force and attends monthly meetings.

Section Two: Goals for 2nd 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 an Office Aide to cover the front office and assist the Senior Office Specialist. Create a more efficient system of tracking unpaid restitution and bringing OSC or garnishment actions in a timely manner. 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.

Section Three: Issues/Recommendations

- Develop changes to the 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*

Contact Phone Number: (928) 871-7214

Contact Email Address: ekdee@navajo-nsn.gov

Section One: Accomplishments from 1st Quarter in 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 collected more than 520 survey questionnaires on Navajo Nation Chapter Governance Systems. The data is currently being analyzed and a report will be forthcoming.
- ONGD is currently working on a Sustainability Policy & Practices in Governance across multiple domains in economics, environment, climate change, renewable energy, etc. This document is in a concept proposal is undergoing review by sustainability scholars at Arizona State University's School of Sustainability. Once the review is complete it will be introduced to the Navajo people and government officials, e.g., Navajo Nation Council committees for consideration as part of Title 26 revision as it relates to Chapter Land Use Planning update and at the central government as it relates to programs, department and offices.
- Sponsor five meetings at agencies on tribal government issues to get input from the Navajo People. The Office of Navajo Government Development has completed a series of public education sessions throughout the Nation. Public outreach and contact were held in Shiprock, NM, Tuba City, Bluff, UT and Twin Arrows Casino, AZ. The purpose of these public education is for the Office to provide information to Navajo People on two fronts: (1) The Dynamics of the Navajo Chapter Governance system since its inception from 1935 to its current state, so to gauge its transition based on multiple variables, e.g. population, participation, revenues, quorum, projects, certification and non-certification, etc.; and (2) Sustainable Governance Policy & Procedures where Navajo citizens will have the opportunity to actively express their input on the need for chapters to transition toward sustainable governance and society.

Section Two: Goals for 2nd Quarter in FY2018

- The Office, directed by the "Commission" to begin working on a Hogan Project, which will be used for Diné philosophy Nitsákákees, Nahat'á, liná, and Sihasin for its visioning, planning, leadership and model in an effort to rejuvenate Hogan philosophy in Navajo governance.
- ONGD partnered with the Navajo Nation Department of Health, the Navajo Nation Human Research Review Board (NNHRRB) and University of Washington, Navajo scholars (Dr. Nanibaa' Garrison, Dr. Clarita Lefthand-Begay, and Dr. Katrina Claw), in an effort to remediate the lifting of the moratorium on genetic research in 2002, while concurrently assisting in the development of a genetic research "policy."

Speaker's Report

- The revision of 2 NNC Article 3 – Plan of Operation, is a critical component for both the Office and Commission that will be completed along with a sponsor for legislation.

Section Three: Issues/Recommendations

- The Commission is quite concern about Fundamental laws of Diné appears to be absent from current debate in Navajo government, but they intend to reinvigorate this topic as part of “government reform” initiative moving forward.
- ONGD and the Commission in FY2018 is operating on \$10,888 less than FY2017, which poses immediate concerns given the amount of projects the Office is working on and delegated.
- ONGD in consultation with the Commission has repeatedly reached out in inviting members of the Navajo Nation Council to its regular meetings and “lunch and learn and collaborate” meetings to no avail. ONGD will continue to send out invites to Navajo lawmakers.

Navajo Nation Human Rights Commission

Contact Person: Leonard Gorman, *Executive Director*

Contact Phone Number: (928) 871-7436

Contact Email Address: leonardgorman@navajo-nsn.gov

Section One: Accomplishments from 1st Quarter in FY2018

- Ensure San Juan County Utah Voting Rights is Address: 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. Both cases surround redistricting the county and school board, and the mail-in ballot issue.
- Hate Crimes Training and Seminar. The Office continues to work hate crimes and what is racial discrimination, which is a partnership with the Lawyers Committee for Civil Rights Under Law from Washington, D.C. The next hate crime training and seminar will be a training and will be for prosecutors, investigators, and law enforcement officers.
- Fifth Annual Mayors' Summit. The summit was facilitated by Mayor Robert “Bobby” Tyler, and addressed “Community Action: A Response to Hate Incidents” and “Economic Development: Efforts to Enhance Community Relationships and Improvements.” The Office was able to have the Lawyers Committee for Civil Rights Under Law present on hate crimes.
- Study into the Death of Loreal Tsingine: The Commission, in partnership with University of New Mexico Institute for American Indian Research, convened a panel to inquiry into the death of Loreal Tsingine, the human rights challenges to police, and border town violence against Indigenous women and peoples.
- 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.

Speaker's Report

Section Two: Goals for 2nd Quarter in FY2018

- Conduct Public Seminar: Development of advertisement and educational materials on funerary issues and hate crimes. The funerary seminar will be held in Chinle and Shiprock. The hate crime seminar will be a training and will be for prosecutors, investigators, and law enforcement officers.
- 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 Voting Rights Lawsuits: The office will continue to monitor and assist the attorneys who filed the lawsuit in Navajo Nation Human Rights Commission et al v. San Juan County et al and Navajo Nation v. San Juan County by providing needed information, and keep the plaintiffs updated as they are stakeholders in the lawsuit.

Navajo Nation Labor Commission

Contact Person: Anslem Bitsoi, *Executive Director*

Contact Phone Number: (928) 871-6805

Contact Email Address: art_bitsoi@yahoo.com

Section One: Accomplishments from 1st quarter in FY 2018

- Efficient use of allocated funds, NNLC held (00) evidentiary hearings due to no duly NNLC appointment.
- NNLC and program timely processed three (3) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed fifth teen (17) 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 no duly appointment of NNLC
- NNLC & program timely issued and mailed seven hundred (650) subpoenas and notice of hearings & NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties
- NNLC will continue to adjudicate forty (60) pending NPEA cases
- NNLC program made three (3) audio copies at parties' request

Section Two: Goals for 2nd Quarter in FY 2018

- NN Presidential & NNC Health, Education and Human Services appointments of NNLC membership per CJY-42-16

Speaker's Report

- 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)

- NNLC only received funding for 40 hearings for FY 2018. Additional funds will be needed to adjudicate pending NPEA cases during FY2018. Due to no NNLC appointments, all hearings for October, November December, 2017 and January, 2018 were vacated and hearings maybe continued again if there are non by February, 2018.

Navajo Utah Commission

Contact Person: Clarence Rockwell, *Executive Director*

Contact Phone Number: (435) 651-3508

Contact Email Address: crockwell@navajo-nsn.gov

Section One: Accomplishments from 1st Quarter in FY2018

- The combined efforts of Utah chapters, Navajo Nation Department of Justice, contract attorneys, Navajo Nation Human Rights Commission, and Navajo Utah Commission have resulted in court victory for the Navajo Nation v. San Juan County legislative redistricting lawsuit, and implementation of Utah chapters voter mobilization efforts, including planning for voter registration drives, identification of Navajo candidates, and strategy to get out the vote for 2018 elections.
- The Navajo Utah Commission secured \$100,000 in non-chapter FY2018 Utah Navajo Revitalization Fund (NRF) appropriations for project construction matching funds needed for the Aneth Chapter Phase II Powerline Extension Project.
- The Navajo Utah Commission acquired \$250,000 in non-chapter FY2018 Utah Navajo Revitalization Fund (NRF) appropriations for the Red Mesa North East River Waterline Extension Project.
- The Navajo Utah Commission and Utah chapters made substantial progress in resolving the archaeological issues associated with the proposed new Bluff Elementary School by offering the UNTF fairgrounds as an alternate site for the elementary school serving predominately Navajo students.

Section Two: Goals for 2nd Quarter in FY2018

- Prepare CDBG funding application for the Aneth Chapter Phase II Powerline Extension Project serving 28 families.
- Participate to extent possible in the 2018 Utah Legislature including tribal caucus, dialogue with the governor, collaboration with Navajo Nation-contracted Utah lobbyist, and representation of Utah

chapter interest and concerns.

- Qualify seven (07) housing grant recipients from the Utah chapters for housing assistance from the Utah Olene Walker Housing Loan Fund (OWHLF) and Utah Navajo Revitalization Fund (NRF).
- Work with the Utah chapters in identifying Navajo candidates for San Juan County Commission, school board, and other county offices by filing date in mid-March and support thereafter.

Section Three: Issues/Recommendations

- The Navajo Utah Commission conducts 12 monthly meetings per fiscal year and rotates meetings between Window Rock and Utah chapter locations. The commission addresses numerous issues on a regular basis, and often enacts resolution. Legal guidance is sometimes necessary. The Navajo Utah Commission is requesting appointment of an attorney from the Office of Legislative Counsel, and attendance at NUC meetings.

Black Mesa Review Board

Contact Person: Andrew Benallie

Contact Phone Number: (928) 349-2285

Contact Email Address: abenallie@navajo-nsn.gov

Section One: Accomplishment from 1st Quarter FY2018

- Monitored 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 is about 98% complete.
- Continue to work with Peabody on reseeding project and inspect the same.

Section Two: Goal for 2nd Quarter in FY2018

- Plan and host a general strategy plan meeting with the Navajo Nation officials from various departments pertaining to economic development, environmental issues, post mining land use plan, 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 February to provide update on Many Mules Waterline Project and to discuss required funding for completion of Phase 3 Many Mules waterline project.
- Review a settlement agreement between Navajo Nation and Peabody to verify if the residents have been fairly compensated for their grazing lands as agreed.
- Submit BMRB resolution requesting Infrastructure Committee to obligate the full \$1.5 million Peabody's annual contribution to Many Mules Waterline Project.

Speaker's Report

Section Three: Issues/ Recommendations

- Develop strategy for revision /amendment to Resource and Development Committee's legislation/ regulations which are contrary to Navajo Nation laws.
- Assist Peabody Coal in their effort to rid of feral horses damaging reseeded areas.
- Assist Peabody Coal to stop/prevent illegal fence cutting by certain residents grazing their livestock in reseeded area thus destroying reseeded vegetation.
- Request Peabody and I HS not to delete families that were listed on the original plan to receive water through Phase 2 Many Mules waterline project.

**The Law and Order Committee
of
The 23rd Navajo Nation Council**



**First Quarterly Report
October, November & December 2017**

**Respectfully Submitted by
Honorable Edmund Yazzie, Chairperson
Honorable Raymond Smith, Jr., Vice-Chairperson**



23rd Navajo Nation Council

January 5, 2018

Honorable LoRenzo Bates, Speaker
23RD NAVAJO NATION COUNCIL

Honorable Council Delegates
23RD NAVAJO NATION COUNCIL
Window Rock, Arizona 86515

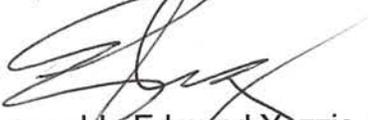
Re: Law and Order Committee - First Quarterly Report 2018

Dear Mr. Speaker and Council Delegates:

The Law and Order Committee of the 23rd Navajo Nation Council respectfully submit its First Quarterly Report for Fiscal Year 2018 to the 23rd Navajo Nation Council.

The report contains resolutions that were considered by Law and Order Committee (LOC) during the First Quarter of FY 2018. Also report provides the significant accomplishments of the Committee during the period of October, November and December, 2017.

Respectfully submitted,


Honorable Edmund Yazzie, Chairperson
Law and Order Committee, NNC


Honorable Raymond Smith, Jr., Vice-Chairperson
Law and Order Committee, NNC

cc: File

FIRST QUARTERLY REPORT

To the 23rd Navajo Nation Council First Year Winter Session FY 2018

PURPOSE OF THE COMMITTEE

The Law and Order Committee of the Navajo Nation Council serves as a committee body of the Navajo Nation Council pursuant to 2 N.N.C. §§ 600 and CAP-10-11 as follows:

§600 Establishment; membership; purposes:

- A. The Law and Order Committee is hereby established as a standing committee of the Navajo Nation Council
- B. The Committee shall consist of five members
- C. The Committee shall use Nitsahakees, Nahat'a, Iina and Siihasin in exercising legislative oversight over courts, administrative legal tribunals, criminal defense, legal defense of the indigent, juvenile justice, corrections, law enforcement, emergency management for the following purposes:
 - 1. To improve the administration of justice on the Navajo Nation by ensuring a justice system that is independent from political influence and that is accountable and responsible to the Navajo Nation in its administration and operations. Justice system includes Judicial Branch and all administrative legal tribunals.
 - 2. To protect the rights and interests of the Navajo People by improving the quality and effectiveness of the justice system within the Navajo Nation.
 - 3. To establish and develop the Navajo Nation justice system infrastructure including justice system facilities and to promote institutional planning and coordination among and between justice-system-related entities.
 - 4. To enhance cooperating and coordination between the Navajo Nation courts and courts of the various states and the federal government including their administrative legal tribunals.
 - 5. To enhance the operations and coordination of all departments within the Navajo Division of Public Safety in order to increase the availability, quality, and effectiveness of public safety services on the Navajo Nation.
 - 6. To enable the Navajo Nation to more effectively provide efficient public safety services on the Navajo Nation.
 - 7. To support effective cooperation and coordination between the Navajo Nation law enforcement agencies and that of the various states and federal government law enforcement agencies.
 - 8. To enhance juvenile justice programs through coordination with appropriate Committees, the Judicial Branch, Executive Branch programs, and federal, state, tribal and local governmental agencies.

GENERAL INFORMATION

- A. **COMMITTEE** : Law and Order Committee
N.N.C. Title 2, §§600- 603 and CAP-10-11
- B. **Chairperson/Vice Chairperson** : Honorable Edmund Yazzie, Chairperson
Honorable Raymond Smith, Jr., Vice-Chairperson
- C. **Council Delegates Confirmed as Committee Members:**

<u>COMMITTEE</u>	<u>AGENCY</u>	<u>CHAPTER(S)</u>
Honorable Kee Allen Begay, Jr.	Chinle	Low Mountain, Many Farms, Nazlini, Tachee/Blup Gap/Tselani/Cottonwood Chapters
Honorable Herman Daniels, Jr.	Western	Oljato/Shonto/Naa'tsis'Aan/Tsah' Bii Kin Chapters
Honorable Raymond Smith, Jr.	Ft. Defiance	Houck/Klagetoh/Tse' Si Ani/Nahata Dziil/Wide Ruins Chapters
Honorable Otto Tso	Western	Toh'Na'nees Dizi Chapter
Edmund Yazzie	Eastern	Church Rock/Iyanbito/Mariano Lake/Pinedale/Smith Lake/Thoreau Chapters

D. **Committee Meeting Dates: CJA-01-14**

The Law and Order Committee selected to meet the Second, Third and Fourth Mondays of every month at 10:00 a.m. There are no meetings scheduled for the first Monday of every month. Special meetings are also held on the call of the Committee.

E. **Office of Legislative Services Commission Staff:**

Valcita Thompson, Legislative Reporter
Laureen Spencer, Legislative Advisor
Ron Haven, Principal Attorney, Office of Legislative Counsel

**Highlights of Significant Activities
of the Law and Order Committee
During the Months of October, November & December, 2017**

LOC Regular, Special Meetings, Joint, Work, & Budget Sessions & Other Meetings:

- October 9, 2017 Meeting Site: Law & Order Committee Building, Window Rock, Az
Report from Meskee Yatsayte on Navajo Nation Missing Persons and other family members of the Missing Person; Report from Thomas J. Holgate, Acting Chief Justice regarding activities of Judicial Branch; Report from Delores Greyeyes, Department Manager of Corrections on Incarceration for Drug Use. Eight legislations were move forward to other standing committees; one approved by LOC and one was referred to the next meeting. Three journals were approved.

- October 23, 2017 Meeting Site: Law & Order Committee Bldg., Window Rock, Az
Report from Phillip B. Francisco, Police Chief/NPD on activities of NPD; Judy Platero, Program Supervisor, NN Dept. of Child Support Service on Contract Hearing Officer for OHA; Raquel Chee, Grants Administrator, NN Judicial Branch in reference to Dine' Action Plan. Travel request to attend Judicial Branch's Annual Conference. No legislation & journals were approved.

- October 30, 2017 Meeting Site: Law & Order Committee Bldg., Window Rock, Az
Report from Jesse Delmar, Executive Director, DPS on drug test & treatment records from local hospitals and DPS activities; Alamo School Board Members regarding Law Enforcement; Etta Arviso, from Nageezi on fracking, accidents within community and school district on discrimination. One legislation approved by LOC and seven journals were approve.

- November 13, 2017 Meeting Site: Law & Order Committee Bldg, Window Rock, Az
No reports. Two legislations were considered, both were move forward and one legislation did not get a second. Four journals were approved by LOC.

- November 20, 2017 Meeting Site: Law & Order Committee Bldg., Window Rock, Az
Report from Regina Holyan Principal Attorney-NNDOJ regarding Consent Decree; Ralph Roanhorse, Director, Human Resources- NN Judicial Branch in regards to Judgeship; and Cordell Shortey, Contracting Officer, NN OMB on PL 93-638 Contract funding. Four legislations were considered and one approved by LOC with a resolution, the others were forward to the next standing committee for approval. No journals.

- November 27, 2017 Meeting Site: NAPI Conference Room, Upper Fruitland, NM
 Report from Thomas J. Holgate, Acting Chief Justice on position salaries (executive session). Report from Etta Arviso, Nageezi & Huerfano Community regarding police substation, law enforcement, sex trafficking, BLM, fracking, truckers, etc. Another meeting needs to be set to meet with BIA, BLM and discuss 638 monies. One legislation was considered and forward to the next committee for approval.
- December 5, 2017 Meeting Site: Pueblo Pintado Chapter House, Pueblo Pintado, NM
 Report from Pueblo Pintado Chapter Officials and constituents on public safety & housing matters. Rena Thompson, Court Administrator for Crownpoint Judicial Branch regarding Pueblo Pintado Court Building. Directive: Establish a separate district for DPS/Court. LOC will do a follow-up in January. No journals and legislations were approved.
- December 11, 2017 Meeting Site: Law & Order Committee Bldg., Window Rock, Az
 Report from Division of Public Safety on Substation, Alcohol Tax, DPS building & creating additional Police District; Thomas J. Holgate made a report on additional district court & Judicial Branch activities. One legislation approved and moved forward, the other was approved by LOC as final approval. No journals.
- December 12, 2017 Meeting Site: KPMG Office Conference Room, 6565 Americas Pkwy NE, Albuquerque, NM
 Report by Phillip B. Francisco, Police Chief-NDP review the draft Plan of Operation for NPD/DPS & others Internal Affairs, EMS and NN Fire Department. Staff were told to work with Ron Haven, Attorney, Office of Legislative Counsel for corrections, insertions and underscore, etc., bring documents back to LOC meeting on January 8, 2018.
- December 18, 2017 Meeting Site: Law & Order Committee Building, Window Rock, Az
 No reports were made, and one legislation was approved and move forward to the next committee. A motion was made to meet at LeChee Chapter House with the Chapter Officials, date will be determined at a later date when all LOC members are in attendance. One journal was approved by LOC.
- December 21, 2017 Meeting Site: Navajo Nation Council Chambers, Window Rock, Az
 Joint Meeting between Resources & Development and Law & Order Committee. No quorum for LOC but a report was made by Robert Allan, Attorney, DNR on Peace Officers Training & Certification Proposal and Phillip B. Francisco, Police Chief, NPD.

**RESOLUTIONS OF THE
LAW AND ORDER COMMITTEE**

October – December, 2017

October 9, 2017

LOCO-25-17

An Action Relating to Law and Order; Approving an Allocation of \$420,000.00 from the Judicial/Public Safety Facilities Fund to Update and Complete the Judicial/Public Safety Master Plan
Sponsor: Honorable Edmund Yazzie

Motion: Honorable Kee A. Begay, Jr.

Second: Honorable Otto Tso

Vote: 3-0 (Vice Chairperson not voting) 10/9/17

October 30, 2017

LOCO-26-17

An Action Relating to Law and Order; Recommending to the Navajo Nation President the Probationary Appointment of Rhonda L. Tuni as Navajo Nation District Court Judge
Sponsor: Honorable Edmund Yazzie

Motion: Honorable Otto Tso

Second: Honorable Herman M. Daniels

Vote: 4-0 (Vice Chairperson not voting) 10/30/17

November 20, 2017

LOCN-27-17

An Action Relating to the Law and Order Committee; Appointing Delegate Member from the Law and Order Committee as a Member Representative to the Navajo Transitional Energy Company, LLC – Sponsor: Honorable LoRenzo C. Bates

Motion: Honorable Kee A. Begay, Jr.

Second: Honorable Herman M. Daniels

Vote: 3-0 (Chairperson not voting) 11/20/17

December 20, 2017

LOCD-28-17

An Action Relating to Law and Order Committee; Approving a Budget Reallocation in the total amount of \$417,737 within the Fire and Rescue Services Program, Business Unit Number 116012, to Continue Operations and Waive of Budget Reallocation Limitation – Sponsor: Honorable Kee A. Begay, Jr.

Motion: Honorable Kee A. Begay, Jr.

Second: Honorable Herman M. Daniels, Vote: 3-0

Committee reports forward to Standing Committees and LOC resolutions:

Legislation No. 0335-17	Refer to B&FC	October 9, 2017
Legislation No. 0356-17	Refer to B&FC	October 9, 2017
Legislation No. 0366-17	Refer to HEHSC	October 9, 2017
Legislation No. 0359-17	Refer to NABI	October 9, 2017
Legislation No. 0401-17	Refer to NABI	October 9, 2017
Legislation No. 0388-17	Refer to NABI	October 9, 2017
Legislation No. 0385-17	Refer to B&FC	October 9, 2017
Legislation No. 0386-17	Refer to RDC	October 9, 2017
Legislation No. 0427-17	LOC Resolution	October 30, 2017
Legislation No. 0458-17	LOC Resolution	November 20, 2017
Legislation No. 0455-17	Refer to B&FC	November 20, 2017
Legislation No. 0456-17	Refer to HEHSC	November 20, 2017
Legislation No. 0441-17	Refer to NABI	November 20, 2017
Legislation No. 0405-17	Refer to NABI	November 27, 2017
Legislation No. 0473-17	Refer to RDC	December 11, 2017
Legislation No. 0233-17	LOC Resolution	December 11, 2017
Legislation No. 0469-17	Refer to NABI	December 18, 2017

**HEALTH, EDUCATION AND HUMAN SERVICES
COMMITTEE OF
THE 23rd NAVAJO NATION COUNCIL**

FIRST QUARTER REPORT

FISCAL YEAR 2018

October 2017 to December 2017

PRESENTED TO
THE NAVAJO NATION COUNCIL
WINTER SESSION

THE NAVAJO NATION
WINDOW ROCK, NAVAJO NATION (ARIZONA)
December 2017

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**Health, Education and Human Services Committee
FY 2018 – First Quarterly Report**

INTRODUCTION

This report identifies areas of Health, Education and Human Services Committee oversight activities and accomplishments during the First Quarter of 2018 Fiscal Year, which includes the months of October, November and December, 2017.

During this period, the Health, Education and Human Services Committee approved resolutions having significant impact on the human services, health, education, social services and general governmental services.

In addition to hearing numerous reports in the area of oversight responsibilities, the Committee considered and acted on Committee legislations in response to oversight authority and responsibility.

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE MEMBERSHIP

<u>Members</u>	<u>Chapters</u>
Jonathan L. Hale, Chairperson	Oak Springs / Saint Michaels
Norman M. Begay, Vice Chairperson	Alamo/ Ramah / Tohajiilee
Amber Kanazbah Crotty	Beclabito/ Cove/ Gadi'i'ahi/ To'Koi/ Red Valley/ Sheepsprings/ Toadlena / Two Grey Hills/ Tse alnaoz't'li
Nathaniel Brown	Chilchinbeto/ Dennehotso/ Kayenta
Nelson S. BeGaye	Lukachukai/ Rock Point/ Round Rock/ Tsaile/ Wheatfields/ Tse'Ch'izhi'
Steven Begay	Coyote Canyon/ Mexican Springs/ Naschitti / Tohatchi / Bahastl'a'a'

**Health, Education and Human Services Committee
Staff**

**Office of Legislative
Services**

Beverly Martinez, Advisor, Ext. 7175

Leonard Mose, Legislative Reporter, Ext. 6948

**Committee Conference
Room**

Navajo Nation Available Legislative Conference Room(s)
Window Rock, AZ

TITLE TWO, NNC, SECTION 401- 403 (CAP-10-11)

The Health, Education and Human Services Committee is established and continues as a Standing Committee of the Navajo Nation Council. The purposes of the Committee are:

1. To promulgate regulations, promote accountability to policies, and provide legislative oversight on matters involving health, social services, education, general governmental services and human services.
2. To oversee the education initiatives of the Navajo Nation by promoting academic excellences and culturally relevant education.
3. To oversee Navajo Nation efforts in implementing and ensuring compliance with labor laws and policies of the Navajo Nation and laws relating to veterans services.
4. To oversee Navajo Nation policies and priorities to optimize the delivery of social services and health services to the Navajo people consistent with the traditional practices and customs of the Navajo people.

REPORTS

In the First Quarter, the Health, Education and Human Services Committee received the following reports:

October 2017

SPECIAL MEETING, October 02, 2017 (*In Lieu of October 16, 2017*)

PLACE: LOC Conference Room, Window Rock (Navajo Nation), Arizona

1. Executive Session – Follow-up Report on Navajo Nation Naataani Corporation/Managed Care Organization and Follow-up Report on Pro-Athlete Team Medical and Health Care Programs Initiative **Presenter: Juan Massey, Executive Staff Assistant, OPVP; Yvonne Kee-Billison, Executive Staff Assistant, OPVP; Leonard Chee, Executive Staff Assistant, OPVP; Honorable Jonathan L. Hale; Honorable Amber Kanazbah Crotty**
2. Executive Session – Report from Toyei Industries, Inc. **Presenters: Brenda Hoskie, Chairwoman of Toyei Industries, Inc. Board; Honorable Jonathan L. Hale; Honorable Nathaniel Brown**
3. Consideration to schedule for a Joint Meeting with APS/ RDC/ HEHSC
4. Executive Session - Sharing of Land Report **Presenter: Karis Begaye, Executive Attorney, OPVP**

**REGULAR MEETING October 09, 2017 10:00 a.m. – No Quorum reached;
PLACE: NDOH East Conference Room, Window Rock (Navajo Nation), AZ**

5. Report from Office of Legislative Counsel – Appointment to Navajo Labor Commission, Resolution CJY-42-16 **Presenter: Ed McCool, Principal Attorney, Office of Legislative Counsel**

**NAABIK'YATI' SEXUAL ASSAULT PREVENTION SUBCOMMITTEE
Sub-Committee Task Force Meeting, October 13, 2017 (10:00AM)
LOCATION: NDOH East Conference Room, Window Rock, AZ**

Review and Adopt Journals: March 10, 2017; April 14, 2017; May 2017-SAP Mtg. Cancelled; June 15, 16, 2017; September 08, 2017

6. Update Report – Title 17 Amendments **Presenter: Ethel Branch, Attorney General, Navajo Nation Department of Justice (NNDJ)**
7. Written Update Report - RFP for Mass Notification Software for IPAWS (AMBER Alert) **Presenter: Harland Cleveland, Department Manager, Navajo Department of Emergency Management** (Note: written report received on 9/08/17 – vote pending)
8. Written Report/Discussion on Sex Trafficking at Casinos **Presenters: Michele Dotson, Attorney; Brian D. Parrish, Interim Chief Executive Officer, Navajo Nation Gaming Enterprise; and NNGE Staff** (Note: Oral and written report received on 9/08/17 – vote pending)
9. Report on TMC Family Advocacy Center **Presenters: Rachel Chee, Grant Administrator, Judicial Branch; Dr. Renee Ornelas, Tse'Hootsooi' Medical Center (TMC) Family Advocacy Center**
10. Written Update Report (per last meeting) on Sexual Assault Policy Brief and Partnership with Coalition to Stop Violence Agency Native Woman (CSNANW) **Presenter: Honorable Amber Kanazbah Crotty** (Note: On April 14, 2017, request to provide update report at next meeting – 3 Factors to Review); (Note: Oral and written report received on 9/08/17 – vote pending)
11. Revenge Porn – Proposed Policy recommendations from SAP Subcommittee – update on Legislation 0347-17 **Presenters: Honorable Jonathan L. Hale; Honorable Nathaniel Brown**
12. Consideration/Discussion to host next training at Blanding, Utah (tentative dates: pending)
13. U.S. DOJ Training on Human Trafficking and Tribal Law & Order Act (TLOA)
14. Consideration to schedule next SAP meeting (location, date, time)

15. VAWA Expansion

REGULAR MEETING October 23, 2017 10:00 a.m. ; Quorum Reached – 5 members present

PLACE: BFC Conference Room, Window Rock (Navajo Nation), Arizona

REVIEW AND ADOPT THE JOURNAL(S): 9/25/17; 10/02/17; 10/09/17

16. HEHSC members request for discussion with Office of Legislative Services Legislative Manager and OLS Executive Director regarding HEHSC journals, status of approved procedures and policies, and other committee concerns (Note: Report was forward to NABI for participation of other standing committees)
17. Annual Report from Tuba City Regional Health Care Center (TCRHCC) **Presenters: Lynette Bonar, CEO, TCRHCC; and TCRHCC Board of Directors; and Staff** (Note: Report was moved to December 2017)
18. Report on Closure of Counseling Service in Eastern Agency and Thoreau Area(s) **Presenters: Honorable Edmund Yazzie; Theresa Galvan, Health Administrator; Glorinda Segay, NDOH Executive Director; Anita David, Thoreau Chapter President** (Note: Report Accepted with Directive: Motion By: Amber Kanazbah Crotty; Second By: Steven Begay; Vote 5-0 CNV)
19. Report from Office of Legislative Counsel – Appointment to Navajo Labor Commission, Resolution CJY-42-16 **Presenter: Ed McCool, Principal Attorney, Office of Legislative Counsel** (Note: Report Accepted with Directive issued to OLS staff to review all HEHSC appointments; Motion By: Nelson BeGaye; Second By: Steven Begay; Vote 5-0 CNV)
20. Report on Dine Action Plan Report and TMC Family Advocacy Center **Presenters: Rachel Chee, Grant Administrator, Judicial Branch; Yvonne Kee-Billison, Executive Staff Assistant, OPVP; Dr. Renee Ornelas, Tse'Hootsooi' Medical Center (TMC) Family Advocacy Center** (Note: Report Accepted: Motion By: Norman M. Begay; Second By: Amber Kanazbah Crotty; Vote 1-3 CNV)
21. Report on Navajo Nation Board of Education Performance Evaluation, Audit Report No. 18-01, October 2017 **Presenter: Elizabeth Begay, CIA, CFE, Auditor General, Office of the Auditor General** (Note: Report Accepted: Motion By: Nathaniel Brown; Second By: Amber Kanazbah Crotty; Vote 3-1 CNV)
22. Update Report on Navajo IRB **Presenters: Dine College Policy Institute Staff**

