



24th Navajo Nation Council

Speaker Pro Tem's Report

2019 Winter Council Session

Honorable Seth Damon

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Honorable Seth Damon Speaker Pro Tem's Report



Yá'át'ééh my colleagues and citizens of the Navajo Nation,

It is my pleasure to provide an update report to you regarding the transition period that started on Jan. 15 and concludes today as my term as your Speaker Pro Tem ends. It was an honor to serve in this capacity to continue the operations of the Legislative Branch and address immediate priorities of the 24th Navajo Nation Council.

As the Speaker Pro Tem, the first week was focused on addressing the needs of our Nation and it was my utmost priority to ensure that the Legislative Branch operated in a business-as-usual fashion to continue consistent operations. In order to ensure the branch's continuity and efficiency, I extended the employment of key staff members who served at the Office of the Speaker for the 23rd Navajo Nation Council. I would like to thank all legislative staff for their support and commitment in aiding the 24th Navajo Nation Council during the transition period.

During the last two weeks, work sessions were held to address immediate priorities at the state and federal level and to update my colleagues on the status of the Legislative Branch during the transition period. I am pleased to report that the financial status of the branch is encouraging and all operations continued fluidly.

A work session was held on Jan. 23 to provide historical context on the issue of Navajo Generating Station. The Navajo Department of Justice and our legislative staff provided the presentation and updated my colleagues on the status and the various course of actions that are before Council. First and foremost, the issue of



NGS is a priority that Council should begin to tackle immediately as we only have until March to develop a solution. As you may know, revenues from our natural resource industries make up a significant amount of our operating funds as well as providing hundreds of jobs for Navajo families, and funds several programs that provide direct services to Navajo citizens.





Secondly, a leadership meeting was held between Council and the Office of the President and Vice President. Some of the pressing issues that were discussed included impact aid (*Yazzie/Martinez v. State of New Mexico*), funding for veterans issues and housing, and head start. I would like to thank President Jonathan Nez and Vice President Myron Lizer for accepting our invitation to meet on these issues and answering the call to come together on these matters for the benefit of our Navajo people.



Additionally, members of the 24th Navajo Nation Council had the opportunity to meet with state and congressional leadership in the last two weeks. On Jan. 18, my staff coordinated a meet and greet between Council members and Congressman Tom O'Halleran (D – AZ 1st District) in Window Rock. My colleagues were able to advocate for issues within their communities, as well as receive an update from Congressman O'Halleran on national issues that may affect the Navajo Nation. I

extend my thanks to Congressman O'Halleran and his staff for taking the time out of their schedules to meet with us and share in an open dialogue with me and my colleagues.

On Jan. 22, Council members traveled to Santa Fe and met with the newly elected New Mexico Governor Michelle Lujan Grisham and recently appointed Cabinet Secretary Designee Lynn Trujillo. My colleagues had a chance to present pressing matters within their communities to the governor on issues such as impact aid, education, veteran's affairs, capital outlay funding, and aging and long-term services.



A comprehensive discussion with Gov. Lujan Grisham is scheduled for Jan. 31 and we look forward to engaging in a meaningful discussion. This exemplifies that our Council's effort to strengthen relations with New Mexico would ensure that Navajo people have access to pertinent benefits provided by the state.

On Jan. 25, I met with legislative programs to receive update reports on the progress of current projects and initiatives. This is a critical area that we as Council need to invest our time and support into so that our programs' efforts through collaboration can strengthen the services they provide to our communities and Navajo leadership. This is an untapped resource and I believe with their expertise, we can significantly move our Nation forward. Attached are one-page quarterly reports submitted by our legislative programs, so please examine their accomplishments, goals, and unmet needs.





In addition to the Office of Legislative Services and Legislative Counsel, these programs are also under the Legislative Branch: Office of the Auditor General, Black Mesa Review Board, Eastern Navajo Land Commission, Navajo Ethics and Rules Office, Navajo Human Rights Commission, Navajo Election Administration, Office of the Navajo Government Development, and the Navajo Utah Commission.



