



2016 SECOND QUARTER REPORT



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

2016 Spring Council Session

LoRenzo Bates
23rd Navajo Nation Council

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23rd Navajo Nation Council
Spring Council Session
April 2016



Speaker's Report



Message from Speaker LoRenzo Bates

Yá'át'ééh my colleagues of the 23rd Navajo Nation Council, President Russell Begaye, Vice President Jonathan Nez, acting Chief Justice Allen Sloan, chapter officials, federal, state, and county officials, legislative staff, and most importantly, our Diné Citizens. As Speaker of the Navajo Nation Council, it is my honor to welcome each of you to the opening day of the 2016 Spring Council Session!

Over one year ago, this Council along with the Executive Branch and Judicial Branch established the "One Nation, One Voice" agreement that outlined nine priorities for the Navajo Nation. To this day, the nine priorities continue to guide the Navajo Nation Council, Standing Committees, sub-committees, and task forces as we work to better our communities and lives of Diné Citizens.

I am pleased to report that during the previous regular session, the 23rd Navajo Nation Council approved a historic piece of legislation that provides approximately \$180 million for 60 water projects and over 50 sanitation system projects in each of the five Navajo Agencies – this marks the largest spending package ever approved by the Navajo Nation Council.

While there remains a great deal of work to be done, I want to take this opportunity to thank everyone who assisted in this successful effort including the Síhasin Fund Sub-Committee, Office of the President and Vice President, Navajo Tribal Utility Authority, Navajo Water Management Branch, Indian Health Service, and many others.

I am confident that in the coming months, this Council will continue to strategize and move forward with the many issues and initiatives that reflect the priorities of the "One Nation, One Voice" agreement. In the following report, we will outline the progress, challenges, and accomplishments of the Standing Committees, sub-committees, task forces, and the Council as whole.

In closing, I extend my greatest appreciation to all the legislative staff, Navajo youth, volunteers, and many others that contributed their time and resources to make the Spring Council Session a success. I thank you on behalf of the 23rd Navajo Nation Council.

Thank you,

A handwritten signature in black ink, appearing to read "LoRenzo Bates".

LoRenzo Bates, *Speaker*
23rd Navajo Nation Council



Síhasin Fund Sub-Committee

Phase I - Expenditure Planning

Upon the approval of the Síhasin Bulk Water/Wastewater and Sanitation Deficiency System (SDS) projects, a team of experts from Navajo Tribal Utility Authority (NTUA), Indian Health Service (IHS), Water Management Branch (WMB), Office of the Controller (OOC), Office of Management and Budget (OMB), the Department of Justice (DOJ), and Office of Legislative Counsel formed a working group to complete the preliminary requirements for the implementation of the \$180 million expenditure plan.

The Council unanimously approved the legislation in January, and the group immediately began strategizing and planning thereafter. On February 2nd and 3rd, the working group met to begin outlining timelines associated with each task and identified barriers that may cause delay.

The working group has met three times a month since February. The group has made significant strides in completing the Síhasin Water Projects Management Plan (SWPMP), the Memorandum of Agreement (MOA) between IHS and WMB for the SDS projects, and NTUA's Loan Agreement for water projects. The NTUA Loan Agreement is undergoing an internal review and will be submitted to the Office of the Controller for further review and will require the approval of the Budget and Finance Committee. The SWPMP and MOA are under review by the WMB and OMB.

Síhasin Fund Sub-Committee chairman Delegate Leonard Tsosie, vice chair Delegate Nelson S. BeGaye, and sub-committee members continue to work aggressively to complete the preliminary steps to ensure the funds are used in the most efficient manner, while ensuring accountability.

Phase II - Economic Development

On February 29th the Síhasin Fund Sub-Committee met in the community of Many Farms to discuss irrigation and agricultural projects with local Farm Board members, Many Farms Chapter officials, and Leupp Chapter officials. The sub-committee also received reports from the Navajo Nation Division of Natural Resources regarding a funding proposal and to provide a Plan of Operation for the Soil and Water Conservation District. Jason John with the Water Management Branch provided the sub-committee with an update on water studies including the benefits and impacts within each community.

The discussion of the second phase of the Síhasin funding began with an overview of the proposed economic development projects that



Photo: Síhasin Fund Sub-Committee meeting in Many Farms on Feb. 29, 2016.

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were submitted to the Office of the Speaker from various Navajo Nation divisions, departments, and independent entities that would contribute to the staggering economic needs within the Navajo Nation.

The meeting concluded with a directive for the Navajo Nation Division of Economic Development (DED) to provide the Síhasin Fund Sub-Committee with processes involved with developing economic development projects and identifying internal and external challenges within the Navajo Nation government that impact those economic projects.

Additionally, DED was also asked to provide recommendations on selecting economic development projects, administering projects from initial stages to project completion, and monitoring operations of entities that receive Síhasin funding/financing.

On March 30th and 31st the Síhasin Fund Sub-Committee met to continue discussion on implementing the initial steps to Phase II. Newly appointed Executive Director for the Division of Economic Development Crystal Deschinny, presented information on the development and start-up involved with developing projects, as well as the plans associated with site development, management, and strategies within business developments.

The information provided by DED highlighted the current challenges the Nation contends with in starting and completing projects. Some of the challenges include the lack of a comprehensive nation-wide economic development plan, regional feasibility studies, and the lack of a central clearinghouse for each of these studies.

Some preliminary recommendations include determining the total amount of Síhasin Fund dollars that will be dedicated to economic development. Other steps include the development of standardized criteria for evaluating and ranking projects, standardized application packages to ensure transparency, and last but certainly not least identifying existing Navajo Nation and federal/state economic development funding sources and providing the status of existing projects on the Navajo Nation.

Water Rights - Little Colorado River

As stated in the "One Nation, One Voice" agreement, the 23rd Navajo Nation Council has identified securing water rights as a top priority in order to advance water projects and to bring water to the many communities that currently lack basic water necessities.

With that notion in mind, President Russell Begaye and I met with Hopi Chairman Herman G. Honanie on March 16th, which resulted in each tribe establishing a negotiation team to come to terms on an agreement between the Nation and the Hopi Tribe. Resources and Development Committee chairman Alton Joe Shepherd will represent the Council on the negotiation team.

At the meeting, it was also agreed that the Navajo Nation and Hopi Tribe would initiate negotiations on

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substantive matters with the state of Arizona and the U.S. Department of the Interior only after an agreement is reached between the Nation and Hopi Tribe.

On March 30th, Delegate Shepherd, President Begaye, Chairman Honanie, and I met with state and Congressional leaders as well as Arizona non-Indian water users to discuss the preliminary steps and procedural matters that are required to initiate official negotiations.

Moving forward, I assure our Navajo people that the Council is fully aware of the many concerns and complexities that are sure to come with negotiations and we will continue to exercise enormous caution and prudence.

No one will disagree that water not only gives life to our people, but it also allows our communities to thrive economically. In order to have businesses, public safety, homes, and other components that serve as the foundation for communities, we must first have basic infrastructure in place such as electricity and water sources.

As I have previously stated, I remain confident that my Council colleagues and I will carefully evaluate our options and seek a settlement that is fair and just for our people and our communities.

Navajo Nation Budget

On April 4th, President Russell Begaye, Vice President Jonathan Nez, acting Chief Justice Allen Sloan, several of my Council colleagues and I, met to discuss the current year's budget and the FY2017 budget. Controller Jim R. Parris and Executive Director of the Navajo Tax Commission Martin Ashley were also in attendance and provided information regarding the Navajo Nation's projected revenue based on royalties from natural resources, such as coal and oil.

Due to the decline in oil prices worldwide, many states and governments including the Navajo Nation have experienced significant declines in revenue. The decline in oil prices, and tax revenue generated from oil and gas, has resulted in a projected revenue shortfall for the current fiscal year in the amount of \$5.2 million.

The outlook for FY2017 is also of great concern due to a projected shortfall of approximately \$24 million, once again due to the decline in oil prices. Although there is cause for concern, Navajo Nation leadership recognizes that we have options to consider. These options must be carefully weighed and further discussed before deciding on a course of action.

We must also take into account external funding from states and the federal government to determine the extent of those impacts. The Tribal Interior Budget Council (TIBC) met in March with Bureau of Indian Affairs officials to layout the budget priorities. I thank Delegate Kee Allen Begay, Jr. for representing the Council at the meeting and I also congratulate him for being selected to chair the Public Safety and Justice workgroup for TIBC. The Council will continue to advocate at the federal level for federal dollars to help our communities.

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Utah Education Issues

On February 8th, members of the State Task Force and I met with several top officials during the annual Utah American Indian Caucus Day. Council Delegates Davis Filfred, Nathaniel Brown, Herman Daniels, Jr., Seth Damon, and I met with Utah Senate President Wayne L. Niederhauser, Utah Speaker of the House Greg Hughes, Utah Senator David P. Hinkins, and Utah Senator Howard A. Stephenson.

Many issues were discussed including land, roads, education, water, public lands, and other issues. The meetings provided the State Task Force members the opportunity to strengthen their relations with state leadership, another priority of the 23rd Navajo Nation Council.

Most recently, State Task Force members were made aware that the Utah governor signed S.B. 14, entitled "American Indian and Alaska Native Amendments" into law. The bill sought approximately \$2 million on an ongoing basis beginning in FY2017, to implement a pilot program to fund stipends, recruitments, and retention of teachers who teach in Native American schools. However, the final bill only approved \$250,000 for the pilot program.

At the recommendation of the State Task Force chairman Kee Allen Begay, Jr., on April 11th Health, Education, and Human Services Committee chairman Jonathan Hale and I issued a letter to Utah Senator Kevin Van Tassell, expressing our disappointment with the reduced funding. However, we also conveyed our understanding and requested that Senator Tassell tour Navajo schools in the state of Utah to gain a firsthand perspective of the conditions that teachers and students contend with on a daily basis.

State Task Force members will meet with state leadership to begin the process of educating them on the needs of the schools and educators so that they have a better understanding when the legislature revisits funding for education.



Photo: Council members met with Utah Senate President Wayne L. Niederhauser to discuss Utah Navajo issues on Feb. 8, 2016.

Bluff Elementary School

Recently, the San Juan School District in southern Utah purchased land near the town of Bluff for the construction of a new elementary school. However, after land and archeological surveys were completed, it was found that there were sacred burial sites and Anasazi ruins within the area of the proposed school site. Navajo parents and community members from surrounding Utah Navajo chapters expressed tremendous concern over the proposed site and requested that the school be moved to another location.

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Parents and community members met with the school district to offer solutions, however, they did not reach an agreement. The surrounding chapters and community members requested Navajo leadership, the Navajo Nation Human Rights Commission, and the Navajo Nation Historic Preservation Department to aid them in their efforts.

According to an independent survey and analysis completed by the NNHPD, it was determined there were in fact human remains and historic artifacts present on the land area for the proposed school.

As a result, Council Delegate Jonathan Hale sponsored Legislation No. 0045-16, which seeks to establish the Navajo Nation's official position to oppose the San Juan School District's plans to construct the Bluff Elementary School on a sacred site, and urged the school district to relocate the school.

However, during a Naabik'iyátí' Committee meeting on February 19th, the legislation was tabled and a directive was issued to the Office of the Speaker to work with the Navajo Nation Department of Diné Education and the San Juan School District to develop solutions to the land issue.

All entities, including the State Task Force, are working together to address the land issue, along with the NNHRC, NNHPD, and Navajo parents. An update regarding the relocation of the elementary school will be provided at a later date, which is proving to be a lengthy process.

New Mexico Capital Outlay

The State Task Force and the Office of the Speaker were actively involved with various stakeholders concerning issues with New Mexico Capital Outlay Projects for Navajo chapters and communities in the state of New Mexico. Strategy discussions took place prior to the start of the second Legislative Session of the 52nd State Legislature on January 19th.

The Office of the Speaker assisted in coordinating discussions with New Mexico State Representative Sharon Clahchischilliage, Council Delegates, representatives from the Office of the President and Vice President, staff from the Division of Community Development, and various chapter officials. The focus of the discussions were based on requests for new Capital Outlay Projects, requests for Capital Outlay reauthorizations, and obtaining support for Tribal Infrastructure Fund (TIF) projects.

It was anticipated that requests for Capital Outlay Projects and Capital Outlay Project reauthorizations would be scrutinized due to budgetary constraints for the state of New Mexico based on revenue projections for FY 2017. During the Legislative Session several meetings took place to establish dialogue with representatives from the state of New Mexico.

On January 22nd State Task Force chairman Delegate Kee Allen Begay, Jr., Delegate Amber Kanazbah Crotty, and Delegate Mel R. Begay participated in a roundtable discussion with New Mexico Sen. John Pinto (D-Dist. 3), Speaker Don Tripp (R-Dist. 49), Rep. Wonda Johnson (D-Dist. 5), Rep. Sharon Clahchischilliage

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(R. Dist. 4), Sen. Benny Shendo Jr. (D-Dist 22), Sen. George Muñoz (D-Dist. 4), Rep. Patricia Lundstrom (D-Dist. 9), Rep. Eliseo Lee Alcon (D-Dist. 6), Rep. Rod Montoya (R-Dist. 1), and Sen. William Sharer (R-Dist. 1), New Mexico Indian Affairs Secretary Kelly Zuni, and various program representatives from the Navajo Nation.

The meeting established dialogue among the elected representatives and served as an opportunity for Navajo Nation representatives to educate New Mexico leadership of the needs for communities on the Navajo Nation. The meeting also allowed for a better understanding of the bureaucratic process for both governmental agencies and to recommend solutions to secure project funding.

On February 5th, Delegate Benjamin Bennett, Delegate Amber Kanazbah Crotty, Delegate Seth Damon, and Delegate Leonard Tsosie had the opportunity to meet with Governor Susana Martinez. As a delegation we were able to convey some of the many issues facing the Navajo Nation and our communities within New Mexico. The delegation again focused on the issue of Capital Outlay requests for consideration and Capital Outlay reauthorizations.

I would like to thank my colleagues, particularly State Task Force chairman Delegate Kee Allen Begay, Jr. and vice chairman Delegate Tom T. Chee and the rest of the task force members for being actively involved. I also would like to thank the various chapter officials and representatives for providing information along with the involvement of numerous Navajo Nation representatives. As a result, we were able to obtain support and approval for a majority of the Capital Outlay requests and Capital Outlay reauthorizations.

Rehabilitation of the Former Bennett Freeze Area

The Inter-Agency Task Force was established to spearhead the recovery efforts of the Former Bennet Freeze Area, in accordance with Resolution NABID-86-15. The members of the task force consists of leadership from Navajo Nation Office of the President and Vice President, Office of the Speaker, Bureau of Indian Affairs, Navajo Housing Authority, Indian Health Service, Navajo Tribal Utility Authority, and honorable members of the Navajo Nation Council who represent communities within the Former Bennett Freeze Area.

The Task Force has met on a monthly basis and at each meeting, all members were asked to provide a written report outlining their progress. Since its establishment, the task force has met three times on the following dates: January 5th, February 16th, and March 29th. At the most recent meeting, assignments were developed for individuals who are responsible for carrying out the tasks and target dates to compile information before the next scheduled meeting. The assignments include:



Photo: Council members met with New Mexico Gov. Susana Martinez to discuss Capital Outlay Requests on Feb. 5, 2016 in Santa Fe, N.M.

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- Develop a comprehensive budget report on all funds allocated to Former Bennett Freeze Area
- Compile and summarize all studies/data on the Former Bennett Freeze Area. The purpose of the issues identified in the existing completed studies on the Bennett Freeze Area will be the foundation to deal with the challenges and correlate the study results to current conditions.
- Develop a matrix on all necessary requirements and rank FBFA chapters accordingly. The Purpose is to rank chapters based on completed necessary requirements related to home site leases, land clearances, Community Land Use Plan, housing assessments, applications, boundaries, etc. Requirements should include a list of challenges on waterline, power lines, clearances, etc.
- Draft a waiver of federal policy language to expedite the development in the Former Bennett Freeze Area.

In addition, OPVP has reported that out of the nine chapters within the FBFA, two chapters will need additional assistance to update their community land use plan and other required assessments. Other challenges for chapters include lack of home site leases, cost of surveys, and archeological clearances. NHA reported that they are working directly with the nine chapters to analyze and measure the number, size, and location of the homes with related infrastructure needs. The task force continues to work effortlessly to assure progress is moving forward. The next meeting is scheduled for May 3rd.

Navajo Indian Irrigation Project - Navajo Agricultural Products Industry

Firstly, on behalf of the 23rd Navajo Nation Council, I congratulate Wilton Charley for his recent appointment as Chief Executive Officer of Navajo Agricultural Products Industry (NAPI). My colleagues and I look to continuing our partnership and dialogue in a manner that encompasses growth and prosperity for NAPI and its many employees.

On February 26th, the Office of the Speaker met with federal officials and management from NAPI to discuss the importance of securing funds for the Navajo Indian Irrigation Project (NIIP). The discussion resulted in the formation of a technical team to focus on developing a proposal that will be used to advocate for funding at the federal level. In addition, a policy team was also established to focus on developing alternative options in the event that the NIIP is not completed.

The policy team consisting of the Resources and Development Committee, Office of the President and Vice President, NAPI officials, and the Office of the Speaker met on March 31st to discuss alternative options for NIIP, which may not be completed considering factors such as infrastructure, water, power, Operations and Maintenance (O&M) costs, and farm acreage.

NAPI CEO Wilton Charley highlighted some of the concerns and challenges including:

- P.L. 93-638 Funding - current funding level will not increase
- Gallegos Pumping Plant, which was built to serve Blocks 10 and 11; currently 70% is being utilized and at some point, NAPI will be paying for these costs

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- Facility Transfer of Block 8 and Gallegos Pumping Plant is scheduled to be transferred to the Bureau of Indian Affairs through the P.L. 93-638 contract. However, funding will not come with the added responsibility, which further impacts the current funding level.
- Block 5 Kutz Pumping Station could put 10,000 acres at risk if any failure occurs. O&M funds or NAPI could not afford to cover the repair cost if any failure occurs. There would be no adequate O&M funding to deliver water.

It is a priority of the 23rd Navajo Nation Council to address alternative options for the NIIP project. At a meeting held on April 12th, the discussion focused on whether the full build out of NIIP is a realistic possibility due to the current annual funding level of \$3.3 million. Federal officials, Office of the Speaker, Resources and Development Committee, Office of the President and Vice President, and NAPI officials were in attendance.

NAPI officials provided alternative options to complete Blocks 10 and 11 and addressed the financial impacts of NAPI. NAPI officials stated that operations could be sustained if Blocks 10 and 11 were to be completed, indicating a favorable financial outlook.

NAPI's primary concern is the O&M cost. Currently, NAPI is working to develop value-added-initiatives such as a Cattle Feed-Lot, Hog Farm, Meat Processing and Packing Plant, Dairy Farm, Dairy Product Manufacturing, Poultry House, Vegetable Processing, and Potato/Fry Plant. If a failure occurred in any of NIIP infrastructure NAPI may lose 10,000-acres automatically, which impacts the value added projects – a major concern for the Navajo Nation. This is one area the Navajo Nation needs to address.

With all the information provided to the federal officials, they will update and validate the data and report back to the Navajo Nation. During the meeting, I emphasized that the Navajo Nation cannot continue to drag this issue further and a decision has to be made on the position of the Navajo Nation. Once a decision is made from the Nation, it will go back to the federal government on moving forward.

The next meeting is scheduled for June 22nd. Other federal officials including the federal Office of Management and Budget will be invited to participate in future meetings.

Fire and Rescue Services - San Juan County, New Mexico

Since the most recent report in January, discussions between the Navajo Nation and San Juan County, New Mexico regarding Fire and Rescue Services for the communities of Newcomb, Shiprock, and Ojo stations have continued.

The two parties had several meetings in Window Rock to further coordinate the transition. Participants included the Office of the President and Vice President, Navajo Nation Department of Justice, Division of Public Safety, Navajo Nation Fire and Rescue Department, Emergency Medical Services, Office of Management and Budget, Office of the Controller, Navajo Nation Telecommunications Commission, Navajo Nation Risk Management, Property Management, officials from San Juan County, and the Office of the Speaker.

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The various entities had discussions regarding the April 1st target date to transition, determined by President Russell Begaye. Significant items of discussion included the transitioning of the buildings and equipment at each station. San Juan County Fire and Rescue were to provide a detailed inventory list to the Navajo Nation.

Another important item of consideration is the 9-1-1 emergency communications call center used by San Juan County. The Nation must determine whether it will establish its own call center or continue operations with San Juan Communications Authority, which will entail fees.

Discussions also include the ongoing recruitment of full-time Navajo fire fighters and volunteer fire fighters, which are a necessary component to efficiently operate each station. The consideration of pharmacy and medical direction is another issue that has drawn attention. The Nation would be required to negotiate an agreement and pay a fee to allow Navajo fire fighters, trained and certified, to provide various types of medical aid under an approved license.

In late March, it was determined that the target date of April 1st to transition could not be met due to challenges such as the recruitment of full-time fire fighters. At the time, the Department of Personnel Management and Navajo Nation Fire and Rescue indicated that 7 of the 15 total positions were filled pending completed background checks.

Another issue is the lack of applicants for potential volunteers for the three fire stations. The Nation was also facing time limitations due to the incompleteness of the transfer of capital and inventory for each of the stations. The Nation also lacks emergency communications, radio communications, or medical/pharmacy direction solidified for operations. In realizing the likelihood of not meeting the target date the Navajo Nation and San Juan County began discussion of a Memorandum of Agreement (MOA).

The MOA requests San Juan County to continue services. The agreement indicated that beginning in April, the Navajo Nation would pay an amount of \$67,500 to San Juan County through June 2016 with an option to continue through September 2016 or until such time the Navajo Nation completes transition. The San Juan County Commission approved the MOA on April 5th. Currently, the Navajo Nation is completing the process of finalizing the MOA.

Energy

Energy on the Navajo Nation continues to be a volatile and unpredictable industry with the impacts of federal regulation and extreme market conditions. The Nation continues to rely on the royalties of oil production within our lands. With the decline in oil prices the Nation anticipates budget shortfalls.

These shortfalls are compounded by the fact that our coal production is below expected levels due to the low cost of gas, driving increased energy production at gas-fired power plants. Historically, gas prices have been high and volatile leading to the preferred use of coal as the baseload source of energy for the industry.

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With low gas prices, our power plants have been utilizing more gas-fired production within their energy portfolio to maximize low cost electricity to their customer base. We will continue to monitor the market.

Four Corners Power Plant

Arizona Public Service continues to move forward with the implementation of the federally mandated Best Available Retrofit Technology (BART) to meet the clean air standards. This implementation will require one of the two remaining units to be shut down for a time while the retrofits are installed.

Changes in management at APS have occurred due to retirements. APS has made an effort to provide additional training for their Navajo workforce to assist them in qualifying for these management positions within the power plant.

Negotiations continue with the purchase of the seven-percent ownership interest left by the departure of El Paso Electric Company from the Four Corners Power Plant. The Navajo Transitional Energy Company hopes to join the partners at Four Corners Power Plant in the generation and sale of electricity to the four corners region, further diversifying our Nation's energy portfolio.

With the Navajo Transitional Energy Company's mandate to invest in alternative and renewable energy resources, the Nation will be able to further diversify our energy and economic portfolio to shore up our ability to meet our projected budget revenues necessary to further our essential governmental functions.

Navajo Tribal Utility Authority – Solar Utility Facility

Navajo Tribal Utility Authority (NTUA) is due to break ground on April 23rd on the Navajo Nation's first commercial scale solar utility facility in Kayenta, Arizona.

This is a project that required creative problem solving, out of the box thinking and support from NTUA's planners, engineers and leadership, as well as lobbying and support from Navajo Nation leadership to make this happen. NTUA has worked long and hard over the years to move the Navajo Nation towards renewable energy resources despite the many challenges.

This project marks an important milestone in the Navajo Nation's efforts to break through the renewable energy project barrier and we hope to witness many more renewable energy projects in the future. On behalf of the Council, I extend my appreciation to the Kayenta Chapter and local community members who supported this project with the approval of land necessary for this successful project.

Energy Task Force

The inaugural meeting of the Navajo Nation Energy Task force took place at the beginning of the Navajo Nation's Energy Summit. This was an organizational meeting to set the Task Force in place and to begin to discuss the critical energy matters of the Navajo Nation. Both the Legislative Branch and Executive Branch

hold important responsibilities in ensuring that our energy resources are maximized for the benefit of our people in terms of jobs and revenues, so it is important that we are able to sit together on this Task Force and communicate the needs of our people.

Through the passage of the Navajo Nation Energy Act of 2013, the groundwork for this Task Force was created. Two main responsibilities rest with the Task Force; first to plan and implement the creation of a Navajo Nation Department of Energy, and second to receive and act on energy projects on the Navajo Nation.

Gold King Mine Spill

On March 28th, the U.S. Senate Committee on Indian Affairs issued an invitation to testify before the committee on April 22nd for an oversight hearing entitled, "Examining EPA's Unacceptable Response to Indian Tribes."

Unfortunately, the oversight hearing will not be held on the Navajo Nation despite numerous chapter resolutions requesting the hearing to be held within or near the impacted communities. Resources and Development Committee chairman Alton Joe Shepherd and I issued two separate letters to President Russell Begaye requesting his assistance in advocating for the hearing to be held on the Navajo Nation. Despite these efforts, the hearing has been scheduled to take place at Phoenix City Hall in Phoenix, Arizona.

As a delegate that represents several chapters that were impacted by the spill that occurred in August 2015, I will provide testimony on behalf of the chapters that I represent and also as an impacted farmer and livestock owner. I look forward to providing testimony on behalf of our Navajo people. I respectfully ask for Council's support and also the support of all of Diné Citizens as we go before the U.S. Senate Committee on Indian Affairs.

Navajo Nation Council Chambers

On February 18th, Chavez-Grievess Consulting Engineers, Inc. conducted a structural investigation of the Navajo Nation Council Chambers. The findings were conveyed in a report outlining the structural conditions of the roof, floor, and framing of the historic Navajo Nation Council Chambers. The report is limited to the structure of the facility and was not intended to address other areas such as architectural, mechanical, or electrical aspects.

The findings within the report were compared to previous investigation completed by Rick Lewis Architect in the fall of 2003. Rick Lewis Architect reported scaled drawing, and historic nature of the chambers but did not address the structural conditions.

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Structural Investigation

Roofing: As reported by Chavez-Grievies the roof structure is based on conservative designs with a well thought out system. Field measurements were conducted to analyze the stress levels using a thirty-pound square-foot snow load and the existing dead loads. Results of the analysis show a very stable roof and the stresses in the high roof beams at the wall are relatively low.

The deteriorated beams outside of the high roof wall also show acceptable stress levels. If preferred, it would be possible to remove the damaged beam beyond the high wall and the increase in stress level will be acceptable. However, the work should be carefully monitored to maintain the integrity of the bearing portion of the beam in and on the wall.

The rotted portions of the beams were reported to be as deep as six-inches. While repairs are being implemented, temporary support will be required. Chavez-Grievies provided several references, which may assist in the design of future repairs and will require the involvement of wood preservation experts.

The stress level in the exposed beams does not require immediate replacement, however, to preserve the historic appearance of the chamber a significant portion of the exposed beams should be replaced. More specifically, all cantilevered portions will need to be removed and replaced while other exposed portions can be repaired and retained.

Flooring: The floor was inspected through the crawl space. There is a concrete slab over the crawl space, which was noted to be in excellent condition with no remedial action required.

Walls: Upon further inspection, one stone in the high wall has some deterioration and can be solidified using epoxy injections. Several stones have some surface erosion and will need to be sealed to prevent further erosion. The crack above the east entrance can be repaired, while the vast majority of the exposed sandstone wall surface is still in very good condition, there are limited repairs required.

Lastly, the structural investigation is the initial phase and addresses some of the concerns regarding the buildings safety. As stated in the report, the Council Chambers was well designed and is safe for continued use by the Council and the public. The Office of the Speaker will discuss the next phase and will require the involvement of the Navajo Nation Historic Preservation Department to assist and provide guidance in ensuring all protocol compliance. In addition, Chavez-Grievies Consultants will provide scenarios for alternative repair options to the roof, flooring and walls. Design and Engineering will continue to be involved and provide technical support.

Second Quarterly Report Program Summaries Fiscal Year 2016

Office of the Auditor General

The Office of the Auditor General conducts internal audits of Navajo Nation programs, departments, chapters, entities and vendors in conjunction with the "One Nation, One Voice" governance priority of the Navajo Nation.

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Accomplishments from 2nd Quarter: Issued 10 reports:

- Report 16-10 FY2015 3rd Quarter Unspent Chapter Funds
- Report 16-11 Oaksprings Chapter Official (former) Investigation
- Report 16-12 FY2015 4th Quarter Unspent Chapter Funds
- Report 16-13 Dilkon Chapter Internal Audit
- Report 16-14 Oaksprings Chapter Official (current) Investigation
- Report 16-15 Tribal Ranch Program Follow-up
- Report 16-16 Becenti Chapter Corrective Action Plan Follow-up Review
- Report 16-17 Chapter Positions Job Classification and Compensation Study
- Report 16-18 Red Valley Chapter Corrective Action Plan Follow-up Review
- Report 16-19 Inscription House LGA Review

Goals for 3rd Quarter (ongoing projects and activities)

- Whitecone Chapter Cash Receipts Special Review
- Whitehorse Lake Chapter Corrective Action Plan Follow-up Review
- Sawmill Chapter Corrective Action Plan Follow-up Review
- Mariano Lake Chapter Corrective Action Plan Follow-up Review
- Upper Fruitland Chapter Finances Special Review
- Many Farms Corrective Action Plan Follow-up Review
- Accounts Payable Duplicate Payment Special Review
- Contingency Management Fund Special Review
- Tribal Parks Special Review
- Water Resources Internal Audit
- FMIS Disaster Recovery Corrective Action Plan Follow-up Review
- Tonalea Chapter LGA Follow-up Review
- Parks and Recreation Department Corrective Action Plan Follow-up Review

Speaker's Report

- Fraud Investigations of two chapters
- Revisits of sanctioned programs/chapters:
- Navajo Area Agency on Aging
- Workforce Development
- Shiprock Chapter
- Teec Nos Pos Chapter

Issues/Recommendations

- Lack of auditors to conduct surprise audit of chapters. Recommend funding additional five (5) auditors to do surprise audits at each agency.
- Lack of auditors to conduct performance audit of Navajo Nation programs and departments. Recommend funding additional five (5) auditors to be assigned at the division.
- Lack of auditors to conduct follow-up reviews of programs and chapters corrective action plan implementation. Recommend funding additional three (3) auditors to do follow-up.
- Lack of funding to pay for the risk assessment of Executive Branch departments and programs costing approximately \$100,000.

Black Mesa Review Board

Section One: Accomplishments from 2nd quarter

- Sent resolution requesting funds for Many Mules Waterline Project. From Sihasin Trust Fund to our Council Delegates
- Navajo Nation President signed off on 1.1 million from Sihasin Trust Fund for Many Mules Waterline Project
- Encourage our Infrastructure committee to designated 1.5 million from Peabody Funds for FY 2016 to go to Many Mules Waterline so they agreed
- Many Mules Waterline Project was moved up on IHS's project listing
- Funds have been identified for Phase 1
- Coordinated public information in coordination with Peabody Western Coal Company (PWCC)
- Helping with Solar Project and Scattered Power Line for the impacted area
- Communicating with PWCC and community about Coal and Wood Grub

Section Two: Goals for 3rd quarter

- Monitor the construction of the Many Mules Waterline Project for Phase 1
- Continue to seek funds for the waterline project
- Advocate for local people to be employed during construction
- Encourage Infrastructure Committee to seeks funds for the waterline
- Work on chapter resolution if necessary
- Monitor solar and scattered power line to completion
- Provided community education by presenters about issues
- Continue to meet with PWCC about community outreach and mining issues

Section Three: Issues/Recommendations

- Grazing, erosions, invasive plants growing, broken fencing. BMRB will schedule a meeting with Maria Shepherd from PWCC
- Lacking funds for Many Mules Waterline Project. BMRB will continue looking for Infrastructure funds and try to seek matching funds
- Wild horses in Reclamation Area. BMRB will assist PWCC, NN ranger and Dept of Agriculture
- Lacking a representative from Kayenta Chapter. BMRB will to contact the chapter for a representative

Eastern Navajo Land Commission

Contact Person: Larry Rodgers, Executive Director

Contact Phone Number: 505/786-2432

Contact Email Address: lasar98@yahoo.com

Section One: Accomplishments from 2nd quarter:

- Commission's top priorities (1: NELI/NIIP Project; 2: Resolving FWAD; 3: Oversight of Navajo Land Buy-Back Program; 4) New land purchase opportunities).
- The Commission supported the Speaker conclude final revisions of the FWAD land division as Directed by the Naabi Committee. The Commission passed its resolution with new recommendations and a finalized map based on the Speaker-Zuni Governor talks.
- Conducted one Govt-to-Govt (G2G) meeting with USDOJ in implementing the Navajo LBBP that: Resolved "structures" on and homesite lease matters on allotments – The RDC approved an amendment to the current NN Homesite regulations to honor all homesite leases that maybe part of full sold allotments through the Buy-Back Program.
- The Navajo BBP sponsored more than 350 outreach meetings providing information to over 10,000 people since August. The Navajo BBP continues to employ 14 temporary Navajo staff providing outreach educational and information meetings through the NN and four-state metro areas.

Section Two: Goals for 3rd Quarter:

- Resume talks on the NELI/NIIP Project with the New Mexico Congressional Delegation.
- Conclude final input to the NM Congressional regard the federal FWAD land division legislation.
- Continue oversight of the Navajo BBP. The Pre-Offer phase concludes the month of April and new outreach on Offer packages will be the next educational activities through August. There will be increased informative outreach effort by radio, print media, and social media. The Office of ENLC was successful in obtaining \$470,050 for the continuation of the Navajo BBP through September 30, 2016.

Section Three: Issues/Recommendations:

- The additional funds received from the Federal LBBP will need to be acknowledged by the NN as

Speaker's Report

soon as possible so not to interrupt the Navajo program operations. Some of the funds are effective May while most of the funding is effective July to September.

Navajo Nation Ethics and Rules Office

Vernon J. Roanhorse, Executive Director

(vernonjroanhorse@navajo-nsn.gov)

WEBSITE: www.nnethicsrules.navajo-nsn.gov

Section One: Accomplishments from 1st Quarter

- Initiated process to amend Statute of Limitations amendments as first priority to complete and present to Navajo Nation Council Law and Order and standing Committee
- Working with Columbia Law School NALSA, Arizona State University Law School and New York Ethics Commission director in amending the Navajo Nation Ethics in Government Law/Navajo Nation Standards of Conduct as comprehensive legislative initiative to update and change the existing Navajo Nation Law.

Section Two: Goals for 3rd Quarter

- Create permanent positions for Ethics and Rules Office to include; a Forensic Auditor, Investigator or an Administrative Legal Assistant temporarily for 60 to 90 days.
- Shall continue to seek out additional funds to hire additional staff; 2 Presenting Officer, 4 Investigator/Forensic Auditors.
- Submit the revised Ethics and Rules Administrative Hearing Rules as revised by the Office of Hearings and Appeals and Ethics in Government Laws to the Navajo Nation Council Law and Order Committee for final approval.
- To continue to work with Respondents on the collection of restitution payments; Order to Show Cause cases with OHA and filing for garnishment of wages per the Garnishment Act in Navajo Nation District Court.

Section Three: Issues/Recommendations

- Develop legislation to transfer the Navajo Nation Prosecutor White Collar Unit under the Ethics and Rules Office to prosecute cases criminally in addition to existing civil prosecution of cases as set under Title 2
- Set up work sessions and professional staff development for NNERO staff in next quarter including the Law and Order Committee and the Resources and Development Committee to implement transfer of Navajo Nation Prosecutor White Collar Unit under the Navajo Nation Ethics and Rules Office

Office of Navajo Government Development

Contact Person: Lillie Roanhorse, Executive Director

Contact Telephone Number: (928) 871-7214

Contact Email Address: lillieroanhorse@navajo-nsn.gov

Accomplishments

The Office of Navajo Government Development (ONGD) is part of the governance priority of the nine priorities which were set by the Navajo Nation Government. As a part of the governance, the major accomplishments of ONGD are listed below.

- On January 14, 2016, the ONGD and the Commission on Navajo Government Development (CNGD) were directed by the Naabik'yati' Committee of the Navajo Nation Council to study the effectiveness of the reduced Navajo Nation Council. ONGD did not get a finalized copy until mid February 2016. The ONGD has been surveying people and chapter officials since March 2016. A thorough study will require more time.
- The ONGD is a part of the Task Force created by the Resources and Development Committee of the Navajo Nation Council to review Title 26, the Local Governance Act for amendments. The Task Force recommended to implement a proposed major reform to Title 26 that will initiate a regional form of government. Chapters will be consolidated into regions. The ONGD staff is gathering comments on the proposed regional government. In this quarter, the ONGD hosted public education sessions at 47 chapters/communities, organizations, tribal departments and high schools (Flagstaff, Wingate and Shiprock).
- ONGD staff also provided technical assistance in community land use plans and pre-LGA and post-LGA certification, Title 26 and alternative forms of government to three chapters. Chapters requested ONGD services in these areas.