(Note: HEHSC issued a Directive on Tuesday, 8/08/17 for Presenters from Dine College Policy Institute to bring back updated Navajo IRB report with recommendations and findings to HEHSC members by 9/26/2017; Motion By: Amber Kanazbah Crotty; Second By: Nathaniel Brown; Vote: 3-0 CNV)

(Note: Forward to 10/23/17 for vote consideration; Motion By: Nelson BeGaye; Second By: Amber Kanazbah Crotty; Vote: 4-0 CNV)

23. Update Report from Office of the President/Vice-President (OPVP) to submit requested documents by October 09, 2017, for the Navajo Nation Naataani Corporation/Managed Care Organization **Presenter: Juan Massey, Executive Staff Assistant, OPVP**

(Note: On Monday, 10/02/17 – HEHSC issued a Directive to OPVP Staff to submit requested Navajo Nation Naataani Corporation/Managed Care Organization documents; Motion By: Amber Kanazbah Crotty; Second By: Nelson BeGaye; Vote: 3-0 CNV)

(Note: 10/09/17 - Written Report was submitted by OPVP email notice to HEHSC members; requires committee motion; second; vote)

(Note: Forward to 10/23/17 for vote consideration; Motion By: Nathaniel Brown; Second By: NO Second Vote; Report Not Accepted)

24. Report on New School Construction For Lukachukai Community School
Presenters: Vicent Vicenti, School Board President; Ramona Largo, HR Director; and Lukachukai Community School Board Members

(Note: Oral and Written Report was provided on 10/09/17 – requires committee motion; second; vote)

(Note: Forward to 10/23/17 for vote consideration and for an update report from DODE Superintendent of Schools on new school construction status; Motion By: Steven Begay; Second By: Amber Kanazbah Crotty; Vote: 4-0 CNV)

25. Report on Project Venture Native Youth Leadership **Presenters: Ben Soce, Lead Experimental Educator, The National Indian Youth Leadership Project**

(Note: Oral Report was provided on 10/09/17 – requires committee motion; second; vote)

(Note: Forward to 10/23/17 for vote consideration; Motion By: Steven Begay ; Second By: Norman M. Begay; Vote: 3-0 CNV)

26. Request for Joint Meeting with HEHSC/LOC **Presenter: Rachel Chee, Grant Administrator, Judicial Branch** (Note: Motion to defer to next HEHSC meeting; Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 4-0 CNV)

27. Consideration to attend FY 2020 Indian Health Services Budget Formulation Work Session, November 7-9, 2017, Double Tree by Hilton, 1175 W. Route 66, Flagstaff, AZ (Note: Motion By: Amber Kanazbah Crotty; Second By: Nathaniel Brown; Vote: 4-0 CNV)

28. Consideration to reschedule Regular and Special Meeting Request:
 - a. Monday, December 25, 2017 (due to Christmas Day)
 - b. Other
29. Consideration for a meeting on 11/07/17 with NDOH and DOJ regarding Health Care Providers
(Note: Motion By: Steven Begay; Second By: Amber Kanazbah Crotty; Vote: 3-0 CNV)

REGULAR MEETING, October 30, 2017

PLACE: NDOH East Conference Room, Window Rock (Navajo Nation), Arizona

REVIEW AND ADOPT THE JOURNAL(S): 9/25/17; 10/02/17; 10/09/17

30. HEHSC members request for discussion with Office of Legislative Services Legislative Manager and OLS Executive Director regarding HEHSC journals, status of approved procedures and policies, and other committee concerns

(Note: On 10/13/17 HEHSC referred to Naa'biik'iyati' Committee; On 10/26/17 was considered by Naa'biik'iyati' Committee members;

(Note: on 10/30/17 - Motion to Accept Report By: Nathaniel Brown; Second By: Norman M. Begay; Vote 3-0 CNV)
31. Report on "Involving Native Stakeholders in Pain Research Efforts (Inspire) and Intention to work with several Chapters in Western and the Southwestern Region of the Navajo Nation – Grant through Northern Arizona University **Presenters: Cora-Maxx-Phillips, MSW; and Dr. Emery Eaves; Dr. Baldwin; Northern Arizona University**

(Note: On 10/30/17 - Motion By: Norman M. Begay; Second By: Steven Begay; Vote: 3-0 CNV)
32. Update Report from Chilchinbeto Community School **Presenters: Teryln Sherlock; Chilchinbeto School Board Members; and Staff** (Note: Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 4-0 CNV)
33. Report on New Plan of Operation **Presenters: Edsel Pete, Program Manager I, Office of Broadcast Services; Honorable Jonathan L. Hale**
(Note: Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 4-0 CNV)
34. Report on Facilities Maintenance Department's Change in Organization Plan of Operation **Presenters: Marcus Tulley, Department Manager III, Facilities Maintenance Department**
35. Discussion regarding (2) HEHSC Appointments to the Navajo Labor Commission **Anslem Bitsoi, Executive Director, Navajo Nation Labor Commission; Honorable Jonathan L. Hale** (Note: Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 4-0 CNV)

November 2017

SPECIAL MEETING, November 07, 2017

PLACE: LOC Conference Room, Window Rock (Navajo Nation), Arizona

REVIEW AND ADOPT THE JOURNAL(S): 10/09/17; 10/23/17; 10/30/17

1. Discussion with Navajo Nation Department of Justice (NNDOJ) and Navajo Department of Health (NDOH) on Health Oversight **Presenters: Honorable Jonathan L. Hale; Ed McCool, Office of Legislative Counsel**
2. Discussion with Office of Legislative Services regarding a Comprehensive List of HEHSC Appointments according Title II **Presenters: Manuel Rico, Policy Analyst, Office of Legislative Services**
3. Consideration to re-schedule Tuba City Regional Health Care Center (TCRHCC) Annual Report to Monday, November 27, 2017 or to Monday, December 18, 2017

WORK SESSION MEETING, November 08, 2017

PLACE: BIA/BIE Building, Conference Room, Suite 254

1011 Indian School Road NW

Albuquerque, New Mexico (Cattycorner to the Indian Pueblo Cultural Center on 12th Street)

4. Work Session with Department of Dine Education (DODE), Navajo Nation Board of Education (NNBOE), Dine Bi Olta School Board Association, Inc. (DBOSBA), and the Annual Compliance Determination Committee (ACDC) regarding the Annual Compliance Determination Requirements and Policies formerly "Reauthorization" Process **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Navajo Nation Board of Education Members; Angela Barney-Nez, DBOSBA Executive Director; ACDC Members; and DODE Staff**

WORK SESSION Budget Formulation for FY 2020 with Indian Health Service, November 07-09, 2017

PLACE: Double Tree by Hilton – Flagstaff, AZ

5. Consideration to attend FY 2020 Indian Health Services Budget Formulation Work Session, November 7-9, 2017, Double Tree by Hilton, 1175 W. Route 66, Flagstaff, AZ

REGULAR MEETING, November 13, 2017

PLACE: Budget and Finance Committee Conference Room, WR, AZ

REVIEW AND ADOPT THE JOURNAL(S): 10/09/17; 10/23/17; 10/30/17

6. Report on Follow-up Review of the Navajo Occupational Safety and Health Administration P-Card Activities Corrective Action Plan Implementation **Presenters: Elizabeth Begay, CIA, CFE, Auditor General, Office of the Auditor General; and Staff**

WORK SESSION MEETING, November 15, 2017

PLACE: Department of Dine Education Auditorium, WR, AZ

7. Work Session with Department of Dine Education (DODE), Navajo Nation Board of Education (NNBOE) and Annual Compliance Determination Committee (ACDC) regarding the Annual Compliance Determination (ACD) Requirements and Policies) formerly "Reauthorization" Process **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Navajo Nation Board of Education Members; Angela Barney-Nez, DBOSBA Executive Director; ACDC Members; and DODE Staff**

REGULAR MEETING, November 20, 2017

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

8. Update Report and Discussion - Navajo Head Start **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Dr. Tim Benally, Assistant Superintendent of Schools; Elvira Bitsoi, Navajo Head Start Administration; and NHS Parent Policy Council; Terrelene Massey, Executive Director, Division of Social Services; Honorable Amber Kanazbah Crotty**

(Note: On 11/13/17 – HEHSC members requested Navajo Head Start Administration Staff to provide a High Level Summary Report by November 20, 2017; For the NHS Parent Policy Council and Division of Social Services to attend the 11/20/17 HEHSC Regular Meeting for discussion purposes; Motion By: Nelson BeGaye; Second By: Amber Kanazbah Crotty; Vote: 3-0 Chairperson Not Voting)

9. Consideration for Committee Member(s) to attend a meeting with Ms. Etta Arviso and Nageezi and Huerfano Communities concerns on Monday, November 27, 2017 at the Law and Order Committee Meeting at NAPI Headquarters, Farmington, NM, at 10am.
10. Consideration to schedule upcoming meetings and review of committee logistics.

REGULAR MEETING, November 27, 2017

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

11. Annual Report from Tuba City Regional Health Care Center (TCRHCC) **Presenters: Lynette Bonar, CEO, TCRHCC; and TCRHCC Board of Directors; and TCRHCC Staff**
12. Written Update Report - Navajo Head Start **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Dr. Tim Benally, Assistant Superintendent of Schools; Dr. Elvira Bitsoi, Navajo Head Start Administration; Terrelene Massey, Executive Director, Division of Social Services; Honorable Amber Kanazbah Crotty** (Note: At a duly called HEHSC Regular Meeting on 11/20/17 - Honorable HEHSC members requested Navajo Head Start Administration Staff to provide a written update report on remaining discussion items by 11/27/17; Motion By: Steven Begay; Second By: Amber Kanazbah Crotty; Vote: 3-0 Chairperson Not Voting)

13. Consideration to schedule upcoming meetings and update on committee logistics

**NAABIK'İYATI' SEXUAL ASSAULT PREVENTION SUBCOMMITTEE, Meeting
November 30, 2017 (10:00AM) NO QUORUM REACHED TODAY**

LOCATION: Law and Order Committee Conference Room
(Navajo Nation) Window Rock, AZ

Review and Adopt Journals: March 10, 2017; April 14, 2017; May 2017-SAP Mtg.
Cancelled; June 15, 16, 2017; September 08, 2017

14. Update Report – Title 17 Amendments **Presenter: Ethel Branch, Attorney General, Navajo Nation Department of Justice (NNDOJ)**
15. Written Update Report - RFP for Mass Notification Software for IPAWS (AMBER Alert) **Presenter: Harland Cleveland, Department Manager, Navajo Department of Emergency Management**
(Note: written report received on 9/08/17 – vote pending)
16. Written Report/Discussion on Sex Trafficking at Casinos **Presenters: Michele Dotson, Attorney; Brian D. Parrish, Interim Chief Executive Officer, Navajo Nation Gaming Enterprise; and NNGE Staff**
(Note: Oral and written report received on 9/08/17 – vote pending)
17. Report on TMC Family Advocacy Center **Presenters: Rachel Chee, Grant Administrator, Judicial Branch; Dr. Renee Ornelas, Tse'Hootsooh Medical Center (TMC) Family Advocacy Center**
(Note: Oral and written report received on 10/13/17 – vote pending)
18. Written Update Report (per last meeting) on Sexual Assault Policy Brief and Partnership with Coalition to Stop Violence Agency Native Woman (CSNANW) **Presenter: Honorable Amber Kanazbah Crotty**

(Note: On April 14, 2017, request to provide update report at next meeting – 3 Factors to Review);

(Note: Oral and written report received on 9/08/17 – vote pending)
19. Revenge Porn – Proposed Policy recommendations from SAP Subcommittee – update on Legislation 0347-17 **Presenters: Honorable Nathaniel Brown);**
(Note: Written report received on 9/08/17 – vote pending)
20. Consideration/Discussion to host next training at Blanding, Utah (tentative dates: _____) (Note: Motion; Second; Vote pending)
21. U.S. DOJ Training on Human Trafficking and Tribal Law & Order Act (TLOA)
(Note: Motion; Second; Vote pending)

22. VAWA Expansion (Note: Motion; Second; Vote pending)
23. Consideration to attend Strengthening Sovereign Responses to Sex Trafficking in Indian Country, January 30-31, 2018, Agua Caliente Band of Cahuilla Indians, Palm Springs, CA (Note: Motion; Second; Vote pending)
24. Consideration to schedule next SAP meeting (location, date, time)

December 2017

REGULAR MEETING, December 11, 2017

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): 10/09/17; 10/23/17; 10/30/17; 11/20/17; 11/27/17;

11/07/17 & 11/15/2017 – 2 Work Sessions with DODE, DBOSBA, NNBOE
- no journal required;

11/7,8, 9/2017 - Work Session with Indian Health Service Budget Formulation - no journal required;

1. Report on WIHCC Self-Governance Reauthorization **Presenters: Sally Pete, CEO; Robert Salabye, WIHCC Board of Directors; Winslow Indian Health Care Center, Inc. Staff**
2. Report on Behavioral Health Services – Challenges **Presenters: Theresa Galvan, Administrator, Navajo Nation Department of Behavioral Health Services**
3. Update Report from Office of the President/Vice-President (OPVP) regarding Nataani Corporation (MCO) Managed Care Organization **Presenter: Juan Massey, Executive Staff Assistant, OPVP; Honorable Jonathan L. Hale**
4. Written Update Report - Navajo Head Start **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Dr. Tim Benally, Assistant Superintendent of Schools; Dr. Elvira Bitsoi, Navajo Head Start Administration; Honorable Amber Kanazbah Crotty; Honorable Jonathan L. Hale**

(Note: 11/20/17 - Navajo Head Start Administration Staff was requested to provide a written update report by 11/27/17; Motion By: Steven Begay; Second By: Amber Kanazbah Crotty; Vote: 3-0 Chairperson Not Voting);

(Note: 11/27/17 - Navajo Head Start Administration Staff requested to provide a written update report by 12/11/17; Motion by Nelson S. BeGaye; Second By: Amber Kanazbah Crotty Vote: 2-1 Chairperson Not Voting)

5. Consideration to attend Operation Jini MCM Tabletop Exercise Agenda, Twin Arrows Casino, 22181 Resort Blvd, Twin Arrows, AZ, Tuesday, December 12, 2017 from 8:30am to 4:30pm, (MST)
6. Consideration to attend SAMHSA Native Connections Grantees: Navajo Technical University & Thoreau Community Center, Recognition Luncheon, Tuesday, December 12, 2017 10:30am to 2:00pm, Navajo Technical University – Hospitality Center, Lowerpoint RD State Hwy 371, Crownpoint, NM; RSVP By: 12/05/2017 to Imariano@navajotech.edu or jhenio@outlook.com
7. Consideration to meet with Navajo Preparatory School at Farmington, NM
8. Consideration to attend EMS Meeting with AHCCCS Director & Arizona DHS Director – Emergency Ground Transport, January 16, 2018, 11:00am to 12:00pm, Office of the Inter Tribal Council of Arizona, Inc., (ITCA), 2214 N. Central Avenue, Conference Room 1, Phoenix, AZ
9. Consideration to schedule other upcoming meetings and update on committee logistics

REGULAR MEETING, December 18, 2017

**PLACE: East Navajo Department of Health (NDOH) Conference Room
Window Rock (Navajo Nation), Arizona**

REVIEW AND ADOPT THE JOURNAL(S): 11/07/17; 11/13/17; 12/11/17

10. Report on Recommendations Lack of Reporting, Response and Accountability For Violence and Crime by Navajo Nation Employees and Representatives **Presenter: Christine J. Benally; Honorable Amber Kanazbah Crotty**
11. Report from Arizona Public Service **Presenters: Alvin Trujillio; Suzy Baldwin**
12. Report on JOM Policies and Procedures and Standards relating to Legislation 0418-17 **Presenters: Eleanor Thomas, JOM Program Manager; Dr. Tommy Lewis, Superintendent of Schools, DODE; Honorable Jonathan L. Hale**
13. Report on Health Care Concerns **Presenters: Ms. Cecelia Sloan; Honorable Jonathan L. Hale**
14. Request for Written Update Report - Navajo Head Start **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Dr. Tim Benally, Assistant Superintendent of Schools; Dr. Elvira Bitsoi, Navajo Head Start Administration; Honorable Amber Kanazbah Crotty; Honorable Jonathan L. Hale**

(Note: 11/20/17 - Navajo Head Start Administration Staff was requested to provide a written update report by 11/27/17; Motion By: Steven Begay; Second By: Amber Kanazbah Crotty; Vote: 3-0 Chairperson Not Voting);

(Note: 11/27/17 - Navajo Head Start Administration Staff requested to provide a written update report by 12/11/17; Motion by Nelson S. BeGaye; Second By: Amber Kanazbah Crotty Vote: 2-1 Chairperson Not Voting)

(Note: 12/11/17 - Navajo Head Start Administration Staff requested to provide a written update report; Deferred to NNDOJ to review; Motion by Norman M. Begay; Second By: Steven Begay Vote: 3-0 Chairperson Not Voting)

(Note: 12/18/17 - Written Report accepted from Navajo Headstart Administration Staff by HEHSC members)

15. Consideration to attend Arizona Section 1115 Waiver Tribal Stakeholders Meeting with Christina Corieri, Policy Advisor, Office of the Governor, Arizona Governor's Office 1700 West Washington, Phoenix, AZ Tuesday, December 19, 2017 3:30 PM to 4:15 PM
16. Consideration to schedule other upcoming meetings and update on committee logistics

SPECIAL MEETING, December 19, 2017

PLACE: Law and Order Committee Conference Room, Window Rock, Arizona

17. Discussion with Navajo Nation Department of Justice (NNDOJ) and Navajo Department of Health (NDOH) on Health Oversight **Presenters: Honorable Jonathan L. Hale; Ed McCool, Office of Legislative Counsel; and NNDOJ Staff**
18. Update Report from Department of Dine Education (DODE), Navajo Nation Board of Education (NNBOE), Dine Bi Olta School Board Association, Inc. (DBOSBA), and Annual Compliance Determination Committee (ACDC) regarding the Annual Compliance Determination Requirements and Policies formerly "Reauthorization" Process **Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; Navajo Nation Board of Education Members; Angela Barney-Nez, DBOSBA Executive Director; ACDC Members; and DODE Staff**
19. Update Report on HEHSC Directive issued 12/27/16 to DODE & DBOSBA Staff – To work together regarding the New Annual Compliance Determination (former Reauthorization Process) **Presenters: Dr. Tommy Lewis, Superintendent of Schools and DODE Staff; Angela Barney-Nez, Executive Director, DBOSBA**
Note: DODE & DBOSBA were scheduled to report back to HEHSC on 4/12/17; On 5/15/17, HEHSC issued a Directive Extension to DODE and DBOSBA - to report back to HEHSC with an update report by December 2017 on:
 - **Identify new members to Taskforce**
 - **Review of Annual Compliance Determination Checklist Form**
 - **Review of Annual Compliance Determination Policies and Procedures**
 - **Review of Timeline of Annual Compliance Determination**
 - **Review of Annual Compliance Determination process with the new Dine School Accountability Plan (DSAP) – Academic Portion**

THE FOLLOWING IS FOR ON-GOING COMMITTEE UPDATE AND FOR INFORMATION PURPOSES ONLY

SPECIAL MEETING WITH DODE, DBOSBA, NNBOE December 13, 2016
PLACE: Nahata Conference Room (across NHA Building), Window Rock, AZ

Items are listed as ongoing Discussion items with HEHSC Members as Mediator:
Reauthorization Process – Report and Discussion with DODE, DBOSBA and NNBOE

Accountability Workbook Plan – Report and Discussion with DODE, DBOSBA, NNBOE

Where is the Plan to Regulate 32 BIE Schools? Discussion with DODE, DBOSBA and NNBOE

ESSA – Where is that complementary to Title 10? Discussion with DODE, DBOSBA, NNBOE

Navajo Nation Board of Education Concerns and Issues – Discussion with NNBOE
Other Significant Education Concerns and Issues – Open Discussion

(Note: HEHSC DIRECTIVE ISSUED DECEMBER 13, 2016 TO DEPARTMENT OF DINE EDUCATION – DR. TOMMY LEWIS AND DODE STAFF; TO DBOSBA – ANGELA BARNEY-NEZ; TO NAVAJO NATION BOARD OF EDUCATION – DR. PAULINE BEGAY AND NNBOE MEMBERS REGARDING THE RAUTHORIZATION PROCESS

The Health, Education and Human Services Committee at a duly called Special Meeting Tuesday, December 13, 2016 voted 4-0 (CNV) for a Directive to be issued to Dr. Tommy Lewis, Superintendent of Schools and DODE staff; to Angela Barney-Nez, Executive Director, DBOSBA; and to Dr. Pauline Begay and to NNBOE Members :

“THAT THE PRIOR DIRECTIVE ISSUED ON MARCH 26, 2014 TO THE OTHER OFFICES/AGENCIES - ARE NOT TO GET INVOLVED AT THIS TIME UNTIL FURTHER DISCUSSION IS REQUESTED & APPROVED BY HEHSC MEMBERS AND AT THAT TIME, TO COME BACK TO THE TABLE. UNTIL THIS POINT, THIS DIRECTIVE IS JUST A REAUTHORIZATION PROCESS AND FOR DODE, DBOSBA AND NNBOE TO SUBMIT WRITTEN DOCUMENTS BY DECEMBER 30, 2016 IN ORDER FOR HONORABLE HEHSC MEMBERS OF THE 23RD NAVAJO NATION COUNCIL TO REVIEW AND TO ENACT SUPPORTING LEGISLATION EFFORTS.”

(Note: In response to the HEHSC Directive issued December 13, 2016 to DODE, DBOSBA and NNBOE requesting for written documents to be submitted before December 30, 2016 - HEHSC members did received a written document dated December 28, 2016 from the DODE and DBOSBA Task Force on Reauthorization Work Group who have come to a conclusion that an extension is needed to meet the requirements of the HEHSC directive on working together on the New Annual

Compliance Determination, (former Reauthorization Process). **DODE and DBOSBA have proposed a 90-day extension (up to April 22, 2017 to report back to HEHSC) for the purpose of reviewing the following:**

- **Identify new members to this taskforce**
- **Review of Annual Compliance Determination Checklist Form**
- **Review of Annual Compliance Determination Policies and Procedures**
- **Review Timeline of Annual compliance Determination**
- **Review the Annual Compliance Determination process with the new Dine School Accountability Plan (DSAP) – Academic Portion**

The DODE and DBOSBA Task Force reconvened on Wednesday, December 28, 2016 to schedule several work sessions according to the following attached schedule. DBOSBA AND DODE have come to an agreement to work extensively on the reauthorization structure that alleviates the duplication of paperwork and to streamline the reauthorization process according to the New Annual Compliance Determination. According to DODE and DBOSBA, both organizations are excited to be a part of this endeavor to promote academic success and fiscal compliance that promotes unity.

Team Members – Compliance Determination Review Team Members per HEHSC Directive Dated December 13, 2016:

DODE Team – Darrick Franklin, Co-Chair, ODAC; Matt Tso, DODE Administration; Maggie Benally, OSCAD; Johanson Phillips, ODSI; Dr. Anselm Davis, AdvancED; Roy Tracy, OERS

DBOSBA Team – Angela Barney-Nez

Task Force (Grant Schools): Berdina Tsosie, Faye BlueEyes, Marie Rose, Ervin Chavez, Jerry Chavez

Meeting Dates	Place
December 28, 2016 <ul style="list-style-type: none"> • Develop timeline for (New) Compliance Determination • Determine Team Members • Drafted letter to HEHSC requesting for extension 	La Quinta, Gallup, New Mexico
January 6, 2017 <ul style="list-style-type: none"> • Present a report to the NNBOE 	DODE, Window Rock, Arizona
January 9-13, 2017	Inaugurations
January 12, 2017	DSAP Principals Meeting, DODE Auditorium, Window Rock, Arizona
January 19, 2017	Compliance Determination Meeting

	DODE Sunrise Conference Room, Window Rock, Arizona
January 26-27, 2017	DBOSBA New School Board Orientation
January 26-27, 2017	Dine School Improvement Teacher Institute High Country Resort, Flagstaff, Arizona
February 2, 2017	Compliance Determination Meeting Kinteel Residential Hall, Aztec, New Mexico
February 3, 2017 • Present updated report to NNBOE	Sunrise Conference Room, DODE, Window Rock, Arizona
January 31-February 1, 2017	Navajo Education Summit High Country Resort, Flagstaff, Arizona
February 13, 2017	Compliance Determination Meeting La Quinta, Gallup, New Mexico
February 27, 2017	Compliance Determination Meeting Leupp Schools Inc., Leupp, Arizona
March 13, 2017	Compliance Determination Meeting Tohajiilee, New Mexico
March 27, 2017	Compliance Determination Meeting Final Meeting at DODE, Window Rock, Arizona
April 7, 2017	Present to NNBOE
April 22, 2017	Present to HEHSC

NOTE: On May 15, 2017, HEHSC Members issued a Directive to DODE & DBOSBA to Extend the Deadline Date to December 2017 and for DODE & DBOSBA to provide a written/oral report to HEHSC by December 2017.

In compliance with HEHSC directive, DODE AND DBOSBA scheduled and completed two (2) work sessions with HEHSC on November 8, 2017 and November 15, 2017 respectively.

Note: On December 19, 2017, HEHSC Members issued an Extension Directive to DODE and DBOSBA and to the Navajo Nation Board of Education to “Extend the Deadline Date to 45 business days - to provide a written/oral report back to HEHSC by the end of February 2018” Motion By: Steven Begay; Second By: Nathaniel Brown; Vote: 3-0 CNV

20. Consideration to schedule other upcoming meetings and update on committee logistics

RESOLUTIONS

The Health, Education and Human Services Committee considered the following legislations during the First Quarter of Fiscal Year 2018. These legislations have significant impacts.

In addition, pursuant to 2 NNC § 400, *et. al.*, the Health, Education and Human Services Committee received reports from oversight of divisions and in response to these reports, the Committee approved recommendations and actions. Copies of the following legislations are available at the Reporting Section of the Office of Legislative Services.

LEGISLATION

October 2017

SPECIAL MEETING October 02, 2017 *In Lieu of October 16, 2017*

PLACE: Law and Order Conference Room, Window Rock, Arizona

1. **Legislation 0392-17** An Action Relating To Health, Education And Human Services Committee; Budget And Finance; Naabik'iyati Committee And The Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$259,075.00 For Dine College "Sa'ah NaaGahaii Bik'eh Hozhoogo Ashdladiin Naahai" 50th Anniversary **Sponsor: Honorable Nelson BeGaye** (*Eligible for Committee Action October 01, 2017*)

REGULAR MEETING, October 09, 2017

PLACE: NDOH East Conference Room, Window Rock, Arizona – No Quorum

NAABIK'IYATI' SEXUAL ASSAULT PREVENTION SUBCOMMITTEE, October 13, 2017 (10:00AM)

LOCATION: NDOH East Conference Room, Window Rock, AZ

No Legislations were considered by SAP Members.

REGULAR MEETING, October 23, 2017

PLACE: Budget and Finance Committee Conference Room, Window Rock, AZ

2. **Legislation 0357-17** An Action Relating To Health, Education And Human Services Committee; Amending The Navajo Nation Personnel Policies Manual, Section XII (F) Changes In Assignment; Establishing A Time Limit For Department And Division Head Appointments **Sponsor: Honorable Steven Begay** (*Eligible for Committee Action September 17, 2017*)

3. **Legislation 0396-17** An Action Relating To Health, Education And Human Services, Budget And Finance; Naa'bik'iyati; And Navajo Nation Council; Approving Supplemental Funding From the Unreserved, Undesignated Fund Balance In The Amount Of Three Hundred Thousand Dollars (\$300,000) For Toyei Industries, Inc., BU 119030 **Sponsor: Honorable Nathaniel Brown; Co-Sponsor: Honorable Jonathan L. Hale** (Eligible for Committee Action October 03, 2017)
4. **Legislation 0408-17** An Action Relating To Health, Education And Human Services Committee; Amending And Approving The Navajo Department of Dine' Education's Plans Of Operation For Administration; Navajo Nation Library; Office of Special Education And Rehabilitation Services; Office of Navajo Nation Scholarship And Financial Assistance/Teacher Education Consortium; Johnson-O'Malley Program; Advanced Ed Navajo Nation; Office of Educational Research And Statistics; Navajo Head Start **Sponsor: Honorable Jonathan L. Hale**
5. **Legislation 0410-17** An Action Relating To Health, Education And Human Services Committee; Amending And Approving The Navajo Department of Workforce Development's Plan Of Operation **Sponsor: Honorable Amber Kanazbah Crotty**
6. **Legislation 0412-17** An Action Relating To Health, Education And Human Services Committee; Approving The Navajo Nation Regulations Governing Non-Emergency Medical Transportation Providers **Sponsor: Honorable Tuchoney Slim, Jr.**
7. **Legislation 0413-17** An Action Relating To Health, Education And Human Services And Naa'bik'iyati Committees; Concurring With The Navajo Nation President To Accept A Gift To The Navajo Strengthening Families Program; And Directing The Navajo Strengthening Families Program To Record The Guard Hut Gift With The Ethics And Rules Office **Sponsor: Honorable Amber Kanazbah Crotty**
8. **Legislation 0416-17** An Action Relating To Health, Education And Human Services And Naa'bik'iyati Committees; Supporting The Construction Of The National Native American Veterans Memorial At The National Museum Of The American Indian In Washington D.C. **Sponsor: Honorable Amber Kanazbah Crotty**
9. **Legislation 0417-17** An Action Relating To Health, Education And Human Services, Naa'bik'iyati And Navajo Nation Council; Approving The Reinstatement of Alvina Ray Gutierrez As A Member of the Navajo Nation **Sponsor: Honorable Jonathan L. Hale**
10. **Legislation 0418-17** An Action Relating To Health, Education And Human Services, Budget And Finance, And Naa'bik'iyati Committees; Approving And Authorizing A Contract Between The Navajo Nation And The United States Department of Interior Under 25 U.S.C. §5301 *et seq.* (P.L. 93-638, As Amended) On Behalf of The Navajo Nation For A Term of Three Years From January 1, 2018 Through December 31, 2020 For The Johnson O'Malley Program; Approving And Authorizing the Annual Funding Agreement And Scope of Work For The Contract Term **Sponsor: Honorable Jonathan L. Hale**

REGULAR MEETING, October 30, 2017

PLACE: NDOH East Conference Room, Window Rock, Arizona

- 11. Legislation 0346-17** An Action Relating To Health, Education And Human Services; Amending The Navajo Personnel Policies Manual, Part V, Section A-1. Categories Of Employment-Status-Regular Full-Time; Establishing All Regular Full Time Employees As Employed In Periods Of Two Year Increments, With Renewal Of Additional Two Year Period Being Dependent On Receiving A Satisfactory Employment Performance Rating **Sponsor: Honorable Dwight Witherspoon**

Main Motion by Norman M. Begay; Second by Nelson Begay;
Vote: FAILED

(Note: On 9/18/17 Legislation 0346-17 was Motioned to Table by Amber Kanazbah Crotty; Second by Norman M. Begay; Vote: 3-1 CNV to Table to October 30, 2017 - For Office of the Controller (OOC), Office of Management and Budget (OMB), Office of Contracts & Grants (OGC), Department of Personnel Management (DPM), Division of Human Resources (DHR) to attend for response and discussion purposes with HEHSC members regarding the following questions:

- How does Legislation 0346-17 interact with General Funds?
- How does Legislation 0346-17 interact with Contract Funds?
- Is Legislation 0346-17 going to affect Unions and Collective Bargaining Agreements?)