Last Thursday, during the Naabik'iyáti' Committee meeting the first topic for discussion was the government shutdown and how it affected services to our Navajo people. I called on the Navajo Division of Transportation, Navajo Division of Social Services, Bureau of Indian Affairs, Bureau of Indian Education, Indian Health Service, and Navajo Head Start to specifically identify and convey critical concerns for Navajo leadership to address. While we appreciate

President Trump and congressional leaders coming to an agreement to reopen the government for a three-week period, I would urge Council to request that congressional leadership in Washington, D.C. strongly advocate the prevention another shutdown so programs and direct services do not affect our people again, including federal workers who faced the hardship of unpaid salaries for over a month. It is our responsibility to hold President Trump and congressional leadership accountable to their federal trust responsibility to the Navajo Nation and Indian Country.

In closing, I would like to thank my colleagues for selecting me as their Speaker Pro Tem and having the confidence in my knowledge and abilities to carry us through the transition period. I look forward to continue working with Council and legislative programs to move our Nation forward.

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Honorable Seth Damon, *Speaker Pro Tem*
24th Navajo Nation Council





**Navajo Nation Legislative Branch
OFFICE OF THE AUDITOR GENERAL
Fiscal Year 2019 – First Quarter Report Summary**

Contact Person: Helen Brown, *Delegated Auditor General*
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The Office of the Auditor General conducts internal audits of Navajo Nation programs, departments, chapters, entities and vendors.

Accomplishments from First Quarter FY2019: Issued 10 reports

Program/Chapter audits – 5 reports

- 19-02 Navajo Land Department Homesite Lease Process Special Review
- 19-03 Navajo Housing Authority Forensic Examination
- 19-06 Nahodishgish Chapter Special Review
- 19-08 Manuelito Chapter Special Review
- 19-09 Facilities and Maintenance Department Performance Audit

Follow-up on Corrective Action Plan Implementation – 4 reports

- 19-01 Dennehotso Chapter Corrective Action Plan Follow-up
- 19-04 Whitecone Chapter Corrective Action Plan Follow-up
- 19-07 Oak Springs Chapter Corrective Action Plan Follow-up
- 19-10 Shiprock Chapter Fourth Corrective Action Plan Follow-up

Non-audit services – 1 report

- 19-05 Research of the Tsaile/Wheatfields Agriculture Project

Goals for Second Quarter FY2019:

- Navajo Food Distribution Program Performance Audit
- Navajo Transit System Performance Audit
- Department of Family Services Special Review
- Three 638-Hospitals Compliance Reviews
- Lukachukai Chapter Special Review
- Tonalea Chapter Corrective Action Plan Follow-up Review
- DCD Special Investigation
- Baca Chapter Special Investigation
- Dilkon Chapter Special Investigation
- Alamo Chapter Special Investigation
- Manuelito Chapter Special Investigation
- Fraud Investigations of chapters/staff
- Revisits of sanctioned programs and chapters

Issues/Recommendations:

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





**Navajo Nation Legislative Branch
EASTERN NAVAJO LAND COMMISSION
Fiscal Year 2019 – First Quarterly Report Summary**

Contact Person: Larry Rodgers, *Executive Director*
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Commission's top priorities:

- 1) Prepare for Navajo Land Buy-Back Program - II;
- 2) New ranch land purchase opportunities;
- 3) Tracking two Land Exchanges: a) NN-State; b) BLM-State
- 4) NELI-NIIP Project;
- 5) FWAD future use planning;

Accomplishments from First Quarter FY2019:

- The Commission/Navajo Nation received offer letter for Round II of the Land Buy-Back Program Cooperative Agreement to be implemented starting March 2019 – Offer in 164 Review Process month of January;
- Old Fort Wingate School Buildings and Structures: The Commission passed a resolution recommending the creation of a funded taskforce to study and preserve selected old structures on the old school compound for historical purposes. Recommendation needs legislation to create taskforce and budget.
- NELI-NIIP Project: The Commission held off on further meetings with congressional staffer until after elections, the project will include a modification to the current draft congressional bill based on new Commission recommendations;
- The Commission received a summary report as to why DNR and Office of the President did not support the potential purchase; the new Commission to ask support from the new Navajo President for the purchase effort.
- The Commission on a provisional basis created interpretive maps on the Navajo Nation-State of New Mexico Land Exchange.