Goals

- Nation building-review all aspects of the existing government structure at the local level through public hearings, listening sessions, etc. to get recommendations from the Navajo people.
- Local government empowerment-provide technical assistance to non-LGA and LGA certified chapters so they can be self-sufficient.
- Public education-Educate the Navajo people on government development using educational curricula such as brochures, published reports and the internet.

Issues/Recommendations

- ONGD has limited funds for program goals and activities. ONGD requested for supplemental funds.

Speaker's Report

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 2nd Quarter

- Public Hearing on Bordertown Employment Issues: Conducted a public hearing at Leupp Chapter House on March 9, 2016. The purpose of the public hearings was to assess employment issues in Flagstaff, Winslow, Holbrook and Page areas. However, no one presented to the commission.
- Navajo Consumer Credit Seminar: Arranged and facilitated Navajo consumer credit seminar at Navajo Technical University ("NTU") in Crownpoint. Students at NTU and community member participated in the seminar.
- Solicited data from bordertowns: The commission selected four bordertowns to assess employment issues. Continued to probe data from Blanding, Utah, with the assistance of United States Department of Justice.
- Work on International Human Rights Issues: Staff accompanied members of the Subcommittee on Sacred Sites to meet with United States Department of State. The issue principally addressed is the international repatriation of sacred objects and continued desecration of the San Francisco Peaks.
- Reviewed Citizen Complaints: The office received new complaints during the second quarter of FY16. Proper intake meetings were conducted and majority of the complaints were staffed for investigations; issues include predatory auto sales, employee issues, and mistreatment by law enforcement. In addition, the office continued the efforts to work with the City of Albuquerque regarding Navajo persons that are homeless.
- Pool potential plaintiffs: The commission is working with Navajo Department of Justice to assess Navajo consumer concerns and develop plan(s) to bring action against lenders; in light of the issues, the office is working with Arizona Attorney General's office to formulate strategies to address predatory auto lending.
- Ensure San Juan County Utah voting rights is addressed: The federal district court noted in February 2016 to appoint a special master to address the redistricting maps for San Juan County Utah school board and commission election districts. In addition, the office along with named Navajo plaintiffs filed a complaint in federal district court pertaining to mail-in voting.

Section Two: Goals for 3rd Quarter

- Consumer Credit Seminar: Navajo citizens continue to request seminar on consumer credit and predatory auto sales and small loans.
- Conduct Seminar on LGBTQ: Anticipating the final report to be adopted by the Commission on violence against Navajo women and gender violence, Diné Life Way principles will be considered which will serve as a guide to addressing gender violence and discrimination. These principles will be presented at a seminar.
- Conduct Public Hearing: Conduct the second public hearing on assessing employment issues in the

bordertowns.

- Continue Assessment Data: Continue to collect data from border towns in preparation for the Farmington public hearing.
- Continue Receive Complaints: Navajo citizens file complaint about race discrimination and human rights violations.

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 commission while Navajo Historic Preservation Department ("HPD") statutorily protects all Navajo cultural resources. It is necessary to streamline now both commission and HPD would respond to cultural properties issues.
- OAS Draft Declaration: The Organization of American States ("OAS") is re-initiating the working group on indigenous rights to draft the OAS declaration on rights of indigenous peoples. It is important that Navajo Nation participate in these meeting in light of United States' role in the drafting of the declaration and how Navajo Nation should advance the protection of its people's human rights.
- Consumer Advocacy: The Navajo people significantly depend on the goods and services provided in the border towns. Many Navajos also move to the border towns for better education and jobs while they continue to maintain strong connection with their traditions, culture and values. It is essential that Navajo Nation advocate for advancement in assuring that these Navajo individuals have an opportunity to become leaders in these border towns, too.

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 2nd quarter:

- Efficient use of allocated funds, NNLC held fifteen (18) evidentiary hearings
- NNLC and program timely processed two (2) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed one (12) formally filed complaint
- NNLC timely adjudicated fifteen (18) NPEA cases
- NNLC and program timely closed and issued eight (10) orders
- NNLC & program timely issued and mailed eight hundred (900) subpoenas and notice of hearings by first class, facsimile and email to counsels of record or parties
- NNLC will continue to adjudicate one hundred thirty five (110) pending NPEA cases
- NNLC program made five (3) audio copies at parties' request

Speaker's Report

Section Two: Goals for 3rd Quarter:

- 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

Section Three: Issues/Recommendation(s):

- NNLC only received funding for 62 hearings for FY 2016. Additional funds will be needed to adjudicate pending NPEA cases during FY2016. In FY 2015, NNLC conducted 121 evidentiary hearings. Additional funds were provided by Office of the Speaker.

Navajo Nation Election Administration

Contact Person: Edison J. Wauneka, Executive Director

Contact Phone Number: 928/871-6367

Contact Email Address: navajoelections@navajo-nsn.gov

Section One: Accomplishments from 2nd Quarter

- Continue Filling Vacancies
- Completed School Board Apportionment
- Continuing 2016 Navajo Nation Chapter Election
- Streamlining Election Day activities with Navajo County
- Established Voting Rights Coordinator position with Cibola County at Ramah Navajo Chapter
- Filling State Wide Voting Rights Coordinator with New Mexico Secretary of State
- Conduct Tri-County meeting with Apache, Navajo and Coconino Countys
- Conducted New Mexico Native American Election Information Program Meeting with New Mexico Counties
- Continuing Election Code Amendments
- Developed 2018 Navajo Nation Election Calendar
- Continuing Navajo Nation and States Voter Registration Drives
- Continuing to Meet Navajo Board of Election Supervisors Goals and Objectives

Section Two: Goals for 2nd Quarter

- 2016 Navajo Nation Chapter Election
- Begin the Cycle 1 of Navajo Nation Council Reapportionment
- Public Education for 2016 Navajo Nation and State Elections
- Enforce Election Laws and Policies
- Amend Election Laws

- Fill Existing Elected Position Vacancies within Navajo Nation

Section Three: Issues/Recommendations

- Election Administration needs Office and Storage Space
- Obtain Independent Legal Counsel
- Establish Board and Administration as Independent Entity
- Navajo Nation Election Needs New Voting Equipment

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 2nd quarter

- The Navajo Utah Commission obtained \$100,000 in FY2016 non-chapter Utah Navajo Revitalization Fund (NRF) appropriations for construction of the Aneth Chapter Warehouse & Bus Storage Facility Project. The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Aneth Chapter have established a project planning team to facilitate completion of proposed capital project.
- The Navajo Utah Commission worked with the Utah Native American Legislative Liaison Committee (NALLC) and sponsor Sen. Kevin Van Tassell to obtain enactment of S.B. 14 (American Indian-Alaskan Native Education Amendments) during the 2016 Utah Legislature. S.B. 14 will appropriate \$250,000 annually for a five-year pilot period to address recruitment and retention of efficient teachers for Native American – concentrated schools including five San Juan School District schools on the Navajo Nation in Utah.
- The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Navajo Nation Department of Design & Engineering Services (DES) have initiated monthly project coordination meetings with Red Mesa Chapter, Teec Nos Pos Chapter, and Oljato Chapter. Technical assistance provided by service providers have advanced capital projects considerably including Administration Building Project at Red Mesa, Chapter Renovation Project at Teec Nos Pos, and preliminary planning for new chapter at Oljato.
- The Navajo Utah Commission (NUC) assisted the Navajo Nation Contracts Accounting Department in securing contract reimbursements in the amount of \$128,110.29 pursuant to the NUC's housing contract from the Utah Olene Walker Housing Loan Fund (K124006). NUC is currently seeking another reimbursement amount of \$10,646.70 from the OWHLF contract.

Section Two: Goals for 3rd Quarter

- The Navajo Utah Commission and assembled project planning team will conduct monthly project coordination meetings with Red Mesa, Teec Nos Pos, Oljato, and Aneth chapters in developing their capital projects. Red Mesa will execute contract with architect for A&E services, Teec Nos Pos will be seeking general contractor, and A&E procurement activities will be conducted for projects at Oljato

Speaker's Report

and Aneth chapters.

- The Navajo Utah Commission will work with the San Juan School District (SJSD) and the Navajo representatives on the SJSD School Board to ensure SJSD schools located on the Navajo Nation prepare and submit competitive funding applications to the Utah State Office of Education to address low academic performance at school serving Navajo students.
- The Navajo Utah Commission will assist the Teec Nos Pos and Aneth chapters in fulfilling contractual obligations for housing projects appropriated by the Utah Olene Walker Housing Loan Fund (OW-HLF). The Teec Nos Pos and Aneth chapters will each initiate construction of one housing unit in their respective communities.
- The Navajo Utah Commission will assist Utah chapters with funding applications for submittal to the Utah Navajo Trust Fund in July 2016 for capital projects nearing project readiness including completion of preliminary planning.

Section Three: Issues/Recommendations (list using bullet points)

- The Navajo Nation Council hired a legislative lobbyist for the 2016 Utah Legislature. There was limited interaction and communications with the Utah chapters. The Utah legislative interim committee process begins in the spring and extends into early fall. Legislative priorities and funding priorities are determined during this period. The Navajo Utah Commission and the Utah chapters are seeking a more proactive and interactive association with the Utah lobbyist to take full advantage of the opportunities made available by the Utah Legislative process.

LEGISLATIVE INFORMATION TECHNOLOGY QUARTERLY REPORT
JANUARY 2016 THROUGH APRIL 2016

The Legislative Branch computer network

The purpose and goal of the Information Technology Section is to increase the use of technology within the legislative branch and to help make the legislative process more efficient and effective. We also want to move the Legislative Branch toward a more paperless work environment, reducing the amount of paperwork that is generated on a daily basis.

The IT Section, working with International Roll Call, performed an upgrade to the voting system used in the council chambers. We recently obtained an additional license for the voting system that allows the use of the voting system for Naa'bik'iyati' Committee meetings. This allows the committee to use their voting buttons at their desks and also their request to speak buttons. This replaces the need for voting by raising their hands and also allows them to enter the request to speak queue instead of waiting for acknowledgement by the Speaker. We are working with International Roll Call to look at the possibility of making the voting system portable, which will allow the use of the voting system at meetings away from the council chambers.

The IT Section has been assisting the Office of Broadcast Services (OBS) with the web streaming of the Navajo Nation Council regular and special sessions. We have been providing assistance in the network setup of the OBS Tricaster and audio equipment.

Support to Navajo Nation Council, Naa'bik'iyati and Standing Committees

The IT staff is responsible for technical support to the Naa'bik'iyati' Committee meetings and the Navajo Nation Council regular sessions, special sessions and work sessions. This support includes assisting users who had forgotten their network and e-mail passwords. We also assist in transferring contacts and other information when delegates and staff are upgraded to new cell phones.

We provide assistance to presenters who need to make PowerPoint presentations and video conferencing (Skype) presentations to the Navajo Nation Council and other committee meetings. The IT Section also digitally records the Naa'bik'iyati' Committee and Navajo Nation Council sessions for archive purposes.

The IT staff has installed 3 new 60" flat screen TV's in the council chambers. One of the TV's is being used to project the voting results, the amount of time that presenters and delegates have while debating legislation and the Request To Speak queue. The other 2 TV's are used to project the current legislation that is being addressed by the council and also to show amendments as they are being introduced. The TV's are also used for PowerPoint presentations and video conferencing sessions.

Legislative network maintenance

Other IT duties handled by the IT Section staff include day-to-day maintenance and support of the file and application servers, various printers, wireless networks, posting of

legislation onto the Navajo Nation Council website and daily computer support for network users.

We have configured an additional server to replace our old backup server. We are in the process of upgrading our Symantec Backup Exec software. We are also in the process of ordering and will be configuring and deploying a new anti-virus server as well as updated Symantec Endpoint Antivirus software.

Legislative network support

The IT Section also provides technical support to Legislative Branch staff. We provide computer technical support to the various programs within the legislative branch, as well as technical support during the Navajo Nation Council sessions, special sessions and work sessions. We assist these offices with technical support, which includes system maintenance, virus and malware detection and removal, configuration of new servers, laptops and other equipment and other repair and troubleshooting duties. We also assist in the retrieval of documents after employees leave and transfer of documents from old laptops to new laptops.

Eugene Jarvis has been working with the Office of the Auditor General in the installation, configuration and troubleshooting of TeamMate Auditing Software. There were some issues with the installation and Eugene worked extensively with the TeamMate technical support to resolve those issues. The software is now installed and the OAG staff is working with the software.

Richard Morgan has been working with different departments and offices on the implementation and daily use of the DocuStore software. He has also been configuring and issuing new laptops to Legislative staff and LDA's.

Legislative Branch websites

During the 2nd quarter of FY 2016, the Information Technology (IT) staff has been busy keeping the website for the 23rd Navajo Nation Council updated. The website address is www.navajonationcouncil.org. The IT Section is responsible for updating and maintaining press releases, meeting agendas, committee information and current legislation that are undergoing the new 5 day comment period as mandated by Title 2.

We are working in with the Department of Information Technology web design team to create a newly redesigned website that will be focused on the 23rd Navajo Nation Council. The new website is being designed using the Dotnet Nuke software platform. This will allow the website to be maintained more dynamically. We are hoping to migrate over to the new website by the middle of May, due to some programming glitches that need to be resolved.

NAABIK'IYATI' COMMITTEE

FY 2016 – 2nd Quarter

Narrative Report

ESTABLISHMENT:

2 N.N.C. § 700 (A) established the Naabik'iyati' Committee as a standing committee to have oversight over the Legislative Branch, promulgate Navajo Nation laws, rules and regulations, and coordinate appearances and testimonies before federal, state and other non-Navajo governmental entities.

AUTHORITIES:

2 N.N.C. § 701 codified the authorities of the Naabik'iyati' Committee. In summarization it encompasses intergovernmental relations, confirmation of appointment, approval all grants and contracts, and approve negotiation of indirect cost rate.

Other sections of the Navajo Nation Code gives authority to the Naabik'iyati' Committee to review all legislation subject to the approval of the Navajo Nation Council, controversial legislation and vetoed legislation.

COMMITTEE MEMBERSHIP:

Committee membership includes all 24 Navajo Nation Council Delegates

COMMITTEE LEADERSHIP/STAFF:

Chairman	Honorable LoRenzo C. Bates, Speaker, Navajo Nation Council
Legislative Advisor	Tom Platero, OLS Executive Director
Legislative Reporter	Marjorie James, OLS Legislative Reporter Supervisor

SUMMARY OF COMMITTEE MEETINGS/LEGISLATION FOR CONSIDERATION:

January 14, 2016	Regular Meeting	18 Legislation
January 21, 2016	Regular Meeting	18 Legislation
January 22, 2016	Work Session	0 Legislation
January 25, 2016	Special Meeting	6 Legislation
February 11, 2016	Regular Meeting	14 Legislation
February 19, 2016	Regular Meeting	7 Legislation
March 2, 2016	Regular Meeting	9 Legislation
March 10, 2016	Regular Meeting	2 Legislation

PERFORMANCE MEASURES:

See attached copy of Naabik'iyati' Committee FY 2016 2nd Quarter Form 2 Report

THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: 101033 Program Name/Title: Naabik'iyaali' Committee

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

Resolution No. 2 NNC 700/CAP-10-11: Naabik'iyaali' Committee is hereby established as a standing committee and it shall use Nilsa'haakees, Nahat'a, lina' and Silhasin in exercising oversight authority (including the authority to promulgate rules and regulations): to confirm all appointments to boards and commissions, to recommend an agenda for Navajo Nation Council sessions, to approve the plan of operation for the legislative branch, to coordinate with all committees the appearance and testimony before non-Navajo government federal, state or other entities, to provide for the compilation and publication of all Navajo Nation laws, rules and regulations, to appoint directors of legislative offices not otherwise provided for by law, and other related matter. The Chairperson of the committee shall be the Speaker of the Navajo Nation Council.

PART III. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

Accepts contracts, grants, agreements per month with federal, state and other tribal governments.

Goal Statement:

Ensure all contracts, grants and agreements are approved in a timely manner.

2. Program Performance Area:

Approve Plan of Operation for OLC departments and programs; confirm boards and commission appointments.

Goal Statement:

Review, amend and approve Plans of Operation as outlined in duties and responsibilities.

3. Program Performance Area:

Coordinate appearances & testimony before State/Federal and Congressional entities.

Goal Statement:

Prepare and make testimony where it impacts the Navajo Nation as a government.

4. Program Performance Area:

Subcommittees: Gaming compact, Fort Wingate/Energy Task Force/Water Rights, Government Reform.

Goal Statement:

Review, evaluate & provide recommendations to Naabik'iyaali' Committee of the NNC.

5. Program Performance Area:

Prepare and recommend approval of committee & program budgets each fiscal year.

Goal Statement:

Coordinate budget recommendations that the committee has oversight authority.

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area	5	3	5	5	5	5	5	5
2. Program Performance Area	2	2	2	13	4	5	5	5
3. Program Performance Area	5	2	5	13	5	5	5	5
4. Program Performance Area	5	3	5	16	10	15	15	15
5. Program Performance Area	1	1	1	16	5	10	10	10

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

(Signature) 4/5/2016

Tom Platero, Executive Director, Office of Legislative Services
Program Manager's Printed Name and Signature/Date

(Signature) 4-5-16
Honorable Lorenzo Bates, Speaker, Navajo Nation Council.
Division Director/Branch Chief's Printed Name and Signature / Date

***BUDGET & FINANCE
COMMITTEE
OF THE
NAVAJO NATION COUNCIL***

***Fiscal Year 2016
SECOND QUARTER REPORT
January 1- March 31, 2016***

***2016 Spring Session
April 18-22, 2016***



18 April 2016

Hon. LoRenzo C. Bates, Speaker
The 23rd Navajo Nation Council
Window Rock, Navajo Nation

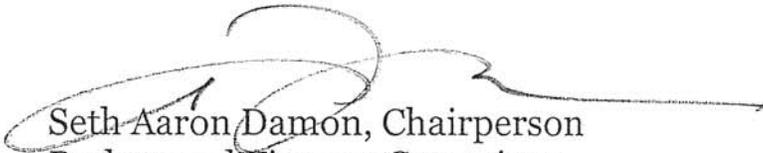
Honorable Members
The 23rd Navajo Nation Council
Window Rock, Navajo Nation

Dear Mr. Speaker and Council Delegates:

Attached hereto for your review is the Fiscal Year 2016 Second Quarter Report of significant accomplishments and activities of the Budget and Finance Committee of the Navajo Nation Council during the reporting period from January through March 2016. There were a total of **24** legislations considered by the Committee this quarter.

If there are questions relative to this report, please confer with the members of Budget and Finance Committee.

Sincerely,


Seth Aaron Damon, Chairperson
Budget and Finance Committee

**Budget and Finance Committee
Of the 23rd Navajo Nation Council
FY 2016 Second Quarter Report
January, February and March 2016**

General Information

A. Committee Membership:

Seth Damon, Chairperson, representing Manuelito, Rock Springs, Red Rock, Baahaali and Chichiltah Chapters in the Eastern Agency.

Dwight Witherspoon, Vice Chairperson, representing Hard Rock, Forest Lake, Whipporwill, Black Mesa and Pinon Chapters in the Chinle Agency.

Mel R. Begay, representing Coyote Canyon, Mexican Springs, Naschitti, Tohatchi and Bahastl'a'a Chapters in the Fort Defiance Agency.

Lee Jack, Sr., representing White Cone, Dilkon, Teesto, Indian Wells, and Greasewood Springs Chapters in the Fort Defiance Agency.

Tom T. Chee, representing the Shiprock Chapter in the Northern Agency.

Tuchoney Slim, Jr., representing Coppermine, Lechee, Bodaway-Gap, Tonalea/Red Lake and Kaibiito Chapters in the Western Navajo Agency

Contact Person: Seth Damon, Chairperson,
Budget and Finance Committee
P.O. Box 3390
Window Rock, Arizona 86515
(928) 871-6380

B. Budget and Finance Committee Meetings are held in the Budget and Finance Committee Conference Room in Window Rock, Arizona.

C. Committee Staff: Peggy Nakai, Legislative Advisor
Office of Legislative Services
(928) 871-7590
peggynakai@navajo-nsn.gov

Ramona Nelson, Legislative Reporter
Office of Legislative Services – Reporting Section
(928) 871-6949
Ramonanelson@navajo-nsn.gov

The Fiscal Year 2016 Second Quarter Report is for the reporting period from January 1, 2016 through March 31, 2016. Information contained in this report pertain to the purpose and powers of the Budget and Finance Committee (“Committee”) of the Navajo Nation Council, included are the resolutions enacted and significant activities and accomplishments of the “Committee” during the reporting period.

PURPOSE OF THE BUDGET & FINANCE COMMITTEE

Pursuant to 2 N.N.C. §§ 300 *et seq*, the purpose of the Budget and Finance Committee is:

- A. Budget and Finance Committee is hereby established as a standing committee of the Navajo Nation Council.
- B. The Committee shall consist of six members.
- C. The Committee shall exercise oversight authority including but not limited to budget, finance, investment, bonds, contracting, audits, accounting, taxes, loans, Chapter budget and finance for the following purposes:
 - 1. To Coordinate, oversee and regulate the fiscal, financial, investment and audit polices of the Navajo Nation;
 - 2. To report to the Navajo Nation Council on the fiscal and financial state of the Navajo Nation;
 - 3. To recommend to the Navajo Nation Council the adoption of legislation designed to strengthen the fiscal and financial position of the Navajo Nation to promote the efficient use of the Fiscal and financial resources of the Navajo Nation;
 - 4. To protect the interests of the Navajo people through the prudent management of the financial reserves of the Navajo Nation and the use of funds available for expenditure by the Navajo Nation;
 - 5. To act as an Audit Committee of the Navajo Nation government.

Committee Meeting Schedule

All regular meetings for the Budget and Finance Committee are held on the first and third Tuesday of each month, pursuant to 2 N.N.C. § 302.

INTRODUCTION

This report identifies areas of Committee oversight activities during the Second Quarter of Fiscal Year 2016, which includes the months of January, February and March 2016. During the reporting period, the Budget and Finance Committee approved a number of

reports in the area of budget related issues; the Committee considered and recommended approval of **24** legislations this quarter.

In January, the Committee held **2** regular meetings, **1** special meeting, **2** day joint committee work session, **3** work sessions, **1** joint committee meeting; and in February, the Committee held **2** regular meetings, **2** special meeting; In March the Committee held **2** regular meetings; a combined total: **6** regular meetings, **3** special meetings, **3** work sessions, **1** joint committee meeting and **1** 2 days joint committee work session for a combined total of **15** days of meetings during the 2nd Quarter of FY2016.

SUMMARY OF SIGNIFICANT ACTIVITIES AND ACCOMPLISHMENTS

The following is a summation of key issues brought before the Budget and Finance Committee of the Navajo Nation Council during this reporting period. If additional information is needed, the Budget and Finance Committee journals are available for public review upon request from the Office of Legislative Services, Budget and Finance Committee Legislative staff.

A brief summary of the Issues presented at Committee Meetings during the Second Quarter:

General Fund – Financial Update:

The Office of the Controller provided an update on the status of the General Fund to date, as of February 29, 2016:

- Gross revenues \$134,346,455 which includes a \$13,000,000 transfer from the Sales Tax Trust Fund and with total set asides of \$39,382,362
- Net revenue for the General Fund is \$94,964,093 which is 58.12% of the revenue projection
- Expenditure by branch this quarter: Legislative - \$6,086,004 funds expended, encumbrances of \$898,452 with remaining budget balance of \$11,978,970; Executive - \$70,902,043 funds expended, \$9,817,810 encumbered, remaining budget balance of \$106,986,618; Judicial - \$5,037,750 funds expended, \$7,052 encumbered with a remaining budget balance of \$9,071,123.
- Total General Fund Expenditures: \$82,025,797; total encumbrances: \$10,723,314 with remaining total budget of \$128,036,711.
- Undesignated, Unreserved Fund Balance of \$13,175,943 as of March 18, 2016;
- As of September 30, 2015 the UUFb balance was \$35,724,740 but per the Resolution CJA-07-06, requires to maintain a minimum fund balance of \$17,265,400, which was taken out leaving a balance of \$18,459,340 in the UUFb
- Five (5) Supplemental appropriations were made by the 23RD Navajo Nation Council, leaving a remaining balance in the UUFb of **\$13,175,943**:
 1. By Resolution CO-45-15 to Teesto Chapter in the amount of \$2,922,425
 2. By Resolution CO-47-15 to St. Michaels Special Education \$629,472
 3. By Resolution CO-43-15 to Tees Nos Pos Chapter \$500,000

4. By Resolution CJA-2-16 to Eastern Navajo Land Board \$931,500
5. By Resolution CJA-6-16 to Supreme Court Modular Construction \$300,000

FY2016 Navajo Nation General Funds Budget

The Committee received a report by a written memorandum from the Office of the Controller, Office of Management and Budget, Tax Commission Office and Minerals Department about the FY2016 revenue projection at the March 15, 2016 Committee meeting. There is a decrease in the estimated tax revenue of approximately \$2,998,800 (from \$66,983,000 to \$63,984,200). The oil and gas revenues are projected to fall from \$32,346,000 to \$19,318,000, a decrease of \$13,028,000. However, the Nation received two lump sum right-of-way payments totaling \$10,000 which offsets most of the decrease from the oil and gas royalties. This results in a net shortage of \$2,923,008 for the minerals program. Total reduction in FY2016 revenues is -\$5,622,808.

Several recommendations were made to offset the \$5.6 million decrease in the Navajo Nation General Fund Revenues:

- Use part of the \$13.175 million in the UUFB funds from FY2015
- Use part of the \$17.2 million in the 10% minimum Fund Balance funds from the FY2015 budget
- Tighten expense spending in the FY2016 General Fund budget for all programs by instituting a hiring freeze of new personnel or filling open positions; travel restrictions and training restrictions

Navajo Nation Gaming Enterprise

As a follow-up discussion on the Enterprises forbearance and Navajo Nation loan, there is a proposed legislation reducing the interest rate. Legislation No. 0005-16: An Action Relating to Resources and Development, Budget and Finance and Naabikiyati Committees and Navajo Nation Council; Approving Certain Modifications to the Loan Between the Navajo Nation and Navajo Nation Gaming Enterprise and Approving the Document Related to the Modification of the Gaming Loan *Sponsored by Seth Damon, Council Delegate*; The Committee approved the Navajo Nation Council legislation by a vote of 2 in favor 1 opposed and referred to the Naabikiyati Committee.

Navajo Nation Permanent Fund

Legislation No. 0052-16: An Action Relating to Budget and Finance and Nabikiyati Committees and the Navajo Nation Council; Approving the Navajo Nation Permanent Fund Income Five Year Expenditure Plan Sponsored by Seth Damon, Council Delegate; On March 1, 2016, the Committee recalled Legislation 0052-16 and approved it with three amendments by a vote of 4 in favor 0 opposed and referred it to the Naabikiyati Committee.

The total amount in the Permanent Trust Fund is \$1,764,214,954 as of June 30, 2015 and approximately \$26.7 million is available every year as interest income but only if the Navajo Nation Council has an approved 5 year expenditure plan.

Insurance/Risk Management

The Committee began the quarter by holding a joint committee work session with the Health, Education and Human Services Committee and the Navajo Nation Insurance and Risk Management programs. The Navajo Nation Council directed the Budget and Finance Committee to review the Nation's insurance and risk management policies to determine whether they needed amending because of the 2014 burnout of the Teesto chapter house caused by vandalism. The Council appropriated \$2.9 million to the Chapter for a new chapter house and during its deliberation of the appropriation, directed the Committee to meet and review the program policies.

It was discovered that the Chapter house was appraised at the "actual value" amount for the new construction at the old site but because of cultural reasons, the Chapter declined the appraisal and opted to move to a new site and increase the square footage for a multi-purpose building. The insurance broker had to amend the Nation's policies to address the cultural issue. The Chapter was allowed to move the construction to a new site and the square footage increased.

The Committees received an orientation on the insurance policies and requested the programs to consider several assignments for a follow-up meeting during the 3rd quarter.

Audits – Corrective Action Plans

As the Audit Committee, the Committee considered and approved:

- Legislation No. 0397-15 Dennehotso Chapter to implement corrective action plan
- Legislation No. 0306-15 imposing sanctions on Bahastl'ah Chapter
- Legislation No. 0047-16 Naa'Tisis'Aan Chapter, extending 6 months to September 15, 2016 to comply with corrective action plan, if failure to comply within that time, will result in automatic sanctions

Approval and Acceptance of Grant Applications and Awards for Chapters and Navajo Nation Government

- Authorizing the Navajo Housing Authority as the Tribally Designated Housing Entity to Submit an Application to HUD Under the Recently Announced Tribal HUD-VASH Demonstration Program

Supplemental Funds Requests

During the fourth quarter, several requests for supplemental funds were received and they are listed:

1. \$300,000 for Supreme Court Modular Building Construction
2. \$340,000 for Dzil YiJiin remodel
3. \$2,000,000 Emergency Preparation at 110 Chapters
4. \$1,786,340 District Grazing Committee, Eastern Navajo Land Board, Farm Boards
5. \$300,000 St. Bonaventure Indian Mission School for 3 school buses
6. \$500,000 Tolani Lake Senior Center Project

7. \$500,000 Cameron Chapter Demolition Project
8. \$2,000,000 West Leupp Water line Extension Project
9. \$1,600,000 Renovation or Replacement of Existing homes in the Bennett Freeze
10. \$1,746,362 Birdsprings Chapter Northwest Powerline Extension Project
11. \$43,766 Tsayatoh Modular building
12. \$832,698 Re-building of homes destroyed by the Assayi Lake Fire

Settlement Fund Appropriations

- \$180,000,000 Sihasin Waterline projects

Enterprise Fund Accounts

- \$3,298,144 Parks and Recreation Enterprise Fund Balance
- Creating an Enterprise Fund Account for Navajo Nation Veterinary and Livestock Program

Reports received by the Committee this quarter:

- The Committee received several reports at several meetings during this quarter including but not limited to chapter audits, sanctioned chapters, chapter finances, chapter fraud, chapter personnel and labor issues, unpaid federal and state taxes, decertification of certified chapters, etc.
- Ramah Settlement – the Nation will receive approximately \$51,000,000 from the contract support
- Judicial Public Safety facilities financial status
- Design and Engineering Services Master Plan
- New Mexico State TIF money
- Gaming Development Fund; Gaming funds disbursement to chapters; the fund management plan will be amended to allow chapters to use the gaming revenue funds to pay for utilities expenses and CIP project development
- Tribal bank
- Implementation of the Sihasin funds
- Job Classification and Compensation Study for Navajo Nation chapter positions

Legislations referred to other standing committees:

21 legislations were referred to other standing committees for their consideration this quarter:

Committee Training/Travel

The Budget and Finance Committee traveled off-reservation during this reporting period. The following meetings were held off-reservation:

- Joint Committee Meeting on Insurance and Risk Management Policies

Financial Report

The Budget and Finance Committee was appropriated \$100,530 as a total amount for FY2016; \$22,695.60 has been expended at 30.86%; a total remaining balance of **\$69,503.12** as of March 31, 2016. (includes IDC carryover of \$723)

PART I. PROGRAM INFORMATION:
 Business Unit No.: 101003 Program Name/Title: BUDGET AND FINANCE COMMITTEE

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

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: Conduct regular, special meetings, budget hearings, work sessions on budgets and related matters. Goal Statement: To report on quarterly basis program statistics/services provided.	5	6	5	14	5		5	
2. Program Performance Area: Implement Budget Instructions Manual/Budget Policies Manual; develop budget ceiling for FY2017; Goal Statement: Adopt an annual budget, review/recommend supplemental funds proposals, applying budget policies;	2	3	2	16	2		2	
3. Program Performance Area: Implement Title 12 Appropriations Act and Amendments Goal Statement: Review Programs/Chapters Audits; review/approve corrective action plans/sanctions; fund management plans	1	1		5	1			
4. Program Performance Area: External funds requests; matching funds requirements Goal Statement: Review/recommend/monitor expenditure of external funds to minimize reversions; ensure match funds exist	2	3	2	2	2		2	
5. Program Performance Area: Restructuring of the Navajo Nation budgeting process; develop/review expenditure plans Goal Statement: Implement restructuring of OOC/OMB; propose 5 year expenditure plan; review expenditure of General Funds	1	2	1	1	3		1	

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

 Date April 4, 2016

 Date 5-Apr-16

Pete Ken Atcity, Chief of Staff
LoRenzo C. Bates, Speaker, Office of the Speaker

2016

2nd Quarter - Quarterly Reports Budget and Finance Committee

January - March 2016

DATE	MEETINGS				HEARINGS				RESOLUTIONS				JOURNALS	Location of Meeting	
	REGULAR	SPECIAL	SUB COMMITTEE	JOINT MEETING	OVERSIGHT/PUBLIC HEARINGS	BUDGET HEARINGS	ADMINISTRATIVE HEARINGS	WORK SESSION/TRNG.	Approved (Resolutions)	DISAPPROVED	TABLED	REPORTS (LEGISLATIONS) COMMITTEE REPORTS			Oral Reports, Travels, Budgets, Other Business
1/6/2016												2			Hispanc COC - ABQ. NM
1/7/2016								X				4			Hispanc COC - ABQ. NM
1/11/2016								X				9			NN Council Chambers W/R AZ
1/12/2016								X				12			NN Council Chambers W/R AZ
1/13/2016		X									5	7			B&F Conference Rm. W/R AZ
1/20/2016			X								10	1			NN Council Chambers W/R AZ
1/20/2016	X										1	1			B&F Conference Rm. W/R AZ
2/2/2016	X										4	4			B&F Conference Rm. W/R AZ
2/12/2016		X										4			B&F Conference Rm. W/R AZ
2/16/2016	X										1	18			Shiprock Chp Hse.-Shiprock NM
2/19/2016		X									2	2			B&F Conference Rm. W/R AZ
3/1/2016	X							1			2	7			B&F Conference Rm. W/R AZ
3/15/2016	X							2			4	4			B&F Conference Rm. W/R AZ
3/23/2016			X								4	4			NN Council Chambers W/R AZ
TOTAL	5	3	2				4	3			20	79		4	

**BUDGET & FINANCE COMMITTEE
Of the NAVAJO NATION COUNCIL**

2016 – RESOLUTION LISTING

PRESIDED: SETH DAMON

DATE: March 1, 2016

BFMA-01-16 **LEGISLATION NO. 0397-16-:** An Action Relating to Resources and Development Committee and Budget and Finance; Accepting the Audit Report 15-22, Special Review of the Dennehotso Chapter Submitted by the Office of the Auditor General and Approving the corrective Action Plan Submitted by the Dennehotso Chapter

TOM T. CHEE/MELR R. BEGAY/3-0

PRESIDED: SETH DAMON

DATE: March 15, 2016

BFMA-02-16 **LEGISLATION NO. 0306-15:** An Action Relating to Resources and Development Committee and Budget and Finance; Accepting the Follow-Up Review of the Bahastl'ah Chapter Corrective Action Plan and Recommending Budget and Finance Impose Sanctions on the Bahastl'ah Chapter and Chapter Officials

TOM T. CHEE/TUCHONEY SLIM, JR./3-0

BFMA-03-16 **LEGISLATION NO. 0047-16-:** An Action Relating to Resources and Development Committee and Budget and Finance Committees; Accepting the Auditor General's Recommendation of Sanctions of the Naa'Tisis'Aan Chapter and Approving Sanctions for Failure to implement the Corrective Action Plan

DWIGHT WITHERSPOON/TUCHONEY SLIM, JR./3-0

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



**Second Quarterly Report
January, February, & March, 2016**

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



April 5, 2016

Honorable LoRenzo Bates, Speaker
23RD NAVAJO NATION COUNCIL

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

Re: LOC Second Quarterly Report 2016

Dear Mr. Speaker and Council Delegates:

The Law and Order Committee of the 23rd Navajo Nation Council respectfully submit its Second Quarterly Report for Fiscal Year 2016 to the 23rd Navajo Nation Council.

The report contains resolutions that were considered by Law and Order Committee (LOC) during the Second Quarter of FY 2016. Also report provides the significant accomplishments of the Commission during the period of January, February and March, 2016.