- 12. Legislation 0383-17** An Action Relating To Health, Education And Human Services and Budget and Finance Committees; Amending BFO-27-14 To Extend The Time Period To Implement The Corrective Action Plan Submitted By The Department of Personnel Management **Sponsor: Honorable Jonathan L. Hale**

(Note: Main Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 3-0 VCNV)

- 13. Legislation 0394-17** An Action Relating To Health, Education And Human Services Committee And The Resources And Development Committees; Approving An Amendment To The Navajo Nation Homesite Lease Regulations, RDCO-74-16, To Waive Fees, Penalties And Fines For Individuals Sixty-Five (65) Years Of Age, Or Older, And For Honorable Discharged Veterans **Sponsor: Honorable Amber Kanazbah Crotty; Co-Sponsor: Honorable Jonathan L. Hale**

(Note: Main Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 2-1 VCNV)

(Note: Amendment One (1) Motion By: Steven Begay; Second By: Jonathan L.Hale; Vote: 3-0 VCNV)

14. **Legislation 0424-17** An Action Relating To Health, Education And Human Services, Budget and Finance, Naa'bik'iyati', and Navajo Nation Council; Approving Supplemental Funding From the Unreserved, Undesignated Fund Balance In The Amount of Two Million Seven Hundred And Twenty-One Thousand Nine Hundred And Four Dollars (\$2,721,904.00) For A Grant To The Saint Michaels Association For Special Education for Needed Road Repairs To The Road Servicing The School And Nearby Community **Sponsor: Honorable Jonathan L. Hale**

(Note: Main Motion By: Jonathan L. Hale; Second By: Nathaniel Brown; Vote: 3-0 VCNV)

15. **Legislation 0426-17** An Action Relating To Health, Education And Human Services, Budget and Finance, Naa'bik'iyati', and Navajo Nation Council; Approving Supplemental Funding From the Unreserved, Undesignated Fund Balance In The Amount of One Hundred Forty-Eight Thousand Three Hundred Twenty-Five Dollars (\$148,325.00) For Phoenix Indian Center, Business Unit Number 119025 **Sponsor: Honorable Jonathan L. Hale**

(Note: Main Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 3-0 VCNV)

16. **Legislation 0428-17** An Act Relating To Health, Education And Human Services, Resources And Development, Law And Order, Naa'bik'iyati' Committees and Navajo Nation Council; Enacting The Revenge Porn Act And Amending Title 17 Sex Offenses **Sponsor: Honorable Jonathan L. Hale**

(Note: Main Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 3-0 VCNV)

17. **Legislation 0431-17** An Action Relating To Health, Education And Human Services, Budget and Finance, Naa'bik'iyati' and Navajo Nation Council; Approving Supplemental Funding From the Unreserved, Undesignated Fund Balance In The Amount of Two Hundred Fifty Thousand Dollars (\$250,000) for Navajo Uranium Workers **Sponsor: Honorable Amber Kanazbah Crotty**

(Note: Main Motion By: Nathaniel Brown; Second By: Steven Begay; Vote: 3-0 VCNV)

November 2017

SPECIAL MEETING, November 07, 2017

PLACE: Law and Order Committee Conference Room, Window Rock, Arizona

No Legislations were considered – only receiving reports.

WORK SESSION MEETING, November 08, 2017

PLACE: BIA/BIE Building, Conference Room, Suite 254

1011 Indian School Road NW

Albuquerque, New Mexico

No Legislations were considered – work session.

WORK SESSION Budget Formulation for FY 2020 with Indian Health Service, November 07-09, 2017

PLACE: Double Tree By Hilton – Flagstaff, AZ

No Legislations were considered – work session.

REGULAR MEETING, November 13, 2017,

PLACE: Budget and Finance Committee Conference Room, Window Rock, AZ

1. **Legislation 0122-17** An Action Relating To Law And Order, Health, Education And Human Services, Naabik'iyati' Committees and Navajo Nation Council; Amending 10 N.N.C. § 106 (E); Providing For A Quorum For Navajo Nation Board of Education Meetings **Sponsor: Honorable Jonathan L. Hale; Co-Sponsor: Honorable Steven Begay**

(Note: 7/10/17 - No committee action was taken - Pending completion of the Navajo Nation Board of Education (NNBOE) Audit by Office of the Auditor General)

(Note: 11/13/17 - Legislation 0122-17 was withdrawn by Sponsor Jonathan L. Hale)

2. **Legislation 0263-17** An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section VII. Salary And Wage Administration Establishing A Timeline For Step Increase/Bonus Review Committee Action **Sponsor: Honorable Jonathan L. Hale**

(Note: On 7/31/17 Legislation 0263-17 was deleted off the agenda to November 2017 at request of Department of Personnel Management (DPM); Motion by: Amber Kanazbah Crotty; Second by: Steven Begay; Vote: 3-0 CNV)

(Note: 11/13/17 - Main Motion By: Amber Kanazbah Crotty; Second By: Nelson BeGaye; Vote: 2-1 VCNV)

3. **Legislation 0270-17** An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section VII. Salary And Wage Administration Establishing A Timeline For Processing Employee Performance Appraisal Forms **Sponsor: Honorable Jonathan L. Hale**

(Note: On 7/31/17 Legislation 0270-17 was deleted off the agenda to November 2017 at request of Department of Personnel Management (DPM); Motion by: Amber Kanazbah Crotty; Second by: Steven Begay; Vote: 3-0 CNV)

(Note: 11/13/17 – Amendment One (1) Motion By: Jonathan L. Hale; Second By: Amber Kanazbah Crotty; Vote: 3-0 VCNV)

(Note: 11/13/17 - Main Motion By: Amber Kanazbah Crotty; Second By: Nelson BeGaye; Vote: 3-0 VCNV)

4. **Legislation 0408-17** An Action Relating To Health, Education And Human Services Committee; Amending And Approving The Navajo Department of Dine' Education's Plans Of Operation For Administration; Navajo Nation Library; Office of Special Education And Rehabilitation Services; Office of Navajo Nation Scholarship And Financial Assistance/Teacher Education Consortium; Johnson-O'Malley Program; Advanced Ed Navajo Nation; Office of Educational Research And Statistics; Navajo Head Start **Sponsor: Honorable Jonathan L. Hale**

Main Motion by: Jonathan L. Hale; Second by: Nathaniel Brown; Vote 3-0 VCNV);

(Note: On 10/23/17 Legislation 0408-17 was TABLED To 11/13/17 for DODE to bring back other DODE Plan of Operations; Motion by: Amber Kanazbah Crotty; Second by: Nathaniel Brown; Vote: 4-0 CNV)

5. **Legislation 0432-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Million Eight Hundred Eighty-Five Thousand Eight Hundred Sixty-Nine Dollars (\$2,885,869.00) For Navajo Area Agency on Aging **Sponsor: Honorable Amber Kanazbah Crotty**

(Note: 11/13/17 - Main Motion By: Norman M. Begay ; Second By: Nelson BeGaye; Vote: 3-0 CNV)

6. **Legislation 0434-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Five Thousand Four Hundred And Eighty Dollars (\$5,480.00) To The Navajo Nation Department of Health For Disallowed Costs **Sponsor: Honorable Jonathan L. Hale** *(Note: 11/13/17 - Main Motion By: Nelson BeGaye; Second By: Amber Kanazbah Crotty; Vote: 2-1 VCNV)*

7. **Legislation 0435-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Hundred Thousand Dollars (\$200,000.00) To The Navajo Nation Office of Navajo Uranium Workers To Make Repairs To The Existing Modular **Sponsor: Honorable Amber Kanazbah Crotty**

(Note: 11/13/17 - Main Motion By: Nelson BeGaye; Second By: Amber Kanazbah Crotty; Vote: 3-0 VCNV)

8. **Legislation 0436-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Fifty-five Thousand Seven Hundred And Eighty Five Dollars (\$55,785.00) To The Navajo Nation Department of Health For Payment Of The Outstanding Balance In The Settlement Agreement As Ordered By The Navajo Nation Labor Commission **Sponsor: Honorable Jonathan L. Hale**

(Note: 11/13/17 - Main Motion By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: 2-1 VCNV)

9. **Legislation 0438-17** An Action Relating To Naa'bik'iyati' Committee; Supporting The Claims Brought By The Plaintiffs in The Yazzie Et Al. V. State of New **Sponsor: Honorable Jonathan L. Hale**

(Note: Page 1 of 2, Standing Committee Stamping Order includes the Health, Education and Human Services Committee)

(Note: 11/13/17 – Tabled Motion By: Jonathan L. Hale; Second By: Nelson BeGaye; Vote: 3-0 VCNV)

10. **Legislation 0439-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Hundred Thousand Dollars (\$100,000) To The Department Of Dine Education Office Of Standards, Curriculum And Assessment Development **Sponsor: Honorable Jonathan L. Hale**

(Note: 11/13/17 – Tabled Motion By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: 3-0 VCNV)

11. **Legislation 0441-17** An Action Relating To Health, Education And Human Services, Law And Order, Naa'bik'iyati' And Navajo Nation Council; Amending 2 N.N.C. §§ 1701 – 1706, Enabling Legislation For The Navajo Nation Division of Human Resources **Sponsor: Honorable Steven Begay**

(Note: 11/13/17 – Tabled Motion By: Amber Kanazbah Crotty; Second By: Nelson BeGaye; Vote: 3-0 VCNV)

12. **Legislation 0443-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$30,189.000 To The Office Of Dine Youth Administration; \$109,564.00 To The Tuba City Agency; \$194,937.00 To The Fort Defiance Agency; \$168,580.00 To The Chinle Agency; \$69,952.00 to the Shiprock Agency; And \$174,929.00 To The Crownpoint Agency **Sponsor: Honorable Jonathan L. Hale**

(Note: 11/13/17 – Main Motion By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: 3-0 VCNV)

13. **Legislation 0444-17** An Action Relating To Health, Education And Human Services; Requesting The Office of Head Start Within The Administration For Children And Families, United States Department of Health And Human Services To Reconsider The Reduction In Funding Due To The Appearance Of Under Enrollment For The 2018 Grant Application #90CI9889 **Sponsor: Honorable Jonathan L. Hale**

(Note: 11/13/17 – Main Motion By: Jonathan L. Hale; Second By: Nelson BeGaye; Vote: 3-0 VCNV)

- 14. Legislation 0445-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$1,600,000.00 To The Department of Dine Education, Office Of Navajo Nation Scholarship And Financial Assistance *Sponsor: Honorable Jonathan L. Hale*

(Note: 11/13/17 – Main Motion By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: 3-0 VCNV)

- 15. Legislation 0449-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$190,649.00 To The Department of Dine Education, Office Of Navajo Nation Library *Sponsor: Honorable Jonathan L. Hale*

(Note: 11/13/17 – Main Motion By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: 3-0 VCNV)

- 16. Legislation 0450-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Two Hundred Thirty-Four Thousand, Five Hundred Thirty-Eight Dollars (\$234,538.00) To The Department of Dine Education To Maintain The Navajo Education Information System *Sponsor: Honorable Jonathan L. Hale*

(Note: 11/13/17 – Main Motion By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: 3-0 VCNV)

- 17. Legislation 0453-17** An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section X (B)(1) (e) Paid Leave Carryover To Allow For Indefinite Accrual Of Unused Leave For Positions Classified As Public Safety Personnel *Sponsor: Honorable Raymond Smith, Jr.*

(Note: 11/13/17 – Main Motion Held By: Nelson BeGaye; Second By: Jonathan L. Hale; Vote: PENDING DPM documents from DPM and Sponsor Raymond Smith, Jr.)

WORK SESSION MEETING, November 15, 2017,
PLACE: Department of Dine Education Auditorium, Window Rock, Arizona

No Legislations were considered – work session.

REGULAR MEETING, November 20, 2017, 10:00 a.m.
PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

- 18. Legislation 0451-17** An Action Relating To Law And Order, Budget And Finance, And Naa'bik'iyati' Committees; Approving And Authorizing A Contract Between The Navajo Nation And The United States Department of Health And Human Services Under 25 U.S.C. § 5301 *et seq.* (P.L. 93-638, As Amended) On Behalf Of The Navajo Nation For A Six Year Term For The Period Beginning January 1, 2018 Through December 31, 2023 For Emergency Medical Services; Approving And Authorizing The Annual Funding Agreement And Scope Of Work For The Contract Term **Sponsor: Honorable Raymond Smith, Jr.**

(Note: 11/20/17 – Amendment One (1) Motion By: Nathaniel Brown; Second By: Norman M. Begay; Vote: 3-0 VCNV)

(Note: 11/20/17 - Main Motion By: Norman M. Begay; Second By: Nathaniel Brown; Vote: 3-0 VCNV)

- 19. Legislation 0460-17** An Action Relating To The Health, Education And Human Services Committee; Appointing Delegate Members From The Health, Education And Human Services Committee As A Member Representative To The Navajo Transitional Energy Company, LLC; And Shareholder Representative To The Navajo Times Publishing Company, Inc. **Sponsor: Honorable LoRenzo Bates**

(Note: 11/20/17 – Amendment One (1) Motion By: Norman M. Begay; Second By: Nathaniel Brown; Vote: 2-1 CNV)

(Note: 11/20/17 - Main Motion By: Nathaniel Brown; Second By: Norman M. Begay; Vote: 2-1 CNV)

REGULAR MEETING, November 27, 2017

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

No Legislations were considered – work session.

NAABIK'IYATI' SEXUAL ASSAULT PREVENTION SUBCOMMITTEE, November 30, 2017 (10:00AM) NO QUORUM TODAY

LOCATION: Law and Order Committee Conference Room, Window Rock, AZ

No Legislations were considered by SAP members.

December 2017

REGULAR MEETING, December 11, 2017

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

- 1. Legislation 0366-17** An Act Relating To Health, Education And Human Services, Naa'bik'iyati And Navajo Nation Council; Amending The Navajo Nation Criminal Code at 17 N.N.C. §§ 203, 209, 303.01, 318 And 319 For Purposes Of Addressing Cyberbullying **Sponsor: Honorable Amber Kanazbah Crotty; Co-Sponsor: Honorable Jonathan L. Hale**

(Note: On 10/23/17 – Legislation 0366-17 was **TABLED to 12/11/17** for OPVP Staff; Peace Making Program Staff; Judicial Branch – Courts; and Prosecutor’s Office to respond to Legislation 0366-17 sub-sections regarding adults & youth for discussion purposes (Motion By: Steven Begay; Second By: Amber Kanazbah Crotty; Vote: 4-0 Chairperson Not Voting)

(Note: 12/11/17 - Legislation 0366-17 moves on to Naa'bik'iyati' Committee as TABLED)

2. **Legislation 0461-17** An Action Relating to Law And Order, Health, Education And Human Services Committee; Amending The Navajo Nation Personnel Policies Manual To Permit The Navajo Nation Department Of Corrections To Conduct Its Own Background Checks; Approving Department of Corrections Background Checks Policies And Procedures **Sponsor: Honorable Raymond Smith, Jr.**

(Note: 12/11/17 - Main Motion By: Steven Begay; Second By: Norman M. Begay; Vote: 3-0 CNV)

3. **Legislation 0469-17** An Action Relating to Health, Education And Human Services, Law And Order, And Naabik'iyati' Committees And The Navajo Nation Council; Enacting The Civil Rights Of Individuals With Disabilities Act Of 2017; Deleting Title 10, Chapter 13, §1402; Creating The “Civil Rights Of Individuals With Disabilities” In Title 13, Chapter 55, §§ 4501-4510; Amending The Navajo Preference In Employment Act; Amending Title 13, Chapter 57, §§ 4801-4809, The Plan Of Operations For The Navajo Nation Advisory Council On Disabilities; And Amending The Navajo Nation Bill Of Rights To Designate The Equal Rights Of Individuals With Disabilities As A Basic Civil Right **Sponsor: Honorable Jonathan L. Hale**

(Note: 12/11/17 - Main Motion By: Steven Begay; Second By: Nelson Begaye; Vote: 3-0 VCNV)

4. **Legislation No. 0475-17** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati', And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of One Million Four Hundred And Fifty Seven Thousand Three Hundred Dollars (\$1,457,300.00) To The Office Of President-Vice President Pursuant To A Proposed Agreement With The University Of New Mexico To Provide Residence Facilities For 118 Navajo Students **Sponsor: Honorable Amber Kanazbah Crotty; Co-Sponsor: Honorable Jonathan L. Hale**

(Note: 12/11/17 - Main Motion By: Jonathan L. Hale; Second By: Nelson Begaye; Vote: 3-0 VCNV)

REGULAR MEETING, December 18, 2017

PLACE: East NDOH Conference Room, Window Rock, Arizona

5. **Legislation 0356-17** An Action Relating to Law And Order, Budget And Finance Committee, Health, Education And Human Services Committee, Resources And Development Committee, Naabik'iyati' Committee And Navajo Nation Council; Amending Rule 21 Of The Rules Of Order For Standing Committees Of The Navajo Nation Council Such That Recording Of Votes On All Motions Before The Committee Shall Be Recorded By Roll Call **Sponsor: Honorable Steven Begay**

(Note: 12/18/17 – Amendment One (1) Motion By: Nelson BeGaye; Second By: Nathaniel Brown; Vote: 5-0 CNV)

(Note: 12/18/17 - Main Motion By: Norman M. Begay; Second By: Nathaniel Brown; Vote: 5-0 CNV)

6. **Legislation 0467-17** An Action Relating to Health, Education And Human Services, Law And Order, And Naabik'iyati' Committees; And Navajo Nation Council; Amending 2 N.N.C. §§ 1031, 1033, 1034 And 1035 Relating To The Veterans Advisory Council **Sponsor: Honorable Kee Allen Begay, Jr.** (No Sponsor – no action taken)

7. **Legislation 0480-17** An Action Relating to Health, Education And Human Services, Budget And Finance, Naabik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$1,600,000.00 To The Department of Dine Education, Office Of Navajo Nation Scholarship And Financial Assistance **Sponsor: Honorable Jonathan L. Hale**

(Note: 12/18/17 - Main Motion By: Nathaniel Brown; Second By: Amber Kanazbah Crotty; Vote: 4-0 VCNV)

8. **Legislation 0483-17** An Action Relating to Health, Education And Human Services; Establishing a Health, Education, And Human Services Navajo Headstart Subcommittee To Address Headstart Funding Issues **Sponsor: Honorable Jonathan L. Hale**

(Note: 12/18/17 - Main Motion By: Steven Begay; Second By: Jonathan L. Hale; Vote: 3-0 Pro Tem Chairperson Not Voting)

SPECIAL MEETING, December 19, 2017

PLACE: Law and Order Committee Conference Room, Window Rock, Arizona

9. **Legislation 0484-17** An Action Relating to Health, Education And Human Services, Budget And Finance; Rescinding Resolution BFAP-14-14 "Approving The Office Of Navajo Labor Relations Fund Management Plan" **Sponsor: Honorable Jonathan L. Hale** (Note: 12/18/17 - Main Motion By: Nathaniel Brown; Second By: Steven Begay ; Vote: 3-0 Pro Tem Chairperson Not Voting)

1st Quarter Report
Health, Education, and Human Service Committee
October, November, December, 2017

DATE	MEETINGS				HEARINGS					RESOLUTIONS					Location of Meeting	
	REG	SPCL	SUB Com	Joint MTG	OVERSIGHT PUBLIC HEARINGS	BUDGET HEARINGS	ADMIN. HEARINGS	TRAINING WKS.N.	Approved (Resolutions)	DISAPPROVED	TABLED	LEGIS.	Oral Reports, Travels, Budgets, Other Business	Excerpts Request Received & Transcription		JOURNALS
10/2/2017		1										1	4			LOC Conf.Room, WR, AZ
10/9/2017	1												1			East NDOH Conf. Room, WR, AZ
10/13/2017			1										10			East NDOH Conf. Room, WR, AZ
10/23/2017	1											9	14	3		BFC Conf. Room, WR, AZ
10/30/2017	1											7	6	2		East NDOH Conf. Room, WR, AZ
11/7/2017		1											3			LOC Conf. Room, WR, AZ
11/7/2017								1					1			Double Tree Hilton, Flagstaff, AZ
11/8/2017								1					1			BIA/BIE Conf. Rm., ABQ. NM
11/13/2017	1											17	1	3		BFC Conf. Room, WR, AZ
11/15/2017								1					1			DODE Education Auditorium WR, AZ
11/20/2017	1											2	3			Navajo Council Chambers, WR, AZ
11/27/2017	1												3			Navajo Council Chambers, WR, AZ
11/30/2017			1										11			LOC Conf.Room, WR, AZ
12/11/2017	1											4	9	9		Navajo Council Chambers, WR, AZ
12/18/2017	1											4	7	3		East NDOH Conf. Room, WR, AZ
12/19/2017		1										1	4			LOC Conf. Room, WR, AZ
TOTAL	8	3	2	0	0	0	0	3	0	0	0	45	79	0	20	

as of 1/02/2018 bmartinez

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:

Business Unit No.: 101030

Program Name/Title: Health, Education and Human Services Committee

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

Health, Education and Human Services Committee is established and continues as a Standing Committee of the Navajo Nation Council (Title Two, NNC, Section 401-403 (CAP-10-11))

PART III. PROGRAM PERFORMANCE CRITERIA:

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Program Performance Area:

Improve Veterans policies and regulations.

Goal Statement:

As Oversight to report on a quarterly basis amended Veterans policies and procedures.

2	3	2		2		2	
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2. Program Performance Area:

Conduct regular, special mtgs.,work sessions re: Hlth, Education Social Serv.,Veterans, Gen.Services, HR

Goal Statement:

As Oversight to report on a quarterly basis program(s) statistics/services provided.

4	5	4		4		5	
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3. Program Performance Area:

Consider/review/recommend amendments to Navajo education,health,social services, HR policies

Goal Statement:

Recommend legislations to amend Navajo Nation Code regarding hlth,educ.,social services, HR policies

3	15	3		3		3	
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4. Program Performance Area:

National policy development on Native American health, education, social services issues.

Goal Statement:

Advocate Navajo Position on health, education, social services issues at the national level.

2	3	2		2		2	
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5. Program Performance Area:

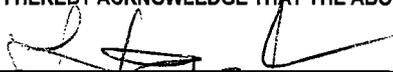
Participate in States of Arizona, NM, Utah & U.S. Gov't on health, education, social services initiatives.

Goal Statement:

Advocate Navajo position on health, education, social services issues at State/US Gov't I level.

3	3	3		3	3	3	
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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.


 Program Manager's Printed Name and Signature/Date 1-3-18


 Division Director/Branch Chief's Printed Name and Signature / Date 1/3/18

**RESOLUTION LISTING
OF THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
OF THE
23RD NAVAJO NATION COUNCIL – Second Year, 2017**

HEHSCJA-01-17

0422-16 An Action Relating To Health, Education And Human Services; Directions Navajo Nation Department of Personnel Management And Programs, Divisions and Departments of the Navajo Nation To Take Immediate Affirmative Steps In Filling Vacant Positions; And Directing The Department of Personnel Management to Provide A Written Report Within Thirty (30) Days On The Progress Of Addressing Directive

Sponsor: Edmund Yazzie

Approved on January 17, 2017

AKCrotty/PBYazzie/3-0-1/Presiding Chairperson Jonathan L. Hale

HEHSCJA-02-17

0002-17 An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section VII, Salary And Wage Administration And Establishing the Step Increase/Bonus Review Committee

Sponsor: Dwight Witherspoon

Approved on January 30, 2017

PBYazzie/NBrown/3-0-1/Presiding Chairperson Jonathan L. Hale

HEHSCF-03-17

0062-17 An Action Relating To Health, Education And Human Services, Amending The Navajo Nation Personnel Policies Manual, Section III And XXI

Sponsor: Dwight Witherspoon

Approved on February 27, 2017

NBeGaye/PBYazzie/4-0/Presiding Chairperson Jonathan L. Hale

HEHSCMA-04-17

0079-17 An Action Relating To Health, Education And Human Services Committee, Nominating Crystal J. Cree To The Commission On Navajo Government Development

Sponsor: Jonathan Hale
Approved on March 7, 2017
NB/PBY/Presiding Nelson BeGaye, Pro-Temp Chairperson

HEHSCMY-05-17

0138-17 An Action Relating To Health, Education And Human Services Committee; Supporting The Full Implementation Of The Dine' School Accountability Plan For Schools Of The Navajo Nation Including Those Funded By The Bureau Of Indian Education

Sponsor: Jonathan L. Hale
Approved on May 15, 2017
NB/JLH/3-0-1/Presiding Norman Begay, Vice-Chairperson

HEHSCMY-06-17

0147-17 An Action Relating To Health, Education And Human Services Committee; Amending And Approving The Plan Of Operation For The Navajo Employee Housing Program And The Establishment Of The Navajo Nation Employee Housing Committee And Its Plan Of Operation

Sponsor: Jonathan L. Hale
Approved on May 15, 2017
AKC/NB/3-0-1/Presiding Norman Brown, Vice-Chairperson

HEHSCMY-07-17

0105-17 An Action Relating To Health, Education And Human Services Committee; Amending And Approving The Navajo Air Transportation Department's Plan Of Operation

Sponsor: Jonathan L. Hale
Approved on May 25, 2017
NB/NSB/3-0-1/Presiding Steven Begay, Pro Tem-Chairperson

HEHSCJY-08-17

0180-17 An Action Relating To Health, Education And Human Services; Confirming The Appointment Of Geraldine Merrod To The Navajo Nation Board Of Education

Sponsor: Amber K. Crotty
Approved on July 10, 2017
SB/NB/5-0-1/Presiding Jonathan Hale, Chairperson

HEHSCJY-09-17

0239-17 An Action Relating To Health Education And Human Services Committee, Approving The Revision Of The Navajo Transportation System Substance Abuse Policy

Sponsor: Jonathan Hale
Approved on July 10, 2017
AKC/SB/5-0/Presiding Norman M. Begay Vice-Chairperson

HEHSCJY-10-17

0256-17 An Action Relating To The Health, Education And Human Services Committee; Amending And Approving The Department Of Fleet Management's Plan Of Operation

Sponsor: Jonathan Hale
Approved on July 31, 2017
NB/SB/3-0-1/Presiding Amber K. Crotty, Pro Tem Chairperson

HEHSCAU-11-17

0260-17 An Action Relating to Health, Education and Human Services Committee; Approving the Policies and Procedures for the Navajo Nation Advisory Youth Council

Sponsor: Jonathan Hale
Approved on August 8, 2017
NB/NB/3-0/Presiding Amber K. Crotty, Pro Tem Chairman

HEHSCAU-12-17

0314-17 An Action Relating to Health, Education and Human Services Committee; Approving and Recommending to the Budget and Finance Committee The Proposed Fiscal Year 2018 Budget for the Division of Social Services

Sponsor: Jonathan Hale
Approved on August 23, 2017
JLH/AKC/3-0/Presiding Norman M. Begay Vice Chairperson\

HEHSCAU-13-17

0310-17 An Action Relating To Health, Education And Human Services Committee; Approving And Recommending To The Budget And Finance Committee The Proposed Fiscal Year 2018 Budget For The Department of Dine Education

Sponsor: Jonathan Hale
Approved on August 23, 2017
NB/SB/4-0/Presiding Norman Begay Vice Chairperson

HEHSCAU-14-17

0308-17 An Action Relating To Health, Education And Human Services Committee; Approving And Recommending To The Budget And Finance Committee The Proposed Fiscal Year 2018 Budget For The Division Of General Services

Sponsor: Jonathan Hale
Approved on August 24, 2017
NB/NB/4-0/Presiding Norman Begay Vice Chairperson

HEHSCAU-15-17

0315-17 An Action Relating to Health, Education and Human Services Committee; Approving and Recommending To The Budget and Finance Committee The Proposed Fiscal Year 2018 Budget for the Department of Health

Sponsor: Jonathan Hale
Approved on August 24, 2017
NB/NB/4-0/Presiding Norman Begay Vice Chairperson

HEHSCAU-16-17

0307-17 An Action Relating To Health, Education And Human Services Committee; Approving And Recommending To The Budget And Finance Committee The Proposed Fiscal Year 2018 Budget For The Navajo Nation Veterans Administration

Sponsor: Jonathan Hale
Approved on August 24, 2017
SB/NB/4-0/Presiding Norman Begay Vice Chairperson

HEHSCAU-17-17

0309-17 An Action Relating To Health, Education And Human Services Committee; Approving And Recommending To The Budget And Finance Committee The Proposed Fiscal Year 2018 Budget For The Division Of Human Resources

Sponsor: Jonathan L. Hale
Approved on August 28, 2017
NB/NB/3-0/Presiding Norman M. Begay

HEHSCS-18-17

0277-17 An Action Relating To Health, Education And Human Services Committee; Approving Amendments To The Navajo Nation Two Way Radio Communications Policies And Procedures As They Apply To The Navajo Nation And As Proposed By The Telecommunications And Utilities Department Within The Division Of General Services.

Sponsor: Jonathan Hale
Approved on September 11, 2017
SB/NB/3-0-1/Presiding Amber Kanazbah Crotty

HEHSCS-19-17

0278-17 An Action Relating To Health, Education And Human Services Committee; Approving Amendments To The Navajo Nation Utilities Service Policies And Procedures As They Apply To The Navajo Nation And As Proposed By The Telecommunications And Utilities Department Within The Division Of General Services.

Sponsor: Jonathan Hale
Approved on September 11, 2017
SB/NB/3-0-1/Presiding Amber Kanazbah Crotty Pro Tem
Chairperson

HEHSCS-20-17

0281-17 An Action Relating To Health, Education And Human Services Committee; Approving Amendments To The Navajo Nation Utilities Service Policies And Procedures As They Apply To The Navajo Nation And As Proposed By The Telecommunications And Utilities Department Within The Division Of General Services.

Sponsor: Jonathan Hale
Approved on September 11, 2017
SB/NB/3-0-1/Presiding Amber Kanazbah Crotty Pro Tem
Chairperson

HEHSCS-21-17

0287-17 An Action Relating to Health, Education and Human Services Committee; Approving Amendments to the Navajo Nation Telecommunication Policies and Procedures as they Apply to the Navajo Nation and as Proposed by the Telecommunications and Utilities Department within the Division of General Services

Sponsor: Jonathan Hale
Approved on September 11, 2017
SB/NB/3-0-1/Presiding Amber Kanazbah Crotty Pro Tem
Chairperson

HEHSCS-22-17

0352-17 An Action Relating to Health, Education and Human Services Committee; Approving a Budget Reallocation in the total amount of \$12,544 within the Navajo Area Agency on Aging, Business Unit Number 113010, for outstanding invoices from Fiscal Years 2014 and 2016

Sponsor: Jonathan Hale

Approved on September 18, 2017
AKC/SB/4-0-1/Presiding Norman M. Begay, Chairperson

HEHSCS-23-17

0275-17 An Act Relating To Health, Education, And Human Services; Amending The 2016-2020 Navajo Nation School Board Apportionment Plan

Sponsor Jonathan Hale
Approved on September 18, 2017
NB/SB/3-0-1/Presiding Norman M. Begay, Chairperson

HEHSCS-24-17

0363-17 An Action Relating To Health, Education And Human Services Committee; Adopting The Committee Procedure Whereby Votes On All Motions Before The Committee Shall Be Recorded By Roll Call.