Goals for Second Quarter FY2019:

- Get new Commission members up to speed on Commission projects
- Legislate Cooperative Agreement via Naabikiyati for Navajo LBBP-II and get program implemented;
- Coordinate general planning work for the Fort Wingate lands ;

Issues/Recommendations:

- Provide needed updates to requesting chapters on the Navajo Nation-State of New Mexico Land Exchange and other land related projects
- Reexamine Commission projects with input of new Commission members





Navajo Nation Legislative Branch
NAVAJO NATION ETHICS AND RULES OFFICE
Fiscal Year 2019 - First Quarter Report Summary

Contact Person: Stacy Allison, *Director*
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Accomplishments from First Quarter FY2019:

- Completed an evidentiary hearing where a high ranking official of the Navajo Nation was found in violation of the Ethics in Government Law and was ordered to pay over \$30,000 in restitution to the Navajo Nation general fund. Successfully collaborated with AZ Department of Public Safety in the investigation and presentation of the matter.
- The Ethics and Rules Office in collaboration with the Staff Development and Training Center now provides a monthly presentation on the Ethics in Government Law to new Navajo Nation employees as a part of the orientation.
- The Ethics and Rules Office has met or succeeded the quarterly goals in all program performance criteria

Goals for Second Quarter FY2019:

- Fill one (1) Ethics Investigator position; explore a revision of the salary grade/step to allow for recruitment and retention of candidates.
- Secure contract forensic accountant to assist with case preparation that involves misuse of high dollar amounts from overpayment of TA's, stipends, etc.
- Draft a new internal guidelines re standardized investigation procedures for approval by the Law and Order Committee.
- Work closely with the White Collar Crime Unit and Office of the Auditor General on the Sharepoint webpage to facilitate information sharing and timely filing of ethics and white collar crime complaints.

Issues/Recommendations:

- Amendment to Title 26 and or/election code or Ethics in Government Law and the OHA Hearing Rules for ethics cases to allow for administrative leave of elected officials and political appointees during active ethics investigations or after a complaint is filed and the matter is pending adjudication and final order from OHA.





Navajo Nation Legislative Branch
NAVAJO NATION HUMAN RIGHTS COMMISSION
Fiscal Year 2019 – First Quarterly Report Summary

Contact Person: Leonard Gorman, *Executive Director*
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Accomplishments from First Quarter FY2019:

- **San Juan County Utah Voting Rights:** The Office continues to work on voting rights issues for the State of Utah San Juan County by ensuring that proper accommodation, such as language assistance and access to polling places, for Navajo voters was executed properly for the general election per the settlement agreement in *Navajo Nation Human Rights Commission v. San Juan County*.
- **Reviewed Citizen Complaints:** The Office received new complaints during the first quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory automobile sales and employment issues. This includes the cases against Francisco Lerma and Jason Kehoe, who both victimized Navajos on and off the Navajo Nation with deceptive automobile sale practices.
- **Federal Trade Commission:** The Office played an instrumental role in the lawsuit brought by the Federal Trade Commission against a group of four automobile dealers operating in Arizona and New Mexico with a range of illegal activities, including falsifying consumers' income and down payment information on vehicle financing applications and misrepresenting important financial terms in vehicle advertisements. The lawsuit was filed in U.S. District Court Arizona and is scheduled for deposition in the 2nd quarter.

Goals for Second Quarter FY2019:

- **Conduct Public Symposiums:** Develop public education materials to educate the Navajo people on the meaning of Free, Prior and Informed Consent ("FPIC"), what is Navajo FPIC, and treaties as it relates to Navajo human rights.
- **Continue Receive Complaints:** This Office will continue to assess and investigate filed complaint by Navajos on or about discrimination and human rights violations off the Navajo Nation.
- **Naabik'iyat'i Committee Directive:** This Office will review and establish a plan of action to address the directive in Naabik'iyat'i Committee Legislation No. 0390-18 to examine and research discriminatory actions toward Navajo students attending schools on and off the Navajo Nation.

Issues/Recommendations:

- **Fill Commission Vacancy:** With the removal Carl Smith as an appointed member of the Commission, the position representing Social Services needs to be filled as soon as possible.
- **6B Rollout:** With the move towards full implementation of the FIMS system, this Office has not met the requirements to begin submitting personnel and budgetary/fiscal expenses online and will require training.