Respectfully submitted,

Honorable Edmund Yazzie, Chairperson
Law and Order Committee, NNC


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

cc: File

SECOND QUARTERLY REPORT

To the 23rd Navajo Nation Council
Second Year
Spring Session
FY 2016

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 Judiciary 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. **Officers** : Honorable Edmund Yazzie, Chairperson
Honorable Raymond Smith, Jr., Vice-Chairperson
- C. **Council Delegates Confirmed as Commission Members:**

<u>COMMISSIONERS</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 Jonathan Perry	Eastern	Becenti,, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Standing Rock, & Whiterock, Chapters
Honorable Raymond Smith, Jr.	Ft. Defiance	Houck, Klagetoh, Lupton, Nahata Dziil Chapters
Honorable Otto Tso	Western	Toh'Na'nees Dizi Chapter
Honorable Kee Allen Begay, Jr.	Chinle	Low Mountain, Many Farms, Nazlini, Tachee/Blup Gap, Tselani/Cottonwood Chapters

D. **Commission 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:**

Laureen Spencer, Legislative Advisor
Valcita Thompson, Legislative Reporter

**Highlights of Significant Activities
of the Law and Order Committee
During the Months of January, February & March, 2016**

LOC Regular, Special Meetings, Joint Sessions and Work Sessions:

- January 11, 2016 Meeting Site: North Conference Room, NNCC Window Rock, Az
Update reports by:
Jesse Delmar, Executive Director, DPS; Fire Chief Larry Chee, Fire Department; Delores Greyeyes, Director, Department of Corrections; Frank Balkcom, Sr., Police Chief, City of Page and Laureen Spencer, Advisor, LOC
- January 12, 2016 Meeting Site: Church Rock, New Mexico – NTU Incubator Bldg.
Joint Work Session HEHSC and LOC regarding Navajo Nation Advisory Council and Amending 2 N.N.C. § 1703 and 1704
- January 19, 2016 Meeting Site: North Conference Room, NNCC Window Rock, Az
Update reports by: Jesse Delmar, Executive Director, DPS on the activities of DPS, Priorities and Legislative Challenges. Two legislations were approved and forwarded.
- February 3, 2016 Meeting Site: Meeting cancelled
- February 8, 2016 Meeting Site: K'ai'Bii'To Chapter House, K'ai'Bii'To, Az
Update report by: K'ai'Biito' Chapter Officials regarding Substation, Fire Station, EMT's and others; City of Page Officials re: MOU/IGA; and Lena Fowler, Coconino County Supervisor re: Navajo Nation Roads and County Roads. One legislation approved/LOC final approval.
- February 16, 2016 Meeting Site: North Conference Room, NNCC Window Rock, Az
Update reports by: Jesse Delmar, Executive Director, DPS; Acting Chief Justice Allen Sloan on the Judicial Conduct Commission; Sheriff Joseph Dedman; Delores Greyeyes, Director, Department of Corrections re: State of Initiatives on Infrastructures/Funding & Academy. One legislation approved/LOC final approval and 2 legislations deleted off the agenda.
- February 22, 2016 Meeting Site: Tuba City Regional Health Care Corporation, Vermillion Cliffs Room in Health Promotions Building, Tuba City, Arizona
Report from Mrs. Lynette Bonar, CEO, Tuba City Regional Health Care Corporation; Alice Huskie, Court Administrator, Tuba City District Court; Ms. Delores Greyeyes, Director, Department of Corrections.

- February 23-25, 2016 Meeting Site: Lewis, Roca & Rotherberger, Phoenix, Az
Strategic Session with Judicial Branch, Division of Public Safety, Jesse Delmar, Executive Director, DPS and Department of Justice
Re: Goals/Objectives/Priorities. Another strategic session will be held to review the assignments until they are completed.
- March 7, 2016 Meeting Site: North Conference Room, NNCC Window Rock, Az
Update reports by: Jesse Delmar, Executive Director, DPS; Acting Chief Justice Allen Sloan on the Judicial Conduct Commission; Ms. West, Attorney, Legislative Counsel on MOA/Mileage Waiver. One legislation approved and moved forward.
- March 14, 2016 Meeting Site: North Conference Room, NNCC, Window Rock, Az
Update report by: Jesse Delmar, Executive Director, DPS on activities of DPS; Ms. West, Attorney, Office of Legislative Counsel; re: MOA for Page and legislation for mileage; Judicial Branch. One legislation approved and move forward to HEHSC.
- March 21, 2016 Meeting Site: North Conference Room, NNCC, Window Rock, Az
Update report by: Judicial Branch. Two legislations were approved, 1) IGA between Navajo Nation and City of Page, (LOC final approval); 2) Legislation move forward to HEHSC.

Joint Meeting between HEHSC and LOC regarding Sexual Assault Response with U.S. Attorney, District of Arizona.
- March 24, 2016 Meeting Site: BIA/Office of Justice Services Conference Room 1001 Indian School Road NW, Albuquerque, NM
Work Session with Jesse Delmar, Executive Director, DPS; Judicial Branch; Department of Justice re: Law & Order Act, Priority Listing and Positions Statement. LOC reviewed the task that was given to the Staff from the first meeting in Phoenix, Az.
- March 28, 2016 Meeting Site: North Conference Room, NNCC Window Rock, Az
Update report by: Seth Damon, Chairperson, B&F Committee re: Joint Meeting between LOC and B&FC, budget and others. One legislation (prior to the meeting this was deleted off the agenda per Amber K. Crotty, Sponsor).

Joint Meeting between LOC and HEHSC, along with DPS & DPM regarding Navajo Nation Chief of Police, Navajo Nation Police Officers and Prosecutors.

**RESOLUTIONS OF THE
LAW AND ORDER COMMITTEE**

JANUARY – MARCH, 2016

February 8, 2016

LOCF-01-16

An Action Relating to Law and Order; Approving the Reallocation of Three Hundred Fifty-Four Thousand Six Hundred Forty-Eight Dollars (\$354,648) from the Judicial/Public Safety Facilities Fund, Business Unit Number 1310, to the Ramah Navajo Detention Center, Business Unit Number *New*, to Complete Construction – Sponsor: Hon. Edmund Yazzie; Co-Sponsor: Hon. Kee A. Begay, Jr., Hon. Otto Tso, Hon. Jonathan Perry & Hon. Raymond Smith, Jr.

(Motion: Hon. Kee A. Begay, Jr./Hon. Edmund Yazzie., vote: 2-0)
Pro Tem Hon. Raymond Smith, Jr.
Approved on 1/8/16

February 16, 2016

LOCF-02-16

Relating to Law and Order; Recommending to the Navajo Nation President; The Appointment of Chris P. Benally as Navajo Nation District Court Judge – Sponsor: Hon. Edmund Yazzie

(Motion: Hon. Otto Tso/Hon. Jonathan Perry, vote 6-0)
Pro Tem Hon. Raymond Smith, Jr.
Approved on 2/16/16

March 21, 2016

LOCMA-03-16

An Action Relating to Law and Order; Approving the Intergovernmental Agreement between the Navajo Nation and City of Page, Arizona - Sponsor: Hon. Tuchoney Slim, Jr./Hon. Otto Tso

(Motion: Hon. Jonathan Perry/Hon. Raymond Smith, Jr., vote: 3-0 LOC has final approval)
Approved on 3/21/16

Other Meetings:

On March 25, 2016 Hon. Kee A. Begay, Jr., attended the Round Table discussion regarding the Tribal Law and Order Act in Washington, D.C.

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

SECOND QUARTER REPORT

FISCAL YEAR 2016

January 2016 to March 2016

PRESENTED TO
THE NAVAJO NATION COUNCIL
SPRING SESSION

THE NAVAJO NATION
WINDOW ROCK, NAVAJO NATION (ARIZONA)
March 2016

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**Health, Education and Human Services Committee
FY 2016 – Second Quarterly Report**

INTRODUCTION

This report identifies areas of Health, Education and Human Services Committee oversight activities and accomplishments during the Second Quarter of 2016 Fiscal Year, which includes the months of January, February and March 2016.

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

Members

Chapters

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'
Herman Daniels, Jr.	Bodaway/ Gap / Coppermine / K'aiBii'To / LeChee / Tonalea/ Red Lake

Health, Education and Human Services Committee Staff

Office of Legislative Services

Beverly Martinez, Advisor, Ext. 7175

Karen Thompson, Legislative Reporter, Ext. 7369

Committee Conference Room

Navajo Nation Council Chamber North Conference Room
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 Second Quarter, the Health, Education and Human Services Committee received the following reports:

January 2016

SPECIAL MEETING January 5, 2016 (In Lieu of January 6, 2016)

1. Consideration for Special Meeting or Work Session with entire Navajo Department of Health (NDOH) and Non-Emergency Transport Organizations (Location, Time, Date)

(Note: On December 28, 2015 Motion Made By: Honorable Nelson BeGaye; Seconded By: Honorable Herman Daniels, Jr. Vote: 3-0 – For HEHSC Special Meeting on January 19, 2015; However, per memo dated December 28, 2015 from NDOH Acting Director – Request to reconsider available dates for NDOH Work Session – February 10, 2016; or February 17, 2015; or February 24, 2016)
2. Consideration for Special Meeting or Work Session with Office of Dine YOUTH; Morning Star; OPVP; Dine College; NTU to focus in on higher education (Location, Time, Date).

WORK SESSION MEETING WITH FOOD POLICY - January 5, 2016 1:00 p.m.

3. Work Session – Navajo Food Policy Toolkit – Good Laws, Good Food: Putting Food Policy to Work in the Navajo Nation

WORK SESSION MEETING WITH DODE - January 11, 2016 9:00 a.m., DODE Sunrise Conference Room, WR, AZ.

4. Work Session with DODE- Discussion regarding reapportionment plans A, B, C, D

JOINT HEHSC / LOC WORK SESSION JANUARY 12, 2016 10am - Navajo Technical University, Incubator Center on 249 Route 66, Church Rock, New Mexico (1/2 Mile East of Firerock Casino)

5. HEHSC Work Session with Veterans – Discussion with Veterans Organizations and other stakeholders regarding Legislation 0006-16 An Act Relating To Law And Order, Health, Education and Human Services And Naabik'iyati' Committees And The Navajo Nation Council; Establishing The Navajo Nation Veterans Administration And Navajo Nation Veterans Advisory Council And Amending 2 N.N.C. § 1703 AND 1704 *Sponsor: Honorable Jonathan L. Hale (Note: Eligible for Committee Action January 13, 2016 by LOC; And Eligible for Committee Action after January 19, 2016 by HEHSC)*
6. Report From The Red Nation And The Gallup Immediate Action Group Regarding The Gallup "No Dead Natives" Initiatives And Written Report on Gallup Bordertown Violence and Discrimination *Presenters: Nick Estes, Co-Founder of The Red Nation; Jennifer Denetdale, Member of The Red Nation and NN Human Rights Commissioner; Brandon Benally, Co-Founder of The Gallup Immediate Action Group*

REGULAR MEETING January 13, 2016 10:00 a.m. Navajo Nation Council Chamber Window Rock, Arizona

Note: Added to New Business - Legislation 0419-15; Delete 0373-15; Add on Status of Federal Monies Discussion-Special Diabetes Report; Add on Supplemental Monies UUFB Discussion (Motion: Honorable Amber Kanazbah Crotty; Second By: Honorable Herman Daniels, Jr.; Vote: 3-0 Chairperson not voting).

7. Consideration to reschedule NPEA Subcommittee Task Force Meeting due to Monday, January 18, 2015, Martin Luther King Holiday (Date, Time, Location)
8. Consideration for Special Meeting or Work Session with entire Navajo Department of Health (NDOH) and Non-Emergency Transport Organizations (Location, Time, Date)

(Note: On December 28, 2015 Motion Made By: Honorable Nelson BeGaye; Seconded By: Herman Daniels, Jr. Vote: 3-0 – For HEHSC Special Meeting on January 19, 2015; However, per memo dated December 28, 2015 from NDOH Acting Director – Request to reconsider available dates for NDOH Work Session – February 17, 2015; or February 24, 2016)
9. Consideration for Special Meeting or Work Session with Office of the U.S. Attorney – District of Arizona regarding 1) Sexual Assault Response on Navajo; and 2) Re-entry (Individuals returning home from incarceration). Request for either February 9; 23; 24; 25, 2016 and Preferred Location - WR, AZ.

10. Consideration for Special Meeting or Work Session with Office of Dine YOUTH; Morning Star; OPVP; Dine College; NTU to focus in on higher education (Location, Time, Date).
11. Consideration to attend Joint CDC/SAMHSA/NIH Meeting with Navajo Nation Leadership & DBHS, Quality Inn, Window Rock, Arizona, Monday, January 11, 2016.
12. Consideration to attend New Mexico Public Health Association 2016 Annual Conference, April 11, 12, 13, 2016, Las Cruces Convention Center, Las Cruces, New Mexico.
13. Status of Federal Monies Discussion – Special Diabetes Report
14. Supplemental Monies UUFB Discussion

Joint BFC / HEHSC Work Session Mtg., January 20, 2016 BFC Conference Room, WR, AZ 8 a.m.

15. An Overview of the Navajo Nation Insurance and Risk Management Policies and Coverages Proposed for FY 2017 – Presented by Shawnevan Dale, Manager, Risk Management Program with Cletus Shirley, Insurance Department and Arita Yazzie, Attorney, Department of Justice

REGULAR MEETING January 20, 2016 2:00 p.m. Navajo Nation Council Chamber Window Rock, Arizona

16. Report on Gallup School Board Files Notice of Appeal *Presenter: Paul Spruhan, Assistant Attorney General, Litigation and Employment Unit, Navajo Nation Department of Justice*
17. Report on REACH Project *Presenters: Mae-Gilene Begay, CHR Program Manager; Hannah Sehn, Planning & Partnerships Manager, COPE Program; Anna Rondan, Program Supervisor I, Navajo Birth Cohort Study*
18. Report on Navajo Birth Cohort Study *Presenter: Dr. Johnnye Lewis, Director, Community Environmental Health Program & Center for Native Environmental Health Equity Research, College of Pharmacy, UNM Health Sciences Center*
19. Written Report on Research Project NNR 14-186, An Evaluation of the B9 Vitamin Initiative for Navajo Women of Child Bearing Age *Presenters: Patty Emord, Ph.D*
20. Report on SEARCH for Diabetes in Youth Study *Presenters: Dr. Dana Dabelea, Principal Investigator; Lisa Testaverde, Study Coordinator; Melissa Johnson, Research Assistant; University of Colorado Denver, located at Aurora CO & Shiprock, NM*
21. Report on Chapter Staff – Whether CSC ought to be classified as a “sensitive” position requiring background checks and whether the CSC ought to be bonded? *Presenter: Honorable Seth Damon*
22. Consideration to reschedule NPEA Subcommittee Task Force Meeting due to Monday, January 18, 2015, Martin Luther King Holiday (Date, Time, Location)
23. Consideration to attend 18th U.S. Department of Health and Human Services Annual Tribal Budget Consultation (ATC) in the Great Hall of the Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C., March 2, 3, 2016

24. Consideration to attend Statewide American Indian Behavioral Health Forum IV, Casino Del Sol Resort, Pascua Yaqui Tribe, 5655 W. Valencia Rd., Tucson, Arizona, April 5,6,7, 2016
25. Consideration for NTUA Task Force Appointment – HEHSC Chairperson Jonathan L. Hale selected with a vote of 5-0 (Chairperson not voting)

February 2016

NPEA SUBCOMMITTEE TASK FORCE MEETING February 8, 2016 8:30 a.m. BFC Conference Room, Window Rock, Arizona

1. Continuation Discussion regarding HEHSCS-18-15 AKA Legislation 0299-15 An Action Relating To Health, Education and Human Services; Establishing The Navajo Preference In Employment Act Reform Subcommittee *Sponsor: Honorable Jonathan L. Hale*

HEHSC AND LOC JOINT COMMITTEE WORK SESSION February 9, 2016 10:00 a.m. Navajo Nation Council Chamber, Window Rock, Arizona

2. HEHSC/LOC Joint Work Session with Office of the U.S. Attorney -District of Arizona – regarding 1) sexual assault response on Navajo and 2) re-entry (individuals returning from incarceration).

Presenter: Honorable Ms. Hope MacDonald Lone Tree, Tribal Relations Advisor (Contractor), Office of the U.S. Attorney-District of Arizona

3. Discussion with Ms. Etta Arviso – Regarding how Navajo People are being provided Public Safety services and Social Services.

REGULAR MEETING February 10, 2016 10:00 a.m. Navajo Nation Council Chamber Window Rock, Arizona

4. Report on DODE's Completion of Public Hearings Regarding The 2016 Navajo Nation Proposed Apportionment Plans for School Boards For Grants and Contracts Schools on the Navajo Nation *Presenters: Dr. Tommy Lewis, Superintendent of Schools and DODE Staff; Angela Barney-Nez, Executive Director, DBOSBA, Inc.*
5. Consideration to attend Head To The Hill With NIEA, February 25, 2016, 9am to 4pm, Location: Senate Committee on Indian Affairs Hearing Room, Senate Dirksen Room 628, Washington, DC (Register by email at NIEA@NIEA.ORG)
6. Consideration to attend 2016 Annual Tribal Self-Governance Consultation Conference, April 24 – 29, 2016, at Buena Vista Resort, Orlando, Florida, (Note: Registration is required by March 24, 2016)
7. Consideration to attend Southwest Indigenous Women's Coalition Statewide Conference, April 26, 27, 28, 2016, 8am to 5 pm, Phoenix Mesa Marriot, Mesa, Arizona
8. Consideration for a Directive to 3 Branch Chiefs – to request support to make re-entry initiatives as a priority.

9. Consideration to reschedule HEHSC regular meeting due to Monday, February 15, 2016 President's Day Holiday

SPECIAL MEETING (*In Lieu of February 15, 2016 REGULAR MEETING*) February 16, 2016 2:00 p.m. BFC Conference Room Window Rock, Arizona

10. Report from NAIHS on Issues of New Construction Funding *Presenter: Douglas Peter, Acting Area Director, NAIHS; and NAIHS staff*
11. Report from Navajo Nation Facilities Maintenance Department regarding On-going Building Assessments for the Navajo Nation *Presenters: Marcus Tulley, Department Manager III, Facilities Maintenance Department; and Staff*
12. Report on Audit of Equivalency Clause *Presenter: Elizabeth Begay, Auditor General*
13. Executive Session - Discussion of Report on DODE's Completion of Public Hearings Regarding The 2016 Navajo Nation Proposed Apportionment Plans for School Boards For Grants and Contracts Schools on the Navajo Nation *Presenters: Honorable HEHSC Members*

SPECIAL MEETING February 17, 2016 10:00 a.m. NDOH Large Executive Conference Room, Admin. Bldg. #2 Window Rock, Arizona

14. Discussion with Navajo Department of Health (NDOH) and Non-Emergency Transport Organizations

SPECIAL MEETING February 18, 2016 10:00 a.m. Navajo Nation Council Chamber, Window Rock, Arizona

15. Discussion with Office of Dine YOUTH; Morning Star; OPVP; Dine College; Navajo Technical University; and Leupp Schools, Inc. - Focus In On Youth And Education Initiatives
16. Report on Leupp Schools, Inc. *Presenter: Honorable Walter Phelps*

REGULAR MEETING February 29, 2016 10:00 a.m. Navajo Nation Council Chamber Window Rock, Arizona

17. Report on Outreach To Navajo Nation: Activities & Initiatives; Behavioral Health Residential Treatment Program; and Behavioral Health Tech Project *Presenters: David Conejo, RMCHCS CEO; Sheryl Livingston, Residential Treatment Clinical Director; Larry Curley, Director of Program Development - Rehoboth McKinley Christian Health Care Services*
18. Report on Bear Ears *Presenter: Kenneth Maryboy*
19. Report on Health Impact Assessment on Uranium Mining *Presenters: Jordon Johnson, PhD, Executive Director, New Mexico Equity and Social Justice Institute*
20. Update Report from Navajo Head Start regarding Ts'ah Bii Kin Chapter request for NHS more transparency and NHS Immersion *Presenters: Sharon Singer, Assistant Superintendent, Navajo Head Start; and NHS Staff, Honorable Herman Daniels, Jr.*

21. Consideration for Nomination to the Native Public Health Innovation Award – due Friday, March 4, 2016
22. Consideration for BFC/RDC/HEHSC Joint Work Session Meeting with Auditor General regarding Chapters and Department of Personnel Management (DPM) issues – Wednesday, March 23, 2016, NN Council Chambers, WR, AZ 8 a.m.
23. Consideration for HEHSC/ LOC Joint Work Session regarding Sexual Assault Response with Hope MacDonald Lone Tree, Tribal Relations Advisor (Contractor), U.S. Attorney – District of Arizona – Monday, March 21, 2016, NN Council Chambers, WR, AZ at 2 p.m.
24. Consideration for BFC/HEHSC Joint Meeting to revisit Risk Management Insurance issues with Auditor General – Friday, March 25, 2016 – CANCELLED BY BFC
25. Consideration for LOC / HEHSC Joint Work Session regarding DPM regarding Police Officers/Chief of Police Applicants on Monday, March 28, 2016, NN Council Chambers, WR, AZ at 2 p.m.
26. Consideration for a Special Meeting/or to schedule on Regular Meeting Agenda - Legislation 0059-16 An Action Relating To Health, Education and Human Services; Approving 2016-2020 Navajo Nation School Board Apportionment Plan (Note: Eligible For Committee Action March 1, 2016)
27. Consideration to have an upcoming HEHSC Regular Meeting at Tuba City Regional Health Care Center – Invitation Request from TCRHCC CEO
28. Consideration to attend 2016 Statewide Symposium in Support of Service Members, Veterans & Their Families, April 20, 21, 2016, Desert Willow Conference Center, Phoenix, Arizona

March 2016

SPECIAL MEETING March 2, 2016 8am Navajo Nation Council Chamber WR, AZ

1. Legislation 0059-16 An Action Relating To Health, Education and Human Services; Approving 2016-2020 Navajo Nation School Board Apportionment Plan *Sponsor: Honorable Norman M. Begay (Note: Eligible For Committee Action March 1, 2016)*

NPEA SUBCOMMITTEE TASK FORCE MEETING March 14, 2016 8:00 a.m. Navajo Nation Council Chamber Window Rock, Arizona

2. On-going Continuation Discussion regarding HEHSCS-18-15 AKA Legislation 0299-15 An Action Relating To Health, Education and Human Services; Establishing The Navajo Preference In Employment Act Reform Subcommittee *Sponsor: Honorable Jonathan L. Hale*

REGULAR MEETING March 14, 2016 10:00 a.m. Navajo Nation Council Chamber Window Rock, Arizona

3. Report on Leupp Schools, Incorporated *Presenter: Honorable Walter Phelps*

4. Report from Navajo Department of Health (NDOH) & Non-Emergency Transport Organizations *Presenters: Ramona Antone-Nez, Acting NDOH Executive Director and NDOH Staff; Non-Emergency Transport Organizations*
5. Report on NAAA *Presenter: Honorable Nelson BeGaye; NAAA staff; Ramona Antone Nez, Acting NDOH Executive Director*

REGULAR MEETING March 21, 2016 10:00 a.m. Navajo Nation Council Chamber Window Rock, Arizona

6. Report from TCRHCC regarding Tribal Correctional Health Care – A Crisis & Opportunity *Presenter: Lynette Bonar, CEO, Tuba City Regional Health Care Center; and TCRHCC Staff*
7. Report on Navajo Technical University (NTU) *Presenter: Honorable Jonathan Perry; Dr. Isacc, NTU*
8. Consideration for BFC/HEHSC/RDC Joint Meeting with Auditor General regarding Chapters and Department of Personnel Management issues (Note: Rescheduled by Budget and Finance Committee to Wednesday, March 23, 2016, NN Council Chamber, WR, AZ 8AM to 10AM)
9. Consideration to attend Navajo Drinking Water Conference Training, Tuesday, April 26 to 29, 2016, WeKoPa Conference Center, 10438 Fort McDowell Road, Scottsdale, Arizona 85264
10. Consideration to attend 2016 National AI/AN Behavioral Health Conference, August 9-11, 2016, Portland Marriott Downtown Waterfront Hotel, Portland, Oregon; Conference Registration and hotel reservations open beginning May 1, 2016 <https://www.ihs.gov/dbh/2016conference/>

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND THE LAW AND ORDER COMMITTEE JOINT COMMITTEE WORK SESSION March 21, 2016 2:00 p.m. Navajo Nation Council Chamber, Window Rock, Arizona

11. Work Session with Office of U.S. Attorney–Arizona regarding Sexual Assault On The Navajo Nation

Presenter: Hope MacDonald Lone Tree, Tribal Relations Advisor (Contractor), Office of The U.S. Attorney - District of Arizona; FBI; and other Significant Officials

- a. What is sexual assault? (Office of U.S. Attorney-AZ)
- b. What is involved? (FBI)
- c. What is the process? (FBI)
- d. What are the statistics? (Group Discussion with entities present)
- e. What are the resources and services for victims? (Group Discussion)

- f. What are some key issues? (Hope MacDonald Lone Tree)
- g. What are the next steps? (Group Discussion)

WORK SESSION MEETING WITH DODE March 22, 2016 10:00 a.m. BFC Conference Room
Window Rock, Arizona

- 12. Work Session with Department of Dine Education (DODE) regarding Intervention Policy and Assumption of Control of Schools Policy on the Navajo Nation

Presenters: Dr. Tommy Lewis, Superintendent of Schools, DODE; with an invitation to: Navajo Board of Education Members; Angela Barney-Nez, DBOSBA Executive Director; Dr. James Davis, Office of the President/Vice-President; Department of Justice; and other Significant Officials

BUDGET AND FINANCE COMMITTEE / HEALTH, EDUCATION AND HUMAN SERVICES
COMMITTEE / RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION
COUNCIL JOINT MEETING March 23, 2016 8 a.m. to 10 a.m.

- 13. Chapter Related Employees Classification and Compensation Study – presented by Elizabeth Begay, Auditor General, Office of the Auditor General
- 14. Leave Accrual– presented by Reycita Toddy, Acting Director, Department of Personnel Management, Division of Human Resources
- 15. Transferring Planner Positions from Administrative Services Centers Department, Division of Community Development to Design and Engineering Services Department, Division of Community Development – presented by Levon Henry, Legislative Counsel, Office of the Legislative Counsel
- 16. Plan of Action /Assignments/Timelines

REGULAR MEETING March 28, 2016 10:00 a.m. Navajo Nation Council Chamber Window Rock,
Arizona

- 17. Report from Na'Nizhoozhi' Center, Incorporated (NCI). *Presenter: Dr. Kevin Foley, Na'Nizhoozhi' Center, Inc.*
- 18. Report & Discussion regarding Funding Opportunity Environmental Influences on Child Health Outcomes (ECHO) University of New Mexico Community Environmental Health Proposal – extension of NBCS *Presenter: Johnnye Lewis, Ph.D., PI, Navajo Birth Cohort Study (NBCS)*
- 19. Report & Discussion regarding COA # 06 *Presenters: Marcus Tulley, Department Manager III, Facilities Maintenance Department; Dominic Beyal, Executive Director, OMB; Elizabeth Begay, Auditor General, Office of the Auditor General; Jim Parrish, Controller, OOC*
- 20. Report & Discussion regarding I.H.S. 638 (EMS, NTCCTF & NDOH/HMS) Contracts Prior Year IDC In Excess Expenses *Presenters: Renee' Marianito, Principal Contract Analyst, OMB/CGS Section; Ramona Antone-Nez, NDOH Executive Director; Charlotte Francis, Senior Management Analyst, NDOH; Jim Parrish, Controller, OOC*

21. Consideration to attend 34th Annual Protecting Our Children National American Indian Conference on Child Abuse & Neglect, April 3 - 6, 2016, St. Paul, Minnesota; Register online: www.nicwa.org/conference ; or by fax: 503.274.1645; or by mail register: NICWA, Suite 300, Portland, OR 97239
22. Consideration to reschedule Monday, April 25, 2016 HEHSC Regular Meeting due to Navajo Nation Sovereignty Day Holiday

(Note: HEHSC approved for Special Meeting on April 12, 2016 *In Lieu of April 25, 2016*).
23. Consideration to select dates for External Fund Budget Meetings.

(Note: On March 28, 2016 HEHSC members approved for Special Meetings on May 2, 2016 and May 3, 2016 for discussion related to External Budgets update reports with NDOH, DHR, DGS, DSS, DODE).
24. Add NCI Update Report to April 12, 2016 - HEHSC Special Meeting, WR, AZ 10 a.m.

LOC AND HEHSC JOINT COMMITTEE WORK SESSION March 28, 2016 2:00 P.M.
Navajo Nation Council Chambers, Window Rock, AZ

25. Report from Jesse Delmar, Executive Director, Division of Public Safety regarding hiring of Navajo Nation Chief of Police, Navajo Nation Police Officers and Prosecutors.
26. Report from Navajo Nation Department of Personnel Management (DPM) regarding requirements for NN Chief of Police/NN Police Officers/Prosecutors:
 - a. Can requirements be change to hire individuals that are not qualified by education or experiences, etc? (Discussion with Entities Present)
 - b. Can NN Chief of Police position be hired as political appointee? (Discussion with Entities Present)
 - c. Is it possible for NN DPS have their own personnel office and do the hiring of Police Officers/Chief of Police? (Discussion with Entities Present)

RESOLUTIONS

The Health, Education and Human Services Committee considered several legislations during the Second Quarter of Fiscal Year 2016. 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

1. **Legislation 0373-15** An Act Relating To Law And Order Committee, Health, Education and Human Services, Naabik'iyati' Committee And Navajo Nation Council; Amending 10 N.N.C. § 106 And §§ 2,8, and 161 To Make The Position Of Superintendent Of Schools An Elective Position *Sponsor: Honorable Jonathan L. Hale*

(Note: January 5th, 2016 – No Quorum)

(Note: On December 28, 2015 Motion Made By: Honorable Nelson BeGaye; Seconded By: Herman Daniels, Jr. Vote: 3-0; Chairperson not voting – To delete off HEHSC Special Meeting Agenda; and to acknowledge/approve a HEHSC work session first with NBOE, DODE, DOJ, ELECTIONS OFFICE – location, date, time; prior to Naabik'iyati Committee meeting as final authority)

(Note: HEHSC Committee Report dated November 17, 2015 - Has had under consideration and report the same with the recommendation that Legislation 0373-15 TABLED FOR 60 DAYS CALENDAR DAYS FOR DODE, ELECTIONS OFFICE, DOJ, NBOE TO BRING BACK UPDATE REPORT; with no amendment and no directive; And therefore referred the same to the NAABIK'IYATI' COMMITTEE OF THE NAVAJO NATION COUNCIL - Main Motion By: Honorable Herman Daniels, Jr.; Seconded By: Honorable Jonathan Hale; Vote: 5 in favor; 0 Opposed and 0 Abstain; Vice-Chairperson not voting)

(Note: Legislation 0373-15 withdrawn by Sponsor: Honorable Jonathan L. Hale on January 14, 2016)

2. **Legislation 0420-15** An Action Relating To Health, Education and Human Services And Naabik'iyati Committees; Appointing And Confirming Ms. Rebecca Izzo-Manymules, Dr. Kalvin G. White, Ph.D. And Dr. David H. Begay, Ph.D. As Members Of The Navajo Nation Human Research Review Board *Sponsor: Honorable Jonathan L. Hale (Note: Eligible For Committee Action December 29, 2015)*
3. **Legislation 0419-15** An Action Relating to Law And Order, Health, Education And Human Services And Naabik'iyati Committees And Navajo Nation Council; Amending The Navajo Preference In Employment Act At 15 N.N.C. § § 604, 611, 614 *Sponsor: Honorable Dwight Witherspoon*
4. **Legislation 0007-16** An Act 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 Dollars (\$1,000,000) *Sponsor: Honorable Edmund Yazzie; Co-Sponsor: Honorable Seth Damon (Note: Eligible for Committee Action January 13, 2016)*
5. **Legislation 0006-16** An Act Relating To Law And Order, Health, Education and Human Services And Naabik'iyati' Committees And The Navajo Nation Council; Establishing The Navajo Nation Veterans Administration And Navajo Nation Veterans Advisory Council And Amending 2 N.N.C. § 1703 AND 1704 *Sponsor: Honorable Jonathan L. Hale (Note: Eligible for Committee Action January 13, 2016 by LOC; And Eligible for Committee Action after January 19, 2016 by HEHSC)*

6. **Legislation 0024-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting State of New Mexico House Bill 127, "An Act Relating To Public School Code To Require That All Public School District Employees Provide Proof Of Satisfactory Clearance Of A Fingerprint-Based Background Check" *Sponsor: Honorable Jonathan L. Hale (Note: Eligible for Committee Action January 20, 2016)*
7. **Legislation 0009-16** An Action Relating To Budget and Finance, Health, Education and Human Services And Naabik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$300,000, In The Form Of A Grant, For The St. Bonaventure Indian Mission School To Purchase Three School Buses *Sponsor: Honorable Edmund Yazzie (Note: Eligible for Committee Action January 14, 2016 by BFC; And Eligible for Committee Action after January 20, 2016 by HEHSC)*
8. **Legislation 0001-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting Application of Lukachakai Community Board of Education's Request for School Construction, And Further Supporting Request For New Living Quarters For Employees For Lukachakai Community School *Sponsor: Honorable Jonathan L. Hale (Note: Motion By: Honorable Nelson BeGaye; Seconded By: Honorable Herman Daniels, Jr.; Vote: 3-0-1 to Delete of the January 13, 2016 HEHSC Regular Meeting Agenda; Chairperson Pro Tem not voting)*
9. **Legislation 0026-16** An Action Relating To Health, Education and Human Services and Naa'bik'iyati'; Supporting State Of New Mexico Senate Bill 46, "An Act Relating To Public Schools; Providing For Temporary Transportation Boundary Agreements Between And Among Adjoining School Districts; Establishing Procedures And Criteria For Temporary Transportation Boundary Agreements; Creating A Resolution Process" *Sponsor: Honorable Jonathan L. Hale (Note: Eligible For Committee Action January 27, 2016)*
10. **Legislation 0027-16** An Action Relating To Health, Education and Human Services and Naa'bik'iyati' Committees And Navajo Nation Council; Confirming The Appointment Of Lavonne Tsosie As Executive Director For The Division Of Human Resources *Sponsor: Honorable Jonathan L. Hale (Note: Eligible For Committee Action January 27, 2016)*
11. **Legislation 0029-16** An Action Relating To Health, Education and Human Services and Naa'bik'iyati'; Supporting State Of New Mexico House Bill 109, "An Act Making An Appropriation To The Department Of Health To Fund County And Tribal Health Councils' Efforts To Identify And Address Local Communities' Health Needs" *Sponsor: Honorable Jonathan L. Hale (Note: Eligible For Committee Action February 1, 2016)*
12. **Legislation 0030-16** An Action Relating To Health, Education and Human Services and Naa'bik'iyati'; Supporting Arizona Education Finance Amendment, Proposition 123 That The Arizona Legislature Has Placed On The Primary Election Ballot Of May 17, 2016 *Sponsor: Honorable Jonathan L. Hale (Note: Eligible For Committee Action February 1, 2016)*

13. **Legislation 0054-16** An Action Relating To Health, Education and Human Services And Naa'bik'iyati; Supporting Many Farms High School And The Many Farms Chapter In Their Requests For Construction Of New Living Quarters For Employees Of The Many Farms High School *Sponsor: Honorable Kee Allen Begay, Jr.* (Note: Eligible For Committee Action February 28, 2016)
14. **Legislation 0059-16** An Action Relating To Health, Education and Human Services; Approving 2016-2020 Navajo Nation School Board Apportionment Plan *Sponsor: Honorable Norman M. Begay* (Note: Eligible For Committee Action March 1, 2016)
15. **Legislation 0069-16** An Action Relating To Health, Education and Human Services And Naa'bik'iyati; Supporting And Recommending Approval Of Arizona Senate Bill 1507, "An Act Amending Section 36-2939, Arizona Senate Bill 1507, "An Act Amending Section 36-2939, Arizona Revised Statutes; Relating To The Arizona Long Term Care System" *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible for Committee Action March 15, 2016)
16. **Legislation 0078-16** An Action Relating To Health, Education and Human Services And Naa'bik'iyati; Supporting And Approving The Grant Application Of The Navajo Nation Department Of Dine Education, Office Of Special Education And Rehabilitation Services For Federal Grant Opportunity Entitled "Tribal Maternal, Infant, Early Childhood Home Visiting Program Development And Implementation Grants" *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible for Committee Action March 16, 2016)
17. **Legislation 0079-16** An Action Relating To Health, Education and Human Services And Naa'bik'iyati; Authorizing New Mexico Legal Aid And DNA-People's Legal Services, Inc., Community Legal Services Of Arizona, To Pursue Americorps Funds On Behalf Of The Navajo Nation To Develop Medical-Legal Partnerships That Serve Navajo Tribal Members *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible for Committee Action March 17, 2016)
18. **Legislation 0032-16** An Act Relating To Law And Order, Health, Education and Human Services, Budget and Finance Committee, Naa'bik'iyati' and Navajo Nation Council; Amending 12 N.N.C. §§ 2301 and 2302 (C) (2), Dine Higher Education Grant Fund By Increasing The Fund Distribution To The Navajo Technical University From \$3,500,000 to \$4,200,000 *Sponsor: Honorable Jonathan L. Hale*

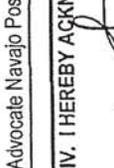
(Note: Motion To Table By: Honorable Amber Crotty; Second By: Nelson BeGaye; Vote: 3-0 Vice-Chairperson Not Voting - To Table for Work Session with BFC in July 2016)
19. **Legislation 0060-16** An Action Relating To Health, Education and Human Services And NAA'BIK'IYATI'; Supporting The Navajo Nation Division of Social Services In Its 2016 Recommendations To The U.S. Department Of Health And Human Services Concerning Services And Funding Of Programs *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible For Committee Action March 6, 2016)
20. **Legislation 0061-16** An Action Relating To Health, Education and Human Services And NAA'BIK'IYATI'; Supporting Recommending The Passage Of S.B. 14, American Indian And Alaskan Native Amendments, Utah State Legislature *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible For Committee Action March 6, 2016)