Sponsor Jonathan Hale
Approved on September 25, 2017
NB/AKC/3-0-1/Presiding Norman M. Begay Vice-Chairperson

HEHSCS-25-17

0357-17 An Action To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section XII (F) Changes In Assignment - Acting Status Assignment; Establishing A Time Limit For Department And Division Head Appointments.

Sponsor Steven Begay
Approved on October 23, 2017
NB/NMB/5-0/Presiding Jonathan Hale, Chairperson

HEHSCS-26-17

0410-17 An Action Relating to Health, Education And Human Services Committee; Amending And Approving The Navajo Department Of Workforce Development's Plan Of Operation

Sponsor Amber K. Crotty
Approved on October 23, 2017
SB/NB/4-0/Presiding Jonathan Hale, Chairperson

HEHSCN-27-18

0263-17 An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section VII. Salary And Wage Administration Establishing A Timeline For Step Increase/Bonus Review Committee Action

Sponsor Jonathan Hale
Approved on November 13, 2017
AKC/NSB/2-1/Presiding Norman M. Begay Vice-Chairperson

HEHSCN-28-17

0270-17 An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manual, Section VII. Salary And Wage Administration Establishing A Timeline For Processing Employee Performance Appraisal Forms

Sponsor Jonathan Hale
Approved on November 13, 2017
AKC/NSB/3-1/Presiding Norman M. Begay Vice-Chairperson

HEHSCN-29-17

0408-17 An Action Relating To Health, Education And Human Services Committee; Amending And Approving The Navajo Department Of Dine' Education's Plans Of Operation For Navajo Nation library; Office Of Special Education And Rehabilitation Services; Office Of Navajo Nation Scholarship And Financial Assistance/Teacher Education Consortium; Johnson-O'Malley Program; Advanced Ed Navajo Nation; Office Of Educational Research And Statistics

Sponsor Jonathan Hale
Approved on November 13, 2017
JLH/NB/3-0-1/Presiding Norman M. Begay Vice-Chairperson

HEHSCN-30-17

0444-17 An Action Relating To Health, Education And Human Services Committee; Requesting The Office Of Head Start Within The Administration For Children And Families, United States Department Of Health And Human Services To Reconsider The Reduction In Funding Due To The Appearance Of Under Enrollment For The 2018 Grant Application #90CI9889

Sponsor Jonathan L. Hale
Approved on November 13, 2017
JLH/NB/3-0-1/Presiding Norman M. Begay, Vice
Chairperson

HEHSCN-31-17

0460-17 An Action Relating to Health, Education and Human Services Committee; Appointing Delegate Members from the Health, Education and Human Services Committee as a Member Representative to the Navajo Transitional Energy Company, LLC; and Shareholder Representative to the Navajo Times Publishing Company, Inc.

Sponsor LoRenzo C. Bates
Approved on November 20, 2017
NB/NMB/Presiding Jonathan Hale, Chairperson

HEHSCD-32-17

0461-17 An Action Relating To Law And Order And Health, Education And Human Services Committee; Amending The Navajo Nation Personnel Policies Manual To Permit The Navajo Nation Department Of Corrections To Conduct Its Own Background Checks; Approving Department Of Corrections Background Checks Policies And Procedures.

Sponsor Raymond Smith Jr
Approved on December 11, 2017
SB/NMB/Presiding Jonathan L. Hale, Chairperson

HEHSCD-33-17

0483-17 An Action Relating to the Health, Education and Human Services Committee; Establishing a Health, Education and Human Services Navajo Headstart Subcommittee to Address Headstart Funding Issues

Sponsor Jonathan Hale
Approved on December 18, 2017
SB/JLH/Presiding Nathaniel Brown Pro Tem Chairperson

**The Resources and Development Committee of
23rd Navajo Nation Council**



**First Quarter Report
Fiscal Year 2018**

I. GENERAL INFORMATION:

A. Committee : RESOURCES AND DEVELOPMENT COMMITTEE

Standing Committee Authority: 2 N.N.C. §500 (C): *The Committee shall exercise oversight authority over water, land, grazing environment, environmental protection, cultural resources, agriculture, livestock, wildlife, road, transportation, communications and utilities, information technology, chapter activities, economic and community development, commerce and trade, gaming, rights-of-way, minerals, public utilities, telecommunications, housing....”*

B. CHAIRPERSON : Honorable Alton Joe Shepherd
Fort Defiance Agency

VICE CHAIRPERSON : Honorable Benjamin Bennett
Fort Defiance Agency

C. Committee Members:

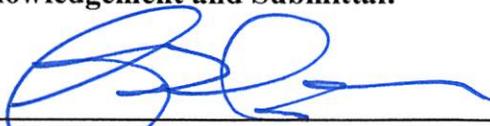
Honorable Jonathan Perry	Eastern Navajo Agency
Honorable Leonard Pete	Chinle Agency
Honorable Davis Filfred	Northern Agency
Honorable Walter Phelps	Western Agency

D. Committee Meeting Dates : First, Second, Third & Fourth Tuesday of each Month @ 10:00 am.

E. Committee Staff : Shammie Begay, Legislative Advisor II
(928)871-7171
Email: shammiebegay@navajo-nsn.gov

Teresa F. Woody, Legislative Reporter
(928)871-6948
Email: tfwoody@navajo-nsn.gov

F. Acknowledgement and Submittal:



Resources and Development Committee
23rd Navajo Nation Council



Date

REGULAR, SPECIAL MEETINGS, WORK SESSION AND LEADERSHIP MEETINGS FOR FY 2018 – FIRST QUARTER:

**October 4, 2017 Regular Meeting
NDOT Nataanii Conference Room
Tse Bonito, NM**

Resources and Development Committee approved the following Legislations # 0387-17 and # 0395-17. Legislations # 0206-17; # 0347-17; # 0348-17; # 0374-17; # 0380-17; # 0381-17 and # 0387-17 were considered and forwarded to the next assigned standing committee.

**October 11, 2017 Tonalea Senior Center
Tonalea, Arizona**

Tonalea Chapter Officials had formally requested to host RDC's Regular meeting; thereby RDC met in Tonalea, Arizona. The Committee received a report from the LeChee Chapter officials regarding their concerns with tourism, vendors and tribal park boundary and park management issues. In addition, Legislations # 0336-17; Legislation # 0341-17; Legislation # 0370-17; and Legislation # 0398-17 were considered and approved. Also, the Committee also approved Dennehotso Chapter's request to host RDC's October 25, 2017 regular meeting at Dennehotso Chapter; approved to schedule a leadership meeting to conduct NTUA Management Board applicant interviews on November 20 – 21, 2017. A special meeting for October 13, 2017 was also approved.

**October 13, 2017 Special Meeting "In Lieu of October 18, 2017"
Budget and Finance Conference Room
Window Rock, Arizona**

RDC held a special meeting in lieu of October 18, 2017 due to the Navajo Nation Council Fall Session. Legislation # 0386-17; # 0397-17; # 0490-17; # 411-17; and # 0405-17 were considered and approved. The following Legislation # 0400-17 was tabled until after a work session is scheduled with Navajo Nation Land Department. Other Committee business approved: a meeting with NAPI Management Board; Meeting with NPL Grazing Officials. Also, and also a directive was issued to NDOT to conduct public hearing on the BIA Transition at all five Navajo agencies.

**October 16 – 20, 2017 NNC 2017 Fall Session
Navajo Nation Council Chambers
Window Rock, Arizona**

Resources and Development Committee members participated in the Navajo Nation Council Fall Session.

**October 25, 2017 RDC Regular Meeting
Dennehotso Chapter,
Dennehotso, Arizona**

Unfortunately, RDC did not have a quorum to conduct their regular meeting. The Committee did received a report from the Dennehotso Chapter officials on the re-adjustments in their Land Use Planning document. In addition, a report was provided by the NN Soil and Water Conservation district officials regarding their work with NRCS and the NN to establish an NN SWCD Plan of operation for all the Districts. All items that were on the agenda under New Business was referred to the next regular meeting agenda.

**November 1, 2017 NN Museum
Window Rock, Arizona**

RDC received the following reports: (1) Update Report from the NN Museum; and (2) Update Report from DNR and NDPS re: Commissioning Peace Officers for DNR and NNEPA. (3) Report – Colorado River Basin Study – Tribal Water Supply presented by NN Water Management Branch. (4) The Update Report on the Antelope Point was held in executive session. Under New Business, the following legislations were considered: Legislation # 0094-17; Legislation # 0351-17; Legislation # 0393-17 (failed); Legislation # 0399-17; Legislation # 0404-17 (Ruled Out of Order); Legislation # 0407-17; Legislation # 0419-17; Legislation # 0423-17; Legislation # 0425-17 (Tabled until a work session is held with Stakeholders); Legislation # 0427-17 (Tabled until sponsor and agents provides additional documents). Other Committee businesses approved were Pinon Chapter's request to host RDC's 11/08/17 meeting; Committee approved RDC travel to TANCR to participate in DNR 2018 Summit; approved schedule a work session with NNLD regarding Home Site Leasing Policy and the impacts of two pending legislations relative to the Home Site Leasing Act. Further, the also Committee approved to conduct their November 15th regular meeting at TANCR.

**November 8, 2017 Pinon Unified School District – Board Room
Pinon, Arizona
(Pinon Chapter not available.)**

RDC received and update report from the Little Colorado Community Development Corporation. The Kayenta Township report was added, however, the matter was deferred due to presentation being in conflict with a pending RDC legislation. Under New Business, RDC considered the following legislations: Legislation # 402-17; Legislation # 0446-17; and Legislation # 0437-17. Other Committee business approved were: (1) Schedule a work session with NHA in Las Vegas, NV on December 1 & 2, 2017, prior to the NAIHC annual conference (December 3 – 6, 2017); also Schedule a work session with the NN Telecommunication Industries in Phoenix, Arizona on December 8, 2017; Approved Red Mesa Chapter's request to host RDC's 11/29/17 meeting in Red Mesa; and also to schedule a meeting with NAPI Board on December 11, 2017.

**November 14, 2017 RDC Work Session with NNLD and DCD
Twin Arrows Navajo Resort and Casino
Twin Arrows, Arizona**

There two legislatives relating to amending the NN Home Site Lease Act that came before RDC and were both tabled with a directive that the Committee and sponsor have a work session with Navajo Nation Land Department to discuss the impacts of the proposed amendments to the Home Site Lease Regulation. The second part of the work session was to have discussion on the Integrated Solid Waste Management Plan proposal legislation. DCD and NEPA provide a presentation on the intent of the legislation. They further provided an overview of the plan which was an exhibit to the legislation.

**November 15, 2017 RDC Regular Meeting
TANCR Police Substation
Twin Arrows, Arizona**

RDC Received two reports, one from the NN Washington D.C. Office; and the other is from the NPL Grazing Officials along with the Department of Agriculture. The following legislations were considered: Legislation # 0433-17 and Legislation # 0448-17. After the conclusion of the meeting, RDC members participated in the DNR 2018 Summit held at TANCR

**November 20, 2017 RDC Leadership Meeting
NTUA Sky Room
Fort Defiance, Arizona**

RDC conducted interviews of 9 NTUA Board Applicants on the first day. There were approximately 13 applicants. The Committee set aside two days for interviews. First Day interview began at 9:00 a.m. and concluded at 3:00 p.m.

**November 20, 2017 RDC Leadership Meeting
NTUA Sky Room
Fort Defiance, Arizona**

RDC conducted interview of 5 NTUA Board Applicants. Interview began at 9:00 a.m. and concluded at 11:00 p.m. Of the thirteen applicants, two applicants did not show up. After the conclusion of the interview, the interview sheets were tallied to determine the two top applicants to be considered for the vacancy.

**November 22, 2017 RDC Regular Meeting
Eastern RBDO Office
Church Rock, New Mexico**

RDC received a brief report on the Eastern RBDO Project Development. And Under New Business, the following legislations were considered: Legislation # 0447-17; Legislation # 0459-17; and added to the agenda was Legislation 0364-17. Committee completed their agenda.

**November 28, 2017 RDC Joint Meeting with Eastern Navajo Land Commission
Law and Order Conference Room
Window Rock, Arizona**

RDC held a joint meeting with Eastern Navajo Land Commission to receive a report on Navajo Eastern Land Exchange Initiative (NELEI) and also to have some discussion on the ROW projects for utilities and road projects. A presentation on NELEI was presented by Office of Eastern Navajo Land Commission. The information provided was informative. There was some discussion on the ROW projects; however, it is an initiative that requires coordination with Navajo Nation Land Department and General Land Leasing Department. The GLLD Office apparently draft proposal for Jonathan Perry to initiate in the legislative process for RDC's consideration. Thus, the matter has not been initiated nor presented to the Committee yet.

**November 29, 2017 RDC Regular Meeting
NDOT Nataanii Conference Room
Tse Bonito, NM**

RDC received a status report from Division of Community Development and Administrative Services Office's Plan of Operation. A directive was issued to ASC Director to submit a written report to the Committee by December 29th as well as a written response to the questions posed by the Committee. The following legislation was considered: Legislation 0464-17. Other business approved was approving a request from Toadlena/Two Grey Hill Chapter's request to host RDC December 27, 2017 meeting at Toadlena/Two Grey hills Chapter. Approved to schedule a joint meeting with Law and Order Committee to have some discussion on the Peace Officer's Standards and Training for Certification. Added to the agenda was the request to rescheduled RDC's Meeting at Red Mesa Chapter to December 20, 2017.

**December 1 – 2, 2017 RDC Work Session with NHA Staff and Board
The Platinum Hotel
Las Vegas, NV**

RDC held a follow up work session with NHA on NHA's Master Plan, Five Year Plans and Priorities from all of the Branches within NHA (Executive, Financial Services, Administrative and Operations). In additional priorities of the operation was also presented; and projects with other partners (I.H.S. NTUA, NNLD, Water Resources and Telecommunication). Second day session included discussion relating to the Land Information Management System, Project Coordination with Chapter Master Planning and NNLD. The General Development Land Policy, Chapter Boundaries, and Mapping was presented by NNLD. A wealth of information was shared NHA and NN tribal programs.

RDC did not stay to participate in the Native American Indian Housing Council Conference in Las Vegas, NV. NAIHC conference began on December 3 – 6, 2017.

**December 6, 2017 Leupp Chapter
Leupp, Arizona**

RDC reschedule their regular meeting to Leupp Chapter to meet with the U.S. Army Corps of Engineer (Col. Kirk Gibbs and Quana Higgins); however, the Committee did not have a quorum to conduct their meeting. Those RDC members present did meet with the USACE and the community officials and participate in a leadership meeting discussion of the community projects Leupp Chapter was working on with the USACE. A round table discussion was held on water resource needs and partnering initiatives. Vice President Jonathan Nez was present at the meeting as well.

**December 8, 2017 RDC Work Session with Telecommunication Industries
Phoenix Airport Marriott
Phoenix, Arizona**

RDC held a work session to receive an update from the NN Telecommunication Regulatory Office on their publication of the proposed amendments and also to have a round table discussion with the Navajo Nation Telecommunication providers on the signification provisions of the regulations and discuss any concerns as well. Providers in attendance to meeting were Cell One, NTUA Choice Wireless, Sacred Wind Communication, AT&T and Verizon representatives were present at the session. There were additional comments provided to the proposed regulation and the Committee directive NNDOJ and Telecommunication Staff to incorporate those comments into the proposed regulations and other comments for the Committee's review.

**December 11, 2017 RDC Special Meeting
NAPI Administrative Complex
Upper Fruitland, New Mexico**

RDC scheduled a special meeting with NAPI official to receive their FY 2017 annual audit report and also to meet with the Management Board. However, the management board discussion did not happened due to unavailability of several Management Board members. The Committee also received a brief report from the Navajo Transitional Energy Company officials. The presentation with NTEC was held in executive session due to the confidentiality of the report. RDC considered three legislations: Legislation #465-17; Legislation # 0468-17 and Legislation # 0470-17. In addition, they approved to reschedule RDCs December 13, 2017 regular meeting to December 19, 2017. In addition, Committee also approved to rescheduled RDC's Leadership Meeting set for December 19, 2017 to a special meeting with NDOT on December 28, 2017 at NDOT in Tse Bonito, NM. After the conclusion of the meeting, RDC traveled to NTEC South Mine to tour the mine facilities and site.

**December 18, 2017 RDC Leadership Meeting with DCDC, NTUA, I.H.S.
NDOT Nataanii Conference Room
Tse Bonito, NM**

RDC held a leadership meeting to receive a status report on all of the Shihasin proposed projects and status reports on the NTUA & I.H.S. water line projects. Chief Legislative Counsel Levon Henry was not present to provide a report on the validity of the Shihasiin Subcommittee. In addition, the Division of Community Development – Capital Project Management office also did not show up to provide a report on their work with the projects and other partners. The Committee has some discussion on the approved Shihasiin projects with NTUA, I.H.S. and NN Water Resources Department.

**December 19, 2017 RDC Special Meeting “In Lieu of 1/19/18”
NDOT Administrative Complex – Nataani Room
Tse Bonito, NM**

In approving the meeting agenda, RDC approved to add six legislations. The Committee considered the following legislations: Legislation # 0472-17; Legislations 0474-17 (Tabled until after RDC has a meeting with NDOT). Legislation # 0478-17; Legislation # 0076-17; Legislation # 0477-17; Legislation # 0479- and 17; Legislation # 0356-17. Several legislation added were not ready for Committee presentation and thereby deferred to the next meeting.

**December 20, 2017 RDC Regular Meeting
Red Mesa Chapter
Red Mesa, Utah**

RDC considered the following Legislation # 0421-17, an action relating to recertifying Red Mesa Chapter’s Community-Based Land Use Plan and Legislation # 0353-17. Three Directives issued – (1) contact NNDOJ, OPVP and Minerals to provide an update on the recon Oil Gravel Pit trespass issues; (2) Write a memo to Sharon Pinto, BIA to have Herby Larsen and Harold Riley attend the RDC/NDOT Leadership Meeting on December 28, 2017; (3) Directive to schedule a leadership meeting with DCD, ASC, OAG and OPVP to discussion issues surrounding the sanctioned chapters and Chapter Coordinator issues; (4) Directive to Speaker LoRenzo Bates to write a letter to President Russell Begaye regarding the concerns of DED Division Director Crystal Deschinny unprofessional remarks relative to the Navajo people.

**December 21, 2017 RDC Joint Meeting with LOC
NNC Chambers
Window Rock, Arizona**

RDC scheduled a joint meeting with LOC, however, LOC did not have a quorum and only one representative from LOC was present for the joint meeting. RDC had their quorum and continued with their meeting. The meeting was held as a leadership meeting to allow participate from LOC Vice Chairman and NDPS/NN Police Department officials. The discussion as surrounding the NN Peace Officer’s Training and Certification Proposal for rangers from DFW, Forestry Department, Animal Controller Officers, NEPA Enforcement Personnel. An overview

of the proposal was presented and outline as to the type of enforcement roles and responsibility will allow for certification for enforcement. A presentation was made by the NN Police Department on their police officer's certification and training with the State of New Mexico and Arizona. The training & certification for the peace officers would be similar. Another joint meeting will be schedule for LOC members' input.

**December 27, 2017 RDC Regular Meeting
Toadlena/Two Grey Hills Chapter
Toadlena/Two Grey Hills, New Mexico**

RDC received a report on the Shihasiin projects from DCD CPMD and Speaker's Office reports and the report on the NHA Audit was held in executive session. The following legislations were considered by RDC Legislation # 0379-17; Legislation # 0481-17; Legislation # 0436-17, however, the motion was withdrawn by motioning party and the matter was deferred to the next RDC meeting. The Committee approved to schedule a work session with Department of Agriculture, NNLD, NNDOJ and Election Office on the Chapter Boundary issues on January 29, 2017 @ NDOT in Tse Bonito, NM.

**December 29, 2017 RDC Special Meeting with NAPI Management Board
NAPI Board Room
Upper Fruitland, New Mexico**

RDC did not have a quorum, however, the presiding Vice-President just called for a leadership meeting with the NAPI Management Board and received the Annual 2017 Financial Report. NAPI CEO provided a power point presentation and provided an overview of the report to the Committee. The matter of concerns that required an executive session discussion with the Management Board did not happened because of the lack of quorum from RDC. Committee meeting adjourned at 12:28 p.m.

RESOLUTION LISTING: (Available upon request.)

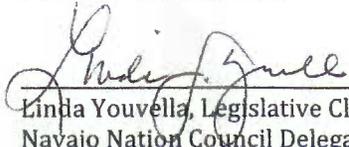


January 9, 2018



MEMORANDUM:

TO : Tom Platero, Executive Director
Office of Legislative Services
LEGISLATIVE BRANCH

FROM : 
Linda Youvella, Legislative Clerk Supervisor
Navajo Nation Council Delegates Office
Office of Legislative Services

SUBJECT : **2018 First Quarter**

The Navajo Nation Council Delegates' Office (NNCDO) hereby submits its report covering the months of October, November and December 2017.

Purpose of the NNCDO is to provide administrative support to members of the Navajo Nation Council on a daily basis, during Navajo Nation Council sessions, Naabik'iyati' Committee meetings and/or other standing committees, hearings, work sessions or public hearings, with preparation and submittal of pertinent documents and recording services, operation of the voting and microphone systems. Additional services are provided to the Office of Legislative Services administration general clerical services, Pcard reviews and reconciliations of OLS staff and abiding by Pcard Policies and all Navajo Nation Purchasing/Travel Policies; further provided administrative support to the Legislative District Assistants with guidance pertaining to the Navajo Nation government, pertaining to protocols, procedures, financial documents, i.e. budgets, travel authorizations, etc.

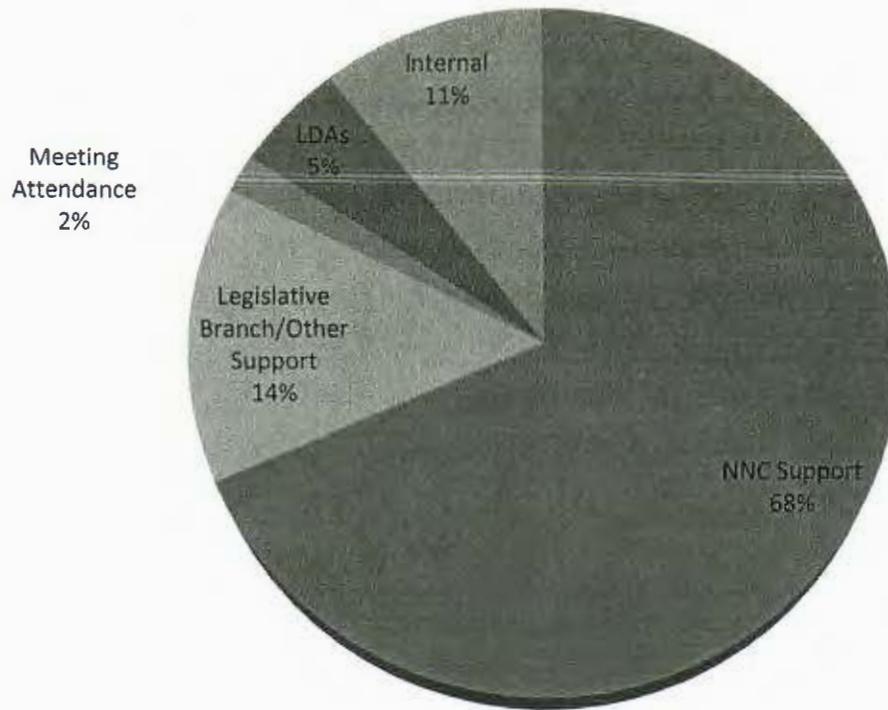
Tours are provided for interested parties, such as students, tourists, etc. of the Navajo Nation Council Chamber which is designated as a National Historic Landmark, but due to continued renovations of the building, only a few tours were made.

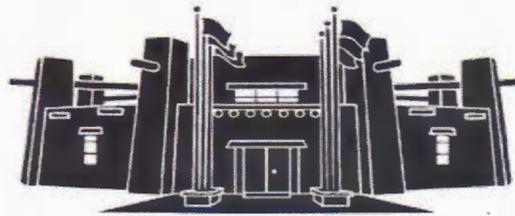
Staff has participated and encouraged in attendance to trainings, conferences and taking college courses to further enhance their education and skills in the job that they provide for members of the Navajo Nation Council.

ATTACHMENT

xc: File copy

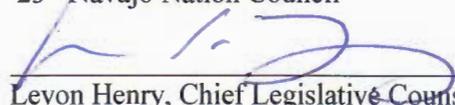
October, November, December 2017





MEMORANDUM

TO : Honorable LoRenzo Bates, Speaker
23rd Navajo Nation Council

FROM : 
Levon Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE : January 08, 2018

SUBJECT : First Quarter Report for Fiscal Year 2018



I. CONTACT PERSON
Levon B. Henry, Chief Legislative Counsel

II. INTRODUCTION
The Office of Legislative Counsel is established to provide legal advice and legislative services to the Navajo Nation Council, standing Committees, Sub-Committees, Commissions and Boards of the Navajo Nation Council, independent of the Department of Justice. The major legislative concerns of this quarter included the implementation of the Fiscal Year 2018 Comprehensive budgets. During this quarter, the Office of Legislative Counsel attorney staff work with the Navajo Nation Council and the standing committees on subject areas of the priorities of the Navajo Nation Government.

III. SIGNIFICANT ACCOMPLISHMENT IN FIRST QUARTER

1. Navajo Nation Council

Levon Henry, Chief Legislative Counsel, provided legal assistance to the Navajo Nation Council during its Fall Session held on October 16-20, 2017. The Navajo Nation Council adjourned the session at the end of the third day. Legislation action relating to the Navajo Nation Veterans Trust Fund; the Navajo Preference in Employment Act; an Act to Amend the NN Code, T-2, (a) Incompatible Services, removing the exception permitting the holding of County office while a NNC Delegate were issues on the fall agenda. On October 5 & 6, 2017 Special Session to address an action included amending Resolution CJA-03-14 extending the time for a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court for compliance with the national environmental Protecting Act to carry out the US Department of housing and urban development grants and authorizing the president of the NN to be the certifying tribal official to execute. On October 31, 2017 a special session of the NNC for address new business related to amending CS-53-17, the Navajo Nation Fiscal Year 2018 Comprehensive Budget; Navajo Nation Veterans Trust Fund; approving the Master Agreement of the Grand Canyon Escalade Project with funding application of Sixty Five Million Dollars (\$65,000,000) for Development of Offsite Infrastructure of the Grand Canyon Escalade Project. On December 22, 2017 a special session of the NNC to address two legislation regarding approving supplemental funding the Unreserved, Undesignated Fund Balance in the Amount of \$2,452,257.00 for Stipends for District Grazing Committee, Eastern Navajo Land Board, Major

Irrigation Farm Boards and Overriding the Navajo Nation President's Veto of NNC Resolution CO-63-17. These are some of the highlights of the legislation.

2. Naabik'iyáti' Committee

Levon Henry and attorney staff members provided legal advice and attended six (6) meeting of the Naabik'iyáti' Committee and one (1) work session for the months of October, November and December 2017. On December 2, 2017 the Naabik'iyati State Task Force subcommittee met in Phoenix, AZ to received reports from the Arizona and New Mexico Lobbyist. Report was also received on Navajo representative to the New Mexico Indian Affairs Committee, Utah and Colorado Lobbyist.

3. Budget & Finance Committee

During this quarter Mr. Levon Henry was responsible for providing substantive legal advice and legislative assistance to the Budget and Finance Committee during the absent of the primary attorney. The major task for the committee was receiving reports regarding fiscal matters, budgeting, and appropriations. Mr. Henry provided representations in a number of areas of Committee oversight, including proposed comprehensive 2018 budget for the operation of the Navajo Nation government. The committee also has authority over the Navajo Nation Investment Committee, Insurance Commission, Procurement Code, Permanent Trust Fund and Sihasin Subcommittee. Our office assisted meeting of the Permanent Trust Fund and Sihasin Fund projects to review status of the fund projects including budgets and expenditure plans/MOAs; Procurement Code Subcommittee matters on amendments to the Navajo Business Opportunity Act and preference listing.

4. Law & Order Committee

Mr. Haven has attended most the committee's meetings, advising on all procedural and substantive questions. The committee has a number of statutory responsibilities, including reviewing and updating Plans of Operation for programs within its oversight. The quarter, Mr. Haven was directed to meet with the various programs of the Division of Public Safety in efforts to update Plans of Operation within the division. Programs within the Division include the Police Department, Internal Affairs, Criminal Investigations, Department of Corrections, Fire and Rescue Services, Emergency Management and Emergency Medical Services. Meeting with the programs have occurred and programs have been working with Mr. Haven. All drafts for amendments regarding the Plans of Operation should be completed with the first quarter of 2018. Upon request provided verbal and written legal legislative advice, correspondence, compiled data and public comments. Attended committee meetings and drafted resolution in the areas of committee oversight.

5. Health, Education & Human Services Committee

Edward McCool is the primary attorney who advises the Health, Education & Human Services Committees (HEHSC). During this Mr. McCool attended 12 the meetings including 2 work sessions of the Health, Education and Human Services Committee (HEHSC). Mr. McCool also advised and attended other committee meeting upon assignment. Regarding HEHSC, Mr. McCool, as the assigned attorney for the committee, has continued to provide advice at meetings on a variety of issues, including meeting rules and procedures. He has drafted (43) resolutions that have gone on for committee or council approval, drafted additional resolution that did not continue on through the process. The committee has a number of statutory responsibilities, including all health care and facilities concerns of the Navajo Nation, education matters, such as 638 reauthorization of schools, approving and authorizing funding agreement and scope of work, employment and personnel issues, including Navajo Preference in Employment Act, and Veteran's concerns and other committee concerns on procedures and policies. The legislation on

Health Care, 638 contracts was one of the important issues of HEHSC. Mr. McCool has provided substantive advice in all these areas and provided advice at meeting and other verbal advice by telephone.

6. Resources & Development Committee

Mariana Kahn works primarily with the Resources and Development Committee and its Subcommittee (NIIP Committee). She is the attorney who drafts legislation and advises the Resources and Development Committee. The RDC exercises oversight authority over water, land, environmental protection agriculture, roads, economic development, gaming, right-of-way and housing. Mr. Henry has been filling in on some of the RDC meeting local and off-reservation meetings.