Navajo Nation Legislative Branch
NAVAJO ELECTION ADMINISTRATION
Fiscal Year 2019 - First Quarterly Report Summary

Contact Person: Murray Lee, *Interim Director*
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Accomplishments from First Quarter FY2019:

- Election Board members conducted six (6) regular meetings.
- Election Board approved 11 resolutions during their regular meetings
- Legislation No. 0144-18, An Action Relating to Law and Order, Budget and Finance, Naabik'iyati' and the Navajo Nation Council; Amending Challenge and Election Dispute provisions of the Navajo Nation Election Code at 11 N.N.C. § 21, 23,24,240,341 and 342. Passed on December 31, 2018.
- Authorized referendum election on Whether Salaries of Navajo Nation President and Vice-President should be increased..
- Program Project Specialist: This will be re-advertised.
- There are 98,994 Registered Navajo voters
- General Election was conducted on November 6, 2018.

Goals for Second Quarter FY2019:

- Insure the Inauguration is conducted on January 15, 2019.
- Continue working on amending Election Laws/Codes
- NEA's vacant positions are: Voter Machine Technician positions at NNOBI.
- Continue other Goals and Objectives of the Election Administration/Board; implement directives
- 31 elected positions to be filled reservation wide (21 School Board and 10 Chapter Officials)
- NEA needs to request for funds to upgrade computers, printers, and replacing the old election data base with a new one.

Issues/Recommendations:

- Election Administration needs funding for a new office building
- Elections 2020
 - Recommend: Establish a Fixed Cost Budget for all elections in the coming years and in anticipation of 10% budget shortfall for FY 2019/2020
- Hire an Executive Director
- Establish Board and Administration as an independent entity.





Navajo Nation Legislative Branch
OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT
Fiscal Year 2019 – First Quarter Report Summary

Contact Person: Edward K. Dee, *Executive Director*
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Accomplishments from First Quarter FY2019:

- The Commission passed resolution CNGD-0702-18: An action to recommend a referendum ballot measure to the Navajo People to decide on a salary adjustment for the Navajo Nation President and Vice President during the 2018 Navajo General Election. The Navajo Nation Council passed resolution CS-69-18 to approve and authorize an election referendum and the Navajo Board of Election Supervisors passed resolution BOESO-047-18 authorizing a Referendum Election pursuant to aforementioned NNC resolution.
- The ONGD staff facilitated a two-day visioning session on December 7-8, 2018, with District 6 Chapters in collaboration with Arizona State University's School of Geographical Sciences and Urban Planning, so to develop District 6 Master Land Use Initiative with full involvement by chapter officials, staff and land use planning committees. Honorable Council Delegate Seth Damon represents District 6 chapters.
- The Commission and Office assisted with Resolution CD-83-18 (formally legislation 0363-18): An Action Relating to Naabik'iyáti' Committee and the Navajo Nation Council; Confirming the Appointment of Ramona Begay to The Commission on Navajo Government Development for a Term of Two Years, as the Navajo Woman's Commission Representative. Sponsored by Honorable Delegates Jonathan Hale and Amber Crotty. This resolution passed unanimously with a vote of 14-0 on December 20, 2018.
- The Commission and Office conducted full day work session on October 27, 2018 to finalize the rules and procedures and thus submitted to Office of Legislative Counsel by Honorable Delegate Herman Daniels, Resolution NABID-94-18 (formally legislation 0389-18): An Action Relating to Naabik'iyáti'; Amending Meeting Rules of Procedure for The Commission on Navajo Government Development. This resolution passed unanimously with a vote of 14-0 on December 27, 2018.
- ONGD assisted in the facilitation of a two-day work session at NAU Native American Cultural Center on November 26-27, 2018. The Working Group convenes to develop a genetics research policy for the Navajo Nation and to propose amendments to the Navajo Nation Human Research Code (Legislation 0030-18, Section Three A). Honorable Delegate Walter Phelps sponsored legislation that authorizes the establishment of Navajo Nation Health Policy Workgroup on Genetics ("Workgroup") that includes ONGD.

Goals for Second Quarter FY2019:

- ONGD in a joint-research endeavor with Diné College Diné Policy Institute will conduct a public outreach on "Let's Talk Government Reform for a Sustainable Navajo Future" in January through March 2019; a draft report on Navajo Nation Chapter Government Systems and government reform recommendation will be presented to Navajo Nation Council in April 2019 during Spring Session 2019.