21. **Legislation 0062-16** An Action Relating To Health, Education and Human Services And NAA'BIK'IYATI'; Supporting Recommending The Passage Of House Bill 243, And Senate Bill 98, Bills Introduced In The New Mexico State Legislature Entitled "An Act Making An Appropriation To Support Programs That Provide Services To Urban Indians *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible For Committee Action March 6, 2016)
22. **Legislation 0065-16** An Action Relating To Health, Education and Human Services, Budget And Finance, Naa'bik'iyati' And Navajo Nation Council; Approving The Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of \$100,000, In The Form Of A Grant, For Albuquerque Indian Center *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible For Committee Action March 8, 2016)
23. **Legislation 0066-16** An Action Relating To Health, Education and Human Services, Naa'bik'iyati And Navajo Nation Council; Approving The Reinstatement Of Desirae Abbigail Deschine As A Member Of The Navajo Nation *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible For Committee Action March 8, 2016)
24. **Legislation 0055-16** An Action Relating To Health, Education and Human Services And Naa'bik'iyati'; Confirming The Appointment Of Dr. Joseph Martin, ED.D., To The Navajo Nation Dine College Board Of Regents, Ft. Defiance Agency Position *Sponsor: Honorable Jonathan L. Hale* (Note: Eligible For Committee Action February 28, 2016; February 29, 2016 - Deleted Off Regular Agenda Due to No Show)

(Note: HEHSC Committee Report - Has had it under consideration and report the same with recommendation that Legislation 0055-16 passed with no amendment and no directive; and therefore referred to Naabik'iyati' Committee of the Navajo Nation Council; Dated March 28, 2016 Main Motion By: Honorable Nelson BeGaye; Second By: Honorable Herman Daniels, Jr.; Vote: 4 In Favor; 0 Opposed; Vice-Chairperson not voting)
25. **Legislation 0053-16** An Action Relating To Law And Order, Health, Education and Human Services, Naa'bik'iyati' And The Navajo Nation Council; Amending 12 N.N.C. 1171 and 1172, The Veterans Trust Fund *Sponsor: Honorable Jonathan L. Hale* (Note: LOC Committee Report Dated March 21, 2016 attach to Legislation 0053-16) (Note: Forward to April 6, 2016 Special Meeting)
26. **Legislation 0091-16** An Action Relating To Health, Education and Human Services, Naa'bik'iyati' And Navajo Nation Council; Declaring The Third Friday In March To Be Known As "Navajo Nation Presidents Day" Within The Navajo Nation *Sponsor: Honorable Davis Filfred* (Note: Eligible For Committee Action March 24, 2016) (Note: Forward to April 6, 2016 Special Meeting)

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

FY 2016

PART I. PROGRAM INFORMATION:		Health, Education & Human Services							
Business Unit No.:	101030	Program Name/Title:							
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Program Performance Area:	Improve Veterans policies and regulations.	1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal Statement:	As Oversight to report on a quarterly basis amended Veterans policies and procedures.	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		2	5	2	4	2	2	2	
2. Program Performance Area:	Conduct regular, special mtgs., work sessions re: Hlth, Education Social Serv., Veterans, Gen.Services, HR	1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal Statement:	As Oversight to report on a quarterly basis program(s) statistics/services provided.	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		4	7	4	12	4	4	5	
3. Program Performance Area:	Consider/review/recommend amendments to Navajo education, health, social services, HR policies	1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal Statement:	Recommend legislations to amend Navajo Nation Code regarding Hlth, educ., social services, HR policies	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		3	3	3	5	3	3	3	
4. Program Performance Area:	National policy development on Native American Health, Education, Social Services issues.	1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal Statement:	Advocate Navajo Position on health, education, social services issues at the national level.	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		2	3	2	3	2	2	2	
5. Program Performance Area:	Participate in States of Arizona, NM, Utah & U.S. Gov't on health, education, social services initiatives.	1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal Statement:	Advocate Navajo Position on health, education, social services issues at State/US Gov't level.	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		3	4	3	10	3	3	3	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
Program Manager's Printed Name and Signature/Date		4-4-16							
Division Director/Branch Chiefs' Printed Name and Signature / Date		4/9/16							

July, August, September 2015

DATE	REGULAR	SPECIAL	SUB COMMITTEE	JOINT MEETING	OVERSIGHT/PUBLIC HEARINGS	BUDGET HEARINGS	ADMINISTRATIVE HEARINGS	TRAINING/WKSN.	APPROVED (Resolutions)	DISAPPROVED/ Need 2/3 Votes	TABLED	REPORTS (LEGISLATIONS) Committee Reports	Oral Reports, Travels, Budgets, Other Business	Excerpts Request Received & Transcription	JOURNALS	Location of Meeting
1/5/2016								X				1				NN Musuem, WR, AZ - No Quorum
1/5/2016																NN Musuem, WR, AZ In Lieu of 1.6.16 Reg Mtg
1/6/2016																Cancelled
1/11/2016								X				1				DODE Work Session, Sunrise Rm. Ed.Bldg., WR, AZ
1/12/2016								X				2				Veterans Work Session, NTU Incubator, Churchrock
1/13/2016	X										3	8				Council Chamber, WR, AZ
1/20/2016								X				1				BFC Conference Room, WR, AZ
1/20/2016	X										4	10				Council Chamber, WR, AZ
2/1/2016																Council Chamber, WR, AZ - No Quorum
2/3/2016																Council Chamber, WR, AZ - Cancelled
2/8/2016												1				BFC Conference Room, WR, AZ
2/9/2016								X				2				Council Chamber, WR, AZ
2/10/2016	X										5	6		1/13/16 VT		Council Chamber, WR, AZ Journal by V Thompson
2/15/2016																Presidents Day - HEHSC Reg Mtg move to 2.16.16
2/16/2016											2	4				BFC Conference Room, WR, AZ
2/17/2016														1 KJT		NDOH Large Conference Rm. WR, AZ
2/18/2016												2				Council Chamber, WR, AZ
2/22/2016																Cancelled
2/29/2016	X											12				Council Chamber, WR, AZ
3/2/2016									1			1		5 KJT		Council Chamber, WR, AZ
3/14/2016																Council Chamber, WR, AZ
3/14/2016	X															Council Chamber, WR, AZ Journal by V Thompson
3/21/2016	X									1						Council Chamber, WR, AZ Journals by KJ Thompson
3/21/2016								X				1				Council Chamber, WR, AZ
3/22/2016								X				1				DODE Work Session, BFC Conf. Rm., WR, AZ
3/23/2016								X				4				Council Chamber, WR, AZ
3/28/2016	X										3	8				Council Chamber, WR, AZ
3/28/2016								X			2					Council Chamber, WR, AZ
Total	7	5	2	6	8	1	26	77	6	7						

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



**Second Quarter Report
Fiscal Year 2016**



April 1, 2016

**Honorable Speaker LoRenzo C. Bates
Honorable Members of the
23rd Navajo Nation Council**

Yateeh:

Pursuant to 2 N.N.C. §§500-502, the Resources and Development Committee hereby submits their FY 2016 Second Quarter Report to the 23rd Navajo Nation Council.

In this quarter Resources and Development Committee held a work session with all of the oversight division to establish priorities for Fiscal Year 2016. Each of the Division presented their top priorities and in coordination with the Committee timelines were attached to several of the projects. The Committee continues to coordination many of their task with the priorities established by the Three Branch Chiefs and moving forward in achieving some of those goals and objectives this year with the Divisions and Enterprises.

Furthermore, the Committee in coordination with the Title 26 Task Force continues to review the local governance of the Navajo Nation Chapters. Before the year of the year, the Task Force will formulate their analysis and recommendation to the and the same will be presented to the Navajo Nation Council for their consideration and input.

Resources and Development Committee will continue to strive to enhance services for our Navajo people in coordination the Begay – Nez Administration and 23rd Navajo Nation Council.

Sincerely,

A blue ink signature of Alton Joe Shepherd, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**Honorable Alton Joe Shepherd, Chairperson
Resources and Development Committee**

A blue ink signature of Benjamin Bennett, featuring a large, stylized initial 'B' followed by several horizontal strokes.

**Honorable Benjamin Bennett, Vice-Chairperson
Resources and Development Committee**

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 Leonard Tsosie	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

Bernice Begay, Legislative Secretary II
(928)871-7254
Email: bernicebegay@navajo-nsn.gov

FOURTH QUARTER ACTIVITIES:

1. On January 5, 2016 Resources and Development Committee considered the Proposed Navajo Utah Water Rights Settlement Agreement. A directive was issued to have the Exhibit A – Settlement Agreement be posted on the NNC website as well for the public to view.
2. January 15, 2016, Resources and Development Committee passed Legislation to certified Fort Defiance Chapter.
3. January 29 – 30, 2016, Resources and Development Committee scheduled a leadership session to meet with their oversight Divisions/Departments/Programs to identify what should be the Committee’s priorities and objectives for the 2016. The Committee received from each of the Divisions top five priorities, timelines, issues and barriers for the Committee to consider and incorporate in their priorities.
4. January 30, 2016, the Committee met with Navajo Government Development Commissioners and NGDC Director to discuss Title 26 Task Force and the objectives of the Task Force’s task. And to discuss the importance of NGCC support to re-visit the local governance of the Navajo Nation Chapters.
5. On February 9, 2016, RDC held a meeting at Pinon Chapter in Pinon, Arizona to talk with the local community leaders and members regarding the NPL Grazing Regulation re-issuance initiative. The people from the NPL communities came to participate in the meeting. Because of the overwhelming number of people wanting to speak, the Committee decided to conduct a separate leadership meeting with the NPL Chapter officials, grazing officials and BIA in March 8, 2016.
6. February 9, 2016, during an RDC regular meeting and in coordination with BIA & Department of Agriculture began presenting the proposed NPL Grazing Permit Eligibility Criteria to the NPL Chapters. Another work session specifically for the NPL Chapter Officials and Grazing Officials was held at NDOT on March 18th, 2016. Eligibility Criteria were confirmed and timelines were establishment for the implementation of the reissuance process.
7. Resources and Development Committee, in coordination with Navajo-Hopi Land Commission continues to work with the Navajo Nation Gaming Enterprises and the Twin Arrows Task Force in moving forward with addressing the land issues and development of the matter planning for the Twin Arrows Casino & Resort. The Committee will continue to follow-up on this initiative with scheduling of follow-up meetings and coordination of joint meetings with all the stakeholders.
8. On March 9, 2016, RDC held a work session with NDOT, BIA Roads and NECA to discuss how the Navajo Nation can partnership BIA and NECA to begin addressing the

Navajo Nation Road system for the people. The discussion included on looking at how to bring all the resources and equipment together and begin addressing the road issues. The Committee stated there needs to be a strong partnership with one objective – serving the people. Out of this discussion, the Committee will schedule a meeting specifically to addressing the aggregate materials, burrow pits, fees and bonding requirements assessed by the Navajo Nation Minerals Department.

9. Big Boquillas Ranch is lease is expiring the end of this year, and the RDC members, in coordination with Department of Agriculture and Division of Natural Resources staff toured Big Boquillas Ranch on March 20th and further met with the Department on March 21, 2016 in Flagstaff, Arizona to provide a operational background of the NN Tribal Ranches. The Committee will continue to coordinate work relative to Big Boquillas with DNR and the Tribal Ranch Program in addressing the lease and further, looking at other economic opportunities for the ranch.

REGULAR AND SPECIAL MEETINGS FOR FY 2016 – SECOND QUARTER:

January 5, 2016 Regular Meeting Leupp Chapter

The meeting was announced for Birdspring Chapter House in Birdsprings, Arizona; however, the morning of the meeting, Honorable Walter Phelps contacted us saying the meeting location will be relocated to Leupp Chapter House because the Birdspring Chapter did not have any propane to the facilities.

The Committee met at Leupp Chapter and received one report relating to an update report from NHA regarding HUD decision and Congressional Actions on NHA. The Committee considered the following Legislation: Legislations # 0412-15; Legislation # 0413-15; Legislation # 0414-15; Legislation # 04015-15; Legislation # 0416-15; and Legislation 0418-15 and approved a variety of Committee special meeting, work session and travel activities.

January 12, 2016 Regular Meeting NTUA Administration Fort Defiance, Arizona

RDC received the following reports: (1) Update Report from NTUA; and (2) Update report from DNR re: Canyon De Chelly; Clean Power Plan and the 750 Feet Zone. The following legislation were considered: Legislation # 0410-15 (Failed); Legislation # 0410-15; Legislation # 0002-16; Legislation # 0003-16; and approved off reservation and scheduling of a meeting with NHA CEO and Board of Commissioners.

**January 15, 2016 Regular Meeting
Fort Defiance Chapter
Fort Defiance, Arizona**

RDC considered and tabled Legislation # 0381-15 due to missing documents; and considered and approved the following legislations: Legislation 0407-15 and Legislation # 0013-16 and Legislation # 0014-16. Legislation # 0407-15 is the legislation that certified Fort Defiance Chapter and the Chapter held a luncheon to celebrate their accomplishments in having the Chapter complete their five management system of policies and procedures. It was a special occasion for the community.

**January 19, 2016 Regular Meeting
NECA Administrative Complex,
Shiprock, NM**

RDC received the following reports (1) Update from NTEC (executive session presentation); (2) Update from NECA; (3) Update from NAPI; and (4) Follow-up Report – Kaibeto Chapter; and Under Old Business, Legislation # 0381-15 was added and recalled from tabled status for the Committee’s consideration. Under New Business the following legislation were considered: (1) Legislation #0306-15; Legislation # 0397-15; Legislation #0004-16; Legislation # 0005-16; and other legislations added to agenda for consideration were: Legislation # 0015-16; Legislation #0017-16; Legislation # 0018-16; Legislation # 0019-16 and Legislation # 0020-16

**January 25 - 29, 2016 23rd NNC Winter Session
NNC Chambers, Window Rock, Arizona**

RDC participated in the 23rd NN Winter Session in Window Rock, Arizona.

**February 2, 2016 Regular Meeting
NNC Chambers
Window Rock, Arizona**

RDC received a report from Office of Government Development Director Lillie Roanhorse. One Legislation was listed under Old Business, however, the sponsor was a not available. Under New Business, the following legislations were considered: Legislation # 0010-16; Legislation # 0022-16; and other Committee business were considered and approved, i.e., scheduling of work session and off-reservation travel.

**February 9, 2016 Regular Meeting
Pinon Chapter
Pinon, Arizona**

RDC received two reports 1) Report on Issues relative to NPL Grazing Permit Re-issuance initiatives. The Dizil Yijiin Regional Council provided their report, allowing their Grazing official representatives the opportunity to speak on the initiatives regarding the NPL Grazing regulations, and reissuance of permits. Thereafter, the Department of Agriculture, BIA

Regional Office and NPL Pinon Office staff provided a power point presentation on their work with the grazing officials. The group spoke about the about the establishment of range units, forage studies and reviewing the eligibility criteria. The Committee recommended to schedule a separate work session with the NPL Chapter Officials and Grazing Officials on March 18, 2016 at NDOT Conference Room in Tse Bonito, NM. The Committee also had several legislations on the agenda, however, they only acted on Legislation 0028-16, an action relating to red dog gravel to be used on Black Mesa region roads. The other legislations listed were deferred to the next regular meeting.

**February 16, 2016 Regular Meeting
NNC Chambers
Window Rock, Arizona**

RDC received two reports: 1) Navajo Veterans' Housing Initiatives from DVA, and presentations were made from NHA, NECA, NTUA, I.H.S./OEH, NECA, NNLD, and DNR. Several programs were not available to provide their reports. The second report was from Interim Chief Justice Allen Sloan with regards to NN Probates and Procedures. Under Old Business, Legislation 00224-15 was recalled and considered by RDC members with a vote of 2/1/1(CNV) and forwarded to Naabi'Iyati Committee for their consideration. Under New Business, Legislation #0039-16 was considered with two amendments and referred to Naabi'Iyati Committee. Other legislations listed were deferred to the next regular meeting.

**February 19, 2016 Special Meeting
NNC Chambers
Window Rock, Arizona**

RDC called for a special meeting to consider all pending legislations and no reports were called for. Under New Business the following legislations were considered: Legislation # 0035-16; 0036-16; Legislation # 0037-16; Legislation # 0038-16; Legislation 0039-16; Legislation # 0046-16 were considered and approved; Legislation # 0041-16 and # 0047-16 were considered and tabled; no sponsorship for Legislations # 0042-16, # 0043-16, # 0048-16 and # 0049-16 and deleted from agenda. Several leadership, work session and travel to Seligman to tour Big Boquillas were approved.

**February 23, 2016 Regular Meeting
NNC Chambers
Window Rock, Arizona**

Due to conflicting meeting and travel schedules of the RDC members, the meeting was cancelled.

**March 1, 2016 Regular Meeting
NNC Chambers
Window Rock, Arizona**

RDC received the following reports: 1) NN Land Acquisition Update from Mike Halona, Director of NN Land Department and was held executive session; 2) ASC and Division of

Community Development also provided a report on the non-certified Chapters and overall DCD operation. Under New Business, the following legislations were considered: Legislation # 0040-16; # 0042-16; # 0043-16; # 0049-16; # 0056-16 and # 0057-16 were considered.

**March 8, 2016 Regular Meeting
 LeChee Chapter
 LeChee, Arizona**

RDC received the follow reports: 1) LeChee Chapter, Council Delegate Tuchoney Slim, and Chapter President provided a brief summary of their projects there are working on and identifying the need for water line to certain areas of the community; 2) Report from Dine Hozho L3C Update, Tony Skrelunas and other provided a report on the non-profit projects they are working on with various chapter communities, including the NN Parks and Recreation Department in beautifying the tribal parks for tourism; 3) NNGE-Gaming Impact Plan was presented by Mary West, Esq., and Voluntary Compliance Agreement for Air was presented by NNDOJ Attorney April Quinn and NN EPA representative in executive session towards the end of the meeting.

Legislations considered were: Legislation # 0048-16 (tabled for 60-days for revision by Chapter as noted in the Committee Report); Legislation No. 0047-16 was considered and referred to Budget and Finance Committee; and Legislation # 0063-16 was approved. Other Committee business approved was rescheduling of RDC regular meeting and travel for RDC members to participate in the DNR Summit.

**March 15, 2016 Regular Meeting
 NNC Chambers,
 Window Rock, Arizona**

RDC Regular Meeting cancelled due to conflicting meeting schedule and Committee members on travel to Washington, D.C.

**March 22, 2016 Regular Meeting
 Chinle Apache County District I
 Chinle, Arizona**

RDC held their meeting in Chinle Apache County District I Administrative Complex. Dr. Joe Shirley, Jr., County Supervisor for District I provided a brief report expressing the need for partnership with the Navajo Nation to address the road maintenance for the Navajo people in their service areas; including the need for extracting gravel and sand from pits within the vicinity. A power point presentation was presented noting the County's service areas and the road maintenance equipment that could put forth in a partnership with the NN in a variety of road building projects. Second report was from Pumpkin Patch, a non-profit contractor operating on NAPI agricultural area, presenting issues faced with relative to their lease and facility at NAPI.

Under New Business, the Committee addressing the following Legislations: Legislation 0058-16; #0064-16; #0072-16; 0074-16 and 0075-16. Deferred Legislation # 0067-16 to next meeting date. Approved scheduling of a work session with NAPI for April 4th, 2016 at NAPI in Farmington, NM.

**March 28, 2016 Special Meeting (“In Lieu of 3/29/16”)
Leupp Chapter
Leupp, Arizona**

RDC added four reports from the local Chapter officials at the request of Honorable Walter Phelps. The reports were from (1) Tolani Lake Chapter Grazing Officers; 2) Birdspring Chapter Coordinator and Grazing Officials and 3) Leupp Chapter Grazing Officials. Each provided a brief summary of the community projects and the need for RDC to continue to support the Navajo Nation grazing officials and particularly, NPL Grazing initiatives.

Old Business, Legislation # 0040-16 was added back on the agenda for the Committee’s consideration. However, after some discussion, the matter was tabled with certain directives to NNDOJ, OLC, DED and the Minerals Department.

Under New Business, the following legislations were considered: Legislation 0088-16; #0089-16; #0090-16; and Legislation # 0070-16 was tabled with directives to Sponsor. Committee also approved RDC to meet at Aneth Chapter (dependent on when scheduling permits) and approved off-reservation travel for RDC members to accompany NHA to the NAIHS Conference in Hawaii.

WORK SESSION AND OTHER LEADERSHIP MEETING:

**January 20, 2016 RDC Leadership Meeting with
DED/RBDO/Navajo Nation Tax/NNSC/Small Business Operators
DED Conference Room
St. Michaels, Arizona**

RDC held a leadership meeting with the Small Business operators and discussed how the Navajo Nation can assist small business owners. Topic of discussion were: Regulatory Business Development Office functions; NN Taxation Office functions; and technical assistances provided from the two offices working with small business operators.

**January 29 – 30, 2016 RDC Leadership Session
Twin Arrows Casino/Resort
Twin Arrows, Arizona**

RDC held a two day work session with the following Divisions: (1) Division of Natural Resources; (2) Division of Community Development; (3) Navajo Division of Transportation; Division of Economic Development and Navajo Environmental Protection Agency; Title 26 Task Force and Twin Arrows Task Force. Each of these Divisions and Task Force provided their top five priorities and identified priorities and goals for FY 2016; there were also discussion on existing issues, concerns and reaffirming the collaboration with the Divisions. There was

also an overview of RDC priorities and the Three Branch Chief's priorities. Some of the existing priorities were discussed and set timelines attached to them. The group agreed to schedule a follow up session during the third quarter to determine what areas need oversight Committee's action for legislative fix or lobbying efforts with the tribal, state or federal agencies.

After the recess of the first day of the work session, the Committee convened into a leadership meeting with NTUA and NNGE (executive session) to discuss NTUA Twin Arrows Service plan.

**January 31, 2016 Leadership Meeting with Navajo Government Development Office
And Commissioners
Twin Arrows Casino/Resort
Twin Arrows, Arizona**

After the conclusion of the RDC work session; the Committee held a leadership meeting with the Navajo Government Development office and Commissioners to discuss the Commission's position on Title 26 Task Force task on reviewing the local governance at the 110 Chapter communities. The Committee provided a summary of their intent of establishing the Title 26 Task Force.

**February 10, 2016 RDC/NHLC Joint Work Session
DED Conference Room – Karigan Estate Building
St. Michaels, Arizona**

A joint work session was held at Division of Economic Development in St. Michaels, Arizona to talk about the Twin Arrows Master Planning with the entities and Divisions who are stake holders in the Twin Arrows development plans. The discussion was closed doors only for the leadership and stakeholders.

**February 12, 2016 RDC/Navajo Nation Land Department Work session
Twin Arrows Casino & Resort,
Twin Arrows, Arizona**

RDC has Legislation # 0380-15 on tabled status since December 29, 2015 with a directive for NNLD to provide a work session to educate the RDC members on the intent of the legislation relating to the amendments to the Navajo Nation Home site lease regulations. The work session provided a summary of the intent of the legislations, particular in areas where amendments are proposed and an extensive review of the required environment reviews. Because of federal requirements, archeological, biological, environmental and CATEX review is now required. Other areas of discussion included the NN enterprises compliances, enforcement of HSL, illegal burial sites, 750 feet corridor were also discussed.

**March 7, 2016 RDC/NHLC Leadership Meeting
LeChee Chapter,
LeChee, Arizona**

RDC and NHLC had a leadership meeting to gain a better understanding of the intent and purpose of Legislation # 0034-16, Amending IGRJN-110-10, the Navajo Eligibility Requirements to Quality for Issuance of a Grazing Permit on the Navajo Partition Land (NPL) and related activities surrounding the initiative. BIA Regional Director Sharon Pinto and Department of Agriculture staff presented a power point highlighting the work that the staff has done up to now and what is still identified as outstanding issues. Further, highlighting that RDC has a leadership meeting scheduled for March 19th the NPL Chapter Officials and Grazing Officers, thereafter time lines will be developed to give notice to BIA and the clock will begin ticking for the Navajo Nation to implement their action plans to reissuance grazing permits.

**March 9, 2016 RDC Work Session with NDOT, BIA, NECA and NAPI
Marriot Courtyard
Page, Arizona**

RDC met with NDOT, BIA Roads Department, and NECA for a good part of the day to have a round table discussion on Navajo Nation Road system and how the entities can establish partnership and coordinating in bringing their resources and equipment together to begin addressing the road issues for the Navajo people. Chairman Shepherd highlighted that there is a need to establish a strong partnership and at the end of the tunnel for everyone should be one objective – serving the people. That the leadership is sitting here to help providing the guiding principle on how these entities can begin moving forward with one vision. The NN received \$55 million and needs to maximize those funds. Thereafter, each entities provided a presentation and identifying what they see as issues and barriers. The group agreed to schedule a follow up meeting in 60 days, meanwhile the Committee will begin revisiting the NN Procurement Code and further look at the Preference Code to where NECA will do the road contract because they it's a tribally owned entity, with the personnel and equipment to do road construction. Other recommendation is too review the Resources Utilization Permit on existing millings and dirt stockpiles. Royalty fee on Water use permits were other areas the Committee will begin reviewing with the respective Departments.

Later in the afternoon, RDC met with NAPI Administrative Officials and NAPI Board members with regards to NAPI operation. The Interim CEO Lionel Hoskie and the CFO Daryl Multine provide a power point, however, the Committee raised numerous questions and answers were not readily available. The Committee thereafter requested for a work session at NAPI on April 18th, 2016. The Board also provided a brief summary of their oversight responsibilities of NAPI operation and accepted the scheduling of a work session at NAPI.

**March 11, 2016 RDC/NHLC Leadership Meeting
Twin Arrows Resort/Casino
Twin Arrows, Arizona**

This leadership meeting is a follow up the meeting of a joint meeting held in St. Michaels February 10, 2016 where some task were assigned to Divisions/Departments to provide some

March 29 – 31, 2016

**2016 DNR Summit
Twin Arrows Casino/Resort
Twin Arrows, Arizona**

RDC rescheduled their regular meeting of March 29th to allow for members to participate in the DNR Summit beginning Tuesday, March 29th and concluding on Thursday, March 31, 2016.

RESOLUTION LISTING:

- RDCJA-01-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE ISSUANCE OF A SAND AND GRAVEL LEASE TO BLUE GAP SAND AND GRAVEL FOR 20.24 ACRES, MORE OR LESS, AND AN ACCESS ROAD OF 2 ACRES, MORE OR LESS, TO EXTRACT, OPERATE AND MAINTAIN THE BLUE GAP GRAVEL QUARRY PIT IN THE TACHEE CHAPTER VICINITY FOR ROAD IMPROVEMENT PROJECTS, TACHEE CHAPTER VICINITY, NAVAJO NATION (APACHE COUNTY, ARIZONA)
- RDCJA-02-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR MISSION SITE FOR CONGREGATIONAL METHODIST NAVAJO MISSION ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF NEWCOMB CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)
- RDCJA-03-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR MISSION SITE FOR MISSION SITE FOR THE POTTER'S HOUSE OF CHINLE, INC. ON THE NAVAJO NATION TRUST LANDS IN THE VICINITY OF CHINLE CHAPTER, NAVAJO NATION (APACHE COUNTY, ARIZONA)
- RDCJA-04-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CONFIRMING THE APPOINTMENT OF CORRINE CLAUSCHEE TO SERVE AS A COMMISSIONER OF THE NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION FOR A TERM OF FOUR YEARS
- RDCJA-05-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CERTIFYING THE FORT DEFIANCE CHAPTER'S FIVE MANAGEMENT SYSTEM POLICIES AND PROCEDURES

- RDCJA-06-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING AN ASSIGNMENT OF THE USE OF OR REDESIGNATE THE USE OF A LAND WITHDRAWAL OF 43.209 ACRES (40.979 ACRES FOR USE AS A SAND AND GRAVEL PIT AND 2.23 ACRES FOR AN ACCESS ROAD), MORE OR LESS, IN THE FORT DEFIANCE CHAPTER VICINITY; AND APPROVING A SAND AND GRAVEL LEASE AND ACCESS ROAD RIGHT-OF-WAY TO FORT DEFIANCE SAND AND GRAVEL, INC. IN THE FORT DEFIANCE CHAPTER VICINITY
- RDCJA-07-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING AN AMENDMENT TO THE NAVAJO NATION HOMESITE LEASE REGULATIONS TO RECOGNIZE A RESIDENTIAL LEASE ISSUED BY THE BUREAU OF INDIAN AFFAIRS ON AN ALLOTMENT ACQUIRED BY THE NAVAJO NATION PURSUANT TO THE LAND BUY-BACK PROGRAM
- RDCF-08-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; AMENDING RDCJA-01-11 BY EXTENDING THE PROVISIONS OF RCJA01-11 FOR FIVE(5)YEARS TO CONTINUE TO PROVIDE RED DOG SAND AND GRAVEL MATERIALS TO BE USED ON ROADS SERVING THE BLACK MESA REGION AND THE COMMUNITITES WITHIN THE PEABODY LEASE AREA DURING WEATHER RELATED WINTER EMERGENCIES
- RDCF-09-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE ISSUANCE OF A SAND AND GRAVEL LEASE TO BUREAU OF INDIAN AFFAIRS, NAVAJO REGION, FOR 8.5 ACRES, MORE OR LESS, TO EXTRACT SAND AND GRAVEL IN THE RED LAKE CHAPTER VICINITY FOR THE RED LAKE DAM MODIFICATION, RED LAKE CHAPTER VICINITY, NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO)
- RDCF-10-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CERTIFYING ROUND ROCK CHAPTER'S COMMUNITY-BASED LAND USE PLAN
- RDCF-11-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR AZEE'BEE NAHAGHA OF DINÉ NATION OF WHIPPOORWILL CHAPTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF WHIPPOORWILL, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)
- RDCF-12-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE NAVAJO NATION DEPARTMENT OF

RESOURCE ENFORCEMENT LIVESTOCK CUSTODY FUND
ALLOCATION MODIFICATION IN THE AMOUNT OF \$50,000.00

- RDCM-13-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; WAIVING 16 N.N.C. § 1159 (B) REGARDING ACREAGE LIMIT OF 1.5 ACRES FOR A MISSION SITE FOR PURELY RELIGIOUS REASONS; AND, APPROVING A REVOCABLE USE PERMIT FOR TWO ACRES FOR AN EXISTING MISSION SITE FOR THE GLORY ROAD MINISTRIES ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF PINEDALE CHAPTER, NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO)
- RDCM-14-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR MITTEN ROCK TREE OF LIFE CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF RED VALLEY CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)
- RDCMA-15-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE NAVAJO DIVISION OF TRANSPORTATION 2016 TRIBAL TRANSPORTATION PROGRAM DELIVERABLES TO BE SUBMITTED TO THE BUREAU OF INDIAN AFFAIRS, NAVAJO REGIONAL OFFICE
- RDCMA-16-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CONFIRMING THE APPOINTMENT OF MS. TINA JAMES TAFOYA TO THE NATIVE BROADCAST ENTERPRISE BOARD OF DIRECTORS
- RDCMA-17-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE MUTUAL TERMINATION OF BUSINESS SITE SUBLEASE NO. CH-99-112A BETWEEN THE NAVAJO NATION AND SUBLESSEE GIANT FOUR CORNERS, INC. INVOLVING A SUBLEASE IN MANY FARMS, ARIZONA
- RDCMA-18-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; REVIEWING AND APPROVING THE SACRED EAST BOTTLED WATER PROJECT ECONOMIC DEVELOPMENT PLAN FOR USE OF THE BUSINESS AND INDUSTRIAL DEVELOPMENT FUND
- RDCMA-19-16:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LEASE MODIFICATION TO BUSINESS SITE LEASE NUMBER TC-06-228 FOR DAVID AND JULIE ORROCK DBA RAINROCK, L.L.C. FROM A BUREAU OF INDIAN AFFAIRS LEASE TO A NAVAJO NATION LEASE TO BE GOVERNED BY

RDCMA-20-16: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
AMENDING RDCMY-21-15 WHICH ESTABLISHED THE TITLE 26
TASK FORCE TO EXTEND THE EXISTENCE OF THE TASK FORCE
FROM 90 DAYS TO THE END OF NOVEMBER 2016 OR UNTIL THE
TASK IS COMPLETED



April 07, 2016

M E M O R A N D U M :

TO : Mr. Jared Touchin, Public Information
Officer
Office of the Speaker

FROM : Marjorie James
Marjorie James Supervisor
Reporting Section
Office of Legislative Services

SUBJECT : 2nd Quarterly Report

Attached is the Statistics for 4th Quarterly Report for Reporting Section of Office of Legislative Services for the month of January, February, and March 2016.

If you have any questions please call me at ext. 7573. Thank you.

Attachments

2016

2nd QUARTERLY
REPORT FOR THE MONTH OF
January, February, and March

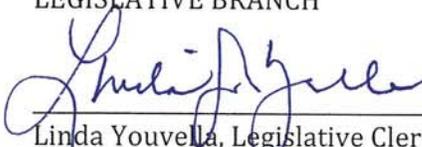
Regular	46
Special	16
Subcommittee	4
Joint meeting	10
Oversight/Public	0
Budget Hearing	1
Administrative Hearing	0
Others	0
Training/Work Sessions	24
Approved Resolutions	45
Disapproved/ Failed	7
Tabled/Referred	6
Committee Report	171
Reports (Oral)	352
Excerpts/Journal	42
Off Reservation Conferences:	5



April 4, 2016

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 : **2016 1st Quarterly Report**

The Navajo Nation Council Delegates' Office (NNCDO) hereby submits the 2016 2nd Quarterly Report. The report covers the months of January, February and March 2016.

The office is vested with providing administrative support to members of the Navajo Nation Council. Support provided covers memorandum/letter writing, chapter reports, trip reports, meeting reports, etc.; travel arrangements, PCard reconciliation, mail services, logging in all incoming correspondences and telephone calls; preparation of supplemental budgets for their respective chapters or other entities; and providing assistance during committee meetings, hearings and work sessions or public hearings; assist with preparation of packets for Navajo Nation Council sessions and Naabik'iyati' Committee meetings and/or other standing committees as well as with the operation of the voting and microphone systems.

Other assistance provided to the Office of Legislative Services staff, administration, advisors, reporting and Legislative District Assistants are preparation of memorandums/letters. preparation of standing committee and Navajo Nation Council meeting documents, assistance at committee meetings with recording when called upon, preparation of monthly travel documents, PCard review and reconciliations by abiding by PCard Policies, and the internal legislation engrossment process.

NNCDO provide tours of the Navajo Nation Council chamber for interested parties, such as students, tourists, etc. on a daily basis. Other activities for the quarter were giving the staff training options to enhance their skills which will provide opportunities and knowledge for staff to develop and strengthen their abilities as employees of the Legislative Branch. Further, 6B roll out training offered by the Navajo Nation Office of the Controller.

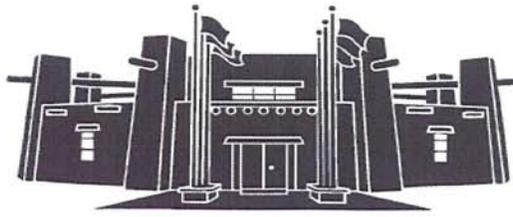
This concludes the Navajo Nation Council Delegates Office quarterly report.

ATTACHMENT

xc: File copy

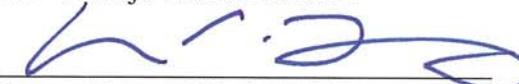
**REQUEST FOR SERVICES
COUNCIL DELEGATE'S OFFICE**

MONTH	January 2016	February 2016	March 2016
Navajo Nation Council Delegates	704	675	733
Legislative District Assistants	62	57	67
Navajo Nation Public	787	688	886
Legislative Branch Departments, i.e. OLS, Legislative Counsel, Office of the Speaker, other Navajo Nation departments, federal, state, county, etc.	158	171	193
PCard Reconciliations & Reviews	35	29	38
Others	488	479	522
TOTAL	2,234	2,099	2,439



MEMORANDUM

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

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

DATE : April 6, 2016

SUBJECT : Office of Legislative Counsel Second Quarter Report for Fiscal Year 2016

I. CONTACT PERSON

Levon B. Henry, Chief Legislative Counsel

II. PURPOSE OF THE OFFICE

The Office of Legislative Counsel provides legal services to the Navajo Nation Legislative Branch as provided in 2 N.N.C. § 964. The following provides some of the more significant legislative activities that the Office of Legislative Counsel has been involved with during the second quarter of Fiscal Year 2016 (January 1, 2016 – March 31, 2016). The Office of Legislative Counsel activities have addressed all the nine subject areas in the Navajo Nation Three Branch Government One Nation One Voice Priorities.