7. Navajo Labor Commission

Jennifer Skeets is the primary attorney who provides legal advice and legal representation for and to the Navajo Nation Labor Commission. This first quarter no labor commission hearing took place due to lack of commissioner to the Labor Commission. However seventeen (17) new complaints have been filed during this quarter and motion are pending regarding fifty (50) open cases.

8. Office of the Speaker

The Chief Legislative Counsel attend meeting with Office of the Speaker on important issues of the Navajo Nation Council. The Office of Legislative Counsel has drafted numerous resolutions concerning Legislative administrative matters under the supervision and direction of the Speaker of the Navajo Nation Council. Mr. Henry, Chief Legislative Counsel has participated in a number of staff meeting conducted by the Office of the Speaker.

9. Navajo Board of Election Supervisors and Navajo Election Administration

Ron Haven, Principal Attorney, has primary responsibility for providing legal advice and representation, and legislative assistance to the Navajo Board of Elections Supervisors, and Navajo Election Administration. This quarter, Mr. Haven continued to advise and assist the Navajo Election Administration and the Navajo Board of Election Supervisors. Mr. Haven attended over 90% of the Board's meetings.

During this quarter Mr. Haven has been attending staff meetings of the Election Administration. He as assisted the administration by responding to questions relative to personnel, qualifications of officials in office, proposed Board resolutions on extensions of filing dates, as well as chapter referendum questions. This quarter, the Navajo Election Administration continued with advising and assisting the Navajo Board of Election Supervisors on Election Code amendments. A major concern of the Board has been untimely complaints regarding officials in office, the efforts to remove such officials and setting elections aside. This issue is one that will continue as long as Code provisions are interpreted permitting the removal of officials after elections are completed and officials have assume office. The Election Administration has been assisting the Board with suggestions on resolving the dilemma having to set aside elections due to removing officials after being sworn in. Mr. Haven has drafted and reviewed resolution presented to the Board for consideration and gave verbal advices The Board meets twice a month.

10. Office of Legislative Services

Levon Henry, Chief legislative Counsel, has primary responsibility for providing of legal advice and assistance to the Office of Legislative Services. Mr. Henry with staff attorneys advised the Office of Legislative Services relative to the processing of legislative documents, including resolutions, and proposed Navajo Nation Council agenda, as well as administrative documents.

The Office of Legislative Counsel continues to review all engrossed copies of the legislation for processing and, preparing for the Navajo Nation Council and standing committee meetings.

11. Other Boards, Commission, Sub-Committees and Legislative Branch Offices

The Office of Legislative Counsel continues to attend committees meetings and drafted resolution in the areas of committee oversight, provide legal guidance and advice to committees, boards, task forces, and offices at various meetings as requested. As such the Sihasin Subcommittee, Title 2 Reform, Title 26 Task Force, Sacred Sites and States Task Forces, and Arizona Gaming.

During this quarter Mr. Ron Haven, Attorney has provided, and continues to provide, advice to the Ethics and Rules Office. Questions and advice on such inquiries relate to investigations, complaints, complaint drafting, statutory and rules on conflicts and other statutory areas of the Ethics Code. The Ethics and Rules Office has inquired about hearings, appeals and other procedural matters. Our office continues to provide advice and guidance to staff of the Ethics and Rules Office. Some are conducted by telephonic and other verbal advice.

12. Office of Legislative Counsel

The Office of Legislative Counsel (OLC) and attorneys attends all Naa'bik'iyati' and the Navajo Nation Council regular and special meetings. This quarter, there were (7) Naa'bik'iyati' Committee meetings and (7) Council sessions, including the fall session. All of which were attended by the Chief Legislative Counsel (CLC) and staff. Our attorneys also attend most Council Standing Committee Meetings. The (CLC) also attends separate monthly meetings with the Office of the Speaker to coordinate better delivery of services to the Navajo Nation Council and its Subcommittees and Commissions. The Office of Legislative Counsel also holds weekly meeting "OLC meetings" with all attorney staff to provide updates on each of their respective office work and accomplishments. These meeting facilitate better coordination within (OLC) and across the programs that OLC oversees. This also allows the Chief Legislative Counsel and staff attorneys to weigh in on important issues and to develop a system plan for legislation drafting. This quarter the staff completed (112) drafted legislation. This work is done in collaboration with the sponsors and its co-agents. Our office consists of 7 attorneys and 2 support staff. We have 1 attorney vacancy in our office and we expect to fill position in the second quarter, recruiting accomplishments have stalled because of the lack of referral. Nonetheless, in this quarter we are continuing to recruit. We anticipate recruiting and hiring of attorneys is made difficult because they are required to pass the Navajo Nation Bar Exam before practicing law on the Navajo Nation. Attorney Staff, Ms. Rhonda Tuni accepted a position with the Judicial Branch as a Staff Attorney in October 2017, which left a vacant position within OLC.

Legal Education: On December 1, 2017, three staff attorneys attended a one day Law Seminar presentation by Sutin, Thayer, and Browne Lawyers from Albuquerque, New Mexico. The staff attorneys Ms. Lowell, Ms. Candace French and Mr. Henry attend the CLE seminar on 2017 Navajo Law Seminar Program. They completed the CLE and received credits.

On December 14, 2017, Mr. McCool, Attorney attended a Navajo Nation Code Update work session in Albuquerque, NM with the Office of Legislative Services and IT Office. To review and identified necessary Code updates for revision of Legislative Branch Website Posting.

13. The Public

The Office of Legislative Counsel received numerous inquiries from council delegates or employees from the various Navajo Nation departments, programs or enterprises. Some of which came into the office or phoned the Office of Legislative Counsel. Telephonic questions received from Legislative Services staff, Legislative District Assistants (LDA) and Speaker's Office staff, questions from Department of Justice attorneys and the Office of the President and Vice President. Occasionally, phone conferences on Bar Association affairs and outside entities.

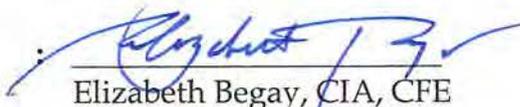
IV. ACCOMPLISHMENT OF PERFORMANCE MEASURES

1. To provide legal advice during the Navajo Nation Council:
3 days of the 5 days session, NNC 2017 Fall Session 10/16, 10/17, 10/18/2017
NNC Special Session (4), 10/5, 10/6, 10/31, 12/22/2017
NABI (6) meeting and (1) Work Session 10/10/17
2. Number of Resolutions Drafted:
Drafts of Legislation and Resolutions, as Requested. **(153)**
3. Number of Times Legal Representation Provided at NNC Sessions, Meetings, Hearing, etc.
To attend meetings and provide legal representation to Standing Committees, Commission, Boards, Sub-Committees and Legislative Offices. **(72)**
4. Number of Times Legal Advice Provided (Verbal or Written Memoranda)
Number of Times Legal Advice Provided (Verbal or Written Memoranda) **(397)**
5. Number of New Resolutions Incorporated into the Code. **(1)**

cc: files

M-E-M-O-R-A-N-D-U-M

TO : LoRenzo Bates, Speaker
23rd NAVAJO NATION COUNCIL

FROM : 
Elizabeth Begay, CIA, CFE
Auditor General
OFFICE OF THE AUDITOR GENERAL

DATE : January 02, 2018

SUBJECT : **FISCAL YEAR 2018 FIRST QUARTER REPORT**

The Office of the Auditor General submits the fiscal year 2018 first quarter report covering the period October 1, 2017 through December 31, 2017.

I. PURPOSE OF THE OFFICE

The purpose of the Office of the Auditor General is to examine and evaluate the adequacy of management and accounting systems, procedures, business practices and internal controls including but not limited to: 1) conducting financial related audits of Navajo Nation Chapters, entities and contractors in accordance with Government Auditing Standards; 2) conducting performance audits and reviews of Navajo Nation government programs, departments, and entities in accordance with Government Auditing Standards; 3) providing a wide variety of consulting services to the Navajo Nation; and 4) performing special reviews and investigations.

Audit concerns, findings and recommendations are individually presented in the audit reports and made available to the audited programs' management, oversight committees and the Budget and Finance Committee of the Navajo Nation Council for appropriate action. The Office of the Auditor General conducts post audit follow-up reviews to ensure that management has implemented corrective actions to address reported audit findings. Unless restricted by law or regulation, copies of audit reports are available for public inspection.

II. CONTACT PERSON

Any questions in reference to the Office of the Auditor General fiscal year 2018 first quarter report should be directed to Elizabeth Begay, Auditor General. Also, you can visit our website at www.navajoauditor.org.

III. BUDGET AND EXPENDITURE INFORMATION

	Budget	Expenditures	% Expended
Personnel	\$1,090,446	\$211,970	19%
Operating	625,798	208,514	33%
Total:	\$1,716,244	\$420,484	25%

IV. SIGNIFICANT ACCOMPLISHMENTS

Audits and Reviews of Programs/Navajo Nation Chapters

Our audit work in the program performance area includes full scope performance audits, limited scope performance audits, special reviews/investigations and corrective action plans (CAP) follow-up reviews.

Our audit work in the chapter area includes full scope and/or limited scope financial related audits, special investigations, CAP follow-up reviews, LGA certification reviews and continuous monitoring and continuous auditing of chapters' accounting systems and bank accounts.

Completed Audits and Reviews of Programs/Chapters

DESCRIPTION:

Audits:

Board of Education Performance Evaluation
FY 2018 Unspent Chapter Funds (as of Sept. 30, 2017)

STATUS:

Final Report issued Oct 2017
Final Report issued Dec 2017

CAP Follow-Up Reviews:

NOSHA P-card Activities Follow-up
Jeddito Chapter Follow-up
NDOT Second Follow-up
DED P-card Activities Follow-up
Coalmine Canyon Chapter Follow-up

Final Report issued Oct 2017
Final Report issued Oct 2017
Final Report issued Oct 2017
Final Report issued Dec 2017
Final Report issued Dec 2017

Accounting and Management Related Non-audit Services

In addition to conducting audits, we provided non-audit services to the Navajo Nation Council committees, executive management, and chapters. During this quarter, the Office of the Auditor General staff participated in the following meetings and performed the following non-audit services:

- 1) Presented legislation on audited chapters and programs, provided reports on audit issues, chapter accounting data and bank account activities, and attended meetings of the following oversight committees: Budget and Finance Committee, Resources and Development Committee, Health, Education & Human Services Committee and Naa bik'iyati' Committee.
- 2) Provided technical assistance to various programs and Chapters.

V. UPCOMING INITIATIVE

Ongoing Audits of Programs/Chapters

DESCRIPTION:

STATUS:

Audits:

Water Rights Commission	Quality review in progress
Tribal Parks (Monument Valley, Lake Powell, Little Colorado and Four Corners)	Quality review in progress
Navajo Housing Authority-Non Program Funds	Draft report issued
Hardrock Chapter	Quality review in progress
Tsayatoh Chapter	Quality review in progress
Tohajiilee Chapter	Quality review in progress
Pueblo Pintado Chapter	Fieldwork in progress

CAP Follow-Up Review:

Parks and Recreation	Fieldwork in progress
Division of Public Safety P-card Activities	Fieldwork in progress
Veterans Administration, FDA	Fieldwork in progress
Crystal Chapter	Fieldwork in progress

VI. MAJOR ISSUES AND RECOMMENDATIONS

The Budget and Finance Committee Resolution BFJA-05-12 directed all chapters to grant the Office of the Auditor General read-only or view-only access to their financial accounting systems and related bank accounts. The view-only access will facilitate the continuous monitoring and auditing of the chapters financial resources. Continuous monitoring and auditing will better enable the Office of the Auditor General to prevent and mitigate fraud, waste and abuse of the Navajo Nation financial resources.

To implement the Budget and Finance Committee resolution, the chapters were directed to submit the back-up of their accounting data on or the 15th of the month following the end of the quarter. However, 14% of the chapters were late in submitting their accounting data. To address the untimely submission, we recommend all chapters to use the private cloud service for their financial accounting systems. The cloud service will provide better safeguard of the chapters accounting system and will facilitate the timely access of the chapters accounting data.

Recommendation to establish a Fraud Hotline to report suspicious activities by Navajo Nation employees and elected officials.

VII. FORM 2 PERFORMANCE MEASURES

See attached Budget Form 2.

Attachment

xc: Pete K. Atcitty, Chief of Staff
Jared Touchin, Public Information Officer
OFFICE OF THE SPEAKER
Chrono



**FY 2018
FIRST QUARTER
(OCTOBER - DECEMBER)**



**The 23rd Navajo Nation Council
Winter Session**

Office of Navajo Government Development

JANUARY 2018

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I. Purpose & Authority

2 N.N.C. Article 3. Commission on Navajo Government Development & Office of Navajo Government Development

The Commission is a special entity created by the Navajo Nation Council with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government. The purpose of the Commission and Office is to review and evaluate all aspects of existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government; and to develop recommendations and proposals for alternative forms of government, including chapter governments for consideration and possible adoption by the Navajo People through a referendum vote.

The Office of Government Development was established for the purpose of assisting the Commission on Navajo Government Development by making recommendations for reform that is necessary to ensure an accountable and responsible government and conduct long range comprehensive planning, evaluation, and development of goals to enhance a government that accommodates the Navajo People. It is charged with encouraging the Navajo People's involvement promoting their general welfare, ensuring government accountability, integrity, justice and domestic order. It also charged with developing proposals for alternative forms of chapter government and empowerment.

A. Commission on Navajo Government Development – History

1. CD-68-89: Title 2 of the Navajo Nation Code
 - i. In 1989, the Navajo Nation Council passed Title 2 amendments creating the Commission on Navajo Government Development and the Office of Navajo Government Development with quasi-independent authority to accomplish the Council's project of instituting reforms necessary to ensure an accountable and responsible government.
2. CJY-65-94: Amending Plan of Operation for the Commission on Navajo Government Development in Title 2.
 - i. July 22, 1994, the Navajo Nation Council passed legislation to amend the 1989 Title 2 Amendments pertaining to the Commission on Navajo Government Development. The proposed amendments changed the membership of the Commission by replacing the ONGD Director with a representative from the N.N. Women's Commission.
 - ii. The 1994 amendments titled "plan of operation" also changed the scope of work for the Commission to focus on working with the local chapter governments and local communities as a community empowerment initiative to explore alternative forms of chapter governments.
3. CO-37-07: Navajo Government Development Act of 2007
 - i. October 17, 2007, the Navajo Nation Council passed legislation to abolish the Commission on Navajo Government Development and to place the Office of Navajo Government Development under the supervision of the Navajo Nation Council Speakers office. This legislation was vetoed by President Joe Shirley Jr.

- ii. December 19, 2007, the Navajo Nation Council through a special council session voted on resolution CD-47-07 to override President Shirley's veto of the Navajo Government Development Act of 2007. The override was successful and therefore, the Commission on Navajo Government Development was abolished.

4. SC-CV-02-10: *Shirley v. Morgan*

- i. July 16, 2010, the Navajo Nation Supreme Court issued an Opinion and Order to invalidate the Navajo Nation Council's legislation on the Navajo Government Development Act of 2007 which abolished the Commission on Navajo Government Development.
- ii. The Court stated the following: "The Commission on Government Development ("Commission") and the Office of Navajo Government Development ("Office") are the sole entities established according to the wishes of the People..... Therefore, the dissolution of the Commission and changes made to the powers of the Office by enactment of CO-37-07 (Navajo Government Development Act of 2007) on October 17, 2007 cannot stand.
- iii. The Court made it clear to the Navajo Nation Council for them to immediately restore the Commission and Office according to the original terms in the Title II Amendments of 1989, along with proper funding. The power of government reform and their choice of government are up to the People to decide through the Commission and Office.
- iv. At the initial meeting of the three Branch Chiefs during the FY 2012 Budget development process, then Speaker Johnny Naize requested a substantial budget to fully fund the Commission on Navajo Government Development and the Office on Navajo Government Development as stated in accordance with the Navajo Nation Supreme Court Order. This was supported by then President Ben Shelley by not line-item vetoing this budget request in an amount of \$998,661.

5. Reconvening of the Commission on Navajo Government Development

- i. On November 9, 2011, the Commission on Navajo Government Development held a historic meeting by reconvening a quorum and calling an official meeting to order. The Commission reaffirmed Ms. Bessie Tsoie as the Chairperson with Ms. Mae Horseman as the Vice-Chairperson.

II. Office of Navajo Government Development Staff

Edward K. Dee Jamie Henio VACANT Raymond Tsosie Patsy Yazzie Jasper Long (928) 871 – 7214/7161	<i>Executive Director</i> <i>Policy Analyst</i> <i>Policy Analyst</i> <i>Senior Planner</i> <i>Administrative Assistant</i> <i>Senior Office Specialist</i>
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III. Commission on Navajo Government Development

Member listing

Commissioner	NNC Legislation No.	Appointment Date	Term Expiration
Five Agency Representatives			
JoAnn Dedman CENTRAL AGENCY	CJY-33-13	July 16, 2013	July 16, 2017
Anslem Morgan EASTERN AGENCY	CJY-47-17	July 19, 2017	July 19, 2021
Vince James FT. DEFIANCE AGENCY	Pending NNC Confirmation	Pending	Pending
Herman Farley NORTHERN AGENCY	CAP-27-14	April 23, 2014	April 23, 2018
Emmett Kerley WESTERN NAVAJO AGENCY	CAP-21-17	April 19, 2017	April 19, 2021
Navajo Nation Government – Branch Representatives			
Henry Fowler EXECUTIVE BRANCH	CS-54-17	October 01,2017	October 01,2019
VACANT JUDICIAL BRANCH	VACANT	Vacant	Vacant
VACANT LEGISLATIVE BRANCH	VACANT	Vacant	Vacant
Other Representatives (Pursuant to 2 N.N.C. § 972)			
Philmer Bluehouse PRACTITIONER OF NATIVE HEALING ARTS	CJA-08-17	January 26, 2017	January 26, 2021
Charlotte Begay WOMEN'S COMMISSION	CO-52-16	October 19, 2016	October 19, 2018
LaTanya Thinn DINE COLLEGE	CO-68-17	October 17, 2017	October 17, 2019
Crystal J. Cree HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE	CAP-32-17	April 19, 2017	April 19, 2019

IV. FY 2018 First Quarter Budget Information

The table below illustrates the approved FY 2018 Budget and the FY 2018 First Quarter actual expenditures, revised budget, remaining budget available and percentage of budget used.

**Office of Navajo Government Development
Expenditure Report
FY 2018 – 1st Quarter Budget Table**

Account	Original Budget	Revised Budget	Actuals	Budget Available	% Expense of Total
2001 Personnel Expenses	378,568	378,568	76,571	301,997	20%
3000 Travel Expenses	25,511	19,105	10,420	8,658	55%
3500 Meeting Expenses	29,546	29,546	10,689	18,857	36%
4000 Supplies	20,984	17,984	1,790	16,194	10%
5000 Lease and Rental	10,181	10,181	569	9,612	6%
5500 Communications and Utilities	0	3,000	1,082	1,918	36%
6000 Repairs and Maintenance	19,551	19,551	0	19,551	0%
6500 Contractual Services	4,000	7,406	450	6,956	6%
7000 Special Transaction	22,789	25,789	7,403	18m,386	29%
TOTAL	511,130	511,130	108,974	402,156	21%

IV. FY 2018 Form 2 Accomplishments

In addition to the on-going research and daily tasks of the ONGD operation, the following is an outline of the most current accomplishments (October 2017 to December 2017) for FY 2018 First Quarter:

A. Program Performance Criteria Goal Statements:

1. 1. Research four current Navajo government issues and provide recommendations.

Goal: 1 Actual: 2

- The Office of Navajo Government Development (ONGD) currently evaluating the Navajo Nation Government in a comprehensive mode with the central government compared to the local governments to determine if this current government will be able to sustain itself for the next 50 years. The ONGD is currently looking at a Sustainable Policy & Practices in Governance, Economics, Environment, Climate Change, Renewable Energy, etc. This document is now in a "concept paper" format undergoing review by sustainability scholars at Arizona State University's School of Sustainability. Once the review process is finalized it will be introduced to the Navajo people and government officials for consideration to begin moving forward with it whether at the central government or at chapter governments, or preferably both.
- One ONGD staff has been assigned to re-visit Resolution No.: TCD CAP-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). One model will be researched per quarter and in this first quarter the Commission-Manager is being researched with an aim of new theoretical and practical discovery and interpretation of facts and examine revised of accepted theories or laws, all within the context of current chapter experimentation with Commission-Manager form of governance, e.g. Steamboat and Nahata Dzil Chapter Governance.

2. Sponsor five meetings at agencies on tribal government issues to get input from the Navajo People.

Goal: 1 Actual: 3

The Office of Navajo Government Development will schedule and host a series of public education sessions on the Navajo Nation. The purpose of the public education is for the Office to provide information to Navajo People on two fronts: (1) The Dynamics of the Navajo Chapter Governance system since its inception from 1935 to its current state, so to gauge its transition based on multiple variables, e.g. population, participation, revenues, quorum, projects, certification and non-certification, etc.; and (2) Sustainable Governance Policy & Procedures where Navajo citizens will have the opportunity to actively express their input on the need for chapters to transition toward a more sustainable governance and society. The Office will gather information and comments about the type of government reform the Navajo People want to see at the local government.

1. October 6th & 7th: ONGD staff conducted public surveys on the effectiveness and efficiency of Navajo chapters at the Northern Navajo Fair in Shiprock, NM.
2. October 13th & 14th: ONGD staff conducted public surveys on the effectiveness and efficiency of Navajo chapters at the Western Navajo Fair in Tuba City, AZ.
3. November 15th & 16th was the final venue for ONGD survey during annual Division of Natural Resources Summit 2017 at Twin Arrows Navajo Casino. ONGD has collected a total of 440 respondents to the Chapter Governance System Survey between these three locations. The findings from this survey will be forthcoming.

While attending the annual DNR Summit 2017, ONGD staff facilitated two presentations on Navajo Chapter Sustainability Policy & Practices and Title 26 and Sustainable Development: Dynamics of Land Use Planning and Sustainability for Navajo Chapters. The demand for this information was overwhelming by attending participants that the organizer approved ONGD staff for another day of presentation.

3. Review chapter policies and procedures and recommend changes on efficiency and effectiveness.

Goal: 1 Actual: 13

Pursuant to Title 2 § 970 – 978, the Office and Commission have a duty to work closely with the chapter governments for local empowerment and looking at alternative forms of chapter governments. The ONGD staff provides technical assistance in the area of Community Land Use Planning, Title 26 orientation, pre-and-post LGA certification, Alternative Forms of Government orientation, Quorum reduction orientation, etc.

- The Office in the 1st Quarter provided technical assistance and training to the following chapters:
 1. October 10th, ONGD staff assisted the Western Navajo Agency Council executive officers with the revision of the WNAC Plan of Operation and presentation to the full council at their work session.
 2. October 11th, ONGD staff participated in facilitating a work session for Cameron, Tolani Lake, Coalmine Canyon, Birdsprings & Leupp chapters on Title 26 and the process of LGA certification at the request of Delegate Walter Phelps. This work session took place at Twin Arrows Casino Emergency Command Center.
 3. October 11th & 12th, ONGD staff assisted the ASU PhD Candidate Jonathan Davis with a two-day work session on GeoDesign software for planning with the Coppermine chapter in developing their land use plan. The work session took place at the Aquatic Center in Flagstaff, AZ.
 4. October 18th, ONGD staff facilitated a one-day orientation session on land use planning and the required 5-year updates for the Ramah chapter CLUP Committee at the Ramah Chapter in Ramah, NM.
 5. October 19th, ONGD staff facilitated an orientation session on Title 26 LGA and Land Use Planning for the Sheepsprings, Newcomb, Two Grey Hills chapters at the Sheepsprings chapter.
 6. October 21st, ONGD staff attended the WNAC works session in Tuba City, AZ to facilitate the revision of their Plan of Operation for final presentation to the full council in December.
 7. October 27th, ONGD staff facilitated an orientation session on Title 26 LGA and Land Use Planning for the Oak Springs chapter officials, committees and staff at the ONGD conference room in Window Rock, AZ.
 8. November 9th, ONGD staff attended the Sheepsprings CLUP Committee work session to conduct a complete overview of their existing land use plans and develop time lines for implementing the updates and presentation to the NNC Resources and Development Committee.
 9. November 17th, ONGD staff attended the Indian Wells chapter work session at the Springhill Suites hotel in Flagstaff, AZ. The ONGD staff facilitated a complete overview of the Title 26 LGA and Land Use Plan for the chapter officials, staff and chapter committees.
 10. November 21st, ONGD staff attended the Red Rock chapter CLUP committee meeting to assist with the required 5 year updates to the land use plans.
 11. November 28th, ONGD staff attended the Tonalea chapter CLUP Committee work session in Tonalea, AZ to facilitate an orientation session on Parliamentary Procedures and running effective meetings for the CLUP committee and chapter officials.

12. December 5th, ONGD staff facilitated a 5 hour orientation on Title 26, roles and responsibilities for chapter officials and staff for the Dilkon Chapter Officials, Staff and Committees at the Dilkon chapter administration conference room.
 13. December 28th, ONGD staffs were invited by the Tohatchi Chapter Community Land Use Planning Committee to assist with the review of their land use plan presented by their consultant.
4. Educate chapter government officials on sustainability and resiliency that will result in better governance.

Goal: 1 Actual: 2

- The Commission on Navajo Government Development and the ONGD to provides education on Navajo government reform to the Navajo public using various methods such as printing newsletters, newspaper advertisements, Internet publications and radio announcements.
 1. November 1st & 2nd : ONGD staff attended and participated in 4 Corners Future Forum, “Thinking Regionally/Acting Locally, Thinking Locally/Acting Regionally” at San Juan College – Henderson Fine Arts Center, Farmington, NM. ONGD’s recent emphasis on the need to transition to a sustainable governance as a core theme of “government reform” coincided with the 4 Corners Future Forum; in that, the forum concentrated on the need to promote cooperative planning and action to re-vitalize the economy of the greater four corner communities, including tribes, which has seen a heavily impacted downturn in oil, gas and coal sectors. The facilitators at the event realize the economic identity and mainstay of the Four Corners region is energy, and thus the need for sustainability solutions and outcome are paramount, which is the same indicators and trends ONGD staff are working with as it relates to Navajo governance and the need to “reform” while applying both Western and Diné-value based sustainability principles.
 2. November 15th & 16th: ONGD staff participated in the annual Division of Natural Resources Summit 2017 at the Twin Arrows Navajo Casino to facilitate a presentation on Sustainability on the Navajo Nation the development of a sustainability policy.
5. Develop partnerships with universities and entities for Navajo government studies or special projects that will improve the Navajo Nation government.

Goal: 1 Actual: 5

1. The ONGD partnered with the Arizona State University PhD candidate Jonathan Davis in working with chapters in the western Navajo agency in

- developing their community land use plans using a GeoDesign software to develop the community maps.
2. 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.
 3. The ONGD partnered with the Diné-Centered for Research & Evaluation Team to discuss the Diné Fundamental Law and how this could be implemented as part of the Navajo Nation Government.
 4. The ONGD partnered with Diné College's Diné Policy Institute to develop a survey of Navajo people to determine both the efficiency and effectiveness and *systems* of Navajo chapter governments. The survey will be used to publish a report for the Navajo Nation Council and other interested parties, which will include policy recommendations.
 5. The ONGD partnered with the Navajo Nation Department of Health, the Navajo Nation Human Research Review Board (NNHRRB) and University of Washington, Navajo scholars (Dr. Nanibaa' Garrison, Dr. Clarita Lefthand-Begay, and Dr. Katrina Claw), in an effort to remediate the lifting of the moratorium on genetic research put in place by the Navajo Nation Council and while developing a genetic research "policy" in its place. With the leadership of Honorable Delegate Walter Phelps, legislation will soon be introduced that officially authorize the establishment of Navajo Nation Health Policy Workgroup on Genetics ("Workgroup"), which include the Office of Navajo Government Development as one of three key entities.

VI. Navajo Nation Council/Committees

1. October 16 – 20, 2016 – ONGD staff attended the Navajo Nation Council Fall Session at the Council Chambers in Window Rock, Arizona.
2. December 4, 2017 – ONGD staff attended the Naabik'iyáti Committee Special Meeting at the Council Chambers in Window Rock, AZ, in support of LEGISLATION 0463-17: Confirming the Appointment of Mr. Vince James, as the Fort Defiance Agency Representative, to the Commission on Navajo Government Development.
3. December 22, 2017 – ONGD staff attended the Navajo Nation Council Special Session at the Council Chambers in Window Rock, Arizona.

VII. Administrative Meetings/Work Sessions / Technical Assistance to Chapters

1. October 6th & 7th - ONGD staff attended the Northern Navajo Fair to conduct surveys on the effectiveness and efficiency of the Navajo chapter governments.
2. October 13th & 14th - ONGD staff attended the Western Navajo Fair to conduct surveys on the effectiveness and efficiency of the Navajo chapter governments.
3. October 20th - ONGD / CNGD work session at the ONGD conference room in Window Rock, AZ.
4. November 5th - CNGD regular meeting at the ONGD conference room in Window Rock, AZ.
5. November 5th - ONGD staff facilitated an orientation session for three (3) new CNGD Commissioners on their roles and responsibilities pursuant to Title 2 subsections 970 to 978 at the Tsaille / Wheatfields chapter house.
6. November 8th - ONGD staff met with the staff from the Dine College Dine Policy Institute to discuss the joint effort to study the effectiveness and efficiency of the Navajo chapter governments.
7. November 13th & 14th - ONGD staff participated in a two day work planning group meeting with the Navajo Nation Genetics Policy Development Work Group assembled to assist Delegate W. Phelps in developing a genetics policy for the Navajo Nation in order to lift a moratorium installed by Navajo Nation Council in 2002.
8. November 15th & 16th - ONGD staff participated in the Division of Natural Resources annual DNR Summit held at Twin Arrows Navajo Casino with 1) conducting a survey on the effectiveness and efficiency of Navajo chapter governments 2) facilitating three presentations on Sustainability and the need for a policy on the Navajo Nation and Land Use Planning integrating sustainability.
9. November 29th - ONGD staff participated in the Dine Center for Research & Evaluation planning meeting at the ONGD conference room in Window Rock, AZ. The DCRE planning meeting focused on the possible future partnership with the Commission and Office to incorporate the Dine Fundamental Law into chapter governments and land use planning.
10. November 30th - ONGD staff participated in the Title 26 task force meeting to discuss drafting future legislation in forming a task force to develop a plan in revising Title 26, the Local Governance Act. The meeting was held at the Division of Community Development conference room in Window Rock, AZ.
11. December 2nd - ONGD staff attended the Eastern Navajo Agency Council meeting at the Ramah Chapter to deliver written reports on the first quarter activities of the Commission and Office.
12. December 2nd - ONGD staff attended the Northern Navajo Agency Council meeting at Sheepsprings chapter to deliver written reports on the first quarter activities of the Commission and Office.
13. December 8th & 9th - ONGD staffs facilitated and participated in the CNGD work session at the Sky City Casino in Acoma, NM.