- The Commission and Office is taking the lead to host and facilitate 2019 Navajo Nation Sustainability Symposium: Nahasdzáán dóó Yádiłhił in late March 2019 in collaboration with Chinle Chapter, To’Nanees’Dizi Local Government, Kayenta Township Commission and other entities.
- The Commission and Office will continue to explore a possible government reform opportunity with the current work by Harrison Tsosie, Esq., in devising initial draft of the Diné Bi Beehaz’áanii, a charter drafted by a non-governmental organization for a constitution.

Issues/Recommendations:

- A Legislative Branch representative under the 23rd Navajo Nation Council has been and remains unfilled despite numerous attempts by the office, commission, and concerned council delegates.
- ONGD staff is constantly providing technical assistance to chapters on a weekly basis and thus, it places a huge burden on operating and travel line item budget.
- The Office and Commission plan of operation in 2 N.N.C. § 970-978 will be amended despite Legislation No. 0192-18 being withdrawn. The commission passed a resolution and will seek a sponsor in 2019.





Navajo Nation Legislative Branch
NAVAJO UTAH COMMISSION
Fiscal Year 2019 – First Quarterly Report Summary

Contact Person: Clarence Rockwell, *Executive Director*

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Accomplishments from First Quarter FY2019:

- The Navajo Utah Commission and a partnership consisting of the NN Human Rights Commission, Navajo Election Administration, Navajo Rural Addressing Authority, Navajo DOJ, and the Rural Utah Project, assisted the seven Utah chapters in electing two Navajo commissioners in historic election and shifted balance of power in favor of Navajo in San Juan County, Utah.
- The election partnership achieved success by mobilizing Navajo voters, including education of Navajo voters regarding historic opportunity, registration drives, verification of residency in redrawn election districts, providing effective Navajo language advertising, and requiring San Juan County to maintain one-day a week election satellite offices 4 weeks prior to general election.
- The Navajo Utah Commission and the Utah chapters are making substantial progress in working with the Navajo Nation Capital Projects Management Department (CPMD) and Utah funding partners in completing capital projects appropriated by the Navajo Nation Capital Outlay Special Revenues Fund including completion of the Mexican Water Senior Citizens Center and the Teecnospos Chapter Roof Replacement & Renovation Project.
- The Navajo Utah Commission and three Utah chapters initiated construction on three single-family housing units with Utah OWHLF appropriations, and created employment opportunities for local workers and Navajo contractor.

Goals for Second Quarter FY2019:

- Prepare and prioritize issues and concerns impacting Utah chapters in position statement and collaborate with Office of the Speaker, Navajo Nation lobbyist for Utah legislature and Navajo Nation Office of President/Vice-President regarding attendance at the 2019 Utah Legislature Tribal Caucus, and seek efficient =, unified message.
- Work with Utah Sen. Jani Iwamoto (D) of District 4 and co-sponsors in preparing legislation to designate portions of SR 162 and SR163 as the Navajo Code Talker Highway during the 2019 Utah Legislature.
- Arrange a work session with the Navajo Nation Capital Projects Management Department (CPMD) to reinvigorate efforts and commitment to complete capital projects appropriated by the NN Capital Outlay Special Revenues Fund and the Sihasin Capital Projects Fund.
- Schedule meeting with the Utah Department of Transportation (UDOT) and impacted chapters to seek rehabilitation of SR 162 in Aneth-Montezuma Creek and SR 162 in Monument Valley, including construction of a roundabout interchange at the Gouldings intersection.





Section Three: Issues/Recommendations:

- The Navajo Utah Commission is requesting the Navajo Nation Council to hire a lobbyist familiar with Utah Navajo issues, and retain for a reasonable period of time to establish a strong and effective relationship with the Utah Legislature, including regular consultation with Utah chapters. The Navajo Utah Commission request the Navajo Nation government to take advantage of the Special Counsel position created by the Utah Governor and Attorney General to address tribal issues. And finally, the Navajo Utah Commission urge the 24th Navajo Nation Council to retain the State Task Force established by the NN Council to provide meaningful attention to Utah issues.