III. SIGNIFICANT ACCOMPLISHMENT IN SECOND QUARTER

1. Navajo Nation Council

Levon Henry, Chief Legislative Counsel provided legal assistance to the Navajo Nation Council during its Winter Session held on January 25-29, 2016 and a special meeting session on March 23, 2016.

2. Naabik'iyáti' Committee

Chief Legislative Counsel Levon Henry and attorney staff members, Ron Haven, Carolyn West, Mariana Kahn, Kristen Lowell, Stacy Allison and Rhonda Tuni provided legal advice and attended nine (9) meeting of the Naabik'iyáti' Committee (NABI). Some of the highlights for this quarter include the following. The January 25, 2016 meeting discussed the Water Rights Litigation which was discussed in Executive Session. Ms. Kahn covered the February 19th meeting and generally provided legal advice on procedure and substantive matters on agenda. On March 2, 2016 NABI convened for a special meeting to provide an update on the Ft. Wingate Army Depot Activity. The meeting went until 11:59pm. Another item on the agenda was the Navajo Nation Permanent Fund Income Five Year Expenditure Plan.

3. Budget & Finance Committee

Mr. Henry with the newly hired Principal Attorney Kristen Lowell are the attorneys primarily responsible for the provision of legal advice and legislative assistance to the Budget and Finance Committee. Ms. Lowell has drafted resolutions dealing primarily with fiscal matters, budgeting and appropriations. Ms. Lowell thus far has attended three (3) Budget and Finance Committee meetings. During this quarter she is currently assigned to work with the Insurance Commission and the Investment Committee as the Budget and Finance Committee also has authority over the Navajo Nation Investment Committee. Ms. Lowell is increasing her knowledge in the subject areas of financial issues.

4. Law & Order Committee

Carolyn West is the primary attorney who provided legal advice, representation and legislative assistance to the Law and Order Committee, Sacred Sites Subcommittee and Human Rights Commission. Ms. West attended thirteen (13) regular meetings of Law and Order Committee. She drafted resolutions in the areas of committee oversight and subcommittee assignment. Upon request she provided verbal and written legal legislative advice, correspondence, compiled data and public comments. On February 8, 2016, the Law and Order Committee met in Kai'bi'to, Arizona. On February 22, 2016, the Law and Order Committee met in Tuba City, Arizona. The Law and Order Committee held two working session to discuss their priorities. The Law and Order Committee held their first work session on February 22-25, 2016 in Phoenix, Arizona. The Committee heard from the Attorney General, Public Safety and the Judicial Branch. The Committee held the second work session on March 24, 2016 in Albuquerque, New Mexico; this was a follow up meeting from the Phoenix session. The Committee received a report on the Tribal Law and Order Act.

5. Health, Education & Human Services

Ron Haven is the primary attorney who advises the Health, Education & Human Services Committees (HEHSC). The HEHSC held six regular meetings, two special meetings, one joint meeting with the Law and Order Committee. The HEHSC also held two work sessions. During this quarter, Mr. Haven attended over 90% of the Committee's meetings. He has drafted resolutions that have gone on for committee or council approval.

6. Resources & Development

Mariana Kahn works primarily with the Resources and Development Committee (RDC). She is the attorney who drafts legislation for and advises the Committee. Ms. Kahn attended eleven (11) RDC meeting and one (1) worksession. The RDC exercises oversight authority over water, land environmental protection agriculture, roads, economic development, gaming, right-of-way and housing. As such, legislation drafted and acted upon by RDC has impacted on almost all the Three Branch Government One Nation One Voices Priorities. During this quarter, she drafted legislation for RDC final approval for the rights-of-way, gravel permits, mineral utilization permits, revocable use permits for churches, terminating, amending or approving business site leases, reallocating funds for powerline extension, and approving LeChee Chapter's and Round

Rock Chapter's renewal of Community Land Use Plans which impact requests for infrastructure, roads and building.

Major legislation drafted included two potential amendments to the Navajo Nation Code which would require Navajo Nation Council approval. One is the Navajo Nation Surface Mining Control and Reclamation Act (SMCRA), which would give the Navajo Nation the authority to set surface coal mining and reclamation standards consistent with, and no less stringent than, the standards set forth in federal (SMCRA) and regulations promulgated thereunder, in order to ensure that competitive pressures among coal suppliers will not undermine the ability of the Navajo Nation to improve and maintain adequate environmental standards for coal mining operations within the Navajo Nation. The second major legislation which was drafted would amend the Navajo Nation Policy on Acquisition of Lands, 16 N.N.C. § 1, because the Navajo Nation need to acquire real property has moved from the need for agricultural land into acquiring more industrial and commercial properties.

Major legislation drafted for final approval by Resources and Development Committee include: Amendments to the Navajo Partitioned Land Eligibility Requirements; Approval of range unit boundaries for the Navajo Partitioned Lands; Amendment to the Homesite Lease Policy such that when the federal government "buys back" allotments the families who have built houses on the allotment may convert residential permits into homesite leases; approval of the plan for the Sacred East Bottled Water Project to use funds from the Business and Industrial Development Funds; approval of an appointee to the Navajo Tribal Utility Authority Management Board, approval of a modification to the fund allocation for the Livestock Custody Proprietary Fund; approval of the 2016 Tribal Transportation Program Deliverables for the BIA; and, the FY 2016 Navajo Nation Road Funding Plan.

Ms. Kahn has drafted and spoke with the oversight committee regarding a due diligence memorandum to be distributed during executive session at RDC meeting regarding companies requesting sand and gravel utilization permits and leases. The topic essentially was whether companies that are out of compliance with the Navajo Corporation Code may be approved for those permits and leases. Another issue of examination was whether spokesperson(s) for the companies must be free of convictions for fraud.

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. Ms. Skeets, this quarter provided written and oral advice at least 150 times and provided representation for and to the Labor Commission by attending eleven (17) hearing.

She has wrote twenty twelve (12) orders and opinions that involve the following cases listed by docket number (some cases require multiple orders): No. NNLC 2013-93; No. NNLC 2014-83; No. NNLC 2010-26; No. NNLC 2015-26; No. NNLC 2015-25; No. NNLC 2013-33; No. NNLC 2014-44; No. NNLC 2013-93; No. NNLC 2014-87; No. NNLC 2013-16; No. NNLC 2014-67; and No. NNLC 2015-22.

Ms. Skeets also reviewed numerous pleadings and documents that pertain to approximately 90 pending cases. Six (6) new Labor Commission complaints were filed this quarter.

During with quarter Ms. Stacy Allison continued to assist Ms. Skeet as needed. Ms. Allison covered one labor commission hearing that was held in Farmington, NM on March 28, 2016. This hearing was continued from December 2016, for the respondent to continue presenting their witnesses, rest their case and for the petitioner to present her case and to hear closing arguments.

8. Office of the Speaker

Mr. Henry, Chief Legislative Counsel has participated in a number of staff meetings conducted by the Office of the Speaker. Most of the meetings were conducted at 7:00am. Mr. Henry provides legal advice to the Office of the Speaker and Office of Legislative Services during these weekly meetings.

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 of the Board's meetings and advised election officials.

10. Office of Legislative Services

Mr. Henry, Chief legislative Counsel, has primary responsibility for providing of legal advice and legislative 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 and reviewed forty (40) engrossed copies of the legislation for processing and preparing for the Navajo Nation Council and standing committee meetings. Mr. Henry also attended and provided legal advice to the Office of Legislative Services when the Office held a work session for staff; the meeting was held in Phoenix, Arizona.

11. Other Boards, Commission and Legislative Branch Offices

The Office of Legislative Counsel continues to advise various other Legislative Branch committees, boards, task forces, and offices at various meetings as requested. The Office of Legislative Counsel provided legal guidance to other sub-committees. As such the Sihasin Subcommittee, Title 2 Reform, Title 26 Task Force, Sacred Sites and States Task Force. The Sacred Sites Subcommittee met twice to discuss the possible state legislation regarding the San Francisco Peaks.

At the beginning of the quarter Ms. Stacy Allison was assigned to the Navajo –Hopi land Commission, Navajo Utah Commission and the Eastern Land Commission. She was assigned to the Inter-Agency Subcommittee with Mr. Ron Haven.

The Navajo Utah Commission (NUC) is engaged in an ongoing civil case in Aneth District Court. Ms. Allison represents the Navajo Utah Commission, the Respondent. On January 12, 2016, Petitioner complied with the preliminary injunction order issued by the court and turned over the key to the storage unit that holds the property belonging to the NUC. The final hearing was continued to February 24, 2016, however Ms. Allison had to

request a continuance to take the bar exam. The hearing is now set for April 26, 2016 at 8 a.m.

12. Office of Legislative Counsel

The Office of Legislative Counsel continued to address all issues concerning the drafting of legislation, exercise oversight authority. The Office also writes legal opinions primarily informing delegates about requests for resolutions and concerning inquiries from delegates or employees from the various Navajo Nation departments or enterprises. These opinions are both written and verbal. The Office also answers questions from Department of Justice attorneys and the President's attorney.

This quarter two new staff members have joined our office: Ms. Kristen Lowell, Principal Attorney on February 22, 2016 and Ms. Rhonda Tuni, Attorney Candidate on January 25, 2016. Both attorneys are making a valuable contribution to the OLC as attorneys with the Navajo Nation. They are extremely helpful in writing of proposed legislation and assisting with standing committee, subcommittees, commissions and Navajo Nation Council and have spent time on researching topics for legislation. Ms. Kahn was available to mentor and assist them in understanding the Navajo Nation Council and Standing Committee legal drafting requirements.

Navajo Nation Bar Association/Legal Education: As a Chinle Board of Bar Commissioner Ms. Kahn has attended Board of Commissioners meeting in Window Rock and also occasional phone conferences on Bar Association affairs. She has given the Commissioners information on Navajo Nation Council Legislation which will have an impact on the Navajo Nation and demonstrated to the Commissioners how they can offer their comments and suggestions to the Navajo Nation legislators regarding the legislation. As a member of the NNBA Disciplinary Committee Ms. Jennifer Skeet attended one Disciplinary Committee meeting this quarter.

On February 2-7, 2016 Ms. Kahn and Mr. Henry traveled to San Diego, CA for the purpose of attending the American Bar Association Midyear meeting, and to obtain Continuing Legal Education credits having to do with ethical considerations of government attorneys.

The attorney staff Ms. Tuni attended the Arizona Bar Exam on February 23-24, 2016 in Phoenix, Arizona after four weeks of bar study. Ms. Allison attended the New Mexico Bar Exam on February 23-24, 2016 in Albuquerque, New Mexico. On January 25, 2016 she began four weeks of bar study and took the NM Bar Exam on February 23-24, 2016 and eight hour required course in New Mexico law.

On February 25-27, 2016 the Office of Legislative Counsel had their winter quarter review staff meeting in Albuquerque, NM to receive an update on pending legislative initiatives and discussed strategic planning regarding how to improve our efficiency. Included, during the meeting a new staff assignments to Committees, Subcommittees and Commissions were assigned to the staff members of the Office of Legislative Counsel. The assignment became effective on February 29, 2016.

During this quarter, legal staff were asked to offer opinions on a proceeding in Shiprock District Court regarding a challenge to the validity of the Utah Water Settlement which was passed by the Navajo Nation Council and whether the chapter president, a non-

Navajo Nation Bar Association member, could represent the chapter pro se in the district court proceeding. The OLC staff participated in these discussions.

13. The Public

The Office of Legislative Counsel received inquiries from non-delegates. These inquiries came primarily from employees from various Navajo Nation departments or enterprises who came into or phoned the Office of Legislative Counsel, from Legislative Services staff, Legislative District Assistants (LDA) and Speaker's Office staff, from Department of Justice attorneys and the Office of the President and Vice President's attorney. Inquiries also came from occasional phone conferences on Bar Association affairs and outside entities. Ms. Allison was also appointed pro bono to represent an indigent criminal defendant in the Chinle District Court for a pre-trial conference held on January 14, 2016. The case resolved at the pretrial; it was dismissed. She withdrew as counsel on January 28, 2016.

IV. ACCOMPLISHMENT OF PERFORMANCE MEASURES

1. To provide legal advice during the Navajo Nation Council:

4 days session, NNC 2016 Winter Session January 25, 26, 27, 28, 2016
NNC Special Session (1), March 23, 2016

2. Number of Resolutions Drafted:

Drafts of Legislation and Resolutions, as Requested. **(220)**

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. **(137)**

4. Number of Times Legal Advice Provided (Verbal or Written Memoranda)

Number of Times Legal Advice Provided (Verbal or Written Memoranda) **(624)**

5. Number of New Resolutions Incorporated into the Code.

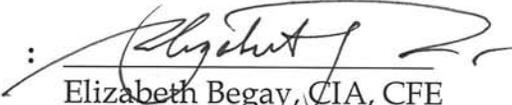
Two potential amendments to the Navajo Nation Code which would require NNC approval. One is the Navajo Nation Surface Mining Control and reclamation Act (SMCRA), which would give the Navajo Nation the authority to set surface coal mining and reclamation standards. The second legislation drafted would amend the Navajo Nation Policy and Acquisition of Lands, 16 N.N.C. § 1. Another amendment that would require Resource and Development Committee approval is amendment to the Navajo Partitioned Land Eligibility Requirements; amendment to the Homesite Lease Policy.

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 : April 7, 2016

SUBJECT : FISCAL YEAR 2016 SECOND QUARTER REPORT

The Office of the Auditor General submits the fiscal year 2016 second quarter report covering the period January 1, 2016 through March 31, 2016.

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 2016 second 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	\$1,131,953	\$478,184	47%
Operating	\$720,300	\$390,074	54%
Total:	\$1,852,253	\$868,258	47%

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 plan follow-up reviews.

Our audit work in the chapter area includes financial audits, full scope audits, limited scope audits, special investigations, corrective action plan 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:

STATUS:

Audits:

FY 2015 3 rd Quarter Unspent Chapter Funds	Final Report issued Jan. 2016
FY 2015 4 th Quarter Unspent Chapter Funds	Final Report issued Feb. 2016
Dilkon Chapter	Final Report issued Mar. 2016
Chapter Positions Job Classification and Comp. Study	Final Report issued Mar. 2016
Inscription House LGA Review	Final Report issued Mar. 2016

Special Investigations:

Oak Springs Chapter (former secretary/treasurer)	Final Report issued Feb. 2016
Oak Springs Chapter (current secretary/treasurer)	Final Report issued Mar. 2016

CAP Follow-Up Review:

Tribal Ranch Program	Final Report issued Mar. 2016
Becenti Chapter	Final Report issued Mar. 2016
Red Valley Chapter	Final Report issued Mar. 2016

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) Provided reports on program/chapter audit issues, chapter accounting data and bank account activities, and attended meetings of the following oversight committees: Budget and Finance Committee, Health, Education and Human Services Committee, Resources and Development Committee, and Naabik'iyati Committee.
- 2) Provided technical assistance to various programs and Chapters.

V. UPCOMING INITIATIVE

Ongoing Audits of Programs/Chapters to be completed in the FY 2016 Third Qtr.

DESCRIPTION:

STATUS:

Audits:

Accounts Payable Duplicate Payment
Tribal Parks
Contingency Management Fund
Whitecone Chapter
Upper Fruitland Chapter
Water Resources

Fieldwork in progress
Fieldwork in progress
Quality review in progress
Fieldwork in progress
Preliminary phase
Draft report issued

Follow-Up Reviews:

Mariano Lake Chapter
Whitehorse Lake Chapter
Sawmill Chapter
FMIS Disaster Recovery
Many Farms Chapter
Tonalea Chapter
Parks and Recreation Department

Quality review in progress
Quality review in progress
Quality review in progress
Preliminary phase
Quality review in progress
Preliminary phase
Preliminary phase

Investigations:

Aneth Chapter - Community Development Corporation
Bahastl'ah Chapter former employee
Tohajilee Chapter employee

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, 50% 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.

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

**Navajo Nation Legislative Branch
Office of the Auditor General
Fiscal Year 2016 – Second Quarterly Report Summary**

The Office of the Auditor General conducts internal audits of Navajo Nation programs, departments, chapters, entities and vendors in conjunction with the "One Nation, One Voice" governance priority of the Navajo Nation.

Contact Person: Elizabeth Begay, Auditor General; Ph: (928) 871-6303;
Email: elizabethbegay@navajo-nsn.gov

Accomplishments from 2nd Quarter: Issued 10 reports:

- Report 16-10 FY2015 3rd Quarter Unspent Chapter Funds
- Report 16-11 Oaksprings Chapter Official (former) Investigation
- Report 16-12 FY2015 4th Quarter Unspent Chapter Funds
- Report 16-13 Dilkon Chapter Internal Audit
- Report 16-14 Oaksprings Chapter Official (current) Investigation
- Report 16-15 Tribal Ranch Program Follow-up
- Report 16-16 Becenti Chapter Corrective Action Plan Follow-up Review
- Report 16-17 Chapter Positions Job Classification and Compensation Study
- Report 16-18 Red Valley Chapter Corrective Action Plan Follow-up Review
- Report 16-19 Inscription House LGA Review

Goals for 3rd Quarter (ongoing projects and activities)

- Whitecone Chapter Cash Receipts Special Review
- Whitehorse Lake Chapter Corrective Action Plan Follow-up Review
- Sawmill Chapter Corrective Action Plan Follow-up Review
- Mariano Lake Chapter Corrective Action Plan Follow-up Review
- Upper Fruitland Chapter Finances Special Review
- Many Farms Corrective Action Plan Follow-up Review
- Accounts Payable Duplicate Payment Special Review
- Contingency Management Fund Special Review
- Tribal Parks Special Review
- Water Resources Internal Audit
- FMIS Disaster Recovery Corrective Action Plan Follow-up Review
- Tonalea Chapter LGA Follow-up Review
- Parks and Recreation Department Corrective Action Plan Follow-up Review
- Fraud Investigations of two chapters
- Revisits of sanctioned programs/chapters:
 - Navajo Area Agency on Aging
 - Workforce Development
 - Shiprock Chapter
 - Teec Nos Pos Chapter

Issues/Recommendations

- Lack of auditors to conduct surprise audit of chapters. Recommend funding additional five (5) auditors to do surprise audits at each agency.
- Lack of auditors to conduct performance audit of Navajo Nation programs and departments. Recommend funding additional five (5) auditors to be assigned at the division.
- Lack of auditors to conduct follow-up reviews of programs and chapters corrective action plan implementation. Recommend funding additional three (3) auditors to do follow-up.
- Lack of funding to pay for the risk assessment of Executive Branch departments and programs costing approximately \$100,000.



**FY 2016
SECOND QUARTER
(JANUARY – MARCH)**



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

Office of Navajo Government Development

APRIL 2016

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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, 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 and in accordance with the Supreme Court Order. This was supported by 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 Tsosie as the Chairperson with Ms. Mae Horseman as the Vice-Chairperson.

II. Office of Navajo Government Development Staff

Lillie Roanhorse	<i>Executive Director</i>
Jamie Henio	<i>Policy Analyst</i>
Vacant	<i>Policy Analyst</i>
Raymond Tsosie	<i>Senior Planner</i>
Patsy Yazzie	<i>Administrative Assistant</i>
Jasper Long	<i>Senior Office Specialist</i>
(928) 871 – 7214/7161	

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
Bessie Tsosie EASTERN AGENCY	CJA-06-14	January 30, 2014	January 30, 2018
Elizabeth H. Kuipers FT. DEFIANCE AGENCY	PENDING	June 30, 2015	June 30, 2019
Herman Farley NORTHERN AGENCY	CAP-27-14	April 23, 2014	April 23, 2018
Floyd Stevens WESTERN NAVAJO AGENCY	PENDING NNC ACTION	PENDING	PENDING
Navajo Nation Government – Branch Representatives			
Vacant EXECUTIVE BRANCH	VACANT	Vacant	Vacant
Martin Avery JUDICIAL BRANCH	PENDING	November 26, 2014	November 26, 2016
Vacant LEGISLATIVE BRANCH	VACANT	Vacant	Vacant
Other Representatives (Pursuant to 2 N.N.C. § 972)			
Vacant PRACTITIONER OF NATIVE HEALING ARTS	VACANT	Vacant	Vacant
Vacant WOMEN'S COMMISSION	PENDING	Vacant	Vacant
Vacant DINE COLLEGE	VACANT	Vacant	Vacant
Nicole K. Johnny HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE	CJY-38-14	July 23, 2014	July 23, 2016

IV. FY 2016 Second Quarter Budget Information

The table below illustrates the approved FY 2016 Budget and the FY 2016 Second Quarter actual expenditures, revised budget, remaining budget available and percentage of budget used.

**Office of Navajo Government Development
Expenditure Report
FY 2016 – 2nd Quarter Budget Table**

Account	Original Budget	Revised Budget	Actuals	Budget Available	% Expense of Total
2001 Personnel Expenses	414,186	414,186	163,967	250,219	40%
3000 Travel Expenses	25,856	36,909	27,994	8,915	76%
3500 Meeting Expenses	22,250	19,750	15,225	4,525	40%
4000 Supplies	18,000	13,000	1,301	11,699	10%
5000 Lease and Rental	7,155	7,155	1,385	5,770	19%
5500 Communications and Utilities	12,500	10,000	2,686	7,316	27%
6000 Repairs and Maintenance	8,500	10,342	6,851	1,649	84%
6500 Contractual Services	3,000	3,000	2,500	500	83%
7000 Special Transaction	22,274	22,274	5,876	18,748	31%
TOTAL	533,721	541,616	227,787	309,338	43%

V. FY 2016 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 (January 2016 to March 2016) for FY 2016 Second Quarter:

A. Program Performance Criteria Goal Statements:

1. Research (case studies, focus groups, qualitative) on current Navajo government initiatives and make proper recommendations for improvement and implementation

Goal: 1 Actual: 1

- The Office of Navajo Government Development is part of a Task Force created by the Navajo Nation Council Resources and Development Committee to review Title 26, the Local Governance Act for possible revisions for improvement and implementation. The ONGD staff provided assistance to the Task Force such as the 1995 Navajo Nation Summit on Local Governance, 2002 Red Rock Convention, the 2012 Peoples Convention and the 2015 Navajo Government Reform Listening Session. The Task Force recommended to implement major reform to Title 26 which will affect the structure of the current chapter governments. It is proposed that this initiative will be put forth before the Navajo People for a referendum vote.

2. Review all aspects of the existing Navajo government structure (central government, chapters, townships) through public hearings, listening sessions, etc. for recommendations from the Navajo People.

Goal: 4 Actual: 47

- 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 the Navajo People about the upcoming major changes to Title 26 which will affect the structure of the Navajo chapter governments. The Office will gather information and comments about the type of government reform the Navajo People want to see at the local government.
- *The Office of Navajo Government Development hosted a series of Local Government Reform Public Education sessions in the month of January, February and March 2016 to inform the public of the upcoming major changes to Title 26 and seek public input. The dates are as follows: 1) January 5th @ Twin Lakes Chapter 2) January 12th @ LeChee chapter 3) January 13th @ Inscription House chapter 4) January 14th @ Aneth chapter 5) January 15th @ Nenahnezad chapter 6) January 20th @ Dilcon chapter 7) January 20th @ Indian Wells chapter 8) January 21st @ Houck chapter 9) January 22nd @ Tolikan chapter 10) January 26th @ Nazlini chapter 11) January 27th @ Shonto 12) January 28th @ Navajo Technical University in Crownpoint, NM 13) January 29th @ Coyote Canyon chapter 14) February 9th @ Kindalichee chapter 15) February 18th @ Northern Region Compact Chapters at Sheepsprings Chapter 16) February 25th @ Teesto Chapter 17) February 29th Flagstaff High School government class @ Flagstaff AZ 18) March 8th, Wingate High School @ Ft. Wingate, NM 19) March 10th @ Cornfields Chapter 20) March 11th @ Rocksprings Chapter 21) March 11th, Shiprock High School @ Shiprock, NM 22) March 15th @ Coppermine Chapter 23) March 17th @ Kaibito Chapter 24)*

March 22nd @ Tselani / Cottonwood chapter 25) March 23rd @ Leupp Chapter 26) March 29th @ St. Michaels Chapter.

- Other presentations where ONGD staff were invited to present on the Title 26 Local Governance Act Reform are the following: 1) January 6th @ Navajo Board of Election Supervisors meeting in Window Rock, AZ 2) January 7th @ Dzil Yi Jin Regional Council meeting at Whipporwill chapter 3) January 9th Chinle Agency Council meeting @ Round Rock chapter 4) January 13th Navajo Utah Navajo Commission meeting @ Mexican Water chapter 5) January 16th Ft. Defiance Agency Council meeting @ Twin Lakes chapter 6) January 19th Rock Springs Chapter work session @ Twin Arrows Navajo Casino 7) January 19th Baca Chapter meeting @ Baca chapter 8) January 19th Tsaile Chapter meeting @ Tsaile / Wheatfields chapter 9) January 22nd 23rd NNC Nabikiyati work session @ Window Rock, AZ 10) January 30th Navajo Voters Coalition annual meeting @ St. Micheals AZ (Parrish Hall) 11) February 14th Cornfields Chapter meeting @ Cornfields chapter 12) February 18th Naschitti Chapter @ Naschitti chapter (M. Halona) 13) February 18th Steamboat Town Hall meeting @ Steamboat chapter 14) February 19th Community Service Coordinators quarterly meeting @ Smithlake chapter 15) February 23rd Tohatchi Chapter staff meeting @ Tohatchi chapter 16) March 5th Eastern Agency Council Meeting @ Nageezi Chapter 17) March 19th Northern Navajo Agency Council Meeting @ San Juan Chapter 18) March 19th Western Navajo Agency Council Meeting @ Monument Valley Visitors Center 19) March 25th Alamo Chapter meeting @ Alamo chapter house 20) March 28th TsoDzil Tri-Chapter consortium (Ramah, Alamo & Tohajilee chapters) meeting @ Sky City Casino, Acoma, NM. 21) March 30th Division of Natural Resources Summit at Twin Arrows Navajo Casino.

3. Provide Policy Technical Assistance to Non-LGA and LGA Certified Chapters to empower them to be self-sufficient.

Goal: 4 Actual: 3

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 has assisted the following chapters with technical assistance in the 2nd quarter: 1) January 19th Rock Springs chapter work session @ Twin Arrows Navajo Casino 2) January 25th @ Pueblo Pintado chapter 3) March 21st @ Bodaway Gap chapter

4. Educate the Navajo People on government development using educational curricula such as newsletters, internet streams, social media, etc.

Goal: 5 Actual: 10

- 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.

- ONGD staff utilized the services of the Navajo Nation Office of Broadcast Services to record ten minute segments on the upcoming proposed major amendments to Title 26 Local Governance Act. The recordings will be aired on the affiliated networks with the Navajo Nation Radio Network.
- The recordings were made on 1) February 29th 2) March 7th 3) March 14th 4) March 24th
- *At the request of several Navajo Chapters, the Office conducted educational seminars on Community Land Use Planning, Title 26(LGA) and Alternative Forms of Governments.*
- 1) 1) January 19th Rock Springs chapter work session @ Twin Arrows Navajo Casino 2) January 25th @ Pueblo Pintado chapter 3) March 21st @ Bodaway Gap chapter
- *In addition, ONGD is requested to be at the Agency Council meeting to provide a written report.*
- ONGD will provide a Navajo government reform activities report to agency council at their respective meetings at the following agencies and dates: (1) March 5th Eastern Agency Council meeting @ Nageezi chapter (2) March 19th Western Navajo Agency Council meeting @ Monument Valley Visitor Center, AZ and (3) March 19th Northern Navajo Agency Council meeting @ San Juan Chapter, NM.

5. Maintain & Develop partnerships with outside entities or individuals for Navajo government studies or grants for special projects.

Goal: 1 Actual: 0

- The Commission on Navajo Government Development and The ONGD staff did not have any activities in this area during the second quarter.

VI. Navajo Nation Council/Committees

1. January 21, 2016: The ONGD staff attended the Nabikiyati meeting to follow legislation that pertains to the Title 26 Local Governance Act and Title 26 Task Force activities.
2. January 22, 2016: ONGD staff and Title 26 Task Force attended the Nabikiyati work session to give further detailed information on the proposed major amendments to Title 26 introducing the proposed regionalization of chapter governments. Council Delegates that were in attendance made their comments and recommendations to the Title 26 task force.

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

1. January 5th – ONGD staff at the request of Twin Lakes chapter hosted a Title 26 Local Governance Act reform public education session from 10 am to 3 pm.
2. January 6th – ONGD staff provided a short presentation on the upcoming plans for a referendum election on the proposed major reform initiative regarding the amendments to Title 26 to the Navajo Board of Election Supervisors in Window Rock, AZ.
3. January 7th – ONGD staff attended the Dzil Yi Jiin Regional Council meeting to give a short presentation on the proposed amendments to Title 26 Local Governance Act whereby the chapters would be consolidated into regional governments.

4. January 13th – ONGD staff attended the Navajo Utah Commission meeting at Mexican Water chapter to give an update report on the proposed amendments to Title 26 Local Governance Act regarding the proposed regionalization of chapter governments.
5. January 19th – ONGD staff attended the Rock Springs chapter work session at Twin Arrows Navajo Casino to conduct an orientation presentation on updating the Community Land Use Plan.
6. January 19th – ONGD staff attended the Tsaile chapter meeting to give a short presentation on the proposed amendments to Title 26 Local Governance Act where the 110 chapters will be consolidated into a regional government system to improve service delivery and infrastructure development.
7. January 19th – ONGD staff attended the Baca chapter meeting to give a short presentation on the proposed amendments to Title 26 Local Governance Act where the 110 chapters will be consolidated to regional governments.
8. January 22nd – ONGD staff attended the 23rd Navajo Nation Council Nabikiyati Committee work session on the amendments to Title 26 Local Governance Act. The Committee addressed several changes than needed to be made and recommended the Title 26 Task Force address these issues as part of the amendment to Title 26.
9. January 25th – ONGD staff attended the Pueblo Pintado chapter Land Use Plan Committee meeting to give an orientation on the Community Land Use Plan to the new committee members.
10. January 30th – ONGD staff attended the annual meeting of the Navajo Voters Coalition at the Catholic Church in St. Micheals, AZ. The staff gave a short presentation on the upcoming referendum election regarding the proposed major amendments to Title 26 The Local Governance Act where 110 chapters will be consolidated into regional governments.
11. February 12 & 13 – CNGD work session at the Twin Arrows Navajo Casino to discuss the finalization of the Navajo Government Reform Listening Session report, Strategic Planning for FY 2016 and meeting with the Resources and Development Committee. The Commission also scheduled their regular meeting.
12. February 14th – ONGD staff attended the Cornfields chapter meeting to give a short presentation on the proposed amendments to Title 26 the Local Governance Act and the upcoming referendum election on the amendments.
13. February 15th – CNGD scheduled a special meeting to discuss the results of the meeting with the Resources and Development Committee and take official action with a resolution.
14. February 16th – ONGD staff attended a Title 26 task force meeting at Twin Arrows Navajo Casino. The task force met with Professor Manley Begay to discuss the possibility of entering into an agreement where Professor Begay would research, analyze and make recommendations on the proposed amendments to Title 26 where the regionalization of chapter governments would be feasible for the Navajo Nation.
15. February 19th – ONGD staff attended a power line extension meeting at Klagetoh chapter to listen in on the discussion between NTUA, CDBG and Klagetoh chapter staff on the progress and frustrations of extending power to community residents.
16. February 23rd – ONGD staff attended a staff meeting at the Tohatchi chapter. The staff meeting topic was on the progress of the local projects that the chapter PEP staff were working on and planning for future projects.

17. February 26th – ONGD staff attended the Commission on Navajo Women meeting at the Judicial complex in Crownpoint, NM. ONGD recommended to the Commission on Navajo Women to fill the vacancy for representation on the Commission on Navajo Government Development. The Commission on Navajo Women will be taking action at their next meeting in March 2016.
18. March 25th – ONGD staff attended the Alamo Navajo Chapter meeting at Alamo, NM to give a short presentation on the upcoming major amendments to Title 26 the Local Governance Act.
19. March 28th – ONGD staff attended the TsoDzil Tri-Chapter consortium meeting at Sky City Casino. The Tri-Chapters consist of Ramah Navajo, Alamo Navajo and Tohajillee chapters, they meeting on a monthly basis to discuss regional issues between the three satellite chapters. They requested for a presentation on the upcoming major amendments to Title 26 the Local Governance Act to determine how the satellite chapters will be impacted by the proposal.

VIII. Future Activities

- Using a strategic planning format to start the planning process of meeting the goals set for FY 2016 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 2016.
- Assist the RDC with reviewing and revising Title 26 Local Governance Act. The Act has not been revised for a number of years and currently the local Navajo governments are experiencing problems progressing under the current law.
- Complete the 2015 Navajo Government Reform Listening Session analysis report for the Commission and use other means of public input to form an analysis of government reform ideas and recommendations from the Navajo People.
- 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.

X. Major Issues and Recommendations

1. Vacancies on the Commission on Navajo Government Development: currently there are vacant representation from the following entities: Executive Branch, Legislative Branch, Commission on Navajo Women and Dine College Student Body. Letters have been written to the Branch Chiefs and Dine College President but there has been no response. Letters will be written again to remind the leaders of the vacancy from their entity.
2. FY 2016 Budget shortfall: The ONGD budget was approved by the Navajo Nation Council with a recommended shortfall of \$89,000. The ONGD staff are part of the Title 26 LGA Task Force which is recommending a major overhaul of Title 26 to propose a regional form of chapter government to the Navajo people for a referendum vote on November 08, 2016. The major part of this initiative is to educate the Navajo people of the proposed major amendment to Title 26, therefore the ONGD staff are the primary facilitators in this endeavor. Due to the increasing demand from the chapters, the ONGD staff are constantly traveling to different chapters on a weekly basis and this has caused a major impact on the ONGD travel budget. ONGD is recommending to the 23rd Navajo Nation Council to provide supplemental funding or a transfer of funds from the Office of the Speaker to continue with the public education sessions across the Navajo Nation.

Navajo Nation Legislative Branch
Office of Navajo Government Development
Fiscal Year 2016 - Second Quarterly Report Summary

Contact Person: Lillie Roanhorse, Executive Director
Contact Telephone Number: (928) 871-7214
Contact Email Address: lillieroanhorse@navajo-nsn.gov

Accomplishments

The Office of Navajo Government Development (ONGD) is part of the governance priority of the nine priorities which were set by the Navajo Nation Government. As a part of the governance, the major accomplishments of ONGD are listed below.

- On January 14, 2016, the ONGD and the Commission on Navajo Government Development (CNGD) were directed by the Naabik'yati' Committee of the Navajo Nation Council to study the effectiveness of the reduced Navajo Nation Council. ONGD did not get a finalized copy until mid February 2016. The ONGD has been surveying people and chapter officials since March 2016. A thorough study will require more time.
- The ONGD is a part of the Task Force created by the Resources and Development Committee of the Navajo Nation Council to review Title 26, the Local Governance Act for amendments. The Task Force recommended to implement a proposed major reform to Title 26 that will initiate a regional form of government. Chapters will be consolidated into regions. The ONGD staff is gathering comments on the proposed regional government. In this quarter, the ONGD hosted public education sessions at 47 chapters/communities, organizations, tribal departments and high schools (Flagstaff, Wingate and Shiprock).
- ONGD staff also provided technical assistance in community land use plans and pre-LGA and post-LGA certification, Title 26 and alternative forms of government to three chapters. Chapters requested ONGD services in these areas.

Goals

- Nation building-review all aspects of the existing government structure at the local level through public hearings, listening sessions, etc. to get recommendations from the Navajo people.
- Local government empowerment-provide technical assistance to non-LGA and LGA certified chapters so they can be self-sufficient.
- Public education-Educate the Navajo people on government development using educational curricula such as brochures, published reports and the internet.

Issues/Recommendations

- ONDG has limited funds for program goals and activities. ONDG requested for supplemental funds.



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

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ADD 716 ON 5:27

WEBSITE: www.nnethicsrules.navajo-nsn.gov

April 6, 2016

Honorable Speaker Lorenzo Bates
The Navajo Nation Council

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

RE: 2nd QUARTERLY REPORT FY2016

Dear Honorable Speaker and Members of the 23rd Council:

Ya'a'teeh. The Ethics and Rules Office hereby submits the 2nd Quarter Report for Fiscal Year 2016 to the 23rd Navajo Nation Council.

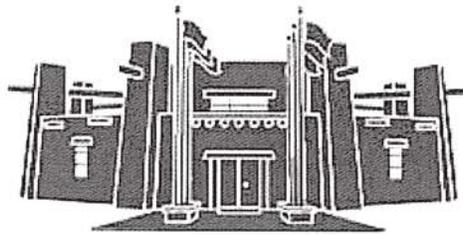
The attached 2nd Quarter Report incorporates all the activities, projects, significant information and accomplishments that have occurred, involving the Ethics and Rules Office during the 2nd Quarter of Fiscal Year 2016.