14. December 16th – ONGD staff attended the Western Navajo Agency Council meeting at the Sinagua Middle School in Flagstaff, Arizona to deliver written reports and assist with the presentation of a resolution to approve the WNAC Plan Of Operation.
15. December 17th – CNGD regular monthly meeting at the ONGD conference room in Window Rock, Arizona.

VIII. Future Activities

- Continue meeting FY 2018 Form 2 Performance Criteria Goals.
- Provide comprehensive orientation for Commission on Navajo Government Development members to better understand their responsibilities so they may identify, develop and implement government reform initiatives for the Navajo Nation.
- Pursuant to the CNGD 1994 Plan of Operation amendments, provide technical assistance to the 110 local governments on local governance issues, i.e., quorum requirement, AFOG, ordinances, LGA certification, Community land use plan.
- Review, update and revise the Office and Commission's government reform priorities for fiscal year 2018.
- Continue in reviewing and revising Title 26 Local Governance Act.
- Continue with the Local Governance Reform Public Education Sessions and other means of public input to form an analysis of government reform ideas and recommendations from the Navajo People.
- The 23rd Navajo Nation Council Naabik'iyáti Committee issued a directive to the Office of Navajo Government Development and Commission on Navajo Government Development to conduct a study on the *effectiveness* of the downsizing of the Navajo Nation Council from 88 to 24 delegates (this Report is on Naabik'iyáti Committee agenda for January 11, 2018).
- Develop a Sustainability Policy for the Navajo Nation on Navajo Governance, Economics, Climate, Renewable Energy, Infrastructure, etc.
- Commission on Navajo Government Development Work Session, December 8-9, 2017, Sky City Casino Hotel, 1-40 Exit 102, Acoma Pueblo, NM. The focus of the work session will center on *2 N.N.C. Article 3 – Plan of Operation* update; sustainability capacity for newly confirmed commission members, proposed partnership between Diné-Centered Research and Evaluation Committee Team and Commission on Navajo Government Development in an effort to advance the discussion and joint-research endeavor involving Fundamental Laws of the Navajo in government reform; Navajo Nation Genetics Research Policy Development Working Group, which includes the Office of Navajo Government Development, Navajo Department of Health, and the Navajo Nation Human Research Review Board and other stakeholders, in an effort to remediate the lifting of the moratorium on genetic research while developing a genetic research "policy" in its place; and review and adopt an action plan for NNC Title 26.
- ONGD will be involved in a monthly meeting between the teams at ASU, NAU and the Navajo Nation to discuss the November 14, 2017, MOA meeting and brainstorming

session so to devise an action plan and strategy. These calls (with an in-person meeting component to be held on the 3rd floor of GIOS/Wrigley Hall on ASU campus) on the second Tuesday of every month, beginning this December 11th at noon.

- ONGD staff, with the leadership of Delegate Walter Phelps as Chair of “Navajo Nation Genetics Policy Development Working Group will continue to participant and facilitate in weekly calls that are slated for every Fridays.
- Two ONGD staff have been designated as “Co-Leads” for Oversight, Rules, and Regulations as one of three sub-groups; in that, his sub-committee will focus on the sections of the policy that relate to the purpose of the policy, logistics (who the policy applies to, who enforces the policy, and the regulatory framework), and the incorporation of existing laws and regulations such as the Navajo Research Code and the Navajo Privacy Act.
- ONGD in a joint-research endeavor with Diné College DPI will continue to share findings from our 2-month questionnaire (over 500 survey respondents were collected) that was conducted at three different venues. ONGD has set an internal deadline of December 30, 2017, to produce a draft report on Navajo Nation Chapter Government Systems. A final report should be published by January 2018.
- The next regularly scheduled Commission on Navajo Government Development meeting, January 21, 2018, 10:00 AM, ONGD Conference Room, Window Rock.

X. Major Issues and Recommendations

1. Vacancies on the Commission on Navajo Government Development: currently there are three (3) vacant representations from the following: Legislative Branch, Judicial Branch, and Ft. Defiance Agency Council.
2. The Commission is quite concern about Fundamental laws of Diné appears to be absent from current debate in Navajo government, but they intend to reinvigorate this topic as part of “government reform” initiative moving forward.
3. ONGD and the Commission in FY2018 is operating on \$10,888 less than FY2017, which poses immediate concerns given the amount of projects the Office is working on and delegated.
4. The frequency of Navajo Nation Chapters requesting for services from ONGD has significantly increased that based on FY2018 travel budget it will be difficult to keep up with the demand for technical assistance and direct-services to chapters.
5. ONGD is in the process of submitting a Supplemental Funding Proposal to the 23rd Navajo Nation Council so to offset the \$10,888 and initiate a few of the commissions endeavors as it relates to “government reform.”
6. ONGD in consultation with the Commission has repeatedly reached out in inviting members of the Navajo Nation Council to its regular meetings and “lunch and learn and collaborate” meetings with staff to no avail. ONGD will continue to send out invites to Navajo lawmakers.

THE NAVAJO NATION ETHICS AND RULES OFFICE

The Legislative Branch



1st QUARTER REPORT

(October, November, December)

FY2017

Presented to the 23rd Navajo Nation Council

Winter Session



**THE NAVAJO NATION
THE ETHICS AND RULES OFFICE**

P.O. BOX 5490 Window Rock, Arizona 86515 Telephone (928) 871-6369 Fax (928) 871-7168

WEBSITE: www.nnethicsrules.navajo-nsn.gov

January 13, 2017

Honorable Speaker Lorenzo Bates
The Navajo Nation Council

Honorable Council Delegates
The 23rd Navajo Nation Council
Window Rock, (Navajo Nation) Arizona 86515

RE: 1st QUARTERLY REPORT FY2017

Dear Honorable Speaker and Members of the 23rd Council:

Ya'a'teeh. The Ethics and Rules Office submits its 1st Quarter Report for Fiscal Year 2017 to the 23rd Navajo Nation Council.

The attached 1st Quarter Report incorporates all the activities, projects, significant information and accomplishments that have occurred, involving the Ethics and Rules Office during the 1st Quarter of Fiscal Year 2017.

Respectfully submitted, *A'hee'hee,*

Stacy D. Allison, Acting Executive Director
Navajo Nation Ethics and Rules Office
Legislative Branch

1st QUARTER REPORT (October, November, December) FY2017

I. CONTACT INFORMATION

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Office Staff

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Rodriquez Morris, Ethics Presenting Officer
Mona Waquiu, Ethics Investigator
Lewnell Harrison, Ethics Investigator
Ronald Largo, Ethics Investigator
Josephine Yazzie, Legislative Assistant
Henrietta Wauneka, Senior Office Specialist

II. PURPOSE

The Navajo Nation Ethics and Rules Office was established to enforce the Ethics in Government Law, 2 N.N.C. §§ 3741-3793, and to educate and inform the public officials and employees of the Navajo Nation to comply with the highest standards of ethical conduct to sustain the authority vested in them as a matter of public trust and policy. The office was created under the Ethics in Government Law and was expanded to incorporate the Standards of Conduct for Navajo elected officials, ERC-08-001. Further, in 2005, the Council passed the Garnishment Act and the Navajo Nation Supreme Court followed in June 2013 to adopt the Garnishment Rules to implement the 2005 Garnishment Law in the Navajo Nation District Courts. This allows for the Navajo Nation to implement the process as a remedy for the collection of judgments issued by the Office of Hearing and Appeals and the former judgments issued by the Ethics and Rules Committee. These laws were enacted to protect the Navajo Nation people from wrongful governmental decisions, including conduct and action resulting from undue influence or conflicts of interest. The Ethics in Government Law defines the standards of ethical conduct for Navajo elected officials, appointees and employees by authorizing the enforcement of the Government in Ethics Law and the Standards of Conduct as enacted by the Navajo Nation Council.

1st QUARTER REPORT (October, November, December) FY2017

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III. SIGNIFICANT ACTIVITIES AND ACCOMPLISHMENTS

Staff

On November 14, 2016, Stacy Allison attorney with the Office of Legislative Counsel was given a special assignment to manage the daily operations of the Ethics and Rules Office relative to all legal and administrative matters.

On December 30, 2016, Josephine Yazzie, Legislative Assistant, retired from the Navajo Nation. She was employed with the Ethics and Rules Office for 22 years and overall completed 41 years of service to the Navajo Nation.

Meetings/Investigative Field Work/Investigations

October 11-12, 2016, Lewnell Harrison met with Sandy Welshinger, FBI, re ERO-69-2016 and ERO-36-2013.

October 12, 2016, Ronald Largo reviewed 6 out of 16 new ethics intake reports assigned and prepared notes/outlines for each.

October 13, 2016, Ronald Largo reviewed 10 out of 16 new ethics intake reports and prepared note/outlines for each one.

October 14, 2016, Ronald Largo completed a witness interview with L.S. re Klagetoh Chapter.

October 17-18, 2016, Lewnell Harrison conducted witness interview re ERO-113-2016.

October 17-21, 2016, Mona Waquiu traveled to Mesa, AZ, to attend Fraudulent Investigation/Social Media training held by the National White Collar Crime Training Office.

October 18, 2016, Ronald Largo drafted memorandums to NN Department of Personnel Management, Election Administration, Office of the Auditor General, Dennehotso Chapter CSC and to Respondent in reference to the final order in case no. OHA-ERO-099-16.

October 18, 2016, Rodriquez Morris, completed a settlement conference for case no. OHA-ERO-16-16, Window Rock, AZ.

October 19, 2016, Ronald Largo traveled to Dennehotso, Arizona to serve the final order and other documents to Dennehotso Chapter and Respondent at his residence in re OHA-ERO-009-16.

October 19, 2016, Ronald Largo traveled to Sheep Springs, NM, to conduct investigation for ERO-67-2013.

October 21, 2016, Ronald Largo reviewed 2 new ethics intakes and prepared notes/outline on each and completed closure letters for ERO-136-2016 and ERO-143-16 and submitted them to the Presenting Officer.

October 24, 2016, Ronald Largo traveled to Sheep Springs Chapter for investigation re ERO-67-2013.

October 24, 2016, Lewnell Harrison met with Auditor Jeanne Jones re ERO-36-2013 and ERO-113-2016.

October 26, 2016, Ronald Largo completed a witness interview re ERO-67-2013 in Window Rock, AZ.

October 27, 2016, Ronald Largo completed a meeting with Ron Haven, Office of Legislative Counsel, concerning outstanding restitution payments.

November 1, 2016, Ronald Largo completed a meeting with Ron Haven concerning the Ethics in Government Law statute of limitations.

November 1, 2016, Rodriquez Morris, in collaboration with the Nation Elections Administration, ASC/Division of Community Development and the Office of Government Development, completed mediation sessions and consultations with Leupp Chapter, Rough Rock Chapter, Tonalea Chapter, Cameron Chapter, Mariano Lake Chapter and St. Michaels Chapter in Window Rock, AZ.

November 2, 2016, Rodriquez Morris, completed a consult for the Sanostee Chapter House in Klagetoh, AZ.

November 8, 2016, Rodriquez Morris completed a consult and returned records for the Gadii/To'koi Chapter House, Gadii, NM.

November 12, 2016, Lewnell Harrison met with Auditor General Elizabeth Begay re ERO-36-2013.

November 14-15, 2016, Stacy Allison met with Ethics and Rules staff individually (except Lewnell Harrison) to determine the status of office work flow.

November 14-17, 2016, Henrietta Wauneka attended the 2017 IT Summit hosted by the Navajo Nation Division of General Services and Department of Information Technology in Albuquerque, NM.

November 15, 2016, Ronald Largo completed an interview with NN OHSA concerning Navajo Parks and Recreation and made a referral to Economic Development and Parks and Recreation.

November 16, 2016, Stacy Allison and Ronald Largo met to review ethics hearing procedures, intake policy, and legal forms being utilized by the office.

November 17, 2016, Stacy Allison, met with NN Auditor General Elizabeth Begay.

November 17, 2016, Ronald Largo completed a witness interviews re ERO-67-2013 and completed a consult with a Greasewood Chapter community member in Window Rock, AZ.

November 18, 2016, Ronald Largo drafted a memorandum to DPM to produce information on a former chapter employee of Mariano Lake chapter re ERO-77-2013, and completed a witness interview re ERO-77-2016 in Window Rock, AZ.

November 21, 2016, Stacy Allison met with Lewnell Harrison individually to determine the status of work flow in the office and status of his open cases.

November 21, 2016, Rodriquez Morris completed a consult and intake for the Many Farms Chapter House in Window Rock, AZ.

November 21, 2016, Rodriquez Morris completed a settlement conference with the respondent in case no. OHA-ERO-69-2016 at the ERO conference room, Window Rock, AZ.

November 22, 2016, Rodriquez Morris completed a consult for the Iyanbito Chapter House in Window Rock, AZ.

November 22, 2016, Rodriquez completed a consult for the Bodaway Gap Chapter House in Window Rock, AZ.

November 22, 2016, Stacy Allison completed meeting with Rodriquez Morris re active investigations.

November 22, 2016, Stacy Allison and Rodriguez Morris attended a planning meeting for the 2017 Governance Conference in Window Rock, AZ.

November 23, 2016, Ethics and Rules Office Staff Meeting in Window Rock, AZ.

November 28, 2016, Ethics and Rules Office Case Management/Staffing to review the status on all pending open cases in Window Rock, AZ.

November 28, 2016, Stacy Allison, Mona Waquiu and Rodriguez Morris completed a meeting with private investigator George Walker and Auditor General Elizabeth Begay and Auditor Alfreida Lee re referrals from the Auditor General's office, in Window Rock, AZ.

November 29, 2016, Stacy Allison, Mona Waquiu and Rodriguez Morris, meeting with Auditor General Elizabeth Begay, Auditor Helen Brown and private investigator William Johnson of SOARS to discuss a new case referral

November 29, 2016, Stacy Allison completed a contract review for legal sufficiency for Select Organization & Administrative Resource Services (SOARS) and met with William Johnson, President of SOARS to obtain an updated W2, proof of general liability insurance, a current debarment/suspension form and obtain original signatures from Mr. Johnson.

November 30, 2016, Ethics and Rules Office Case Management/Staffing completed on all pending open cases (cont. from 11/28).

November 30, 2016, Rodriguez Morris completed a meeting/case staffing with R. Begay of the ASC/Division of Community Development Office, in Window Rock, AZ.

November 30, 2016, Rodriguez Morris completed a meeting with the Navajo Elections Administration, E. Wauneka, in Window Rock, AZ.

November 30, 2016, Rodriguez Morris completed a consult for the Ramah Chapter House, in Window Rock, AZ.

December 1, 2016, Mona Waquiu closed 14 cases: ERO-38-2011, ERO-39-2013, ERO-74-2014, ERO-51-2015, ERO-60-2015, ERO-70-2016, ERO-96-2016, ERO-103-2016, ERO-115-2016, ERO-117-2016, ERO-118-216, ERO-122-2016, ERO-124-2016 and ERO-126-2016.

December 2, 2016, Mona Waquiu referred ERO-75-2015 to SOARS.

December 2, 2016, Stacy Allison completed a meeting with Damon Edminston and James Alford, Special Agents with the Office of Inspector General, US. Dept. of Interior, Albuquerque office, in Window Rock, AZ.

December 5, 2016, Mona Waquiu forwarded ERO-82-2015 to Rodriguez Morris to set up an ethics training.

December 5, 2016, Stacy Allison responded in writing to inquiries from complainant re ERO-105/106/107/108-2016.

December 6, 2016, Rodriguez Morris completed a meeting/case staffing with auditor J. Jones of the Office of the Auditor General, in Window Rock, AZ.

December 7, 2016, completed final report and case documents re ERO-67-2013.

December 7, 2016, Rodriguez Morris attended the 2017 Governance Conference planning committee meeting in Window Rock, AZ.

December 8, 2016, Mona Waquiu forwarded ERO-91-2016, ERO-94-2016, ERO-95-2016, and ERO-99-2016 to Final Notice Investigative Service Group (FNISG) for further investigation.

December 8, 2016, Rodriguez Morris completed a consult for the Leupp Chapter House in Window Rock, AZ.

December 8, 2016, Rodriguez Morris completed a consult for the Tohajilee School Board in Window Rock, AZ.

December 8, 2016, Rodriguez Morris completed a consult for the Shiprock Chapter House, in Window Rock, AZ.

December 8, 2016, Rodriguez Morris completed a consult for the Bird Springs Chapter House, Window Rock, AZ.

December 9, 2016, Stacy Allison and Lewnell Harrison met to conduct case review of ERO-36-2016.

December 9, 2016, Mona Waquiu referred ERO-114-2016, ERO-123-2016, ERO-127-2016, ERO-131-2016, ERO-133-2016, ERO-134-2016 and ERO-135-2016 to Navajo Nation Administrative Service Center (ASC).

December 12, 2016, Stacy Allison and Mona Waquiu completed a case review re ERO-14-2106, ERO-01-2016, ERO-25-2016, ERO-38-2016, ERO-65-2016, ERO-52-2016, ERO-62-2016, ERO-11-2016, ERO-95-2016, ERO-42-2016 (Auditor referred cases).

December 12, 2016, Mona Waquiu, referred ERO-139-2016 and ERO-142-2016 to DOJ for further review; issued a letter to Leupp Chapter regarding the referral.

December 12, 2016, Stacy Allison completed a telephonic meeting with Eric Dahlstrom, special prosecutor, to discuss cooperating witnesses who have pending open ethics investigations.

December 12, 2016, Stacy Allison referred ERO-14-2106, ERO-01-2016, ERO-25-2016, ERO-38-2016, ERO-65-2016, ERO-52-2016, ERO-62-2016, ERO-11-2016, ERO-95-2016, ERO-42-2016 (Auditor referred cases) to FNISG.

December 13, 2016, Ethics and Rules Office staff completed a case management/staffing meeting on all pending cases in Window Rock, AZ.

December 14, 2016, Lewnell Harrison conducted witness interviews re ERO-36-2013.

December 14, 2016, Rodriguez Morris completed a meeting/case staffing with the S. Jumbo-Rintila of the ASC/Division of Community Development in Window Rock, AZ.

December 14, 2016, Stacy Allison and Rodriguez Morris completed a consult/intake with Dr. Lewis and D. Franklin of the Department of Dine' Education in Window Rock, AZ.

December 14, 2016, Ronald Largo completed an interview re Ft. Defiance Chapter at Window Rock, AZ.

December 15, 2016, Rodriguez Morris completed a consult for the Gadii/To'koi Chapter House in Window Rock, AZ.

December 15-16, 2016, Investigator Lewnell Harrison conducted interview with witnesses including the Respondent re ERO-36-2013.

December 16, 2016, Stacy Allison contacted Damon Edminston, Special Agent with DOI Office of the Inspector General to discuss ERO-152-2016.

December 16, 2016, Rodriguez Morris completed a consult for the Bird Springs Chapter House in Window Rock, AZ.

December 16, 2016, Rodriguez Morris completed a consult for the White Cone Chapter House in Window Rock, AZ.

December 19, 2016, Rodriguez Morris Completed a meeting and consult with the Luepp Chapter in Window Rock, AZ.

December 19, 2016, Stacy Allison assigned 4 cases to investigators for further investigation: ERO-150/151/152/153-2016.

December 20, 2016, Ronald Largo completed final reports and documents for ERO-67-2013.

December 21, 2016, Mona Waquiu completed field investigation to Pine Hill, Ramah and Grants, NM re ERO-105-2016, ERO-107-2016 and ERO-108-2016.

December 28, 2016, Mona Waquiu traveled to Tuba City, AZ to serve a court order to respondent re ERO-106/107-2014 and OHA-ERO-015-16.

December 28, 2016, Ronald Largo completed a consult concerning Ramah School Board members and general election voting.

December 28, 2016, Ronald Largo submitted summary reports and files to Stacy Allison for consideration of filing ethics complaints (5) re ERO-67-2013.

December 28, 2016, Stacy Allison completed and mailed a written response to an inquiry from a chapter official elect who telephoned to ask if a chapter official can serve as a chapter employee simultaneously.

December 29, 2016, Stacy Allison completed a consult with Lynda French of Parks and Recreation regarding the Ethics in Government Law in Window Rock, AZ.

December 29, 2016, Stacy Allison completed a phone consult with Robert Willie of the Controller's Office regarding the Ethics in Government Law and advised that for more information to submit to the Ethics and Rules Office.

December 29, 2016, Mona Waquiu conducted an investigative interview with Respondent re ERO-107-2016 in Window Rock, AZ.

December 30, 2016, Mona Waquiu conducted an investigative interview with respondent re ERO-106-2016 in Window Rock, AZ.

Training

October 17-21, 2016, Mona Waquiu attended Fraudulent Investigation/Social Media training held by the National White Collar Crime Training Office in Mesa, AZ.

November, 2016, Henrietta Wauneka attended the 2016 Navajo Nation IT Summit at Albuquerque, NM.

November 16, 2016, Rodriquez Morris completed a 1 hr. webinar: How to avoid getting lost in the Cloud, NWC3, White Collar Crime, ONLINE, Window Rock, AZ.

Ethics Clearances completed

October, 2016

Josephine Yazzie, Legislative Assistant, - 83 clearances.
Henrietta Wauneka, Sr. Office Specialist, - 11 clearances.

November, 2016

Josephine Yazzie, Legislative Assistant, - 79 clearances.
Henrietta Wauneka, Sr. Office Specialist, - 1 clearances.

December, 2016

Josephine Yazzie, Legislative Assistant, - 54 clearances.
Henrietta Wauneka, Sr. Office Specialist, - 2 clearances.

Ethics Intakes & Case Management

New Intakes: 24 new cases, 10 pending assignments

Cases closed: 45 cases closed.

Restitution collected: \$307.50 in October, \$272.50 in November and \$490.00 in December. Total \$1,070.00

Office Consults: 132 consults

Telephonic Consults: 240 consults

Investigations

Effectuation of Service of process: Lewnell Harrison, 13 legal documents to serve, includes subpoenas, subpoena duces tecum, 30-day civil notice, notice of hearing,

ethics complaints and order to show cause notices.

Ronald Largo, 2 legal documents to include Subpoena Duces Tecum, Final Order, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Mona Waquiu, 3 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Completed Investigations:

Lewnell Harrison, 1 completed, 33 pending, 7 cases closed, 5 pending closure, 7 new cases assigned.

Ronald Largo, 1 completed, 2 cases closed with letter.

Mona Waquiu, 11 ERO/OAG cases forwarded to SOARS and Final Notice; 14 ERO cases closed; 6 ERO cases pending.

Cases filed with OHA:

Lewnell Harrison, 0 new cases filed, 3 order to show cause hearings.

Ronald Largo, 0 New Cases, and 0 Order to Show Cause Cases.

Mona Waquiu, 1 New Case.

Interview/Consults:

Lewnell Harrison, 11
Ronald Largo, 16
Mona Waquiu, 5

Administrative Hearings held

October 3, 2016

10:00 am – NNERO v. Perry Joe Slim, Jr., OHA-ERO-016-16

10:30 am – NNERO v. Helen Herbert., OHA-ERO-005-16

11:00 am – NNERO v. Robinson Jones, OHA-ERO-017-16

1:00 pm – NNERO v. Timothy Y. Begay, Jr., OHA-ERO-01-14

1:30 pm – NNERO v. Frank C. Yazzie, OHA-ERO-009-16

October 4, 2016

9:30 am – NNERO v. Deane K. Johnson, OHA-ERO-011-16

1:00 pm – NNERO v. Rachel Billy, OHA-ERO-011-15

1:30 pm – NNERO v. Peter Watchman, OHA-ERO-013-16

1:30 pm – NNERO v. Eckberg Gleason, OHA-ERO-002-16

December 5, 2016

- 9:30 am – NNERO v. Helen Herbert, OHA-ERO-005-16
- 10:00 am – NNERO v. Robinson Jones, OHA-ERO-017-16
- 10:30 am – NNERO v. Brian Kensley, OHA-ERO-15-16
- 11:00 am – NNERO v. Douglas James, OHA-ERO-001-17
- 1:00 pm – NNERO v. Herman Spencer, OHA-ERO-002-17

December 6, 2016

- 10:00 am – NNERO v. Irene John, OHA-ERO-003-17
- 11:00 am – NNERO v. Sarah J. Attakai, OHA-ERO-008-03
- 1:00 pm – NNERO v. Josephine Bahe, OHA-ERO-007-13
- 2:00 pm – NNERO v. Nathan Harry, OHA-ERO-008-17

ERO Presentations

October 5, 2016 Rodriguez Morris, Presenting Officer provided (2) Ethics in Government Law Presentations re sexual harassment for the Administrative Service Center Staff for the Fort Defiance Agency at the Staff Development Training Center, Window Rock, AZ.

October 6, 2016 Rodriguez Morris, Presenting Officer provided an Ethics In Government Law Presentation re sexual harassment for the Administrative Service Center Staff to the elected officials of Ft. Defiance Agency and the elected officials of the Eastern Agency at Staff Development Training Center, Window Rock, AZ.

October 18, 2016 Rodriguez Morris, Presenting Officer provided (2) Ethics In Government Law Presentations re sexual harassment for Division of Social Services Staff at Staff Development Training Center, Window Rock, AZ.

October 25, 2016 Rodriguez Morris, Presenting Officer provided an Ethics In Government Law and Garnishment Law Presentation for the Navajo Nation Human Rights Commission at the Karigan Office Building, St. Michaels, AZ.

PLANS FOR FY2017 2nd QUARTER

1. Hire an Executive Director.
2. Organize, present and participate in the 2017 Navajo Nation Governance Conference, February 27, 2017 through March 3, 2017.
3. Conduct a work session with the Law and Order Committee to amend the Ethics in Government Law.

4. Continue to take Ethics intakes on elected and appointed officials and employees of the Navajo Nation.
5. Continue to file Ethics complaints on elected and appointed officials and employees of the Navajo Nation.
6. File eligible cases for garnishment pursuant to 2 N.N.C. § 3800 *et seq.*
7. Continue to conduct Ethics clearances for candidacies, business loans, veteran's loans and the Navajo Nation Office of Background Investigations.

**Black Mesa Review Board
Navajo Nation Legislative Branch
Fiscal Year 2018 - First Quarterly Report Summary**

Contact Person: Andrew Benallie, Vice Chairman

Contact Phone Number: 928-674-8207 (home) 928-349-2285 (cell)

Section One: Accomplishment from 4th Quarter FY2017

- Monitored 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 is about 98%complete.
- Continue to work with Peabody on reseeding project and inspect the same.

Section Two: Goal for 2nd Quarter in FY2018

- Plan and host a general strategy plan meeting with the Navajo Nation officials from various departments pertaining to economic development, environmental issues, post mining land use plan, 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 February to provide update on Many Mules Waterline Project and to discuss required funding for completion of Phase 3 Many Mules waterline project.
- Review a settlement agreement between Navajo Nation and Peabody to verify if the residents have been fairly compensated for their grazing lands as agreed.
- Submit BMRB resolution requesting Infrastructure Committee to obligate the full \$1.5 million Peabody's annual contribution to Many Mules Waterline Project.

Section Three: Issues/ Recommendations

- Develop strategy for revision /amendment to Resource and Development Committee's legislation/regulations which are contrary to Navajo Nation laws.
- Assist Peabody Coal in their effort to rid of feral horses damaging reseeded areas.
- Assist Peabody Coal to stop/prevent illegal fence cutting by certain residents grazing their livestock in reseeded area thus destroying reseeded vegetation.
- Request Peabody and I HS not to delete families that were listed on the original plan to receive water through Phase 2 Many Mules waterline project.

NAVAJO UTAH COMMISSION

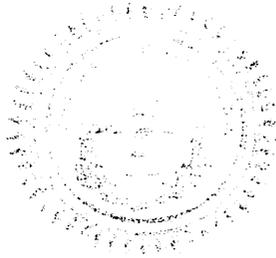
*Of the
Navajo Nation Council*

First Quarterly Report

Fiscal Year 2018

***Presented to
The Navajo Nation Council
Winter Session***

*The Navajo Nation
Window Rock, Arizona
January 9, 2018*



January 8, 2018

Honorable Speaker LoRenzo Bates
NAVAJO NATION COUNCIL
Window Rock, (Navajo Nation) Arizona

Honorable Members of the Navajo Nation Council
Window Rock, (Navajo Nation) Arizona

RE: Letter of Transmittal

Dear Honorable Speaker and Honorable Council Members:

Appended hereto is the First Quarterly Report of Fiscal Year 2018 of the Navajo Utah Commission of the Navajo Nation Council. The report covers the October 01, 2017 through December 31, 2017.

Please contact the Navajo Utah Commission Office, if you have any questions or comments regarding this report.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stevens", is written above the typed name.

Henry Stevens, Jr., Vice-Chairperson
NAVAJO UTAH COMMISSION

NAVAJO UTAH COMMISSON
First Quarterly Report
Fiscal Year 2018

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I. Contact Person:

Clarence Rockwell, Executive Director
NAVAJO UTAH COMMISSION
Post Office Box 570
Montezuma Creek, Utah 84534
Telephone: 435-651-3508
Fax: 435-651-3511
crockwell@navajo-nsn.gov

II. Purpose of Office:

1. The Intergovernmental Relations committee (IGR) of the Navajo Utah Commission in 1992 pursuant to Resolution no. IGRJN-134-92. The Navajo Utah Commission's plan of operation was amended by the Navajo Nation Naabik'iyati' Committee on April 16, 2015, including recognition of the Naabik'iyati' Committee as oversight of the Navajo Utah Commission. The purpose of the Navajo Utah Commission is to provide policy and administrative guidance to the development, implementation and operation of the Navajo Utah Office of the Navajo Nation. To develop and maintain efficient governmental services to the Navajo people residing on the Utah portion of the Navajo Nation and/or the establishment of B.I.A. Agency; to facilitate the establishment of B.I.A., I.H.S. and other federal offices in the Utah portion of the Navajo Nation.

III. Summary of Significant Accomplishments in the First Quarter of Fiscal Year 2018:

Accomplishments and activities for the Navajo Utah Commission during the period of October 01, 2017 through December 31, 2017 are enumerated as follow:

1. The Navajo Utah Commission (NUC) conducted three regular meetings at Utah chapter locations during the 1st Quarter of FY2018, including Naa'tsis'Aan Chapter on October 11, 2017; Aneth Chapter on November 14, 2017; and Dennehotso Chapter on December 12, 2017, to give local residents an opportunity to attend an NUC meeting.
2. The Navajo Utah Commission enacted 08 resolutions during the 1st Quarter and participated (commissioners and/or staff) in 20 other meetings with federal, state, and tribal entities to address issues of importance to Utah chapters.
3. The Navajo Utah Commission collaborated with the Utah Department of Law Enforcement and Utah Highway Patrol (UHP) to schedule two "Active Shooter Threat" awareness training sessions on October 4, 2017, at Red Mesa Chapter and Montezuma Creek, Utah. The two sessions were conducted by UHP trainers from Salt Lake City for the benefit of Utah chapters, schools, and service providers in the Red Mesa and Montezuma Creek regions.
4. The Navajo Utah Commission initiated project collaboration and coordination activities with the Red Mesa Chapter, Indian Health Service, Utah Navajo Trust Fund, and Utah Navajo Revitalization Fund to secure funding for installation of residential plumbing facilities for homes participating in an IHS appropriated waterline extension project.
5. The Navajo Utah Commission and project partners interviewed and conducted meetings with homeowners to determine project scope of work, identification of funding sources,

preparation of funding applications, and advocacy at UNTF and NRF appropriation meetings.

6. The Navajo Utah Commission The Navajo Utah Commission continue to work with the Navajo Nation Human Rights Commission (NNHRC) to address voter apathy and Utah chapter preparations for new election opportunities and balance of power in San Juan County, Utah, pursuant to redistricting lawsuit (Navajo Nation v. San Juan County). Two strategic meetings were conducted with Utah chapters in October and December to discuss voter registration drives, identifying Navajo candidates for office, and getting out the vote.
7. The Navajo Utah Commission continue to keep Navajo Nation v. San Juan County at the forefront of priorities by including subject matter on the NUC agenda at every meeting to dialogue with Navajo Nation DOJ, contract attorneys, and Human Rights Commission, including participation in the redistricting public meetings conducted by the Utah Federal District Judge in Monticello, and Bluff, Utah on November 16, 2017 after his appointment of a Special Master.
8. The Navajo Utah Commission attended the Utah Dineh Bikeyah Board meeting and Bears Ears Commission meeting with Navajo representatives Council delegate Davis Filfred and James Adakai in Moab, Utah, on October 26th and 27th. Both organizations are taking co-management provision of President Obama's BENM Proclamation with extreme seriousness, and developing tribal input.
9. The Navajo Utah Commission participated in the Utah Legislature's Native American Legislative Liaison Committee (NALLC) Meeting at the state capitol in Salt Lake City on November 7, 2017, to discuss annual reports and tribal issues with the Utah Division of Indian Affairs, Utah Navajo Trust Fund, Utah Navajo Revitalization Fund, San Juan County School District, and Utah Indian Health Advisory Board.
10. The Navajo Utah Commission staff and Council delegates Davis Filfred and Nathaniel Brown attended the quarterly Utah Tribal Leaders meeting on November 9th & 10th, and provided Navajo Nation report, discussed legislative process with Utah NALLC Committee, recommended establishment of Indian Law Program at the University of Utah, expressed support for strengthening ICWA, and requested UTL resolution opposing down-size of BENM.
11. The Navajo Utah Commission secured \$250,000 in Utah Navajo Revitalization Fund (NRF) appropriations to provide matching funds for the Red Mesa Chapter North East River Waterline Extension Project at total cost of \$523,000 to serve 15 homes, including construction of 7 new residential units, and plumbing installation at 8 existing units.
12. The Navajo Utah Commission assisted the Red Mesa Chapter in preparing and documenting a funding application that secured \$325,336 in Utah Navajo Trust Fund (UNTF) "Big Projects" applications for cost-sharing support for the Red Mesa North East River Waterline Extension Project.
13. The Navajo Utah Commission secured \$100,000 in FY2018 non-chapter Utah Navajo Revitalization Fund (NRF) appropriations as matching funds for the Aneth Chapter Phase II Powerline Extension Project to extend utility service for 28 homes.

14. The Navajo Utah Commission prepared and submitted a funding application in October seeking \$225,000 in FY2018 non-chapter Utah Navajo Revitalization Fund (NRF) as matching funds for the Utah Navajo Trust Fund (UNTF) Utah Chapters Veteran Housing Project. Request was unsuccessful but opportunity to re-submit was acknowledged due to project soundness and existing need.
15. The Navajo Utah Commission and the seven Utah chapters are continuing to seek funding from the Navajo Nation Capital Projects Management Department (CPMD). The Utah chapters submitted nine (09) capital outlay projects in July, and currently working with CPMD in assembling missing documents.
16. The Navajo Utah Commission and the Utah chapters are collaborating with the Utah Navajo Trust Fund (UNTF), and the San Juan School District (SJSD) in addressing archaeological issues at proposed new site for the Bluff Elementary School. The Utah chapters have enacted supporting resolution and willingness to provide UNTF fairgrounds in Bluff, Utah as site of the new SJSD school.

IV. Other Activities:

None

V. Performance Measure Work Sheet(s):

Attached

VI. Concerns with Recommendations:

None

**Navajo Nation Legislative Branch
NAVAJO NATION LABOR COMMISSION
Fiscal Year 2018 – FIRST Quarterly Summary Report**

Contact Person: Anslem Bitsoi, Executive Director

Contact Phone Number: 928.871.6805

Contact Email Address: art_bitsoi@yahoo.com

Section One: Accomplishments from 1st quarter of FY 2018:

- **Efficient use of allocated funds, NNLC held (00) evidentiary hearings due to no duly NNLC appointment.**
- **NNLC and program timely processed three (3) appealed NNLC cases to Navajo Nation Supreme Court**
- **NNLC program timely processed fifth teen (17) 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 no duly appointment of NNLC**
- **NNLC & program timely issued and mailed seven hundred (650) subpoenas and notice of hearings & NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties**
- **NNLC will continue to adjudicate forty (60) pending NPEA cases**
- **NNLC program made three (3) audio copies at parties' request**

Section Two: Goals for 2nd Quarter of FY 2018:

- **NN Presidential & NNC Health, Education and Human Services appointments of NNLC membership per CJY-42-16**
- **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):

- **NNLC only received funding for 40 hearings for FY 2018. Additional funds will be needed to adjudicate pending NPEA cases during FY2018. Due to no NNLC appointments, all hearings for October, November December, 2017 and January, 2018 were vacated and hearings maybe continued again if there are non by February, 2018.**



Office of Navajo Nation Human Rights Commission

P.O. Box 129 | St. Michaels, Navajo Nation (AZ) 86511
Phone: (928) 871-7436 | Fax: (928) 871-7437

MEMORANDUM

DATE: January 10, 2017

TO: The Honorable LoRenzo C. Bates, *Speaker*
Navajo Nation Office of the Speaker

The Honorable Navajo Nation Council Members
The 23rd Navajo Nation Council

FROM:

Leonard Gorman, *Executive Director*
Office of Navajo Nation Human Rights Commission

SUBJECT: First Quarter Report for Fiscal Year 2018

The Navajo Nation Human Rights Commission submits its 2018 fiscal year first quarter report covering the period October 1, 2017 through December 31, 2017.

I. CONTACT PERSON

Dr. Jennifer R. Denetdale, Ph.D., *Chairperson*
Navajo Nation Human Rights Commission (“Commission”)

Leonard Gorman, *Executive Director*
Office of Navajo Nation Human Rights Commission (“Office”)

Mailing Address: P.O. Box 129 • St. Michaels, Navajo Nation (Arizona) • 86511
Physical Address: Highway 264, 100 Taylor Road • Karigan Professional Building, Suite 111
• St. Michaels, Navajo Nation (Arizona) • 86511

Telephone Number: (928) 871-7436
Fax Number: (928) 871-7437
Website Address: www.nnhrc.navajo-nsn.gov

II. THE PURPOSE OF THE OFFICE

Pursuant 2 N.N.C. §921, the Commission “is organized to operate as a clearinghouse entity to administratively address discriminatory actions against citizens of the Navajo Nation, and to

interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation.”

Pursuant to the Navajo Nation Council Resolution CJN-15-08 (“Plan of Operation”), the purpose of the Commission is to: Conduct public hearings in/near border towns to assess the state-of-affairs between Navajos and non-Navajos; Investigate written complaints involving discrimination of Navajo citizens; Network with local, state, national and international groups and advocate for recognition of Navajo human rights; and Educate the public about human rights and the Navajo Nation’s intolerance of human rights violations.

III. SUMMARIES OF THE SIGNIFICANT ACCOMPLISHMENTS IN THE FIRST QUARTER OF FISCAL YEAR 2018

During the period from October 1, 2017 through December 31, 2017, the following are the significant accomplishments of the Commission and Office:

Resolutions Approved by the Commission

1. NNHRCDEC-11-17: Opposing H.R. 3299 and S. 1642, the Protecting Consumers’ Access to Credit Act of 2017

Since 2008, the Commission conducted over twenty-five public hearings on issues that impact the Navajo Nation and Navajo people. The public hearings ranged from assessing the race relations between Navajos and non-Navajos in the border towns surrounding the Navajo Nation to the treatment of Navajos by border town law enforcement officers and predatory lending from automotive dealers and small loans companies. The complaints filed and oral testimony from the public hearings were assessed and examined by the Office.

From the assessments and examinations, the Commission found it necessary and important to influence proposed legislations that will impact on the Navajo Nation and Navajo people. These proposed legislations included opposing Arizona’s 2016 Senate Bill 1316 (Flexible Credit Loan) which was written to undermine the will of Arizona voters and the federal government on controlling the annual percentage rate (“APR”) on all small loans, and amending New Mexico’s 2017 current statute on capping interests rates on small loans, which House Bill 347 (Installment Loan Fee Limits & Literacy Fund) did by limiting the maximum finance charges on loans under \$5000 to 175% APR.

The sole purpose of H.R. 3299 and S. 1642, the Protecting Consumers’ Access to Credit Act of 2017, is to enable nonbank lenders to use bank partnerships to override state interest rate limits. The bill poses a serious risk of enabling predatory lending and unsafe lending practices. Unaffordable loans have devastating consequences for borrowers — trapping them in a cycle of unaffordable payments and leading to harms such as greater delinquency on other bills. The bill provides that “a loan that is valid when made as to its maximum rate of interest ... shall remain valid with respect to such rate regardless of whether the loan is subsequently sold, assigned, or otherwise transferred to a third party, and may be enforced by such third party notwithstanding any State law to the contrary.”¹ In other words, if a bank

¹ Protecting Consumers’ Access to Credit Act, H.R. 3299, 115th Cong. § 3(c)(3) (2017). *See also* Protecting Consumers’ Access to Credit Act, S. 1642, 115th Cong § 3(c)(3) (2017).

originates a loan that exceed state interest rate caps, and then sells or assigns the loan to a nonbank, that nonbank can continue to charge a usurious rate.

H.R. 3299 and S. 1642 is a massive attack on state consumer protection laws and would restrict states' abilities to enforce interest rate caps. It is essential to preserve the ability of individual states to enforce their existing usury caps and oppose any measures to enact a federal law that would preempt state usury caps. In fact, the Colorado Attorney General is in the midst of challenging online lenders' use of a rent-a-bank scheme to make loans in violation of the state's usury limits.² This bills aim to thwart actions like these that seek to enforce state laws.

If the United States Congress allows H.R. 3299 and S. 1642 to pass and become law, Navajos who reside in Arizona and New Mexico will be subject to the exact same practice exhibited in states where usury caps are not enacted. The Commission recommends the Navajo Nation oppose Rep. Patrick T. McHenry (R-NC) and Sen. Mark R. Warner (D-VA) bill, the Protecting Consumers' Access to Credit Act of 2017, in its entirety because there are current laws (i.e. Arizona Revised Statutes 6-632, Military Lending Act, and New Mexico HB347) that protect Navajo consumers on small loans from the payday loan industry.

The bills wipe away the strongest available tool against predatory lending practices. Strong state rate caps, coupled with effective enforcement by states, remain the simplest and most effective method to protect consumers from the predatory lending debt trap. Since 2013, the Office has received over 16 complaints on payday loans, title loans, and short term loans in New Mexico. The Office found that small loan businesses targeted Navajos in the border towns of Gallup, Grants and Farmington, New Mexico and offer an average annual interest rates and fees of 350% APR before New Mexico's 2017 House Bill 347 was enacted. These small loans are often made to single mothers, veterans, elders and Navajos who are the most vulnerable victims. In addition, these small loans often are not thoroughly explained to Navajos in the Navajo language. The terms and conditions of these small loans entail detail information that explain the penalties, procedures to resolve disputes and collection, late fees and deferred payment terms.

The Commission thereby opposes H.R. 3299 and S. 1642, the Protecting Consumers' Access to Credit Act of 2017, bills sponsored by Rep. Patrick T. McHenry (R-NC) and Sen. Mark R. Warner (D-VA), in their entirety because there are current federal and state laws (i.e. Arizona Revised Statutes 6-632, Military Lending Act, and New Mexico HB347) that protect Navajo consumers on small loans from the payday loan industry.

Public Information and Human Rights Education

The circulation of public information for the Commission and Office is an on-going priority of the Office's Public Information Officer ("PIO") that was met for the first quarter of Fiscal Year 2018 ("FY18"). According to the Plan of Operation, all regular and special meetings must be announced by radio, newspaper and the official Navajo Nation website with a ten-day advanced notice. The Commission held three regular meetings. The meetings were announced on KTNN, the Navajo Times, social media, and the Navajo Nation's and Commission's website. Ten press releases and public service announcements were written and distributed to broadcast and print outlets, and uploaded to the Commission's website and social media in the first quarter.

² *Colorado Moves to Dismiss Lawsuits by Banks Seeking Judgement in Online Lending Cases*, LENDIT NEWS (May 1, 2017), <http://www.lendit.com/news/2017/05/01/colorado-moves-dismiss-lawsuits-banks-seeking-judgement-online-lending-cases/>

Part of the Plan of Operation is to “[e]ducate the public about human rights and the Navajo Nation’s intolerance of human rights violations,” and on October 19-20, 2017, the Office hosted a seminar entitled *An Inquiry into the Death of Loreal Tsingine: Human Rights Challenges to Police, and Border Town Violence against Indigenous Women and Peoples* at the University of New Mexico (“UNM”) Zimmerman Library and Navajo Division of Transportation. The event was open to the public. The PIO developed print and radio advertisements, and flyers were sent to all Navajo Nation Chapters. The PIO recorded and photographed the session. The presenters were Jennifer Denetdale, *Chair*, Navajo Nation Human Rights Commission; David Correia, *Associate Professor*, UNM American Studies; Melanie Yazzie, *Assistant Professor*, University of California Riverside; Sherene Razack, *Professor*, University of California Los Angeles; Trudie Jackson, *Student*, UNM American Studies; Armstrong Wiggins, *Executive Director*, Indian Law Resource Center; and Karla General, *Staff Attorney*, Indian Law Resource Center.

On December 5th, the PIO and Office’s Policy Analyst traveled to Holbrook, Arizona to attend and participate in the Fifth Annual Mayors’ Summit. The mayors’ summit, which was facilitated by Mayor Robert “Bobby” Tyler, addressed “Community Action: A Response to Hate Incidents” and “Economic Development: Efforts to Enhance Community Relationships and Improvements.” Arusha Gordon, *Associate Counsel*, Voting Rights & Stop Hate Project, with the Lawyers Committee for Civil Rights Under Law and Becky Monroe, *Attorney / Director*, Stop Hate Project, with the Lawyers Committee for Civil Rights Under Law presented on “Community Action: A Response to Hate Incidents.”

In addition to educating the public about human rights, the Plan of Operation lets the Commission “[n]etwork with local, state, national and international groups.” In the first quarter, the Office networked with Lawyers Committee for Civil Rights Under Law and Native American Disability Law Center to address hate crimes. The Office held a Hate Crime Awareness Seminar on December 6th in Winslow, Arizona. Presenters included Arusha Gordon and Becky Monroe with the Lawyers Committee for Civil Rights Under Law; Jennifer Denetdale, *Chair*, Commission; and Theresa Yana, *Executive Director*, Native American Disability Law Center.

The PIO developed print and radio advertisements for each of the events, and flyers and public service announcements were sent to media outlets, the Navajo Nation Council, and Chapters. The Office continues to use the information packet as an educational means to inform Navajos of their rights and services offered by the Office. In the first quarter, thirty media packets were distributed to the general Navajo public at all Commission events, meetings, and mail outs. The Office’s website and media network continues to serve as a networking tool to not only inform and educate the public of the Office’s mission but gain partnership and support from local, state, national and international entities. This includes connection and networking with border town organizations that help and serve Navajos and Native Americans who live in urban areas.

Navajo Nation Voting Rights

The Office continues to be involved in *Navajo Nation Human Rights Commission v. San Juan County, et al.*, which was filed in the United States District Court for the District of Utah and alleges that San Juan County’s electoral practices violate Sections 2 and 203 of the Voting Rights Act of 1965 and the Fourteenth Amendment to the United States Constitution. The case arose from the county’s decision in 2014 to close all polling places, except the county clerk’s office which is located in Monticello, Utah, and switch to a vote-by-mail system. The county is covered by Section 203 of the Voting Rights Act and is required to provide voting materials in both English and

Navajo. However, because Navajo is an unwritten language, the county's mail-only ballot system conflicts with their Section 203 obligations.

The postal system in rural parts of San Juan County, where many Navajo voters reside, is unreliable and not easily accessible, making it difficult for many Navajo voters to receive and return their ballots on time under a mail-only electoral system. Although the county is approximately half white and half Navajo, the only way a voter can vote in-person under the current voting scheme is to go to the county clerk's office in Monticello, which is 84 percent white.

On November 15th, the Office participated in a federal district court hearing in Salt Lake City on *Navajo Nation v. San Juan County*, 162 F. Supp. 3d 1162 (2016) where the parties reviewed the preliminary report issued by the Special Master on remedial election districts for the San Juan County Utah's School Board and County Supervisors. San Juan County had significant concerns about the Special Master's preliminary report as it contended that race was a major factor in the design of the new election districts. On November 16th, the Office participated in two field hearings conducted in Monticello and Bluff, Utah by the federal district court judge. Several Navajos testified specifically stating the Navajo people have a good relationship with the county and the efforts to redistrict is to divide the county by race. Many non-Native Americans testified stating that the redistricting of the San Juan County Utah's School Board and County Supervisors is in fact taking away from all voters the ability to participate in the voting process. Several non-Native Americans also stated that the Navajo Nation be opened to all citizens in the county and eliminate the sovereign status.

On December 21st, the federal district court judge issued his order by adopting the final report along with the election districts recommended by the Special Master. The Navajo Nation fared well with the recommended maps. The federal district judge also ordered that the San Juan County Utah's School Board and County Supervisors be up for election in 2018. Although the Navajo Nation prevailed in *Navajo Nation v. San Juan County*, there is concerns by the Office because in the previously designated county precincts where there is higher numbers of Native Americans, there is low voter participation. It's likely that Navajo voters would not effectively elect a candidate of their choice in the new San Juan County Utah's School Board and County Supervisors districts because of low Navajo voter turnout on the Navajo Nation side of the county. Thus, the Office sought the assistance of Navajo Nation Division of Community Develop to provide training to Utah's Navajo Nation Community Services Coordinators.

On October 17th, the Office hosted a one-day training on voter registration, Navajo voter participation, and impending the final order of the remedial redistricting maps for San Juan County Utah's School Board and County Supervisors. Many of the participants were surprised that Navajo voters do not participate in county elections as non-Native Americans. In fact, the number of Native Americans registered to vote in the county is equal to the turnout of non-Native American's voters. While the voting age population of both Native Americans and non-Native Americans are about equal, Native Americans to don't participate in county elections as well as non-Native Americans. The Office strongly recommended that the Community Services Coordinators and Utah Chapter Officials give considerable attention to not only just registering Native American to vote but also bring active voters to the polling places. Its important Native American candidates do not split the Native American vote by having multiple Native Americans running in the same districts.

In addition, in *Navajo Nation Human Rights Commission v. San Juan County, et al.* the Office amended its complaint early November in order to incorporate the federal district court judge's

concerns from *Navajo Nation v. San Juan County*. Also, the court ordered the parties enter into a settlement discussion. The Office, in working with the attorneys and plaintiffs, developed settlement issues in early 2017. However, when the settlement issues was shared with the defendants, they simple rejected all of the settlement issues. There was very little activity towards *Navajo Nation Human Rights Commission v. San Juan County, et al.* in the first quarter of FY18.

Mayor's Summit

As part of the Memorandums of Agreement and Understanding the Commission entered into on behalf of the Navajo Nation with the border towns, the border town mayors and Office would meet once a year to discuss common issues that affect both Navajos and non-Navajos. This past year the City of Holbrook hosted the 2017 Mayor's Summit, which was held December 5th with the Cities of Flagstaff, Winslow, Page, Farmington, and Grants present. The issues addressed were: 1) Community Action: A Response to Hate Incidents, and 2) Economic Development: Efforts to Enhance Community Relationships and Improvements. Unlike the Fourth Annual Mayors' Summit, which was hosted by the City of Flagstaff, there was no action plan or follow-up plan put in place at this mayors' summit.

The City of Winslow

The Office continues to work diligently with the Winslow Diné Residents ("WDR") residing in the City of Winslow and bring about their concerns and resolutions. The Office updated the WDR about the Chief of Police, Daniel Brown, initiative to establish a Citizen Liaison Committee ("CLC") and put together a Citizen Liaison Exploratory Committee to start examining the policy and procedures that will govern the CLC. The Chief of Police's goal is to make the Winslow Police Department ("Department") a very transparent organization. The CLC is not, and will never be an "oversight committee," in that it will not be able to make decisions that impact how the Department perform their duties. Rather, the CLC will have a powerful voice on issues that impact public safety issues and will be the eyes and ears for our community in providing feedback directly to the Chief of Police, on how collectively the Department can better serve our community.

After several meetings, the Chief of Police and Citizen Liaison Exploratory Committee finalized the policy and procedures that will govern the CLC and have set out the following deadline dates to implement the CLC. February 1st, applications for the CLC opens to the public. February 12th, final meeting of the Citizen Liaison Exploratory Committee; March 12th, public meeting to allow the public to ask questions about the CLC; March 31st, deadline date for all CLC applicants; April 9th, Chief of Police and Citizen Liaison Exploratory Committee will review and discuss applicants, and select fifteen CLC members; April 10th, notification will be sent to the selected CLC members; and May 14th, first meeting of the newly selected CLC members.

Human Rights Investigator and Investigation

The Office's Human Rights Investigator ("Investigator") assisted, attended and participated in six intake meetings. Prior to each intake meeting, the Investigator along with the Office's Executive Director and Policy Analysts reviewed each of the complaints to identify discrimination and/or human rights violations and offer recommendations on the course of action.

In the first quarter, the Executive Director, Policy Analysts, and Investigator conducted field visits with clients who filed a complaint with the Office; provided a quarterly report on the status of complaints filed with the Office to the commissioners; conducted a meeting with Amigo Chevrolet

in Gallup, New Mexico regarding an automobile purchased, which resulted in Amigo Chevrolet unwinding the sales contract; assisted client No. NNHRC 17-23 with filing documents with the Internal Revenue Service regarding clarification of his employment status; participated in a teleconference call with the Federal Trade Center regarding predatory lending by border town automobile dealers; and participated in a meeting with the Chief Legislative Counsel about making public the Brady List the Commission is wanting to create.

In addition, the Investigator and Office Assistant complied and analyzed the data on the complaints filed with the Office so it can be shared with the commission public. The complied information is a statistical analysis on all the automobile complaints filed with the Office (See Attachments). It should be noted that for each new complaint and active case, the Investigator identified and researched the issue(s) and policies, obtains facts and evidence to substantiate the allegation of racial and/or human rights violation, and networks with tribal, county, state and federal agencies for some form of resolution.

Intake and Complaints

From October 1, 2017 through December 31, 2017, the Office received six new written complaints from individuals alleging race discrimination and other civil rights violation that occurred on or off the Navajo Nation. In-take meetings were held with the complainants on automobile sales; employment issues; traditional cultural properties matters; disability issues, Indian child welfare issues; civil rights issues; and consumer rights.

The Office closed sixteen complaints that: exceeded the three hundred sixty-five days outlined in the Office's Manual; the complaint was not within the purview of the Commission; the complaint did not merit a human rights violation; the complaint was referred to an appropriate municipal agency who has jurisdiction; the complaint did not contain direct and circumstantial evidences supporting the incident of discrimination described; or the complaint was resolved.

IV. PERFORMANCE MEASURES

The performance measures are marked in the attachments BUDGET FORM 2. In addition, since the Navajo Nation expended a large amount of resources and time advocating before the United Nations and Organization of American States regarding Navajo human rights, the Commission deemed it appropriate and necessary to advance the interest of the Navajo people and Navajo Nation by conducting its works and activities consistent with the standards established by the United Nations Declaration on the Rights of Indigenous Peoples and Organization of American States Declaration on the Rights of Indigenous Peoples.

V. UPCOMING QUARTER INITIATIVES

As program initiatives, the Commission and Office shares with the 23rd Navajo Nation Council its plans for the second quarter. The anticipated initiatives are as follows:

Investigate Complaints from Navajo Citizens

The Office will continue to investigate complaints filed by Navajos alleging race discrimination and civil rights violation that occurred on or off the Navajo Nation. The Office will continue to focus on the complaints accepted for investigation and continue building a rapport with various local, county, state and federal government agencies. The Office will continue to monitor and

assist the attorneys who filed the lawsuit in *Navajo Nation Human Rights Commission et al v. San Juan County et al* and *Navajo Nation v. San Juan County* by providing needed information, and keep the plaintiffs updated as they are stakeholders in the lawsuit. The Office will continue to update the quarterly statistical data from the Office's active case list for public review by posting it on the Office's website. The Office will continue to work with the Federal Trade Center and Office of the Arizona Attorney General regarding the non-public investigation into the sale of automobiles by border town auto dealers.

Legislation Drafting

The Office will continue to propose amendments to federal and state laws and policies to protect Navajo human rights, which will include the endorsement of the United Nations Declaration on the Rights of Indigenous Peoples and Organization of American States Declaration on the Rights of Indigenous Peoples, the right to self-determination, the right to free, prior and informed consent, the right to surface and subsurface resources, and the right to own and use lands and territories for Navajos on the Navajo Nation.

Navajo Sacred Items, Objects, and Places Activities

The Office will continue to advocate for the protection of the San Francisco Peaks from further desecration by the United States Department of Agriculture Forest Service, City of Flagstaff, Arizona and Arizona Snowbowl Limited Partnership. In addition, the Office will continue to advocate for the protection of sacred items and objects from economic exploitation by proposing amendments to federal and state laws and policies.

Public Hearings and Public Relations

The Office will continue to network with various media outlets and build a rapport with the media reporters. The PIO will update the Office's website, which will be user friendly, to draw new viewers and maintain its regular viewers. In addition, the PIO will continue to establish additional contacts; order new promotional items for the upcoming public hearing regarding funeral costs and what are the survivor's rights, which is scheduled to be held in Chinle, Arizona and Shiprock, New Mexico; what are the traditional and western procedures of funerals; create additional educational pamphlets; update all media/public information packets; and work on the Office's first quarterly newsletter, which will be available online and in print.

The PIO will also continue to work with broadcast outlets, print and on-line media, produce press releases and public service announcements, and distribute the Office information by fax and internet to continue to educate and distribute public information. Furthermore, the PIO will continue the use of social media to bring public attention on Navajo human rights. This includes the development of advertisement and educational materials on hate crimes and what is racial discrimination, which is a partnership with the Lawyers Committee for Civil Rights Under Law from Washington, D.C. The hate crime project will be a training in the second quarter and will be for prosecutors, investigators, and law enforcement officers. Lastly, the PIO will develop public education materials to educate Navajo youth on the United Nations Declaration on the Rights of Indigenous Peoples and Navajo Human Rights, which will be in line for the upcoming recognition of the 1868 Treaty that was will be coming to the Navajo Nation in June 2018.

ATTACHMENTS



**THE NAVAJO NATION
ELECTION ADMINISTRATION**

Strength and Dignity Through Voting



MEMORANDUM

DATE: January 9, 2018

TO: Honorable Speaker LoRenzo Bates
Office of the Speaker
23rd Navajo Nation Council
The Legislative Branch
The Navajo Nation

FROM:

A handwritten signature in black ink, appearing to read "Edbert Little", written over a horizontal line.

Edbert Little, Executive Director, Navajo Election Administration
The Legislative Branch
The Navajo Nation

SUBJECT: QUARTERLY REPORT - FY 2018 1st Quarter

Attached is a copy of the Fiscal Year 2018 1st Quarterly Report for the Navajo Board of Election Supervisors and the Navajo Election Administration. This report covers the period of October, November, and December 2017.

XC: NBOES
NEA files
OMB

The Election Board members consist of the following members:

1. Melvin Harrison	Fort Defiance Agency	Chairperson
2. Shirlee A. Bedonie	Western Agency	Vice Chairperson
3. Ruth Gilmore	Western Agency	Member
4. Vacant	Chinle Agency	Member
5. Mae Gilene Begay	Chinle Agency	Member
6. Bertha Aguirre	Fort Defiance Agency	Member
7. Sammy Ahkeah	Shiprock Agency	Member
8. Watona Kellywood	Shiprock Agency	Member
9. Leslie Chavez	Eastern Agency	Member
10. Arlene Nakai Brown	Eastern Agency	Member

Five (5) of the ten (10) members of the Election Board positions were up for election during the 2016 Navajo Nation Chapter Elections. Under the Navajo Nation law, there is an election every 4 years for five (5) board positions (one from each Agency). From the most recent election, the 2016 Chapter Elections, the following five (5) members were elected - incumbent Sammy Ahkeah representing the Northern Agency, incumbent Shirlee A. Bedonie representing Western Agency, new member Arlene Nakai Brown representing Eastern Agency, new member Melvin Harrison representing Fort Defiance Agency and new member Mae-Gilene Begay representing Chinle Agency took their Oath of Offices in the January 2017. These members will be serving a term of 4 years on the Election Board.

I. Purpose of the Office

1. The Navajo Election Administration (NEA) provides election-related services to the Navajo People on and off the Navajo Nation. It conducts primary, general elections every two years, for both the Presidential and Chapter Elections. It also conducts special, recall and referendum elections.
2. NEA declares vacancies occurring between major elections conducts special elections or arrange appointments for such vacancies; it further certifies candidates and schedules the administration of oaths of office.
3. NEA, with the support, guidance and direction of the Navajo Board of Election Supervisors (NBOES), provides public information about the tribal election process and coordinates voter registration drives.
4. NEA coordinates election activities with counties, states and the federal government, particularly in areas having significant Navajo residents.
5. NEA provides staff support to the Navajo Board of Election Supervisors in its rulemaking functions and the development of policy recommendations regarding elections.

6. NEA provides voter education and assistance to other entities as requested, such as schools, boards, commissions and organizations whose goals may include policy changes for voters.

II. Summary of Significant Accomplishments in the first Quarter of Fiscal Year 2018+

1. Navajo Board of Election Supervisors Meetings

The Navajo Board of Election Supervisors has two (2) regular meetings a month. The meetings are held on the second and fourth Thursday of each month. The meetings are conducted at the Navajo Nation Quality Inn Business Complex Conference Room 107. The Election Board at times may have meetings at other locations, provided adequate public notice is provided as to location, date and time of the meetings. The Election Board also convenes special meetings and work sessions when it is necessary to discuss election law and policy. Agendas for the meetings are available two days prior to the meetings at the Navajo Election Administration (Window Rock Office). The meetings are advertised in the local media and are opened to the general public. Anyone, including groups or organizations, requesting to be placed on the Election Board agenda is required to submit a letter of request to the Navajo Election Administration 2 weeks prior to the Board meeting.