Respectfully submitted, *A'hee'hee,*

Vernon J. Roanhorse, Executive Director
Navajo Nation Ethics and Rules Office
Legislative Branch

THE NAVAJO NATION ETHICS AND RULES OFFICE

The Legislative Branch



2nd QUARTER REPORT

(January, February, March)

FY2016

Presented to the 23rd Navajo Nation Council

Spring Session



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

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Vernon J. Roanhorse, Executive Director
(vernonjroanhorse@navajo-nsn.gov)

Section One: Accomplishments from 1st Quarter

- Initiated process to amend Statute of Limitations amendments as first priority to complete and present to Navajo Nation Council Law and Order and standing Committee
- Working with Columbia Law School NALSA, Arizona State University Law School and New York Ethics Commission director in amending the Navajo Nation Ethics in Government Law/Navajo Nation Standards of Conduct as comprehensive legislative initiative to update and change the existing Navajo Nation Law.

Section Two: Goals for 3rd Quarter

- Create permanent positions for Ethics and Rules Office to include; a Forensic Auditor, Investigator or an Administrative Legal Assistant temporarily for 60 to 90 days.
- Shall continue to seek out additional funds to hire additional staff; 2 Presenting Officer, 4 Investigator/Forensic Auditors.
- Submit the revised Ethics and Rules Administrative Hearing Rules as revised by the Office of Hearings and Appeals and Ethics in Government Laws to the Navajo Nation Council Law and Order Committee for final approval.
- To continue to work with Respondents on the collection of restitution payments; Order to Show Cause cases with OHA and filing for garnishment of wages per the Garnishment Act in Navajo Nation District Court.

Section Three: Issues/Recommendations

- Develop legislation to transfer the Navajo Nation Prosecutor White Collar Unit under the Ethics and Rules Office to prosecute cases criminally in addition to existing civil prosecution of cases as set under Title 2
- Set up work sessions and professional staff development for NNERO staff in next quarter including the Law and Order Committee and the Resources and Development Committee to implement transfer of Navajo Nation Prosecutor White Collar Unit under the Navajo Nation Ethics and Rules Office

I. CONTACT INFORMATION

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Office Staff

Vernon J. Roanhorse, Executive Director
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 by statute, requires the enforcement of Ethics in Government Law et. seq. 2 N.N.C. §§ 3741-3793 to educate, to inform and interact with 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 law, 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 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. The Navajo law cited herein are enacted to protect the Navajo Nation people from wrongful governmental decisions, including such conduct and action resulting from or by affected by individuals with undue influence or conflicts of interest contrary to law. The Ethics in Government Law defines the standards of ethical conduct for Navajo public officials and employees by authorizing the enforcement of the Government in Ethics law alongside the Standards of Conduct as intended by Navajo Nation Council.

III. The 9 common priorities set out in “One Nation, One Voice” expressed by the Navajo Nation President Russell Begaye of which two applies to ERO:

Public Safety & Judicial:

The Ethics and Rules Office is allowed by statute to file cases with the Navajo Nation Judicial Branch in the District Courts for judgment collections owed to the Navajo Nation and are filed in accordance with the Navajo Nation Garnishment Law codified at 2 N.N.C. §§ 3800-3810 et. seq. The Ethics and Rules Office is filing garnishment cases in this second quarter FY 2016. This is pursuant to Article V, *Judicial Enforcement of Orders and Subpoenas* as specified in GSCAP-19-95, the Office of Hearing and Appeals rules, regulations, rulings and orders shall be upheld by a civil enforcement petition to the appropriate Court of the Navajo Nation. This includes any declarative relief, temporary or permanent relief, temporary or permanent injunctive relief or any other civil remedy, or combination of remedies, provided by the laws of the Navajo Nation.

Governance:

The Navajo Ethics in Government Law at Title Two of the Navajo Nation Code at 2 N.N.C. §§ 3741-3793 and the Regulations and Standards of Conduct is being revised and amended at this time through the standing committee, for the Ethics and Rules Office, the Law and Order Committee with assistance from the Resources and Development Committee. The Ethics and Rules Office has the civil authority to prosecute and is revising title two to include the criminal authority to prosecute the white collar crime and to transfer the Navajo Nation White Collar Unit Prosecutor’s authority under the Ethics and Rules Office. These amendments are currently being revamped and developed in the next quarter with work sessions to be presented to the Law and Order Committee and the Resources and Development Committee. Currently the Navajo Nation Ethics and Rules Office enforces only civil authority upon government employees and elected officials to comply with the highest standards of ethical conduct and to maintain the authority vested in them as a matter of public trust and policy to protect the Navajo Nation from embezzlement and fraudulent conduct formulated by elected officials and employees of the Navajo Nation. The ERO is also currently involved in the Title 26 Task Force Committee revamping and restructuring the law overseeing chapter governments.

IV. SIGNIFICANT ACTIVITIES AND ACCOMPLISHMENTS

Meetings/Investigative Field Work/Investigations

January 02, 2016, Lewnell B. Harrison, Investigator out in field to locate Terry Becenti, contracted auditor.

January 4, 2016, Mona Waqui, Investigator was assigned 66 Discretionary Funds case files forwarded from NNOAG (Audit Report No. 13-13).

January 06, 2016, Lewnell B. Harrison, Investigator and Vernon J. Roanhorse, Executive Director traveled to Crownpoint, NM to retrieve ERO property from Terry Becenti, contracted auditor.

January 07, 2016, Lewnell B. Harrison, Investigator filed Ethics complaint with Office of Hearing and Appeals on Ekbert Gleason concerning case on Mexican Springs Chapter.

January 07, 2016, Ronald Largo, Investigator reviewed and prepared Sheep Springs Chapter, ERO-67-2013, list of financial records (cancel checks) and e-mailed to Josephine Yazzie to prepare Subpoena Duces Tecum with the Application.

January 08, 2016, Lewnell B. Harrison, Investigator served Ethics complaint on Ekberg Gleason in Gallup, New Mexico.

January 12, 2016, Mona Waqui, Investigator received requested documents from NNDPM regarding Discretionary Funds Respondent's PAF's copies. Attached all PAF's to ERO case files.

January 13, 2016, Ronald Largo, Investigator meeting with Vernon Roanhorse regarding the Subpoena Duces Tecum on Sheep Springs Chapter and amending the list of Chapter records to be subpoenaed.

January 14, 2016, Ronald Largo, Investigator reviewed and signed the formal ethics complaint on case number ERO-03-2013, San Juan River Farm Board former president, Philbert Johnson, and to be filed with Office of Hearings Appeals.

January 15, 2016, Ronald Largo, Investigator - walk-in Marcella King, Attorney, submitted legal documents regarding Marica Tapaha vs. Emery Lester.

January 15, 2016, Ronald Largo, Investigator - walk-in Robert Jumbo, Auditor, submitted legal documents regarding Oak Springs Chapter investigation by Dr. George Walker, FNISG.

January 15, 2016, Mona Waqui, Investigator worked on all Discretionary Funds case files assigned to me.

January 15, 2015, Rodriquez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director met with Professor M. Lynk and A. Jones, ASU Sandra Day O'Connor Law School, on the Amendments of the Ethics in Government Law and the Standard of Conduct in Phoenix, AZ.

January 15, 2015, Rodriquez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director completed settlement meeting with M. Bedonie, ERO-13-2013, in Mesa, AZ.

January 20, 2016, Ronald Largo, Investigator reviewed and signed the formal ethics complaint on case number ERO-03-2013, San Juan River Farm Board Secretary/Treasurer, Grace Chavez, and to be filed with Office of Hearings and Appeals.

January 21, 2016, Ronald Largo, Investigator e-mailed Dr. George Walker, Private Investigator, FNISG, regarding Ethics and Rules Office case number ERO-12-2013, Navajo Occupational Safety and Health Administration (NOSHA).

January 25, 2016, Ronald Largo, Investigator served 30 Day Summons and ethics complaint on Philbert Johnson, San Juan River Farm Board, case number ERO-03-2013 at Nenahnezah Chapter House, Nenahnezah, New Mexico.

January 25, 2016, Ronald Largo, Investigator served 30 Day Summons and ethics complaint on Grace Chavez, San Juan River Farm Board, case number ERO-03-2013 at her NHA resident in Shiprock, New Mexico.

January 26, 2016, Ronald Largo, Investigator meeting with Rodriquez Morris regarding Dennshotso Chapter, case number ERO-40-2013 to review and signed the formal ethics complaint (Martha Littleman vs. Frank C. Yazzie) to be filed with Office of Hearings and Appeals.

January 26, 27, 2016, Lewnell B. Harrison, Investigator served Hearing notices.

January 26, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director assisted the Navajo Elections to complete a consult for the To'hajiilee School Board, in Window Rock, AZ.

January 27, 2016, Ronald Largo, Investigator meeting with Rodriquez Morris for additional information regarding Mariano Lake Chapter draft complaint, case number ERO-79-2013.

January 27, 2016, Rodriquez Morris, Presenting Officer, completed a consult for the Blue Gap Chapter House, in Window Rock, AZ.

January 28, 2016, Ronald Largo, Investigator meeting with Vernon Roanhorse regarding case number ERO-79-2013, Mariano Lake Chapter. Mr. Roanhorse will finalize the complaint and signed the complaint.

January 28, 2016, Ronald Largo, Investigator located and served "Order to Show Cause" hearing notice on Vincent Cowboy, Respondent, at NAPI in Farmington, New Mexico.

January 29, 2016, Ronald Largo, Investigator - walk-in and completed investigative interview on three (3) Fort Defiance Chapter officials regarding Fort Defiance Chapter Council Delegate's conduct.

February 02, 2016, Ronald Largo, Investigator served Subpoena Duces Tecum on Sheep Springs Chapter. Served Subpoenas on three (3) chapter officials and one (1) chapter staff at the Chapter.

February 03, 2016, Ronald Largo, Investigator prepared list of completed investigations and completed ethics complaints beginning August 2013 through October 2015.

February 04, 2016, Lewnell B. Harrison, Investigator met with Sandy Welshinger, FBI on Tuba City Case.

February 05, 2016, Mona Waquiu, Investigator - Investigative Interview with Respondent D. Largo involving Crownpoint Chapter and ERO case file ERO-38-2011.

February 08, 2016, Ronald Largo, Investigator meeting with Vernon Roanhorse regarding allegations of a former Sheep Springs Chapter official taking chapter properties; Fort Defiance Chapter Council Delegate not performing his job duties; Oak Springs Chapter investigation by Dr. George Walker, FNISG; the New Administrative Services Center which replace the Local Governance Support Center as part of the decentralization Project Plan; and the need to complete and finalize amendments to Ethics and Rules Office/Office of Hearings and Appeals hearing and procedures for Law and Order Committee's approval.

February 8, 2016, Rodriquez Morris, Presenting Officer, assisted the Navajo Elections and Navajo Nation DOJ to complete a consult for the Twin Lakes Chapter House, in Twin Lakes, NM.

February 8, 2016, Rodriquez Morris, Presenting Officer, complete a consult for the Klagatoh Chapter House, in Window Rock, AZ

February 09, 2016, Mona Waquiu, Investigator assisted ERO Presenting Office R. Morris with ERO case file OHA-ER-009-15 involving Respondent L. Harvey.

February 09, 2016, Ronald Largo, Investigator attended "Order to Show Cause" hearing on Vincent Cowboy, former employee, Thoreau Chapter at Office of Hearings and Appeals, Window Rock, Arizona.

February 09, 2016, Lewnell B. Harrison, Investigator - OHA hearings NN vs. Helen Herbert, Vincent Cowboy, Leon Harvey.

February 8, 9, 10, 2016, Lewnell B. Harrison, Investigator attended the Internet Intelligence Training held by the National White Collar Crime Center.

February 10, 2016, Ronald Largo, Investigator and Vernon Roanhorse completed investigative interview on Gilbert Harrison, President, San Juan River Farm Board regarding another Farm Board member in the Conference room.

February 10, 2016, Ronald Largo, Investigator meeting with Rodriquez Morris regarding preparation of the 30 Day Summons and the ethics complaint (case number ERO-36-2011, Tiisyaakin Residential Hall, Inc.) and to serve on the Respondent, Jack Whitehorse, Jr.

February 11, 2016, Ronald Largo, Investigator meeting with Vernon Roanhorse, Rodriquez Morris, and Mona Waquiu regarding case number ERO-69-2015 (Lawrence John, former Ethics Director) for additional information.

February 12, 2016, Ronald Largo, Investigator research and prepare time of events concerning Lawrence John investigation on the misuse of Navajo Nation Purchase Card (P-card) and his Travel Authorization with the assistance of White Collar Crime Unit.

February 13, 2016, Mona Waquiu, Investigator traveled to Crownpoint, NM and Teec Nos Pos, AZ for investigative interview involving case ERO-38-2011 and ERO-103-2014.

February 17, 2016, Ronald Largo, Investigator completed investigative interview on Phillip Belone, Acting Program Director, Navajo Nation Dine Education Department, Window Rock, Arizona, regarding case number ERO-37-2015 (Rough Rock Community School).

February 17, 2016, Ronald Largo, Investigator prepared list of financial records regarding case number ERO-37-2015 (Rough Rock Community School) and email to Josephine Yazzie to prepare Subpoena Duces Tecum.

February 18 - 19, 2016, Lewnell B. Harrison, Investigator interviewed witnesses in Flagstaff, Arizona with Sandy Welshinger, FBI on Tuba City Case.

February 19, 2016, Ronald Largo, Investigator - walk-in Philbert Johnson, former President, San Juan River Farm Board (ERO-03, 2013) concerning the 30 Day Summons and ethics complaint served on him and requesting to begin the paperwork on his Stipulation and/or Settlement Agreement with the Ethics and Rules Office.

February 24, 2016, Lewnell B. Harrison, Investigator met with auditor, Jeanne Jones concerning Tuba City and Mexican Springs Case.

February 24, 2016, Ronald Largo, Investigator finalized and signed the memorandum to close case internally on case number ERO-61-2016 (San Juan River Farm Board) and return to Vernon Roanhorse to concur.

February 25, 2016, Mona Waquiu, Investigator and Rodriquez Morris, Presenting Officer met with R. Begay from Community Development regarding ERO case file ERO-113-2014.

February 26, 2016, Rodriquez Morris, Presenting Officer completed a consultation for the Burnham Chapter House, in Window Rock, AZ.

February 26, 2016, Rodriquez Morris, Presenting Office, completed a case staffing and review of status report from Private Investigator, SOARS, for ERO-13-2013, in Milan, NM.

February 29, 2016, Rodriquez Morris, Presenting Officer, completed a settlement conference with P. Johnson, OHA-ER-007-16.

March 01, 2016, Ronald Largo, Investigator meeting with Alfreda Lee, Auditor, Navajo Nation Office of Auditor General, concerning status on audit reports referred to Ethics and Rules Office for further investigation.

March 1, 2016, Lewnell B. Harrison, Investigator met with Auditor General concerning Tuba City chapter and Mexican Springs chapter.

March 02, 2016, Ronald Largo, Investigator serve Subpoena Duces Tecum on Dr. Leon Ben, Executive Director, Rough Rock Community School in Rough Rock, Arizona.

March 3, 2016, Rodriquez Morris, Presenting Officer completed and preliminary investigation and interview with N. Begay for ERO-55-2015, in Window Rock, AZ.

March 03, 2016, Ronald Largo, Investigator meeting with Joe Aguirre, Hearing Officer at the Office of the Hearings and Appeals regarding clarification on the 30 Day Summons "Return of Service" format.

March 03, 2016, Ronald Largo, Investigator meeting with Vernon Roanhorse regarding the list of audit reports referred to Ethics and Rules Office for further investigation and the status of investigation of each report which were assigned to me.

March 03, 2016, Ronald Largo, Investigator traveled to Dilkon, Arizona to locate and serve the 30 Day Summons and ethics complaint on the Respondent, Jack Whitehorse, Jr., former board member, Tiisyaakin Residential Hall, Inc. (ERO-36-2011). Mr. Whitehorse was not located to serve the Summons on him.

March 04, 2016, Ronald Largo, Investigator traveled to Dilkon, Arizona to locate and serve the 30 Day Summons and the ethics complaint on the Respondent, Jack Whitehorse, Jr. (ERO-36-2011). Mr. Whitehorse was not located to serve the Summons on him. Also met with Lt. Emerson Lee at Dilkon Police Department to request for assistant locating Mr. Whitehorse and serve the Summons on him.

March 4, 2016, Mona Waquiu, Investigator - a total of 29 Discretionary Funds ERO case files were forwarded to NN White Collar Crime Unit Office for further investigation due to lack of jurisdiction.

March 08, 2016, Ronald Largo, Investigator meeting with Vernon Roanhorse regarding case number ERO-45-2013 & ERO-71-2013 (Upper Fruitland Chapter) to finalize letter and close the case on the Chapter. Also on case number ERO-79-2013 (Mariano Lake Chapter) to finalize the complaint and file with OHA.

March 8, 2016, Mona Waquiu, Investigator served three (3) OHA Subpoena's at Lower Greasewood Chapter House, AZ and Dilkon, AZ. OHA-ER-002-14.

March 11, 2016, Mona Waquiu, Investigator meeting in Tohajiilee, NM regarding Tohajiilee Chapter House and Respondent N. Morris. ERO cases file ERO-113-2014.

March 11, 2016, Ronald Largo, Investigator traveled to Dilkon, Arizona and met with Lt. Emerson Lee at Dilkon Police Department and retrieved the Summons and the ethics complaint from Lt. Lee. Lt. Lee advised he was unable to locate Mr. Whitehorse and serve the Summons and the ethics complaint on him.

March 14, 2016, Mona Waquiu, Investigator meeting with Norman M. Begay, Council Delegate and Jennie Early, ASC Accountant regarding ERO case file ERO-113-2014.

March 14, 2016, Lewnell B. Harrison, Investigator filed Ethics complaint with Office of Hearing and Appeals on Peter Watchman concerning case on Mexican Springs Chapter.

March 15, 2016, Ronald Largo, Investigator traveled to Dilkon, Arizona to locate and serve 30 Day Summons and the ethics complaint on Jack Whitehorse, Jr. Mr. Whitehorse was not located to serve the Summons on him.

March 15, 2016, Mona Waquiu, Investigator meeting at Quality Inn in Window Rock, AZ with NCLA.

March 15, 2016, Lewnell B. Harrison, Investigator served Ethics complaint on Peter Watchman in Window Rock, Arizona.

March 16, 2016, Mona Waquiu, Investigator served OHA Subpeona Duces Tecum on Respondent N. Morris at Tohajiilee Chapter House in Tohajiilee, NM along with SOARS. ERO case file ERO-113-2014.

March 17, 2016, Mona Waquiu, Investigator assisted SOARS with investigative interview regarding Tohajiilee Chapter House AMS, C. Piaso in Tohajiilee, NM. Also located additional documents and equipment for case.

March 18, 2016, Mona Waquiu, Investigator assisted SOARS with another investigative interview regarding Tohajiilee Chapter House CSC, N. Morris (respondent) in Albuquerque, NM regarding ERO case file ERO-113-2014 and obtained equipment from respondent N. Morris for evidence. Also conducted a late investigative interview in Albuquerque, NM regarding case file ERO-103-2014 with Respondent D. Redhouse.

March 18, 2016, Rodriquez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director met with the Navajo Elections Administration on the "elected official qualification" laws and the processes of removing elected officials from office, in Window Rock, AZ.

March 22, 2016, Mona Waquiu, Investigator - OHA/ERO Review Hearing for M. Jones, OHA-ER-03-15. March 24, 2016, Ronald Largo, Investigator - walk-in completed investigative interview on Augusta Gilwood, Secretary/Treasurer, Coalmine Canyon Chapter regarding the Coalmine Chapter President, Wayne Nez, Sr. harassment and holding chapter meetings concerning Ms. Gilwood's work performance.

March 22, 2016, Lewnell B. Harrison, Investigator - OHA hearings NN vs. Helen Herbert, Martha Littleman, Keith Barlow, Melvin Jones, Joey Antonio, Jr.

March 23, 2016, Rodriquez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director met with Robert Begay, ASC, Councilman Norman Begay and

Private Investigator on pending investigation with the Tohajiilee Chapter House, in Window Rock, AZ.

March 24, 2016, Rodriguez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director assisted the ASC and Navajo Elections Administration in presenting and meeting with the Greasewood Springs Chapter House Officials, the Staff and CLUP Members on issues in the local government for resolution and agreements address issues, in Window Rock, AZ.

March 29, 2016, Ronald Largo, Investigator traveled to Rough Rock, Arizona and met with Dr. Leon Ben, Executive Director, Rough Rock Community School and Francilla Whiteskunk, Accountant, Anuskewicz & Mccable, P.C., Albuquerque, New Mexico regarding Subpoena Duces Tecum for Rough Rock School records.

March 30, 2016, Lewnell B. Harrison, Investigator served Ethics complaint on Deane Johnson in Fort Defiance, Arizona.

Trainings

March 4, 2016, Rodriguez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director attended the 2016 Arizona District Conference in Phoenix, AZ.

Ethics Clearances completed

January, 2016

Josephine Yazzie, Legislative Assistant, 53 clearances.

Henrietta Wauneka, Sr. Office Specialist, 4 clearances.

February, 2016

Josephine Yazzie, Legislative Assistant, 58 clearances.

Henrietta Wauneka, Sr. Office Specialist, 0 clearances.

March, 2016

Josephine Yazzie, Legislative Assistant, 83 clearances.

Henrietta Wauneka, Sr. Office Specialist, 26 clearances.

Ethics Intakes & Case Management

New Intakes: 56 new cases, 7 pending assignments, 34 cases closed.

Restitution collected: \$55.00 in January, \$92.50 in February and \$292.50 in March. Total \$440.00

Office Consults: 273 consults

Telephonic Consults: 135 consults

Investigations

Effectuation of Service of process: Ronald Largo, 8 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Lewnell Harrison, 11 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Mona Waquiu, 03 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Completed Investigations: Ronald Largo, 2 completed, 3 cases closed with letter.

Lewnell Harrison, 2 completed 25 cases pending, 1 case closed, 7 pending closure.

Mona Waquiu, 29 Discretionary Funds cases forwarded to NNWCU, 37 Discretionary Funds cases pending, 6 ERO cases pending.

Cases filed with OHA: Ronald Largo, 2 New Cases, and 2 Order to Show Cause Cases.

Lewnell Harrison, 2 New Cases, 4 Order to Show Cause Cases.

Mona Waquiu, None.

Interview/Consults: Ronald Largo, 30
Lewnell Harrison, 12
Mona Waquiu, 12

Telephonic Consults: Ronald Largo, 34 General Public
Lewnell Harrison, 0 General Public

Administrative Hearings held

February 9, 2016

9:30 am – OSC – NNERO v. Vincent Cowboy, OHA-ERO-004-16.

10:00 am – OSC – NNERO v. Helen M. Herbert, OHA-ERO-005-16.
10:30 am – OSC – NNERO v. Leon Harvey, OHA-ER-009-15.

March 22, 2016

9:30 am – OSC – NNERO v. Helen M. Herbert, OHA-ERO-005-16.
10:00 am – OSC – NNERO v. Martha Littleman, OHA-ER-08-14.
10:30 am – OSC – NNERO v. Keith Barlow, OHA-ER-009-13.
11:00 am – OSC – NNERO v. Melvin Jones, OHA-ER-03-15.

Ethics Presentations

January 14, 2016, Rodriquez Morris, Presenting Officer provided an Ethics in Government Law Presentation for the Whippoorwill Chapter House at the Twin Arrow Navajo Casino, Flagstaff, AZ.

January 15, 2015, Rodriquez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director presented an Ethics in Government Law and Standards of Conduct presentation for the ASU Sandra Day O'Connor Law School, in Phoenix, AZ.

February 3, 2016, Rodriquez Morris, Presenting Officer provided an Ethics in Government Law Presentation for the Navajo Nation Land Buy Back Program, at the NDOT Complex, Tse Bonito, NM.

February 19, 2016, Rodriquez Morris, Presenting Officer provided an Ethics in Government Law Presentation for the Steamboat Chapter House, in Steamboat, AZ.

March 15, 2016, Rodriquez Morris, Presenting Officer and Vernon J. Roanhorse, Executive Director, completed an Ethics in Government Law and Standards of Review presentation for the NYC Columbia Law School NALSA, in Window Rock, AZ. \

March 21, 2016, Rodriquez Morris, Presenting Officer provided an Ethics in Government Law Presentation for the Bodaway Gap Chapter CLUP Members, in Bodaway Gap, AZ.

PLANS FOR FY2016 3rd QUARTER

1. Hire additional temporary staff or create permanent positions for Ethics and Rules Office to include; a Forensic Auditor, Investigator or an Administrative Legal Assistant temporarily for 60 to 90 days.
2. Shall continue to seek out additional funds to hire additional staff; 2 Presenting Officer, 4 Investigator/Forensic Auditor.

3. Set up work sessions and professional staff development for NNERO staff in next quarter including the Law and Order Committee and the Resources and Development Committee. This is to see if it is viable to transfer the Navajo nation Prosecutorial White collar Unit under the Ethics and Rules Office.
4. Submit the revised Ethics and Rules Hearing Rules as revised by the Office of Hearings and Appeals and Ethics in Government Laws to the Navajo Nation Council Law and Order Committee for final approval.
5. To continue to take Ethics Intakes and make determinations to file complaints with OHA on elected, appointed and employees of The Navajo Nation;
6. To continue to investigate and formally file Ethics complaints on elected, appointed and employees of the Navajo Nation;
7. To continue to work with Respondents on the collection of restitution payments; Order to Show Cause cases with OHA and filing for garnishment of wages per the Garnishment Act in District Court.
8. To continue to do Ethics clearances for candidacies, business loans, and Veteran's loans and other clearances mandated by Navajo Law to include the Navajo Nation Office of Back Ground Investigation.
9. To revise and implement the Ethics and Rules Office Plan of Operation under new legislation and to implement internally with NNERO staff.
10. Continue to pursue two of the applicable 9 common priorities set out and outlined in "One Nation, One Voice" as expressed by the Navajo Nation President Russell Begaye and operate to pursue these priorities.

V. ERO-FINANCIAL REPORT

The expenditures for this last 2nd Quarter FY2016 as of April 6, 2016 shows that most of the line items are expended per the second quarter as follows:

Personnel	47 %
Indirect cost	58 %
Salary	47 %
Travel/Meals	54 %
Fleet	52 %
Commercial charter	63 %
Office Supplies	37 %
Operating Supplies	71 %

Supplies	2 %
Building/space	39 %
Equipment /supplies	100 %
Communications	22 %
Services (6130)	100 %
Technology	100 %
Consulting 6520	11 %
Other contractual	100 %
Programs	24 %
Contingencies & Loss	24 %
Training and Professional	44 %
Insurance Premiums	42 %
Special transactions	37 %
Building	24 %
Real Property	24 %
Capital outlay	24 %
Expenses	44 %

NAVAJO-HOPI LAND COMMISSION

I discovered that a person
can or will die of loneliness
if he or she is removed from
his or her land.... After I
relocated I kept dreaming of
walking along the land that
I left; this haunted me
continually. Thus, I came to
realize, the same land that I
left was grieving me to death.
Dine relocatee

2016 Second Quarter Report

Prepared for the 23rd Navajo Nation Council
Spring Session
April 18-22, 2016

Navajo-Hopi Land Commission

2016 SECOND QUARTER REPORT

COMMISSIONERS

Honorable Walter Phelps, Chairperson	Western Agency
Honorable Dwight Witherspoon, Vice Chairperson	Central Agency
Honorable Kee Allen Begay, Jr.	Central Agency
Honorable Herman Daniels, Jr.	Western Agency
Honorable Lee Jack, Sr.	Fort Defiance Agency
Honorable Alton Joe Shepherd	Fort Defiance Agency
Honorable Tuchoney Slim, Jr.	Western Agency
Honorable Raymond Smith, Jr.	Fort Defiance Agency
Honorable Otto Tso	Western Agency

ESTABLISHMENT AND PURPOSE OF THE COMMISSION 2 N.N.C. §851

- A. The Navajo-Hopi Land Commission ("Commission") is hereby established within the Legislative Branch.
- B. It is the purpose of the Commission to:
 - 1. Monitor, collect and update information on any and all land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the area described in the Act of June 14, 1934 (48 Stat. 960).
 - 2. Speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305.

POWERS OF THE COMMISSION 2 N.N.C. § 853

- A. General. The Commission shall have all powers necessary and proper to carry out the purposes set forth in 2 N.N.C. § 851.
- B. Enumerated Powers. The Commission is hereby authorized and directed:
 - 1. To advise the President of the Navajo Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960)
 - 2. To speak and act for the Navajo Nation with respect to the land selection and land exchange provisions of P.L. 96-305 by making such selections and approving or disapproving any proposed exchanges, subject to the limitations set forth in resolution CN-69-80.

MEETINGS

January 07, 2016	Special Meeting	Quality Inn-Window Rock, AZ
January 14, 2016	Regular meeting	Quality Inn-Window Rock, AZ
January 20, 2016	Work Session	Quality Inn-Window Rock, AZ
January 21, 2016	Special meeting	Quality Inn-Window Rock, AZ
February 10, 2016	Joint Work Session with RDC	Karrigan Professional Bldg. St Michaels, AZ
February 12, 2016	Special meeting	Twin Arrows, Leupp, AZ
February 13, 2016	Special Meeting	Twin Arrows, Leupp, AZ
February 17, 2016	Special Meeting	BFC Conf. Rm., Window Rock, AZ
March 10, 2016	Regular Meeting	Quality Inn-Window Rock, AZ
March 11, 2016	Joint Leadership with RDC	Twin Arrows, Leupp, AZ
March 24, 2016	Regular meeting	Quality Inn-Window Rock, AZ

REPORTS

1. ONHLC Program activity report by Wenona Benally, Executive Director, NHLHC
2. Update report on the Bennett Freeze Task Group initiative by Eric Descheenie, Executive staff Assistant, OPVP
3. Report on the Twin Arrows housing development by Aneva Yazzie, CEO, Navajo Housing Authority
4. Work session presentation by Raymond Etcitty, NNGE General Counsel, on Twin Arrows Navajo Casino and Resort Development, History, Land status, Utility infrastructure, Business Site Lease, Public Safety, Roads and Future Development
5. Presentation by Karis Begaye, OPVP Legal Counsel, on the Twin Arrows Memorandum of Agreement between the Navajo Nation and ONHIR
6. Presentation on the Twin Arrows development by Office of the President/Vice President, Navajo Nation Gaming Enterprise, Division of Economic Development, Navajo Tribal Utility Authority, Navajo Land Department, Navajo Oil & Gas Company & Navajo Tax Commission
7. Report by Allison Parks, Attorney, NNDOJ, on the Intergovernmental Compact
8. Report by Angie Cody, Legislative District Assistant and Christina Lewis, Legislative District Assistant on the individual assistance provided regarding program services to FBFA residents on housing, etc.

SIGNIFICANT ACCOMPLISHMENTS

1. On March 18, 2016, Chairman Walter Phelps provided testimony before the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies, he stressed that there be an end to the relocation era through compassionate means.
As part of a Navajo Nation contingent, Chairman Phelps requested \$450,000 for legal representation by Navajo-Hopi Legal Services and \$20 million for housing and related improvements in the former Bennett Freeze Area.

2. Chairman Walter Phelps met with congressional officials on H.R. 3911 regarding the technical amendments to the Navajo-Hopi Land Dispute Settlement Act of 1996 and extension of the Rehabilitation Trust Fund. In addition, the newly introduced bills on the land exchange involving Paragon Ranch.
3. Chairman Walter Phelps sponsored legislation to fund the renovation and construction of about 63 homes in the Former Bennett Freeze Area. Naabik'iyati Committee supported his effort with a 12 in favor, 0 opposed vote; but, it failed to garner the 16 or more votes required for adoption by the Navajo Nation Council during the Spring Session.
4. Naabik'iyati Committee also voted favorably on Chairman Phelps legislation, 14 -0, to submit an application by the Navajo Technical University to the U.S. Department of Agriculture to designate the Navajo Nation, including the Former Bennett Freeze Area, as a "Promise Zone." If so designated, in the third and final round of the Promise Zones competition, the Nation would have successfully competed against 82 applications: 64 urban applicants, 11 rural applicants, and 7 tribal applicants. HUD will designate five urban communities and USDA will designate one rural and one tribal community. The benefits are priority access to technical partnership with numerous federal agencies, five full-time AmeriCorps VISTA members & other investments.
5. The Office of Navajo and Hopi Indian Relocation (ONHIR) will close its operations on September 30, 2018. The Office of the President-Vice President (OPVP) reported that a Transition Team has been established to ensure a smooth transition of authority and functions of ONHIR to the Navajo Nation. Membership includes various divisions, programs and offices that are involved in development and services in the affected areas served the ONHIR with coordination with the Navajo-Hopi Land Commission, ONHIR, the Nahata Dziil Governance Commission and th BIA.
6. With regards to the Navajo-Hopi Settlement Act Land Acquisitions, approximately 9,868 acres of land in Arizona and New Mexico has yet to be selected in accordance with 25 USC § 640d-10. Recently, the Red Barn Properties in Sanders, AZ was purchased by the NHLC, and the Navajo Nation Gaming Enterprise purchased the liquor licenses linked to the property. At present, the Nahata Dziil Governance Commission is pursuing a lease agreement for the property.
5. On March 7, 2016 at Lechee Chapter, the NHLC convened in a joint meeting with the Resource and Development Committee (RDC) on issues related to the implementation of 25 CFR Pt.161 and grazing permit re-issuance. Representatives from the Department of Agriculture (DNR), and the Bureau of Indian Affairs (BIA) were also in attendance. Synced numbers of cancelled Navajo Partitioned Land grazing permits were requested of the two programs. Plans are progressing toward re-issuance.
6. The NHLC is working on the rehabilitation of the Former Bennett Freeze Area with the Navajo enterprises, Army Corp of Engineers, NHLCO, IHS, BIA and tribal programs. The high priority collaborative effort is focused on identifying and implementing projects that will expedite the recovery of the devastated areas to improve social, economic, and educational conditions of the people and communities.
7. Navajo-Hopi Land Commission adopted a resolution requesting for an audit of the Navajo Rehabilitation Trust Fund. The intent is to ensure proper expenditures of funds meaning compliance with all pertinent laws, policies and procedures governing the use of the funds.

8. Permission was granted by the NHLC to the Former Bennett Freeze Area chapters, Navajo Partitioned Land chapters and Nahata Dzil Commission Governance to adopt the Housing Selection, Administrative Grievance, Health, Safety and Sanitary Policy. The policy could be extended to collect data and develop priorities.
9. The NHLC directed the NHLCO to work with the Navajo Nation Controller on the status of the Fund Management plans. Pending the information, the \$1 million allocated for the implementation of the Economic Development Project will remain on hold and the \$2 million relocation fund management pare subject to the 164 process.
10. The NHLC continues to deal with land disputes and livestock confiscation in the Navajo and Hopi Partitioned lands. All issues are regulatory related.
11. The NHLC is in the process of gathering data to determine if the Navajo Nation should undertake a study of the Golden Eagle population to resolve the collection of eaglets and permitting issues. The U.S. Fish and Wildlife Services has never been funded to conduct the study, which is in the Intergovernmental Compact.