During this reporting period, the Election Board held the following duly called meetings:

1. NBOES Regular Meeting	October 13, 2017
2. NBOES Regular Meeting	October 26, 2017
3. NBOES Regular Meeting	November 9, 2017
4. NBOES Regular Meeting	November 20, 2017
5. NBOES Work Session	November 28, 2017
6. NBOES Regular Meeting	December 14, 2017
7. NBOES Regular Meeting	December 28, 2017

2. Navajo Board of Election Supervisors Resolutions

During this reporting period, the following resolutions were considered and passed by the Election Board:

Resolution No: Date: Resolution Title/Topic

BOESO-058-17	10-13-17	Canvassing and Certifying Elections Results in Special Elections held on September 12, 2017 and September 19, 2017
BOESO-059-17	10-13-17	Extending Filing Deadline for vacant elective positions, starting October 14, 2017, 8:00 A.M. and ending October 27, 2017, 5:00 P.M.
BOESO-060-17	10-26-17	Authorizing a referendum for Pueblo Pintado Chapter on the question of whether the chapter meeting quorum requirement should be lowered from 25 chapter registered voters to 15.
BOESO-061-17	10-26-17	Extending Filing Deadline for vacant elective positions, starting October 27, 2017, 8:00 A.M. and ending November 09, 2017, 5:00 P.M.
BOESO-062-17	10-26-17	Canvassing and Certifying Results of the October 24, 2017 Navajo Nation Referendum Election on "Expenditure of Fund Principal Pursuant to 12 N.N.C. § 904, Permanent Trust Fund, To Support the Navajo Nation Transportation Stimulus Plan;" and Proving Notice that the Referendum did not pass.
BOESN-063-17	11-09-17	Extending Filing Deadline for vacant elective positions, starting November 10, 2017, 8:00 A.M. and ending November 23, 2017, 5:00 P.M.
BOESN-064-17	11-09-17	Canvassing and Certifying the Coyote Canyon Chapter Referendum Elections Results for Lowering Quorum requirements, and Providing Notice that the Referendum did not pass.

BOESN-065-17	11-09-17	Canvassing and Certifying the Forest Lake Chapter Referendum Election Results: Declaring Passage of Referendum.
BOESN-066-17	11-20-17	Canvassing and Certifying Election Results in a Special Election conducted at the Red Valley and Cove Chapters for the Farm Board Member Position.
BOESN-067-17	11-20-17	Extending Filing Deadline for vacant positions, starting November 21, 2017, 8:00 A.M. and ending December 04, 2017, 5:00 P.M.
BOESD-068-17	12-14-17	Canvassing and Certifying Election Results in Special Elections held on November 21, 2017, 8:00 A.M. and November 28, 2017.
BOESD-069-17	12-14-17	Extending Filing Deadline for vacant elective positions, starting December 15, 2017, 8:00 A.M. and ending December 28, 2017, 5:00 P.M.
BOESD-070-17	12-28-17	Canvassing and Certifying the Pueblo Pintado Chapter Referendum Election Results; Declaring Passage of Referendum.
BOESD-071-17	12-28-17	Extending Filing Deadline for vacant elective positions, starting December 29, 2017, 8:00 A.M. and ending January 11, 2018, 5:00 P.M.

3. Fiscal year 2018 First Quarter Special Election

Two (2) special election took place in the Eastern Agency, one (1) in Ft. Defiance Agency, three (3) in Chinle Agency, two (2) in Western Agency, two (2) in Northern Agency, and zero (0) appointments were made for the school board. Four (4) officials were elected into office, three (3) chapter referendum election, and one (1) Navajo Nation Wide Referendum election for the first quarter of FY18.

<u>Agency</u>	<u>Election Date</u>	<u>Chapters</u>
Eastern Agency	November 28, 2017	Baahaali
	December 12, 2017	Pueblo Pintado

Fort Defiance Agency	October 24, 2017	Coyote Canyon
Chinle Agency	July 11, 2017 August 8, 2017 September 19, 2017	Tsaile/Wheatfields Tse'CH'izhi Nazlini
Western Agency	November 21, 2017 November 21, 2017	Dennehotso Dennehotso
Northern Agency	November 7, 2017 November 7, 2017	Cove Red Valley
<u>Department</u>	<u>Election Date</u>	<u>Navajo Nation Wide</u>
NEA	October 24, 2017	110 Chapters

4. Positions Not Applied For

Following is a list of Navajo Nation Chapter positions that were not applied for since the last reporting period ending December 29, 2017. The Navajo Election Administration does not receive funding from the Navajo Nation Council for conducting special elections.

Eastern Agency

Chapter

Position

Torreon	1 - Ojo Encino Day School Board Member
Torreon	1 - Pueblo Pintado Community School Member
Tse' Lichii	1 - Breadsprings Day School Board Member
At-Large Becenti/Lake Valley Torreon	1-Land Board Member 1-Na'NeelZhiin Ji'Olta (Torreon Day School) Board

Western Agency

Chapter

Position

Chilchinbeto	Grazing Committee Member
Kayenta	1- Farm Board Member
At large with Bodaway/Gap, Cameron, Coalmine Canyon,	1-Farm Board Member

To Nanees Dizi Chapters)
 Leupp 1-Leupp School, Inc. School Board

Fort Defiance Agency

<u>Chapter</u>	<u>Position</u>
Tohatchi	1-Red Willow Farm Board
Nahata Dziil	1-Pine Springs Day School Board
Indian Wells	1-Grazing Committee Member
Dicon	1-Winslow Residential Hall School Board

Northern Agency

<u>Chapter</u>	<u>Position</u>
At-Large Red Valley/Cove	1 - Farm Board Members
San Juan	1- Grazing Committee Member

Chinle Agency

<u>Chapter</u>	<u>Position</u>
Round Rock	1-Grazing Committee Member
Many Farms	1-Farm Board Member
At-Large Whipporwill/Low Mountain	1-Cottonwood Day School Board

5. Independent Legal Counsel

The Navajo Board of Election Supervisors and the Navajo Election Administration have been seeking an Attorney to represent the Board and the Administration full time. Currently, the Board and Administration receive legal assistance from the Office of Legislative Counsel, Department of Justice and/or from outside representation. The Board and Administration is working with Department of Personnel Management and Office of Legislative Counsel and the Navajo Department of Justice to secure the position for an in-house attorney. Selection was made by the NBOES, but one of the applicants for the Sr. Tribal Court Advocate filed a grievance with NNDPM, and the grievance process is now at OHA.

6. County/State Activities

During this reporting period, the Navajo Election Administration continues to work with counties and states within the jurisdiction of the Navajo Nation in ensuring participation of Navajo voters. The Election Administration works with

11 counties and 3 states to provide election related services to the Navajo people. No problems were encountered with the election for the Counties and States during this reporting period.

Utah-San Juan County

San Juan County in Utah, a special master was hired by the Utah Supreme Court to redraw the district line within San Juan County to make it constitutional. Public education was provided by the Navajo Human Rights Commission, the Navajo Nation Department of Justice and the Navajo Election Administration supported the Human Rights Commission.

New Mexico-Counties

Early voting site in New Mexico were requested by the Navajo Election Administration and only one county had an objection to the request made. Sandoval County accepted Torreon Chapter as an Early Voting Site, but questioned Ojo Encino and Counselor Chapters. Communication between the chapter and Sandoval County Clerk straighten out the issue on Early Voting Sites. If the Chapter requests and other entities that have jurisdiction on voters for elections, the Navajo Election Administration will assist in getting the Early Voting Site.

Arizona-Counties

The only news from Arizona Counties is on Apache County; Apache County wanted to implement community services coordinators become registrars for the county. One call came from the Division of Community Development; Johnny Johnson had some questions and concern on the issue of the county adding some responsibility to the chapters CSC job.

7. AES

Ballot printing for the NEA and distribution to the Agency Office for the transportation Stimulus Election that took place on October 24, 2017 in all one-hundred ten chapters and their assistance in the ballot counting for the referendum elections is appreciated.

8. Transportation Stimulus Referendum Election

Radio Forum and advertisement to vote yes or no in the Transportation Stimulus Referendum Election on October 24, 2017. Explanation of the ballot language in Navajo was provided by the NEA, NDOT, and NN Council Delegates. All parties that participated in the education of the Transportation Stimulus were neutral on the issue.

9. Special Elections

During this reporting period, the Election Administration conducted 1 special elections that filled fourteen positions and 14 elected positions are still vacant at the end of the fourth quarter of FY 2017. Regarding the conduct of such and similar special elections, the Election Administration is not provided funding. Consequently, the Election Administration resorts to printing ballots in-house, limiting the number of poll officials and combining special elections with other elections already set.

Although the Election Administration strives to announce vacant positions, there remain positions that still need to be filled.

10. Election Code Amendments

The Navajo Board of Election Supervisors worked on Election Code amendments. For example:

A. BOESJY-015-15 (Approved on 07-09-15), a proposal seeking an increase in Election Board meeting stipends from \$60.00 to \$250.00.

Legislation No. 0335-17: An action Relating to Law and Order, Budget and Finance, Naabik'iyati' and the Navajo Nation Council; Amending Per Diem Provision of N.N.C. § 874 (F)- Sponsor: Hon. Davis Filfred

Legislation No. 0335-17 is now going to go before NABI; the budget and finance committee settle on 250 per meeting, one meeting per month, and addition legislation to be attached for 5 other meetings or work sessions for the NBOES. As of today, January 4, 2017 Legislation No. 0335-17 is waiting to be heard at the next Naabiki'yati' session.

B. BOESF-004-16 (Approved on 02-26-16), a proposal addressing the matter of challenges to candidate qualifications after an election has been conducted, a measure acknowledging the rights of voters.

The legislation was going to be sponsored by Honorable Amber Crotty but there were too many questions to be asked about the resolution. These resolutions

is back on the NBOES table for review and make changes, before moving it forward to the sponsor, again.

- C. Draft: Amending Campaign Expense Reporting Provisions. More meetings need to be schedule with the NEA staff, NBOES, and Legislative Counsel to finalized changes to this code amendment and hopefully it is completed before the 2018 election.

There will be other areas of the Election Code the Board will be considering amending. Some of these amendments will be sought for purposes of clarification, while others will relate to policy.

12. Referendum Elections

Transportation Stimulus Referendum took place on October 24, 2017; along with two chapters who wanted to change their meeting Quorum. The Transportation Stimulus did not pass, Forest Lake Quorum Reduction passed and Coyote Canyon Quorum Reduction did not pass.

13. Voter Registration

The Election Administration is continuously conducting voter registration and training voter registrars. Many people obtain voter registration for reasons other than voting purposes. Some register to vote to seek scholarships through the chapter and/or some veterans register to vote to seek assistance through the veteran programs. A proposal is to have employees or officials at the chapter level become certified voter registrars to accommodate the registration requests. Voter registration at the chapter level will provide local members a service closer to home rather than traveling to the Agency or Central government locations for such services.

Navajo Nation Voter Registration Totals Summary

	As of October 1, 2017	As of December 29, 2017
Chinle Agency	19,283	11,089
Eastern Agency	31,278	18,533
Ft. Defiance Agency	32,674	19,525
Northern Agency	26,603	15,807
Western Agency	24,800	14,331
Total	134,938 voters	79,285 Voters

14. Navajo Nation Voter Registration Database (VRDB)

Seewolf is no longer in business in developing Election Data bases and AES is no longer in charge of the Navajo Elections Administration's data base. AES has fully let go of the data base that was developed by Seewolf. This data based is out dated and it cannot be updated. There's a program called crystal within the data base that generates reports, and this program is also outdated. The data base is compatible with windows seven, but windows seven is going become obsolete by 2020.

15. 2017 Election Purge

But with the assistance of DIT, NEA was able to initiative the purge for 2017 in getting 60,000 voters to inactive and the remaining 75,000 voters will still be active from a total 135,000 voters. The Navajo Election Administration will be able to do the purge for 2019 and will not be able to the purge for 2021.

16. Election's Equipment upgrade

NEA will start working on a project in upgrading their computers, data bases, printers, data storages, all forms will be formatted to Microsoft word for office use, and forms will be made available for the general public in PDF format. Depending on the decision of NEA and NBOES.

17. NBOES Goals and Objectives

The Election Board continues to work on their goals and objectives.

- A. Navajo Nation Council Reapportionment
- B. Obtain Permanent Independent Status
- C. Public Education on Elections
- D. Increase and maintain Annual Funding
- E. Enforcement of Policies
- F. Federal/State/County Relationship
- G. Secure Office Buildings/Equipment
- H. Election of Other Offices in Navajo Nation
- I. Election Code Amendments
- J. Securing funding for new voting equipment

Other goals have been met by the Board and Administration.

IV. Concerns and Recommendations

1. Navajo Nation Voter Registration Database (VRDB)

Seewolf is no longer in business in developing Election Data bases and AES is no longer in charge of the Navajo Elections Administration's data base. AES has fully let go of the data base that was developed by Seewolf. This data based is out dated and it cannot be updated. There's a program called crystal within the data base that generates reports, and this program is also outdated. The data base is compatible with windows seven, but windows seven is going become obsolete by 2020.

2. Office Building

The Navajo Election Administration has been seeking a new office building. The land for the building location has been secured and the blue prints for the construction has been developed. The Board and Administration have been seeking funding for the Office Building through tribal appropriations. At this time, the Election Administration is located in the Navajo Nation Quality Inn Business Complex, the NEA was paying \$66,396.00 for FY 2017, and the cost of the rental increase to \$71,707.63 for FY 2018. The voting equipment of the Navajo Nation is currently stored off reservation at Rio Rancho, New Mexico. The Board and Administration have to seek locations outside of the office for meetings and trainings. The current office is located on the second floor and does not have an elevator to accommodate people with special needs. The parking lot has limited space. In order to fix all of the concerns with office space, the Election Administration recommends a new office building for Ft. Defiance Agency (relocate to Ft. Defiance) and Navajo Election Administration needs a new building to solve all of the above mentioned trepidation.

3. Independent Entity Status

According to the Election Code, the Navajo Board of Election Supervisors is mandated by law to be an "Independent Entity" outside of the 3 Brach Government but the Board currently set under the Navajo Nation Council and the Navajo Election Administration is within the Legislative Branch. The concern is that this arrangement potentially creates an appearance of conflict during major elections. Attorneys providing advice or otherwise assisting the Board may also be assisting and advising the Council at the same time, presenting concerns. The

Board finds it necessary to ensure that the independence of implementation of the Election Code is protected.

4. NEA and NBOES Funding

The Navajo Election Administration is grossly underfunded:

- a. to increase voter participation in Navajo Nation Elections, County Elections, and National Elections. The Navajo Election Administration needs more funding to make all polling sites on the Navajo Nation available for early voting. Right now there are six offices available for early voting (five Agency Offices and the Navajo Elections Administration office).
- b. Referendum, Special Elections, Primary/General Elections put a whole on expenditure of funds for the NEA.
- c. Funding for Public Educations
- d. Funding for storage of election equipment
- e. Ft. Defiance Agency Office and the Navajo Election Administration need to move to ground level for handicap accessibility.

V. Plans

1. Continue Election Code Amendments

With the recent state of affairs surrounding the Navajo Nation Elections, amendments will be made to the election code to accommodate the needed changes. The Navajo Election Administration is constantly recommending changes to the Election Code to better represent and serve the Navajo Nation voters. Proposed amendments will be presented to the Navajo Nation Council at each session. Amendments to the Election Code provide better services for the Navajo voters.

2. Assist National, State and County Offices

The Navajo Election Administration will be assisting the National, State and County elections with issues such as translations of election information, ballot measures, early voting sites, voter convenience centers and other election matters

affecting Native Americans within the Navajo Nation and when requested by Navajo voters throughout the Nation. The Election Administration works with eleven (11) counties, three (3) states and the Federal Government.

3. Continue Working with United States Department of Justice on County and State Consent Decrees

Coordination will continue with the *United States Department of Justice Civil rights Division - Voting Rights Section* on Decrees and Agreements that cover the counties within the Navajo Nation. The Consent Decrees are different from county to county and state to state but should be made to be concise and consistent throughout the Navajo Nation as it is applied to Navajo voters. The Navajo Nation is reviewing the states election related services to the Navajo voters to seek the feasibility of establishing Native American election programs to serve the Navajo Nation as well as other Native American tribes.

4. Special Elections/Appointments

The Election Administration will continue to provide guidance to the chapters to fill vacancies. Laws that need to be amended regarding elected positions include placing appointment provisions where only one person applies for the vacant elected positions and are running unopposed. This would save the Nation funds. Currently, if a vacancy occurs within the first 24 months of a term of office, it will be filled with a special election and the second 24 months of a term of office will be filled by appointment. The appointment filing fee is no longer required per Navajo Nation Council legislation.

5. New Voting Equipment

The Navajo Election Administration purchased the Optech IIIp optical scan voting equipment in 1987. Since this time, the Election Administration has upgraded the voting equipment to the second generation Optech IIIp Eagle voting equipment in 1994. The Optech IIIp Eagles are now over 20 years old and the Election Administration is seeking new equipment due to the age of the current voting system. The current equipment is still in good condition but the parts and services for the machines are discontinued. The Election Administration has a certain criteria in purchasing the voting equipment such as cost, storage size, election ballots paper trail, power outage back up, maintenance, tech support, etc. The Election Administration will be seeking funding to replace the aging voting

equipment in the near future. An option available to the Election Administration is to lease the equipment during election cycles only. This would save funds on preparation, storage, testing, maintenance and technical assistance because this would all be provided by the vendor.



EASTERN NAVAJO LAND COMMISSION

Leonard Tsosie, Chairperson
Seth A. Damon, Vice-Chairperson
Norman M. Begay, Member
Jonathan Perry, Member

Danny Simpson, Member
Edmund Yazzie, Member

Larry Rodgers, Executive Director

MEMORANDUM

Date : December 27, 2018

To : LoRenzo Bates, Speaker
OFFICE OF THE SPEAKER
Navajo Nation Legislative Branch

From : 
Larry Rodgers, Executive Director
Eastern Navajo Land Commission

Subject : FY 2018 *First* Quarterly Report

Attached is the *First* Quarterly Report of Fiscal Year 2018 for the Eastern Navajo Land Commission (ENLC), covering activities from October 1st to December 31st. The report includes both the Commission and the Office work activities with attachments of OMB Forms 2.

xc: Members, ENLC
Jared Touchin; Ofc of Spkr

ORGANIZATION & COMMISSION PURPOSES – FY 2018

Commissioners:

Leonard Tsosie, Chairperson
Seth Damon, Vice-Chairperson
Norman M. Begay, Member
Jonathan Perry, Member
Edmund Yazzie, Member
Danny Simpson, Member

EASTERN NAVAJO LAND COMMISSION

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Tel: (505) 786-2430 • Fax: (505) 786-2434

Office Location:

Rooms 149-152 East Wing
Empowerment Center
Navajo Technical University
Crownpoint, NM

Contact Person:

Larry Rodgers, Executive Director

I. Purposes of the Eastern Navajo Land Commission

The purposes of the Commission include (simplified, otherwise see 2 NNC § 861 *et seq.*):

- 1) Advocating and initiating land acquisition towards the Eastern Navajo consolidation plan;
- 2) Providing technical support to Navajo Nation in securing administrative and regulatory jurisdiction;
- 3) Advocating rights of individual occupants on BLM and State lands;
- 4) Assisting in implementing NNC-enacted land acquisition and consolidation activities in Eastern Navajo;
- 5) Coordinating planning/mitigating impact of energy development in Eastern Navajo;
- 6) Coordinating Navajo Nation land-related work with Federal, State, local authorities;
- 7) Identifying certain lands, i.e., private, beneficial to Navajo Nation and engaging talks for acquisition;
- 8) Providing recommendations to the Navajo Nation Council concerning expenditures of the Navajo Land Acquisition Fund in respect to Eastern Navajo;
- 9) Planning and initiating legislative strategies regarding beneficial Navajo Nation, Federal, and New Mexico legislation cooperatively with appropriate Navajo Nation Council standing committees;
- 10) Taking steps in securing reservation boundary legislation inclusive of checkerboard area for recognition as Navajo Indian Reservation; and
- 11) Obtaining formal protection of Navajo cultural, religious or historic sites near the Eastern Navajo Agency.

THE *FIRST* QUARTERLY REPORT – FY 2018

II. Summary of Accomplishments during the reported Quarter

1. Commission Meetings:

The Commission convened for one leadership joint meeting with Resources and Development Committee during the quarter. The Commission is re-focusing on the NELI-NIIP Project in light of the efforts and priority being made by the Nabi NIIP Subcommittee.

2. Staffing and Consultation:

Four staff members continued their work activities during this quarter. The Frye Law Firm of Albuquerque and POWERS attorney group in Washington, DC continue to lend their legal advice to the Commission on a stand-by basis. POWERS main objective is to assist with the NELI-NIIP Project. Frye deals with on-call matters pertaining to the Commission legal inquiries.

3. Project Activities:

NELI+NIIP Project: A special status report on the NELI-NIIP Project was provided at the joint leadership meeting of the Commission and RDC in November. In addition, the Commission Chair highlighted several key issues and land acquisition matters on which a joint acknowledgement was made to examine at a January 2018 workshop to be arranged. After a four-year hiatus, due to the Fort Wingate Army Depot land division matter, new ideas are being discussed to make the federal legislation proposal more comprehensive than previously sought, however with any changes to the original plan, the Nabi Committee will need to take action for inter-governmental legislative understanding and acceptance.

Fort Wingate Army Depot: The Zuni government worked with Senator Heinrich for a technical amendment towards the next national defense spending bill of FY 2018. The Senate approved the amendment however it did not pass on the house side. The amendment was to transmit the correct map that both the Navajo Nation and Zuni Pueblo agreed to spring of 2016. On-going BLM survey work and legal description are based on and referencing the 2017 Congress approved map that was in error.

Navajo Resident Occupancy on BLM Lands: The ENLC staff continued to attend the Tri-Chapter Group (Ojo Encino, Pueblo Pintado, and Counselor Chapters) on matters of BLM oil and gas lease sales and State-BLM land exchange proposal. The new March 2018 lease sales are going through environment assessment, which is being challenged by the chapter group. Of common concern are indiscriminate use of new roads made by oil companies accessing new drilling sites and the matter of fracking. The state-BLM land exchange is New Mexico statewide however proposed parcels “Area B” are situated in Counselor and Nageezi Chapters. The Office of the Commission has submitted comments objecting to the proposed exchange of all the parcels of Area B. In light of the Navajo Nation’s own land consolidation efforts, the subject area is being considered within the NELI Project.

Navajo Land Buy-Back Program: The Commission Office has attended the Eastern, Western, and Northern Navajo Agency Council meetings to distribute the Program land

sale results report. The report covers all the chapters which have allotment lands and how each eligible allotment fared through the land buy-back work. Forty Navajo Nation Chapters have allotment lands, 75% are in Eastern Navajo, 20% are along the southern tier of the Navajo Reservation in Arizona from Lupton to Cameron, the remaining 5% is situated in the Utah with the Oljato and Aneth Chapters. The report is a means of feedback to local officials as well as individual allotment owners. The results report, since maps and data are presented for each chapter, the information is important in view of local land use by the respective Community Land Use Planning Committees. Due to the success of the LBBP on the Navajo Nation, a Round II is going to be offered by the federal agency administering this national program.

NTU Land Expansion: The Commission is collaborating with Navajo Technical University to acquire 30 acres of the Executive Order (EO) land in Crownpoint for planned faculty and staff housing. The Crownpoint Chapter supported the land withdrawal proposal with a resolution. Because it is "EO" land, it cannot be transferred or leased, however the BIA can permit it for use by the University. The 30-acre tract is adjacently south of the current NTU campus boundary.

Conferences/Workshops and Other Events:

8th Annual National Tribal GIS Conference

GIS Technician attended this Conference at the Santa Ana Resort, Bernalillo, NM. Following are summaries of the presentations she attended.

David Gadsden, ESRI, talked about how Tribal GIS is supporting Native American Decision Making, How tribes use Geographic Information System to address these issues as Sovereign nation, Natural Resources, Transportation, Cultural and Historic Preservation, Economic Development, etc.

Julie Sweetkind-Singer, Stanford University - assistant director of Geospatial, Cartographic and Scientific Data & Services at Stanford University, used to collect and work with paper based geographic maps in the 1990s, now she is collecting digital maps or digital Geospatial data.

ESRI Learning Center - **ArcGIS Pro** – This workshop was different from ArcMap, I familiar with some of Functionality from working in ArcMap. I created a project to start the exercise, and imported an ArcMap Document Into my project which is already downloaded into computer for us. I used the Queries to select features by attribute and location, and edited the Features. I created the 3D maps and navigated 3D views.

Take advantage of GIS - Santa Clara Pueblo water project – Working with Tribes in Arizona and New Mexico for clean water project for safe to drink and make sure all tribes are access to safe clean water. Working with IHS water project to set up new waterlines and abandoned the old waterlines.

Steve Shivers, USGS, covered 3D Elevation Program (3DEP) acquires high resolution elevation data for the nation improving elevation in the country using aircraft. LIDAR is Laser to detect speed, hits the ground and bounds back in seconds. Mapping a 3D nation helps capture Flood Zone in North Dakota and Landslides California.

Tribal Nation Community – Mapping Indian Country - Discover communities that feature geospatial data, maps and applications, developed by the community to help understand their land issue. There is a pathway that anybody can access to, such as data, web services and this page changes to keep user up to date with current information about GeoPlatform.

ESRI Learning Center – Storing Data in the Geodatabase - Geodatabase is a collection of geographic datasets (feature class, attribute tables and raster dataset), for the most part I covered to identify the elements of a geodatabase and exploring feature Classes including subtypes, attributes and relationship classes.

Panel Discussion: Cultural GIS - Flood and wildfire affects cultural resources, like Santa Clara Pueblo's devastated by wildfire and the largest wildfire in New Mexico. The loss of forest devastating to wildlife and habitat, recreational resources, irrigation and many traditional proposes. Next Disaster is flooding – 2 inches rain fall flooded Santa Clara Canyon, wiped out the existing water control structures within the canyon. Tons of ash, debris and other materials flow into the Santa Clara Canyon Creek kills all the fish down the streams. The fire burned thousands of acres of traditional lands, cultural sites and resources. GNSS, GPS and GIS Muscogee Creek Nation (Historic and Cultural Preservation) GIS team is working to document the Cultural Resources of the tribe, including historical Indian Churches and Cemeteries. Team is also mapping the allotments given to Muscogee Creek Nation (Dawes Act in 1887)

Choctaw Nation - Using GIS and GPS Technology to protect cultural sites for Choctaw people, like if they need to build a road or towers, they have to check with the nation's government GPS for all the cultural sites and creating maps for education purposes.

4. Statistical Research and GIS Mapping:

The Land Statistical Technician attends meetings and performs specific tasks for the commission. For the month of October the Statistical Technician assisted ENLC staff by attending meetings between the Bureau of Indian Affairs, and Continental Divide Electric Coop, in regards to Rights of Way in the Eastern Navajo Agency. Other meetings attended by this staff pertain to the Ojo Encino, Torreon, and Counselor Tri-Chapter working group. These meetings deal with issues especially to energy development impact matters. The Tri-Chapter group has been working with BLM on the Resource Management Plan Amendments to reduce potential impacts however under the national push of energy self-sufficiency BLM has moved forward with plans to sell more leases. The Tri-Chapter group is looking to expand to include other chapters to form the Navajo Eastern Agency Management Zone (NEAMZ).

For the month of November, the statistical technician continued attending meetings with The Tri-chapter working as well as with the Navajo Eastern Agency Management Zone (NEAMZ) workgroup. The statistical technician also has been managing the computer and database for the ENLC office, and working with Mr. Brandon Villavis to share GIS data, as well as advise Mr. Villavis on troubleshooting the newly developed GIS system where applicable. Mr. Villavis is concerned with Data collection and storage of the data the Tri-Chapter is collecting, and therefore would like for the ENLC office to assist with possible storage and interpretation of the data collected.

For the month of December, the statistical technician began looking into the latest software for portable GPS/GIS operating systems for use in collecting field data. The statistical technician also coordinated with the Eastern Agency BIA realtor's office to obtain maps and data pertaining to Eastern Agency lands. The statistical technician continues to maintain and manage the database system in the ENLC office regarding GIS data. The statistical technician continues to collect data from local and Eastern Agency entities based on which the Commission office helps with matters pertaining to chapters in Eastern Agency. The statistical technician will help ENLC office prepare for the next phase of the Navajo Land Buy-Back Program which may resume operations in 2018. This will involve the staff to assist in acquiring equipment for use by the Buy-Back Program staff.

ArcGIS Map Request -Mapping Projects this Quarter:

ArcView GIS digitizing: The GIS Technician works on maps for the office on major land issues, analyzing information by locations, land status overlaps, land size dimensions, etc. Often, certain maps require manual digitizing from hardcopies to create new maps. Creating maps using ArcGIS: ENLC can create maps and provide GIS data in different map layouts and formats for Eastern Navajo Agency entities, local officials, or coordinating entities. While most maps can be produced into poster size format, requesting clients are often provided 8 x 11 printable maps save in PDF format.

Eastern Navajo Land Commission GIS Mapping:

Although the Land Buy-Back is over, there are clients who come to the ENLC office inquiring about their allotment ownership interests and the location of their lands. The Federal LBBP offered ENLC access to LBBP allotment data on a limited basis as related GIS data were downloaded to the server. The ENLC is using the data to produce chapter-level data show the amount of interest percentages sold by allotments by chapters.

ArcGIS Map Production

Final Corrections on LBBP Sales Results maps.

24X36 Wall Map for NTU

24X36 Wall Map for BIA

BLM-State Land Exchange

Navajo Nation-State Land Exchange Summary Map

21 Chapter maps

6. Other Meetings:

Administrative Meetings: Most administrative meetings were held with chapter and CLUP committees requesting information on the LBBP post-sales information for their areas. No meetings have been held for Legislative Branch Program Directors in the last two years.

BIA-BLM-NN Mapping: The Commission is awaiting maps from BLM on the completed surveyed parcels of the FWAD. BIA is in the process of officially turning over respective parcels to Navajo Nation and Zuni. The erroneous map attached to the FY 2017 DOD Spending Bill approving the land division between the NN and Zuni was not resolved during calendar year 2017. The land survey and legal descriptions being prepared by BLM will follow the wrong map approved.

III. Performance Measure Worksheet(s)

OMB Forms 2 for the Commission (101027) and Office (101028) are *attached*.

IV. Concerns/Recommendations

Branch Programs submitting EPAFs has been problematic for the entire Legislative Branch. All Programs are treated as one group under a Personal Management Department policy. When a Program, such as ENLC, is up-to-date on its EPAF submissions, it is held back as if it were non-conforming because other Programs maybe behind in submitting their EPAFs.

V. Planned Activities in the Next Quarter

Meetings/Events:

Regular Commission Mtg (CP)
NN Council Winter Session (WR)
Regular Commission Mtg (CP)
Regular Commission Mtg (CP)

Date(s):

Jan 19
Jan 22-26
Feb 16
Mar 16