RESOLUTIONS

- NHLCJA-01-16** Supporting the Submittal of An Application to the United States Department of Agriculture by the Navajo Nation to designate the Former Bennett Freeze Area and the Navajo Partitioned Lands as a Promise Zone. Applications shall be Completed through a Collaborative Effort between Various Navajo Nation Branches and Department/Programs, Chapters, Enterprises, and County, State and Federal Programs
- NHLCMA-03-15** Navajo-Hopi Land Commission, Of the Navjao Nation Council, Hereby Grant Permission to the Former Bennett Freeze Area (FBFA) Chapters, Navajo Partitioned Land (NPL) Chapters and Nahata Dzil Commission Governance To Adopt The Navajo-Hopi Land Commission Former Bennett Freeze Area Housing Selection, Administrative Grievance, Health, Safety and Sanitary Policy
- NHLCMA-03-16** Requesting The Office Of The Auditor General To Conduct An Audit Of The Navajo Rehabilitation Trust Funds

NAVAJO-HOPI LAND COMMISSION
Monday, April 04, 2016

101025	DESCRIPTION	BUDGET	EXPENDED	ENCUMBERED	BALANCE
2450	Stipends	\$ 15,000.00	\$ 3,160.00	\$ -	\$ 11,840.00
2900	Fringe Benefits	\$ 1,350.00	\$ 431.19	\$ -	\$ 918.81
3210	Vehicle Rental	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00
3230	Personal Travel	\$ 109,554.00	\$ 8,379.07	\$ 4,895.55	\$ 96,279.38
3310	Air	\$ 24,076.00	\$ 4,374.25	\$ -	\$ 19,701.75
5310	Building/Space	\$ 5,000.00	\$ 879.70	\$ -	\$ 4,120.30
53760	Equipment/Supplies	\$ -	\$ 169.60	\$ -	\$ (169.60)
6520	Consulting	\$ 89,918.93	\$ 34,457.98	\$ 5,460.95	\$ 50,000.00
7110	Programs	\$ 6,000.00	\$ 881.83	\$ -	\$ 5,118.17
7510	Training & Professional Dues	\$ 2,988.00	\$ -	\$ -	\$ 2,988.00
7710	Insurance Premiums	\$ 32.00	\$ 21.02	\$ -	\$ 10.98
	TOTALS	\$ 254,918.93	\$ 52,754.64	\$ 10,356.50	\$ 191,807.79

Navajo Nation Legislative Branch
Black Mesa Review Board
Fiscal Year 2016- Second Quarterly Report Summary

Name: Anna Sullivan, BMRB secretary

Contact: ajmsullivan@yahoo.com

Section One: Accomplishments from 2nd quarter

- Sent resolution requesting funds for Many Mules Waterline Project. From Sihasin Trust Fund to our Council Delegates
- Navajo Nation President signed off on 1.1 million from Sihasin Trust Fund for Many Mules Waterline Project
- Encourage our Infrastructure committee to designated 1.5 million from Peabody Funds for FY 2016 to go to Many Mules Waterline so they agreed
- Many Mules Waterline Project was moved up on IHS's project listing
- Funds have been identified for Phase 1
- Coordinated public information in coordination with PWCC
- Helping with Solar Project and Scattered Power Line for the impacted area
- Communicating with PWCC and community about Coal and Wood Grub

Section Two: Goals for 3rd quarter

- Monitor the construction of the Many Mules Waterline Project for Phase 1
- Continue to seek funds for the waterline project
- Advocate for local people to be employed during construction
- Encourage Infrastructure Committee to seeks funds for the waterline
- Work on chapter resolution if necessary
- Monitor solar and scattered power line to completion
- Provided community education by presenters about issues
- Continue to meet with PWCC about community outreach and mining issues

Section Three: Issues/Recommendations

- Grazing, erosions, invasive plants growing, broken fencing. BMRB will schedule a meeting with Maria Shepherd from PWCC
- Lacking funds for Many Mules Waterline Project. BMRB will continue looking for Infrastructure funds and try to seek matching funds
- Wild horses in Reclamation Area. BMRB will assist PWCC, NN ranger and Dept of Agriculture
- Lacking a representative from Kayenta Chapter. BMRB will to contact the chapter for a representative



NAVAJO UTAH COMMISSION
Of the
Navajo Nation Council

Second Quarterly
Report

Fiscal Year 2016

Presented to
The Navajo Nation Council
Spring Session

The Navajo Nation
Window Rock, Arizona
April 7, 2016

The Legislative Branch
The Navajo Nation



LoRenzo Bates
Speaker of the 23rd Navajo Nation Council

April 7, 2016

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

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

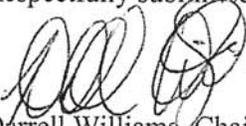
RE: Letter of Transmittal

Dear Honorable Speaker and Honorable Council Members:

Appended hereto is the Second Quarterly Report of Fiscal Year 2016 of the Navajo Utah Commission of the Navajo Nation Council. The report covers the January 01, 2016 through March 31, 2016.

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

Respectfully submitted,


Darrell Williams, Chairperson
NAVAJO UTAH COMMISSION

NAVAJO UTAH COMMISSON
Second Quarterly Report
Fiscal Year 2016

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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 Second Quarter of Fiscal Year 2016:

Accomplishments and activities for the Navajo Utah Commission during the period of January 01, 2016 through March 31, 2016 are enumerated as follow:

1. The Navajo Utah Commission (NUC) conducted two regular meetings and one special meeting during the 2nd Quarter of FY2016. The regular monthly meetings occurred on January 13, 2016, at Mexican Water Chapter; and February 18, 2016, in Window Rock, AZ. March monthly meeting was not conducted. The special meeting occurred on January 22, 2016, in Window Rock, AZ. The Navajo Utah Commission enacted 06 resolutions during the 2nd Quarter.
2. The Navajo Utah Commission staff participated in 31 meetings
3. The Navajo Utah Commission collaborated with the Navajo Nation Human Rights Commission, the Lawyers Committee for Civil Rights, and the American Civil Liberties Union (ACLU) in identifying potential plaintiffs, and information gathering for litigative purposes in regard to San Juan County's mail-in ballot voting process. Individual plaintiffs from the Utah chapters and the Navajo Nation Human Rights Commission were chosen by the Lawyers Committee to serve as lead plaintiffs.
4. The Navajo Utah Commission submitted a funding application seeking \$100,000 from the Utah Navajo Revitalization Fund's FY2016 non-chapter NRF appropriations for the Aneth Chapter Warehouse & Bus Storage Facility Project. The NUC staff made the verbal

presentation to the Utah NRF Board on January 12, 2016, and despite early reluctance, secured \$100,000 to jumpstart project financing effort.

5. The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Navajo Nation Department of Design & Engineering Services (DES) conducted four project planning meetings with the Red Mesa Chapter during the 2nd Quarter in regard to the chapter's Administration Building Project. The 4,800 S.F. building project will cost \$1.6 million, and has secured \$800,000 from Navajo AML and Utah NRF appropriations. The RFQ process was conducted in March and an architect selected for A&E services.
6. The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Navajo Nation Department of Design & Engineering Services conducted two project coordination meetings with the Oljato Chapter to initiate the Oljato Chapter Reconstruction Project. The Oljato Chapter House has been closed for over a year due to building code deficiencies and safety hazards. The two meetings considered chapter relocation and building at the same site, renovation or new construction, three-phase power requirements, and funding opportunities. Preliminary funds are in place with procurement of A&E services the next task.
7. The Navajo Utah Commission requested a contract extension for NUC's Utah Olene Walker Housing Loan Fund (OWHLF). The OWHLF grant was appropriated for \$269,000 and has an unspent balance of \$97,956 with two housing units uncompleted. The NUC staff were advised to present request to the Utah OWHLF Board of Directors in Salt Lake City, Utah, during the board's January 28, 2016, meeting. The request was granted due to the successful completion of five other housing units, and leveraging of matching funds from other sources.
8. The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Navajo Nation Department of Design & Engineering Services conducted two meetings with the Teec Nos Pos Chapter during the 2nd Quarter to address closure of the Teec Nos Pos Chapter. The NUC Office acquired \$161,800 from the Utah NRF to match \$500,000 appropriated by the Navajo Nation UUFB to help finance renovation of the Teec Nos Pos Chapter. The planning team interviewed a Navajo construction company on March 28, 2016, for contracting consideration.
9. The Navajo Utah Commission, Speaker LoRenzo Bates, Navajo Nation Vice-President Jonathan Nez, B&F Committee Chairperson Seth Damon, and other leaders from the Utah chapters attended and participated in the annual Tribal Caucus at the 2016 Utah Legislature on February 8, 2016, at the state capitol in Salt Lake City, Utah. The Navajo Utah Commission prepared and submitted a position paper regarding 06 key issues for discussion and distribution to Utah leaders. Issues included Education, Voting Rights/Redistricting, Public Lands Initiative, San Juan Water Rights Settlement, Transportation, and Bluff Elementary School.
10. The Navajo Utah Commission worked with Utah legislative leaders Sen. Kevin Van Tassell, Rep. Jack Draxler, and Sen. David Hinkins in getting Senate Bill 14 (American Indian-Alaskan Native Education Amendments) enacted during the 2016 Utah Legislature. The intent of SB 14 was to obtain \$2 million in legislative appropriations to address the

achievement gap for Native American students. Legislation was approved with a reduction in appropriation. SB 14 will provide \$250,000 annually for a five-year pilot period to recruit and retain good teachers for Native American - concentrated schools.

11. The Navajo Utah Commission is assisting the Mexican Water Chapter, and several surrounding chapters in expressing concerns, and opposition to San Juan School District's decision to construct the new Bluff Elementary School on a site containing archaeological remains. Infringement of cultural beliefs is the issue and not the construction of a new school. The new school will be located off the reservation in Bluff, Utah, with 90% of the students transported in from the reservation.
12. The Navajo Utah Commission staff and Utah chapter representatives attended and participates in the Utah Dineh Advisory Committee meeting in Salt Lake City on February 9, 2016, following the 2016 Utah Tribal Caucus. The Utah Dine Advisory Committee is working with the Utah chapters, and the Utah Navajo Trust Fund (UNTF) Board of Trustees in creating UNTF policies and procedures. The rulemaking will eventually require Utah legislative action. NUC and the Utah chapters strongly urged direct and meaningful participation by the beneficiary in deciding trust fund investment options.
13. The Navajo Utah Commission staff worked with the Aneth Chapter in obtaining a right-of-way permit from the Utah Department of Transportation (UDOT) to construct an access road onto SR 162 serving a 23 units subdivision in Aneth, Utah. The project's next steps are to secure construction funds to pave access road and fence subdivision.
14. The Navajo Utah Commission and the Navajo Nation Human Rights Commission worked collaboratively to initiate a Navajo Nation lawsuit against San Juan County (Utah) in 2012 regarding legislative redistricting. The Utah Federal District Court recently rules the voting boundaries for the San Juan County Commission districts, and voting districts of the San Juan County School District are unconstitutional, and have to be redrawn. San Juan County was instructed by the court to work with the Navajo Nation but have been reluctant thus far. Navajo Utah Commission, Navajo Nation Human Rights Commission, and residents of Utah chapter attended the March 15, 2016 San Juan County Commission meeting and in individual statements, urged settlement of the litigation. The San Juan County Commission ignored the offer.
15. The Navajo Utah Commission staff, Council Delegate Davis Filfred, and leaders from other Utah tribes met with the University of Utah – American Indian Resource Center in Salt Lake City, Utah on March 16, 2016, to plan the university's American Indian Education Summit for 2016. The Navajo Utah Commission urged provision of resources including tutoring services for Native American students, recognition of achievement gap struggles at the high school level, and establishment of community outreach and partnerships with tribal communities.
16. The Navajo Utah Commission staff and Council Delegate Davis Filfred attended the quarterly meeting of the Utah Tribal Leaders Council on March 17, 2016 in Salt Lake City, Utah and provided Navajo Nation report. Meeting included discussions with the Utah Division of Indian Affairs (UDIA) and other state agencies regarding tribal issues and concerns. Sen. Kevin Van Tassell provided legislative wrap-up including tribal concerns regarding partial success of SB 14. Sen. Todd Weiler of District 23 also attended the Utah

Tribal Leaders meeting seeking forgiveness for controversial and insulting remarks he made about Native Americans during the 2016 Utah Legislature in reference to a proposed Indigenous Day Legislation.

IV. **Other Activities:**

None

V. **Performance Measure Work Sheet(s):**

Attached

VI. **Concerns with Recommendations:**

None

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>101018</u>		Program Name/Title: <u>Navajo Utah Commission</u>				
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:								
Pursuant to NABIAP-21-15, Navajo Utah Commission to provide efficient governmental services for 7 chapters in Utah region of Navajo Nation								
PART III. PROGRAM PERFORMANCE CRITERIA:								
1. Program Performance Area: Conduct 11 regular meetings and 1 work session	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Goal Statement: Provide efficient administrative support for the Navajo Utah Commission.	3	4	3	3	3	3	3	3
2. Program Performance Area: Research, draft, & enact 24 resolutions addressing local and regional issues.								
Goal Statement: Prioritize issues, identify stakeholders, & seek resolution.	6	13	6	6	6	6	6	6
3. Program Performance Area: Conduct 60 technical assistance visits to Utah chapters.								
Goal Statement: Assist Utah chapters with project development, implementation, & monitoring.	15	20	15	22	15	15	15	15
4. Program Performance Area: Prepare and submit 8 funding applications to tribal & non-tribal funding sources.								
Goal Statement: Address lack of funding for community development projects at Utah chapters.	2	4	2	2	2	2	2	2
5. Program Performance Area: Provide Utah chapter representation & advocacy in tribal-state collaboration.								
Goal Statement: Strengthen partnerships with Utah governmental units and improve delivery of service.	6	12	6	17	6	6	6	6
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.								
Clarence Rockwell		Pete K. Atcity						
Program Manager's Printed Name and Signature/Date		Division Director/Branch Chiefs Printed Name and Signature / Date						

* Special meeting in lieu of March regular meeting

**Navajo Nation Legislative Branch
Navajo Utah Commission
Fiscal Year 2016 - Second Quarterly Report Summary**

Contact Person: Clarence Rockwell, Executive Director
Contact Phone Number: 435-651-3508
Contact Email Address: crockwell@navajo-nsn.gov

Section One: Accomplishments from 2nd quarter (list using bullet points)

- The Navajo Utah Commission obtained \$100,000 in FY2016 non-chapter Utah Navajo Revitalization Fund (NRF) appropriations for construction of the Aneth Chapter Warehouse & Bus Storage Facility Project. The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Aneth Chapter have established a project planning team to facilitate completion of proposed capital project.
- The Navajo Utah Commission worked with the Utah Native American Legislative Liaison Committee (NALLC) and sponsor Sen. Kevin Van Tassell to obtain enactment of S.B. 14 (American Indian-Alaskan Native Education Amendments) during the 2016 Utah Legislature. S.B. 14 will appropriate \$250,000 annually for a five-year pilot period to address recruitment and retention of efficient teachers for Native American – concentrated schools including five San Juan School District schools on the Navajo Nation in Utah.
- The Navajo Utah Commission, the Utah Navajo Trust Fund, and the Navajo Nation Department of Design & Engineering Services (DES) have initiated monthly project coordination meetings with Red Mesa Chapter, Teec Nos Pos Chapter, and Oljato Chapter. Technical assistance provided by service providers have advanced capital projects considerably including Administration Building Project at Red Mesa, Chapter Renovation Project at Teec Nos Pos, and preliminary planning for new chapter at Oljato.
- The Navajo Utah Commission (NUC) assisted the Navajo Nation Contracts Accounting Department in securing contract reimbursements in the amount of \$128,110.29 pursuant to the NUC's housing contract from the Utah Olene Walker Housing Loan Fund (K124006). NUC is currently seeking another reimbursement amount of \$10,646.70 from the OWHLF contract.

Section Two: Goals for 3rd Quarter (list using bullet points)

- The Navajo Utah Commission and assembled project planning team will conduct monthly project coordination meetings with Red Mesa, Teec Nos Pos, Oljato, and Aneth chapters in developing their capital projects. Red Mesa will execute contract with architect for A&E services, Teec Nos Pos will be seeking general contractor, and A&E procurement activities will be conducted for projects at Oljato and Aneth chapters.
- The Navajo Utah Commission will work with the San Juan School District (SJSJSD) and the Navajo representatives on the SJSJSD School Board to ensure SJSJSD schools located on the Navajo Nation prepare and submit competitive funding applications to the Utah State Office of Education to address low academic performance at school serving Navajo students.
- The Navajo Utah Commission will assist the Teec Nos Pos and Aneth chapters in fulfilling contractual obligations for housing projects appropriated by the Utah Olene Walker Housing Loan Fund (OWHLF). The Teec Nos Pos and Aneth chapters will each initiate construction of one housing unit in their respective communities.
- The Navajo Utah Commission will assist Utah chapters with funding applications for submittal to the Utah Navajo Trust Fund in July 2016 for capital projects nearing project readiness including completion of preliminary planning.

Section Three: Issues/Recommendations (list using bullet points)

- The Navajo Nation Council hired a legislative lobbyist for the 2016 Utah Legislature. There was limited interaction and communications with the Utah chapters. The Utah legislative interim committee process begins in the spring and extends into early fall. Legislative priorities and funding priorities are determined during this period. The Navajo Utah Commission and the Utah chapters are seeking a more proactive and interactive association with the Utah lobbyist to take full advantage of the opportunities made available by the Utah Legislative process.

THE NAVAJO NATION



Casey Watchman
Ben Smith
Marie R. Etsitty
Blaine Wilson



APR 4 '16 AM 8:56

April 04, 2016

MEMORANDUM

To : **Honorable Lorenzo Bates, Speaker of 23rd NNC**
Office of the Speaker / The Navajo Nation

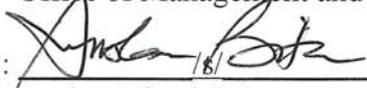
Pete K. Atcitty, Chief of Staff
Office of the Speaker / Legislative Branch

Lorenzo Dineyazhe, Financial Advisor
Office of the Speaker / Legislative Branch

Jared Touchin, Communications Director
Office of the Speaker / Legislative Branch

Dominic Beyal, Executive Director
Arnold Jake, Management & Policy Section Manager
Rhonda Johnson, Principal Program Analyst
Office of Management and Budget

From :



Anslem Bitsoi, Director

Subject : Fiscal Year 2016 Second Quarterly Report and Summarized Report

Re : Navajo Nation Labor Commission & Program

Per directive, we have respectfully submitting our second quarterly form 2, quarterly report, performance criteria and summarized attached hereto.

Your consideration is greatly appreciated. Please contact us, if you have any questions.

xc: file
Honorable Casey Watchman, Chairman
Honorable Ben Smith, Secretary

Navajo Nation Legislative Branch
NAVAJO NATION LABOR COMMISSION
Fiscal Year 2016 – Second 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 2nd quarter:

- Efficient use of allocated funds, NNLC held fifteen (18) evidentiary hearings
- NNLC and program timely processed two (2) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed one (12) formally filed complaint
- NNLC timely adjudicated fifteen (18) NPEA cases
- NNLC and program timely closed and issued eight (10) orders
- NNLC & program timely issued and mailed eight hundred (900) subpoenas and notice of hearings by first class, facsimile and email to counsels of record or parties
- NNLC will continue to adjudicate one hundred thirty five (110) pending NPEA cases
- NNLC program made five (3) audio copies at parties' request

Section Two: Goals for 3rd Quarter:

- 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

Section Three: Issues/Recommendation(s):

- NNLC only received funding for 62 hearings for FY 2016. Additional funds will be needed to adjudicate pending NPEA cases during FY2016. In FY 2015, NNLC conducted 121 evidentiary hearings. Additional funds were provided by Office of the Speaker

THE NAVAJO NATION

Casey Watchman
Ben Smith
Marie R. Elsitty
Blaine Wilson



Navajo Nation Labor Commission
The Legislative Branch
Anslem Bitsoi, Executive Director
Victoria A. Dixon, Legislative Reporter
Leffew R. Denny, Office Specialist

Navajo Nation Labor Commission and Office of the Navajo Nation Labor Commission Second Quarterly Report for Fiscal Year 2016 (January, February & March)

I. CONTACT PERSON: Anslem Bitsoi
Navajo Nation Labor Commission Office
Post Office Drawer 3450
Window Rock, Navajo Nation, Arizona 86515
Tele: (928) 871-6805 Fax: (928) 871-7415

II. STATUTORY PURPOSE:

The Navajo Nation Labor Commission (“Commission”) was established by Navajo Nation Code, Title 15 § 301 and 601 et. seq. as a quasi-judicial hearing body pursuant to Navajo Preference in Employment Act (“Act”) to hear formal complaint/s and other actions filed with the Commission pursuant to the Act and Rules of Procedures for Proceedings Before the Commission. The Act protects substantial rights of all Navajo and Non-Navajo individuals legally married to an enrolled member of the Navajo Nation who are employed or seeking employment within the Navajo Nation and Indian Country. These rights are inclusive in the 1968 Indian Civil Rights Act, Navajo Bill of Rights and Navajo Law. The Act ensures all employers to comply with applicable Navajo Law, policies and regulations as it pertains to employment.

III. SIGNIFICANT ACCOMPLISHMENTS:

Pending cases commencing this quarter	110
New Formal Complaints Filed during this quarter	12
Petition for Preliminary Relief in form of Injunction or other Equitable Remedy	00
Petition for Enforcement of and Failure to pay prevailing wages	00
Petition for Enforcement of Investigative, Modification or Revocation Subpoena/s	00
Order to Show Cause hearing/s	00
Evidentiary hearing/s	18

Motion hearing/s	03
Damage hearing/s	00
Pending Stayed case/s	00
Final Decision/s entered and closed cases	10
Pending cases in the Supreme Court of the Navajo Nation	10
Closed case/s from the Supreme Court of the Navajo Nation	00
Notice of Appeal filed by parties'	02
Notice of Cross Appeal filed by parties'	00
Prepared case indexing and record filed with the Supreme Court of the Navajo Nation	02
Requested transcript	00
Requested copies of tapes of proceedings	03
Commission deliberative sessions/s held	02
Joint meetings held with the Commission with other Committees of the Navajo Nation Council or Directed or Requested for Appearance before a Committee of the Navajo Nation Council	00
Commission resolution or policy issued	00
Staff meeting/s held	03
In-service training, workshop, conference, seminar/s attended	00

IV. MAJOR ISSUES:

- A. Law & Order legislation in the process on proposed amendment to NNLC plan of operation. The Law & Order Committee of the 22nd Navajo Nation Council approved an amended Plan of Operation for the Navajo Nation Labor Commission and program on May 23, 2014.
- B. Allocation of FY 2015 budget. Shortfall for hearings. Office of the Speaker provided additional re-allocation of funds in the amount of \$56,817 for hearings.

In FY 2016, the commission was allocated for 60 hearings, we have 85 pending hearings.

- E. The Navajo Nation Labor Commission (“Commission”) continues to conduct formal hearings as mandated by the Act. The Commission staff are processing formal complaints from start to finish in compliance with Act, adopted Commission Case Management Policy, Fiscal Year Performance measures and other applicable policies. Performance measures attached hereto.
- F. The Commission reviewed and proposing to issue an Amended Rules of Procedures for Proceedings Before the Navajo Nation Labor Commission. Currently on Judicial Branch web-site for 20 day comment period and commission issued an amended NNLC Rules.
- G. The Commission continues to expedite policies, remedies to simplify hearings, taking into consideration in continuity of Navajo culture, Sovereignty, improve quality of life and work environment with utmost degree of integrity and prudent spending.

V. RECOMMENDATIONS FOR AFFIRMATIVE ACTION/S:

1. Continuity of public education to members of the Navajo Nation, all employers, employees and officials of the Navajo Nation.
2. Office of Navajo Labor Relations to enforce the mandates of the Act including screening, investigation with affirmative disposition of all charges filed. Individual/s should be provided adequate information of the mandated timelines pursuant to the Act and sufficient notice in pursuit of their charge and formal complaint/s.
3. Continuity of training for the Commission and staff on applicable areas of law.

xc: file

Casey Watchman, Chairman
Ben Smith, Secretary
Marie R. Etsitty, Member
Blaine Wilson, Member

FY 2016 SECOND QUARTER PERFORMANCE REPORT WORKSHEET

Program: Navajo Nation Labor Commission (LEGISLATIVE-INTERNAL)

Page One

Performance Measure	Outcome Measures	Output Measures	Output Accomplished	Barriers to Accomplishing Output
Formal complaints intake pursuant to Navajo Preference in Employment Act (NPEA)	All formal complaints filed will include all necessary information & documents	<ul style="list-style-type: none"> * Distribute revised up-dated brochure to the General Public. * Public Announcements 	(12) of (12) new formal complaints filed with necessary information and Sufficient to be processed. -Continued to issue NPEA brochure. -Continuous communications	
		<ul style="list-style-type: none"> * ID Public Presentation i.e. conference, union meetings, * Correspondence to NNBA /ONLR 	w/ONLR staff regarding complaints -NNLC/staff attended workshop w/ONLR. - revised NPEA brochure in the process of being submitted for copies at Records.	
NNLC staff processing NNLC formal complaints	Complaint properly mailed within five days as provided by Commission Rules.	<ul style="list-style-type: none"> * Review complaints for completeness * Monthly staff meetings * Follow up completeness of complaints * Send out complaints * Consultation with Counsel of record 	-Continued to properly mail out new complaints received -Issued (800) Notice of Hearings -Prepared and Issued 900 plus Subpoenas -Prepared twenty (10) orders -Continue to review complaints -Consulted w/counsel of record -Held brief staff mtgs. -Set mtg. for Commission to review proposed policies	
		<ul style="list-style-type: none"> * Revisit Commission Rules and amended Rules * NNLC review of current pending cases * Plan of Operation, AMENDED 07-21-15 	-Commission and staff review pending cases -NNLC issued revised Plan of Operation -Continuing consultation w/Commission on requests filed regarding cases -Proposed amend rules distributed to Commission for review.	

FY 2016 SECOND QUARTER PERFORMANCE REPORT WORKSHEET

Program: Navajo Nation Labor Commission (LEGISLATIVE-INTERNAL)

Page Two

Performance Measure	Outcome Measures	Output Measures	Output Accomplished	Barriers to Accomplishing Output
NNLC staff processing of Appealed Commission cases	Timely filing of cases in accordance to Navajo Rules of Appellate Procedures	<ul style="list-style-type: none"> * Review of case management * Consultation with Counsel of Record or parties * Review of cases to ensure completeness for filing * Send out indexing listing to co-counsel of record or parties * Meeting with staff 	<ul style="list-style-type: none"> -Staff timely filed 02 of 02 appealed case and cross appeal -Consulted w/counsel of record -review commission of cases for filing w/Supreme Court -Completed indexing and mailed out to Counsel of record -Brief mtg. w/staff -Made copies of all records prior to filing w/Supreme Court 	
NNLC to continue to conduct quasi-judicial hearings	Timely adjudicate complaints/Petition or other actions in accordance to NPEA. Hearing to be held within 60 days	<ul style="list-style-type: none"> * NNLC to continue review of rules * Establish Commission schedule for hearing at each available opportunity 	<ul style="list-style-type: none"> -Commission timely adjudicated (10) commission cases. -Prepared and distributed updated calendar -NNLC conducted 18 hrs of -Consultation w/Counsel of records, parties & OLC 	
NNLC to conduct regular deliberative session(s)	Timely completion of cases in accordance to NPEA, Commission rules & case management. Commission adhere to regular schedule.	<ul style="list-style-type: none"> * Meet with NNLC to schedule quarterly meetings * Update Commission schedule * Update case list 	<ul style="list-style-type: none"> -Commission held two deliberative sessions and closed (10) commission cases. -Updated Commission calendar and distributed to Commission & OLC. -Updated case list and distributed -Issued two resolutions -Reviewed and adopted Amended rules on 17.21.2015 	
Community Education	Overall Public Awareness of NPEA, Labor laws. Make materials & information available to general public.	<ul style="list-style-type: none"> * Coordinate public with NN broadcast services & Radio stations * Continue to develop info. * Attendance of public meetings i.e. Chapter meetings, per forum for presentation 	<ul style="list-style-type: none"> -Continued to make information and materials available to the general public -Continued to issue NPEA pamphlets 	

**THE NAVAJO NATION - FISCAL YEAR 2016
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:																									
Business Unit No.: <u>101014</u>	Program Name/Title: <u>Navajo Nation Labor Commission</u>																								
PART II. PROGRAM PERFORMANCE CRITERIA:																									
1. Program Performance Area: <u>NNLC processing of Appellated Commission cases</u>	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="2">FY2016 1ST QTR</th> <th colspan="2">FY2016 2ND QTR</th> <th colspan="2">FY2016 3RD QTR</th> <th colspan="2">FY2016 4TH QTR</th> </tr> <tr> <td>Goal</td><td>Actual</td><td>Goal</td><td>Actual</td><td>Goal</td><td>Actual</td><td>Goal</td><td>Actual</td> </tr> <tr> <td>3</td><td>2</td><td>3</td><td>2</td><td>3</td><td>3</td><td>3</td><td>3</td> </tr> </table>	FY2016 1ST QTR		FY2016 2ND QTR		FY2016 3RD QTR		FY2016 4TH QTR		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	3	2	3	2	3	3	3	3
FY2016 1ST QTR		FY2016 2ND QTR		FY2016 3RD QTR		FY2016 4TH QTR																			
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual																		
3	2	3	2	3	3	3	3																		
Goal Statement: <u>Timely filing of cases in accordance to Navajo Rules of Appellate Procedure</u>																									
2. Program Performance Area: <u>Complaint properly mailed w/in five days as provided by the Act & rules.</u>	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>15</td><td>1</td><td>15</td><td>12</td><td>15</td><td>15</td> </tr> </table>	15	1	15	12	15	15																		
15	1	15	12	15	15																				
Goal Statement: <u>NNLC Staff processing formal complaints.</u>																									
3. Program Performance Area: <u>NNLC to continue to conduct Quasi-judicial hrgs.</u>	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>22</td><td>15</td><td>22</td><td>18</td><td>22</td><td>22</td> </tr> </table>	22	15	22	18	22	22																		
22	15	22	18	22	22																				
Goal Statement: <u>Timely adjudicate all NPEA complaints/Pet.-actions in accordance to the Act.</u>																									
4. Program Performance Area: <u>NNLC continue finalized and close NNLC cases</u>	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>5</td><td>8</td><td>5</td><td>10</td><td>5</td><td>5</td> </tr> </table>	5	8	5	10	5	5																		
5	8	5	10	5	5																				
Goal Statement: <u>Timely close NNLC cases</u>																									
5. Program Performance Area: <u>NNLC staff process and complete close cases</u>	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>5</td><td>8</td><td>5</td><td>10</td><td>5</td><td>5</td> </tr> </table>	5	8	5	10	5	5																		
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Goal Statement: <u>Timely process and complete close cases (final order) according NNLC Rules</u>																									



OFFICE OF NAVAJO NATION HUMAN RIGHTS COMMISSION

P.O. Box 129
ST. MICHAELS, ARIZONA 86511
PHONE: (928) 871-7436
FAX: (928) 871-7437

MEMORANDUM

DATE: April 10, 2016

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: Second Quarter Report for Fiscal Year 2016

The Office of Navajo Nation Human Rights Commission submits its 2016 Fiscal Year Second Quarter report covering the period January 1, 2016 through March 31, 2016.

I. CONTACT PERSON

Steven A. Darden, *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

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.”

As provided in the Plan of Operation, the purpose of the Commission and Office is to: 1) Conduct public hearings in/near border towns to assess the state-of-affairs between Navajos and non-Navajos; 2) Investigate written complaints involving discrimination of Navajo citizens; 3) Network with local, state, national and international groups and advocate for recognition of Navajo human rights; and 4) Educate the public about human rights and the Navajo Nation’s intolerance of human rights violations.

III. SUMMARY OF SIGNIFICANT ACCOMPLISHMENTS IN THE SECOND QUARTER OF FISCAL YEAR 2016

During the period from January 1, 2016 through March 31, 2016, the following are the significant accomplishments of the Commission and Office:

Resolutions Approved by the Commission

1. NNHRCJAN-01-16: Authorizing the Navajo Nation Human Rights Commission and Its Office to be a Plaintiff in the Matter of Filing a Complaint against San Juan County Utah Regarding the Mail-In Balloting

In March 2011, the Navajo Nation Speaker directed the Commission to take the lead in the States of Arizona, New Mexico and Utah in redistricting on behalf of the Navajo Nation. In August 2011, by Resolution NABIAU-47-11, the Navajo Nation Naabik’iyáti’ Committee (“NABI”) authorized the Commission to assist the Navajo Nation in all state and legislative activities. The Commission continued working on redistricting issues for the State of Utah so that the Navajo Nation is appropriately represented in the drawing of redistricting maps and also provided written statements to the appropriated redistricting agencies and courts. As a result, the Commission became a fact witness in the matter of Navajo Nation v. San Juan County Utah.

However, in spring 2015, the Commission was removed from being a fact witness in matter of Navajo Nation v. San Juan County Utah and requested to assist in gathering information and seeking the assistance of the U.S. Department of Justice (“Justice Department”) to intervene in the 2014 mail-in ballot for San Juan County Utah. By Resolution NNHRC-12-15, the Commission opposed the use of the mail-in ballots in San Juan County Utah and urged the county clerk to fully reinstate the physical polling places and the Navajo language assistance program as required under Section 203 of the Voting Rights Act of 1965. The Commission believes the mail-in ballots instituted by the San Juan County Utah is a deliberate effort to discriminate against Utah Navajo voters by making it difficult for them to understand the content of the ballots without language assistance and require them to travel long distances to cast their ballots in-person in Monticello, Utah. As a result, the Commission authorized the Office to become plaintiffs in the matter of filing a complaint against San Juan County Utah regarding the mail-in ballot instituted in 2014.

2. NNHRCJAN-02-16: Endorsing the Navajo Utah Commission Resolution NUCDEC-668-15 and Directing the Office of Navajo Nation Human Rights Commission to Continue Assisting in Developing Redistricting Maps

In late 2015, U.S. Federal District Court Judge Robert J. Shelby ordered a remedial plan for San Juan County Utah school board election districts. The Office has worked with the Navajo Nation contract attorneys on this court case by developing the Navajo Utah Commission's resolution and requesting experts to develop several redistricting maps with minimal deviation for the San Juan County Utah school board election districts. The Office presented the Navajo Utah Commission's resolution to the Navajo Utah Commission on December 30, 2015 in order to meet the timeline set by Judge Shelby. The Commission determined and endorsed Exhibit "A" to Resolution NUCDEC-668-15 that appropriately represent Utah Navajo voters in San Juan County Utah.

3. NNHRC-03-16: Supporting Proposed Legislation in the States of Arizona, New Mexico and Utah that Advance and Protect the Civil and Human Rights of the Navajo Nation and Navajo People

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 in the border towns surrounding the Navajo Nation to the treatment of Navajo people by border town law enforcement officers. In addition, the Commission received complaints filed that ranged from the treatment received while incarcerated to the predatory lending from automotive dealers and small loans. The Commission assessed and examined all the complaints filed and the information from the public hearings. From the assessments and examinations, the Commission took it upon themselves to have the Office start influencing proposed legislations that will have a negative impact on the Navajo Nation and Navajo people.

These proposed legislations include the State of Arizona requiring its citizens to have a valid federal or state issued identification card to exercise their rights to vote, to having the State of Arizona not be held to the international commitments and standards the U.S. government agreed to, and the State of New Mexico amending their current statute on the used vehicles warranty and capping interests rates on small loans to thirty-six percent. The Commission found it was in the best interest of the Navajo Nation and Navajo people to support proposed legislation in the States of Arizona, New Mexico and Utah that advances and protects the civil and human rights of the Navajo Nation and Navajo people. Furthermore, the Commission finds it is in the best interest of the Navajo Nation and Navajo people to oppose proposed legislations that is detrimental to the Navajo Nation and Navajo people.

4. NNHRCMAR-04-16: Supporting the 114th Congress 2nd Session H. Con. Res. 122 on Stopping the Theft, Illegal Possession, Sale, Transfer, and Export of Sacred Cultural Items of Indigenous Peoples within the United States of America Nationally and Internationally

In fall 2015, the Eve Auction House owner, Alain LeRoy, in Paris, France reached out to the Office and communicated that he will be in possession of eighteen Navajo Yeibichei masks, which will be scheduled for auction on December 7, 2015. The possession and auction of these Navajo Yeibichei masks was communicated to the Navajo Nation Historic Preservation Department

("Preservation Department"), NABI's Subcommittee on Sacred Sites ("Subcommittee"), and the Office of the Navajo Nation President & Vice-President ("OPVP"). The Navajo Nation, with the assistance of the Office, worked out an arrangement with Eve Auction House to not photograph, catalog, and publish the possession and auction of these sacred items as the Navajo Nation would be purchasing and repatriating them directly. As a result, the Navajo Nation stakes on protecting sacred cultural items for monetary gain nationally and internationally increased. The Commission found it was in the best interest of the Navajo Nation to support Hobbs Straus Dean & Walker, LLP, the Pueblo of Acoma and U.S. Congressman Steve Pearce (R-NM) in their effort to protect and stop the theft, illegal possession, sale, transfer, and export of sacred cultural items of indigenous peoples within the United States nationally and internationally.

5. NNHRCMAR-05-16: Supporting the Effort to Amend the Native American Graves Protection and Repatriation Act and Enhance the Protection of Indigenous Peoples Sacred Cultural Artifacts, Items, and Objects

In fall 2015, the Eve Auction House owner, Alain LeRoy, reached out to the Office and communicated that he will be in possession of eighteen Navajo Yeibichei masks, which will be scheduled for auction on December 7, 2015. The possession and auction of these Navajo Yeibichei masks was communicated to the Preservation Department, Subcommittee, and OPVP. The Navajo Nation, with the assistance of the Office, worked out an arrangement with Eve Auction House to not photograph, catalog, and publish the possession and auction of these sacred items as the Navajo Nation would be purchasing and repatriating them directly. As a result, the Navajo Nation stakes on protecting sacred cultural items for monetary gain nationally and internationally increased. The Commission found it was in the best interest of the Navajo Nation to support amending "title 18, United States Code, to enhance protections of Native American cultural items under the Native American Graves and Repatriation Act, and for other purposes" and be enacted as the "Native American Cultural Property Protection Act of 2016" by the Senate and House of Representatives of the U.S. in Congress.

6. NNHRCMAR-06-16: Recommending that the Navajo Nation adopt Domestic Law protecting the Cultural Sacred Items and Objects from Desecration and Sale as these Items and Objects are the Collective Properties of the [Navajo people].

In light of the Navajo Nation's experience in addressing repatriation issues internationally on sacred cultural items and objects of the Navajo people, it is important the world community to recognize, protect, preserve and not purchase these sacred cultural items and objects as they are the collective property rights of the Navajo people. The Commission found it was in the best interest of the Navajo Nation to recommend to Subcommittee to develop and support legislation that protects Navajo cultural items and objects from desecration and sale. The Commission recommends the following to Subcommittee: sacred cultural items and objects are those ceremonial paraphernalia used in traditional chants and ceremonies, not for the arts and crafts market; sacred cultural items and objects are the collective and intellectual property rights of the entire Navajo people and does not belong to a single individual because these sacred items and objects are used in chants and ceremonies; and selling sacred cultural items and objects that belong to the entire Navajo people is an act of stealing.

7. NNHRCMAR-07-16: Recommending that the Navajo Nation Subcommittee on Sacred Sites of the Naabik'iyáti' Committee Supporting and Represent the Navajo nation on Amending the Mandates of the United Nations Expert Mechanism [on] the Rights of Indigenous Peoples

In December 2007, the United Nations Human Rights Council (“HRC”) established the United Nations Expert Mechanism on the Rights of Indigenous Peoples (“EMRIP”) by Resolution 6/36, which consists of five independent experts selected in accordance with the procedure establishing the HRC in Resolution 5/1 on June 18, 2007. The EMRIP is mandated to focus on thematic studies and research-based advice as directed by the HRC and may suggest proposals to the HRC for consideration and approval.

In September 2014, the United Nations held the World Conference on Indigenous Peoples where an outcome document was produced. In the outcome document, it states in paragraph 28, “We invite the [HRC], taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the [EMRIP], during its sixty-ninth session of the General Assembly, with a view to modifying and improving the [EMRIP] so that it can more effectively promote respect for the [Declaration on the Rights of Indigenous Peoples], including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the [Declaration on the Rights of Indigenous Peoples].”

It is essential the Navajo Nation provide recommendations on amending the mandates of EMRIP by increasing the composition from five to seven, expand the mandate to include best practices to recognize the human rights of indigenous peoples, and provide for resources for EMRIP to carry out its new mandates and allow for the full participation of indigenous peoples.

Public Information and Human Rights Education

The circulation of public information for the Commission and Office is an on-going priority that was met for the second quarter of Fiscal Year (“FY”) 2016. The Commission’s Plan of Operation states that all regular and special meetings be announced by radio, newspaper and the official Navajo Nation website with a ten days advanced notice. The Commission held three regular meetings for the second quarter. The meetings were announced on KTNN, in the Navajo Times, on social media, and on the Navajo Nation’s and Commission’s official website. Seven press releases and public service announcements were written and distributed to broadcast and print outlets in the second quarter.

The Office’s Public Information Officer (“PIO”) dedicated a great deal of time and resources developing two Navajo Consumer Credit Seminars and Round Table (“Credit Seminar”). The first Credit Seminar was held on January 28, 2016 at the Gallup Community Center with forty-eight participants. The second Credit Seminar was held on March 23, 2016 at the Crownpoint Technical University with twelve participants. In addition, the PIO dedicated a great deal of time and resource on public education and outreach for the second quarter. The PIO, with the assistance of the Federal Trade Commission, designed a consumer rights booklet entitled “The Meaning of Credit” that’s geared toward Navajos. The booklet address the following topics: *What is Credit? Why Credit is important? What is interest? What*

does Collateral mean? What is a Credit Report? Your information on Credit Reports, What are Credit scores? Effects of Good and Bad credit history. How the Credit Report is used.

On February 4th, the Commission and Office attended and conducted a work session on the Status of Navajo Women and Gender Violence. The work session was to develop and decipher information that was presented on Status of Navajo Women and Gender Violence, and the Rights of Indigenous Peoples in 2013. During the work session, terms and general roles were discussed which will be used in the report on public hearing Violence against Navajo Women and Gender violence.

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 second quarter, 110 media packets were distributed to the general Navajo public at all Commission events, meetings, and mail outs. The PIO also reported to twenty-one media outlets regarding the Commission's public hearing on assessing the Border Town Employment Practices for the second quarter. 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 the local, state, national and international entities. This includes establishing a connection and/or network with border town organizations that help Navajos and Native Americans. This creates a network were the Office can use their help to distribute information to the Navajo people that live in urban areas.

Navajo Voting Rights in San Juan County Utah

In March 2011, the Navajo Nation Speaker directed the Commission/Office to take the lead in the States of Arizona, New Mexico and Utah in redistricting on behalf of the Navajo Nation. Since then, the Office continued working on redistricting issues for the State of Utah so that the Navajo Nation is appropriately represented in the drawing of redistricting maps and also provided written statements to the appropriated redistricting agencies and courts. As a result, the Commission/Office became a fact witness in the matter of Navajo Nation v. San Juan County Utah. In spring 2015, the Commission/Office was removed from being a fact witness in matter of Navajo Nation v. San Juan County Utah and requested to assist in gathering information and seeking the assistance of the Justice Department to intervene in the 2014 mail-in ballot for San Juan County Utah. Since then, the Office have been involved with keeping the remaining fact witnesses and plaintiffs updated on the lawsuit, attending meetings to educate the public on voting rights, and assisting the attorneys who filed the lawsuit by gathering needed information from the fact witnesses and plaintiffs.

Navajo Sacred Places Activities

In the second quarter, the Office met with the Subcommittee to continue the discussion on whether the Navajo Nation should filed a complaint against the City of Flagstaff, Arizona in Arizona State Court on the desecration of the San Francisco Peaks ("Peaks") as recommended by the University of Arizona James E. Rogers College of Law Indigenous Law & Policy Program ("College of Law") under Arizona's Religious Exercise Freedom Act. The Subcommittee agreed that the Medicine People, who passed a resolution in January 2016, would be the lead plaintiff in the complaint against the City of Flagstaff in Arizona State Court since the Office has worked with the Medicine People since 2010 on addressing the protection and preservation of the Peak both national and internationally.

Repatriation of Navajo Sacred Masks

In fall 2015, the Eve Auction House owner, Alain LeRoy, reached out to the Office and communicated that he will be in possession of eighteen Navajo Yeibichei masks, which will be scheduled for auction on December 7, 2015. The possession and auction of these Navajo Yeibichei masks was communicated to the Preservation Department, Subcommittee, and OPVP. The Navajo Nation, with the assistance of the Office, worked out an arrangement with Eve Auction House to not photograph, catalog, and publish the possession and auction of these sacred items as the Navajo Nation would be purchasing and repatriating them directly.

As a result, the Navajo Nation stakes on protecting sacred cultural items for monetary gain nationally and internationally increased. The Commission finds it is in the best interest of the Navajo Nation to support Hobbs Straus Dean & Walker, LLP, the Pueblo of Acoma and U.S. Congressman Steve Pearce (R-NM) in their effort to protect and stop the theft, illegal possession, sale, transfer, and export of sacred cultural items of indigenous peoples within the United States nationally and internationally. In addition, the Commission finds it is in the best interest of the Navajo Nation to support amending “title 18, United States Code, to enhance protections of Native American cultural items under the Native American Graves and Repatriation Act, and for other purposes” and be enacted as the “Native American Cultural Property Protection Act of 2016” by the Senate and House of Representatives of the U.S. in Congress.

Human Rights Investigator and Investigation

The Human Rights Investigator (“Investigator”) assisted, attended and participated in four intake meetings. Prior to each intake meeting, the Investigator along with the Office’s Executive Director and two Policy Analysts reviewed each of the complaint to identify discrimination and human rights violations and offer recommendations on the course of action.

In the second quarter, the Investigator provided a first quarter activities report for FY16 on the Citizen Complaints filed to the Commission during its regular scheduled meeting. In January, the Office conducted a field visit with clients in Pinon, Arizona to discuss their complaint and obtain additional information; and the Investigator conducted a field visit with client NNHRC-14-46 to explain the purpose and need for a Victim Impact Statement regarding a sentencing hearing scheduled on March 5, 2016. In February, the Office attended the Sentencing Hearing at the Second Judicial District Court in Albuquerque, New Mexico on the convicted assailant who beat to death two homeless Navajo men as they slept in a vacant lot on the west side of Albuquerque in a complaint was filed by client NNHRC-14-46; and the Office attended a meeting in Holbrook, Arizona with client NNHRC-16-01 and Hatch Toyota regarding predatory lending. Also, the Investigator along with the Office Assistant conducted a field visit in Chinle, Arizona to obtain Affidavits from clients regarding Tate’s Auto Center lending practices. In March, the Investigator attended “Cross Commission Refresher Training” at University of New Mexico-Gallup Branch. This refresher training was in regards to client NNHRC-15-22. On March 10th, the Office conducted a teleconference call with the Consumer Financial Protection Bureau regarding Tate’s Auto Center. On March 17th, the Office conducted a teleconference call with the Federal Trade Commission regarding Tate’s Auto Center. In addition, on March 24th, the Office attended a meeting in Thoreau, New Mexico at the Thoreau Chapter concerning issues raised by Navajo

parents whose children are enrolled in the McKinley County School District. A follow-up meeting is scheduled for Monday, April 11th at the Thoreau Chapter house.

The Investigator travelled within each of the ranges of 0-50 miles, 51-100 miles, and over 100 miles eight different times for meetings involving complaints filed with the Office. In addition, for each new complaint filed and current cases open for investigation or monitoring, the Investigator will continue to research the issue(s) and policies, obtains facts and evidence to substantiate the allegation, and networks with tribal, county, state and federal agencies for some form of resolution.

Intake and Complaints

From January 1st through March 31st, the Office received fourteen 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, which require protection and enforcement under federal, state, or Navajo Nation laws; disability, Indian child welfare issues; civil rights; and consumer rights.

The Office closed fourteen complaints that: exceeded the three hundred and 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; or the complaint did not contain direct and circumstantial evidences supporting the incident of discrimination described.

Navajo Nation Human Rights Commission Training

On March 17th, the Office participated in a training session conducted by Joel Cruz-Esparza, *Attorney*, in St. Michaels, Arizona on consumer laws and rights for the State of New Mexico. The training is conducted in a series of sessions and is an on-going effort by the Office to better understand ways and means to educate and protect Navajo consumers. On March 21st, the Investigator attended a seminar on "The Essentials of Collections Law Seminar" in Farmington, New Mexico to better understand collection laws in the effect Navajo consumers on a daily basis.

IV. PERFORMANCE MEASURES

The performance measures are marked in the attachments BUDGET FORM 2, PAGE 2 and PAGE 3. 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 government by conducting its works and activities consistent with the standards established by the United Nations 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 third quarter of FY16. 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 other civil rights violation that occurred on or off the Navajo Nation. The Executive Director, two Policy Analyst, and Investigator will continuously to focus on the complaints accepted for investigation by the Office 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 v. San Juan County Utah by providing needed information, and keep the plaintiffs updated as they are stakeholders in the lawsuit. The Office will continue to inquire about the complaints raised by Navajo parents whose children are enrolled in the McKinley County School District. Again, a follow-up meeting is scheduled for Monday, April 11th at the at the Thoreau Chapter house.

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, 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 and preservation of the 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 and preservation 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 continue to add new information to the Office's website to draw new viewers and maintain its regular viewers. In addition, the PIO will continue to establish additional contacts, provide advertisements, order promotional items, create additional educational pamphlets, and update all media/public information packets. Furthermore, 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.

The PIO will continue the use of social media to bring public attention on Navajo human rights. This includes the development and networking to educate the public on Navajo Consumer Credit and Lesbian, Gay, Bisexual and Transgender rights and services in preparation for the seminars, and Navajo employment rights within border towns. Furthermore, the PIO will continue to make contact with

federal and state agencies and offices to develop public educational materials that is geared toward Navajos to protect their civil, consumer, and human rights.

ATTACHMENTS



**THE NAVAJO NATION
ELECTION ADMINISTRATION**

Strength and Dignity Through Voting

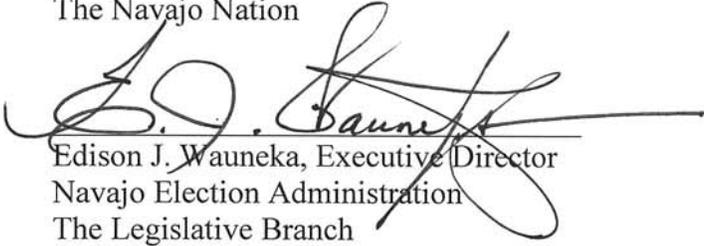


APR 7 '16 AM 10:21

MEMORANDUM

DATE: April 7, 2016

TO: Honorable Speaker LoRenzo Bates
Office of the Speaker
23rd Navajo Nation Council
The Legislative Branch
The Navajo Nation

FROM: 
Edison J. Wauneka, Executive Director
Navajo Election Administration
The Legislative Branch
The Navajo Nation

SUBJECT: QUARTERLY REPORT - FY 2016 2nd Quarter

Attached is a copy of the Fiscal Year 2016 2nd Quarterly Report for the Navajo Board of Election Supervisors and the Navajo Election Administration. This report covers the period of January, February and March, 2016.

XC: NBOES
NEA files
OMB





Navajo Board of Election Supervisors
Navajo Election Administration
Navajo Nation Legislative Branch
Fiscal Year 2016 – Second Quarterly Report Summary

Contact Person: Edison J. Wauneka, Executive Director
Contact Phone Number: 928/871-6367
Contact Email Address: navajoelections@navajo-nsn.gov

Section One: Accomplishments from 2nd Quarter

- Continue Filling Vacancies
- Completed School Board Apportionment
- Continuing 2016 Navajo Nation Chapter Election
- Streamlining Election Day activities with Navajo County
- Established Voting Rights Coordinator position with Cibola County at Ramah Navajo Chapter
- Filling State Wide Voting Rights Coordinator with New Mexico Secretary of State
- Conduct Tri-County meeting with Apache, Navajo and Coconino Countys
- Conducted New Mexico Native American Election Information Program Meeting with New Mexico Counties
- Continuing Election Code Amendments
- Developed 2018 Navajo Nation Election Calendar
- Continuing Navajo Nation and States Voter Registration Drives
- Continuing to Meet Navajo Board of Election Supervisors Goals and Objectives

Section Two: Goals for 2nd Quarter

- 2016 Navajo Nation Chapter Election
- Begin the Cycle 1 of Navajo Nation Council Reapportionment
- Public Education for 2016 Navajo Nation and State Elections
- Enforce Election Laws and Policies
- Amend Election Laws
- Fill Existing Elected Position Vacancies within Navajo Nation

Section Three: Issues/Recommendations

- Election Administration needs Office and Storage Space
- Obtain Independent Legal Counsel
- Establish Board and Administration as Independent Entity
- Navajo Nation Election Needs New Voting Equipment

Contact Information

Edison J. Wauneka, Executive Director

Navajo Election Administration

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Window Rock, AZ 86515

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Facsimile Number: 928/871-7344

Email Address: navajoelections@navajo-nsn.gov

Website Address: www.navajoelections.navajo-nsn.gov

FORT DEFIANCE AGENCY ELECTION OFFICE

Navajo Nation Quality Inn Business Complex Suite 202

Window Rock, Arizona 86515

Tele: 928/871-6881 Fax: 928-871-7344

Toll Free: 1-866-800-4988

EASTERN AGENCY ELECTION OFFICE

Old Crownpoint Public Safety Building

Building Number 2652

PO Box 1925, Crownpoint, New Mexico 87313

Tele: 505/786-2263 Fax: 505/786-2364

Toll Free: 1-888-508-6870

CHINLE AGENCY ELECTION OFFICE

Double Wide Mobile Office

Southwest of the Chinle Chapter House

PO Box 649, Chinle, Arizona 86505

Tele: 928/674-2551 Fax: 928/674-2552

Toll Free: 1-866-387-9352

NORTHERN AGENCY ELECTION OFFICE

Navajo Nation Office Building #80

South of East 7-2-11 Store

PO Box 4050, Shiprock, New Mexico 87420

Tele: 505/368-1332 Fax: 505/368-1510

Toll Free: 1-866-659-5842

WESTERN AGENCY ELECTION OFFICE

Navajo Nation Building TD 15-074
Southeast of the Tuba City Community Center
4 Trailers East of the Industrial Laundry
PO Box 1596, Tuba City, Arizona 86504
Tele: 928/283-3220 Fax: 928/283-3219
Toll Free: 1-888-508-4970

The Election Board members consist of the following members:

1. Rodger Martinez	Eastern Agency	Chairperson
2. Ray Gilmore	Chinle Agency	Vice Chairperson
3. Leslie Chavez	Eastern Agency	Member
4. Dennis M. Dedman	Chinle Agency	Member
5. Bertha Aguirre	Fort Defiance Agency	Member
6. Dawn A. Yazzie	Fort Defiance Agency	Member
7. Sammy Ahkeah	Shiprock Agency	Member
8. Watona Kellywood	Shiprock Agency	Member
9. Shirlee A. Bedonie	Western Agency	Member
10. Ruth Gilmore	Western Agency	Member

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, the Presidential and Chapter Elections. It also conducts special, recall and referendum elections.
2. NEA declares vacancies occurring between major elections conduct special election or appoint and certifies candidates, schedules the administration of oaths of office.
3. NEA with 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 in areas having a significant Navajo population.
5. NEA provides staff support to the Navajo Board of Election Supervisors in its development of policy recommendations and rulemaking regarding elections.
6. NEA provides voter education and assistance to other entities as requested such as schools, boards, commissions and groups.

II. Summary of Significant Accomplishments in the Second Quarter of Fiscal Year 2016

1. Navajo Board of Election Supervisors Resolutions

During this reporting period, the following resolutions were considered and passed by the Election Board:

<u>Resolution:</u>	<u>Date:</u>	<u>Resolution Title/Topic</u>
BOESJA-001-16	01-14-16	Recommending An Appointment Plan for School Board consistent with Navajo Nation Law; Restructuring of the current school board system should first be approved by the Navajo Nation Council
BOESF-002-16	02-25-16	Canvassing and Certifying Voting Results for Referendum Election Conducted February 2, 2016 at Lechee Chapter on Whether the Chapter should Adopt an Alternative Form of Government
BOESF-003-16	02-25-16	Approving the February 25, 2016 Voter Registration Totals as the Basis for Limitation of Campaign Expenditures for the 2016 Chapter Elections
BOESF-004-16	02-25-16	Recommending that the Navajo Nation Council amend the Navajo Nation Election Code at 11 N.N.C.§§ 24 and 341, to ensure that challenges to qualifications are timely and properly filed and absolutely prohibiting any challenges to candidacy after an election is conducted and voting results publicly released

2. Navajo Board of Election Supervisors Meetings

During this reporting period, the Election Board held the following duly called meetings:

1. NBOES Regular Meeting	January 6, 2016
2. NBOES Special Meeting	January 14, 2016
3. NBOES Regular Meeting	January 21, 2016
4. NBOES Regular Meeting	January 28, 2016
5. NBOES Regular Meeting	February 11, 2016
6. NBOES Regular Meeting	February 25, 2016
7. NBOES Regular Meeting	March 10, 2016

3. Vacancies

The following elected positions are vacant during this reporting period. The Navajo Election Administration works with the chapters to fill the vacancies as soon as possible.

<u>Agency</u>	<u>Chapter</u>	<u>Position(s)</u>
Eastern	No vacancies	
Chinle	No vacancies	
Fort Defiance	Fort Defiance	Chichiltah/Jones Ranch Comm. Sch.
Fort Defiance	Jeddito/Indian Wells	T'iisyaahkin Residential Hall
Western	Agency Wide	Kaibeto Boarding School
Western	Leupp	Leupp Community School
Shiprock	Aneth	Aneth Community School

4. School Board Apportionment

The *Navajo Nation Council Health, Education and Human Services Committee* approved school board apportionment "Plan A" to be used in the 2016 Chapter Election. The plan will be used for the 2016 Chapter Election. The plan is the same plan as before with no changes. There were 5 apportionment plans presented to the *Health, Education and Human Services Committee*. The Election Board is recommending and seeking minor changes to the apportionment plan due to consistent vacancies during the current term using the same apportionment plan.

5. 2016 Chapter Election

The 2016 Chapter Election is underway with candidate filing starting on March 3, 2016. The filing fee is \$200.00 for each position. Candidate filing is open until June 2, 2016 (June 1, 2016 by law but is Navajo Nation Memorial Day) at the Agency Election Office locations throughout the Navajo Nation. Filing location for the deadline date location of June 2nd is going to be at the Navajo Nation Museum in Window Rock, Arizona. All individuals seeking to file for candidacy will need to come to the Navajo Nation Museum to file on this date. All other arrangements have been made to conduct the Primary Election in August and the General Election in November, 2016.

6. County Activities

Ramah Chapter. Cibola County Voting Rights Coordinator

The Navajo Election Administration, Cibola County and Ramah Chapter have secured a permanent *Voting Rights Coordinator* for the Ramah Navajo Chapter community. The work to establish this position as a permanent position started approximately seven (7) years ago. With the coordination of the County, Navajo Nation and Ramah Chapter, the permanent position was established. The *Voting Rights Coordinator* is responsible for providing election related services to the Raman Navajo Chapter in the Navajo language. This shows that collaboration

between the different entities enables positive advancements for the Navajo communities.

Streamlining Election Day Activities (Navajo County)

The Navajo Election Administration and Navajo County are working on streamlining Election Day activities between the Nation and the County at the polling locations. A Navajo Nation mock election was held at the Pinon Chapter on March 22, 2016 during the *Arizona Presidential Preference Election*. This mock election was held to evaluate the concept of streamlining the County and Navajo Nation election to save time and avoid confusion for the voters. If the concept works, it will be used in the Primary and General Election for Navajo County. It will be expanded to other Counties and States that have jurisdiction in the Navajo Nation in future elections.

Tri-County Meeting

The Arizona counties of Apache, Navajo, Coconino and the Navajo Election Administration had a Tri-County meeting in Holbrook, Arizona at the County facility on Wednesday, March 30, 2016. The meeting was held to coordinate efforts to translate ballot questions for the May 17th Special Election in Arizona. The three counties and the Navajo Election Administration translated and developed interpretation of the ballot language in the Navajo language to be used for voter education and public service announcements.

New Mexico State Native American Election Information Program Voting Rights Coordinator Position

In the State of New Mexico, the Secretary of State Honorable Brad Winter is assisting the Navajo Nation with filling the vacant position of the state wide Voting Rights Coordinator within the *Native American Election Information Program*. This position has been vacant since 2012 and the Secretary of State at the time, Ms. Dianne Durran did not fill the vacancy after Ms. Sevaleah Begay-Tsosie left the position. The Navajo Election Administration approached the State Indian Affairs Committee with the request but no action was taken. Since the removal of Ms. Durran as the Secretary and Mr. Winter was appointed, our request to Secretary Winter was received with a positive attitude. The Navajo Election Administration is hoping to fill the vacancy before the end of Secretary Winter's term.

7. Special Elections

Because the election law's special election only in the first half of an elected official's term of office and appointments in the second half of the term of office, there were no special elections during this reporting period.

8. Navajo Nation Chapters Regionalization

The NEA has been attending the Navajo Nation Chapter Regionalization meetings in the capacity of providing technical advice to the committee. The committee

meets weekly on Wednesdays. The goal is to regionalize the chapters. The current status is to attempt a referendum election in 2016.

9. Revision of Election Materials

The NEA is working on updating forms for the upcoming election. Some forms have been updated for the filing period. The election forms are being updated. The candidate guide has been revised to include all information needed by candidates who wish to file for office in this year's election.

10. Working with Automated Election Services, Inc. (AES)

The Navajo Election Administration and *Automated Election Services, Inc.* have completed building all aspects of election information, printing and conducting the 2016 Chapter Election. The Agencies, Chapter and elected positions were all compiled and set up in accordance with Navajo Nation laws. After the filing deadline, the candidate information will be transferred to AES to develop election ballot layouts. These layouts will be reviewed by NEA and approved for printing. AES will be responsible for printing and technical assistance with the Chapter Election ballots.

11. Appointments

- a. Klagetoh Chapter President – Klagetoh Chapter
- b. Tse'ii'ahi Community School Member– Coyote Canyon Chapter
- c. Dilcon Grazing Committee Member – Dilcon Chapter

12. Chapter Election Poster

A poster was developed to provide information to the general public about the 2016 Chapter Election. This poster was printed and distributed to then chapters, county facilities and governmental offices. Additional publications will be developed to provide information to the general public.

13. 2018 Election Calendar

Attached is a DRAFT copy of the 2018 Navajo Nation Election Calendar. The 2018 Election will include the positions for the Navajo Nation President, the Vice-President, Navajo Nation Council, Navajo Board of Education, the Kayenta Township Commission and the Navajo Board of Election Supervisors. Many inquiries are received by the Election Administration thus this calendar was developed in accordance with Navajo Nation Election Laws.

14. Election Code Amendments

The Navajo Board of Election Supervisors has been working on the Election Code amendments. The following items are being considered for amendments within the Code. The amendments are in various stages of completion and presentation to the Navajo Nation Council for consideration.

15. Voter Registration Drives

During this reporting period, the Election Administration continues registering voters for the Navajo Nation elections. Voter registration for the Navajo Nation remains open up to 30 days prior to an election and reopens 10 days after if there are no grievances filed towards the election. Voter registration is conducted daily at the Election Administration offices, chapters, certain Urban Indian Centers and places of higher education. The NEA provides voter registration to individuals that call or email requests. The process includes obtaining information by phone or email and sending a completed card to them by regular mail for signature and a copy of proper identification. This information is sent back to the Election Administration by the individual and after verification is encoded into the voter files. The current number of registered voters is 126,202 for the Navajo Nation. This number fluctuates daily when voter registration is encoded into the Voter Registration Database (VRDB). The Election Administration is continuously looking for events where voter registration drives can be conducted. During this period, the Election Administration conducted major voter and information drives at the Northern Navajo and Western Navajo Fairs. The Election Administration also provides voter registration forms for the States of Utah, New Mexico and Arizona. The completed voter registration can be sent back to the respective county office by the individual or the Election Administration can send the voter registration card back to the county for the individual. The Election Administration also provides voter education at the registration drives and at the Agency Offices.

16. NBOES Goals and Objectives

The Election Board continues to work on their goals and objectives. The last Election Board is working on the following issues within their jurisdiction.

- A. 2016 Navajo Nation Chapter Election
- B. Navajo Nation Council Reapportionment
- C. Obtain Permanent Independent Status
- D. Public Education on Elections
- E. Increase and maintain Annual Funding
- F. Enforcement of Policies
- G. Federal/State/County Relationship
- H. Secure Office Buildings/Equipment
- I. Election of Other Offices in Navajo Nation
- J. Election Code Amendments
- K. Securing funding for new voting equipment
- L. Navajo Nation School Board Apportionment

Other goals have been met by the Board and Administration.

III. Performance Measure Work Sheet(s)

1. Navajo Board of Election Supervisors (See attachment)
2. Navajo Election Administration (See attachment)

IV. Concerns with Recommendations

1. Office Space

There is a need for larger office and storage space. The office is experiencing problems with the current location of the office. The office is not handicapped accessible for the physically handicapped. There is a lack of work and storage space. Other problems include no ventilation within the building, limited cleaning services by the Land Lord. The NEA is seeking a permanent office location that can accommodate the daily duties of the program. During election time, there is not enough space to support the election activities. The lack of a full time conference room for working sessions and Election Board meetings is also a big problem. Staff must seek alternate conference room space when the complex conference room is in use. The Election Office is lacking sufficient storage space. The voting equipment is electronic and need to be stored in a temperature controlled and dust free environment. The equipment storage is important because much of the damage is done transporting the voting equipment from place to place for storage. Currently the voting equipment is all stored at an off reservation facility.

2. Independent Entity Status

According to the Election Code, the Navajo Board of Election Supervisors is supposed to be an "Independent Entity" outside of the 3 Branch 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 creates a conflict during major elections. Attorneys option to support the Navajo Nation Council rather than the Board or Administration during grievance proceedings. Amendments are needed to place the Election Board and Administration in an Independent environment within the Navajo Nation government.

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 Conversion of Navajo Nation Voter Registration Database

The Navajo Election Administration will continue to work with *Department of Information Technology* and *Automated Election Services, Inc.* in coordinating efforts to rebuild the Navajo Nation voter registration database. The database upon completion will provide the Nation with better services and statistics. Phase I and II have been completed which included the conversion of voter registration information to a moderate user friendly computer system. Phase III offers the installment of a server within the Election Administration. Additional phases will be installed as funds become available.

4. 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.

5. 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.

6. 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.

VI. Attachments

1. Navajo Election Administration and Navajo Board of Election Supervisors Performance Measure Worksheets
2. 2016 Navajo Nation Election Calendar
3. 2018 Navajo Nation Election Calendar
4. Navajo Nation Voter Registration Summary Report
5. Navajo Board of Election Supervisors Pamphlet

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:											
Business Unit No.:		101021		Program Name/Title:				Election Administration Office			
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:											
2 N. N. C. Sec 876 To implement and carryout provisions of the election code and conduct elections.											
PART III. PROGRAM PERFORMANCE CRITERIA:											
1. Program Performance Area:											
Elections											
Goal Statement:											
To attain voter turnout for primary election and special elections											
		218		250		436		218		218	
2. Program Performance Area:											
Assist local officials											
Goal Statement:											
Provide information to chapter officials, delegates and other officials											
		90		110		90		90		1,574	
3. Program Performance Area:											
Maintain data base											
Goal Statement:											
To register voters, data entry, data management, provide information, change voter data											
		2,000		1199		2,000		3,000		1,000	
4. Program Performance Area:											
Statistical reporting											
Goal Statement:											
Reports to NN Council, Standing Committees, Oversight Committee, Chapters											
		139		121		139		139		139	
5. Program Performance Area:											
Assist NBOES											
Goal Statement:											
Administrative support, reports, resolutions, rules & regulations, code amendments, emails											
		17		18		13		13		17	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.											
Edison J. Wauneka Executive Director /Date								Hon. LoRenzo Bates, Speaker of the Navajo Nation Council / Date			

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>101022</u>		Program Name/Title: <u>Navajo Board of Election Supervisors</u>	
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:					
2. N. N. C. Sec 871 To carryout the responsibilities as delegated by the Navajo Nation Council to oversee the election code and its authority as an independent entity.					
PART III. PROGRAM PERFORMANCE CRITERIA:					
1. Program Performance Area: Supervise elections					
Goal Statement: To provide oversight and certify primary election and special elections					
2. Program Performance Area: Refer resolutions and legislations					
Goal Statement: Develop, present and support resolutions, code amendments, rules & regulations by teamwork with delegates					
3. Program Performance Area: Election related issues					
Goal Statement: Tend to grievances, recalls, recounts, initiatives, referendum(a) with the general public and officials					
4. Program Performance Area: Assit local governances					
Goal Statement: Receive repotts, respond to requests, presentations and take appropriate actions per the code for the public/offic					
5. Program Performance Area: Coordinate with NEA					
Goal Statement: Receive reports, plans, discussions, directives and communicate with the delegates					
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.					
Edison J. Wauneka, Executive Director /Date		Hon. LoRensso Bates, Speaker of the Navajo Nation Council / Date			

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Chinle Agency

Precinct	Chapter	Voter Count
District 04		
012	HARDROCK	923
013	FOREST LAKE	553
014	PINON	1,929
015	TACHEE/BLUE GAP	917
106	BLACK MESA	607
107	WHIPPOORWILL	1,040
Total Voters in District 04:		5,969
District 10		
032	CHINLE	4,264
033	MANY FARMS	1,446
034	NAZLINI	936
035	TSELANI/COTTONWOOD	1,311
100	TSE CHIZHI	866
Total Voters in District 10:		8,823
District 11		
036	LUKACHUKAI	1,238
037	ROUND ROCK	897
038	TSAILE/WHEATFIELDS	1,326
Total Voters in District 11:		3,461
Total Voters in Chinle:		18,253

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Eastern Agency

Precinct	Chapter	Voter Count	
District 15			
053	BECENTI		729
054	LAKE VALLEY		398
055	LITTLEWATER		704
056	NAHODISHGISH		464
057	PUEBLO PINTADO		493
058	STANDING ROCK		674
059	TORREON		1,135
060	WHITEHORSE LAKE		534
061	WHITEROCK		354
064	CASAMERO LAKE		565
097	CROWNPOINT		1,219
	Total Voters in District 15:	7,269	
District 16			
062	BACA/PREWITT		1,081
063	BAAHAALI		822
065	CHICHILTAH		1,266
066	CHURCHROCK		1,963
067	IYANBITO		797
068	MANUELITO		802
069	MARIANO LAKE		846
070	PINEDALE		1,189
071	RED ROCK		1,439
072	ROCK SPRINGS		1,398
073	SMITH LAKE		661
074	THOREAU		1,363
075	TSAYATOH		913
	Total Voters in District 16:	14,540	
District 19			
091	HUERFANO		1,616
092	NAGEEZI		1,021
093	OJO ENCINO		589
102	COUNSELOR		605
	Total Voters in District 19:	3,831	
District 21			
095	TOHAJIILEE		946
	Total Voters in District 21:	946	
District 22			
096	ALAMO		1,139
	Total Voters in District 22:	1,139	
District 23			
094	RAMAH		1,235
	Total Voters in District 23:	1,235	
Total Voters in Eastern:		28,960	

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Fort Defiance Agency

Precinct	Chapter	Voter Count	
District 07			
019	DILCON		1,171
020	INDIAN WELLS		876
021	JEDDITO		879
022	TEESTO		868
023	WHITECONE		933
098	LOW MOUNTAIN		796
	Total Voters in District 07:	5,523	
District 14			
048	COYOTE CANYON		1,049
049	MEXICAN SPRINGS		860
050	NASCHITTI		1,292
051	TOHATCHI		1,246
052	BAHASTL A A		1,492
	Total Voters in District 14:	5,939	
District 17			
076	CORNFIELDS		865
077	GANADO		1,227
078	GREASEWOOD		840
079	KINLICHEE		1,500
080	KLAGETOH		847
081	STEAMBOAT		1,240
082	WIDE RUINS		863
	Total Voters in District 17:	7,382	
District 18			
083	CRYSTAL		814
084	FORT DEFIANCE		3,090
085	HOUCK		1,223
086	OAK SPRINGS		693
087	RED LAKE		766
088	ST. MICHAELS		2,360
089	SAWMILL		1,102
090	LUPTON		751
105	NAHATA DZIL		1,003
	Total Voters in District 18:	11,802	
Total Voters in Fort Defiance:		30,646	

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Northern Agency

Precinct	Chapter	Voter Count	
District 09			
028	MEXICAN WATER		782
029	ROCK POINT		1,262
030	TO LIKAN		926
031	TEECNOSPOS		1,051
099	RED MESA		1,342
	Total Voters in District 09:	5,363	
District 12			
039	ANETH		1,645
040	TOADLENA/TWO GREY HILLS		988
041	RED VALLEY		1,134
042	TSE ALNAOZL II		1,613
043	SHEEPSPRINGS		736
044	SHIPROCK		5,290
101	BECLABITO		627
103	TSE DAA KAAAN		1,292
104	GADII AHI		654
108	COVE		619
109	NEWCOMB		642
	Total Voters in District 12:	15,240	
District 13			
045	TIISTOH SIKAAD		580
046	NENAHNEZAD		1,635
047	UPPER FRUITLAND		1,847
110	SAN JUAN		587
	Total Voters in District 13:	4,649	
Total Voters in Northern:		25,252	

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Western Agency

Precinct	Chapter	Voter Count	
District 01			
001	COPPERMINE		719
002	KAIBIITO		1,118
003	LECHEE		959
004	TONALEA		1,593
	Total Voters in District 01:	4,389	
District 02			
005	TSAH BII KIN		878
006	NAVAJO MOUNTAIN		685
007	SHONTO		1,325
	Total Voters in District 02:	2,888	
District 03			
008	BODAWAY/GAP		1,331
009	CAMERON		888
010	COALMINE CANYON		866
011	TO-NANEES-DIZI		3,665
	Total Voters in District 03:	6,750	
District 05			
016	BIRDSPRINGS		748
017	LEUPP		1,404
018	TOLANI LAKE		655
	Total Voters in District 05:	2,807	
District 08			
024	CHILCHINBETO		900
025	DENNEHOTSO		1,131
026	KAYENTA		2,580
027	OLJATO		1,646
	Total Voters in District 08:	6,257	
Total Voters in Western:		23,091	
Total Voters:		126,202	

2016 Navajo Nation Election Calendar

March 3
CANDIDATE FILING OPEN
 Chapter Officers:
 ~President
 ~Vice-President
 ~Secretary-
 Treasurer
 AFOG Officers
 Farm Board Members
 Grazing Committee Members
 School Board Members
 Land Board Members
 Election Board
 Kayenta Township Commissioners

June 1
 Filing Deadline
June 2
 Begin recruiting poll officials from chapters

July 21
 Last day for chapters to submit recommendations for poll officials
July 31
 Voter registration close for Primary Election
July 31
 Absentee ballot becomes available upon request
August 15
 Mailed absentee application must be physically in NEA offices
August
 Poll official training throughout the Navajo Nation

August 26
 Last day to vote on walk-in basis at NEA offices
August 29
 Chief Poll Judges meeting
AUGUST 30
PRIMARY ELECTION
 Absentee Ballot Return Deadline
August 31
 Begin primary election grievance period of 10 days
September 9
 Grievance Deadline
September 9
 Voter registration reopens
September 9
 Deadline for candidates to file their Campaign Expense Statements

September 12
 Primary Election results to be certified after this date
October 9
 Voter registration close for the General Election
October 9
 Absentee ballot becomes available upon request
October 24
 Mailed absentee application must be physically in NEA offices
October
 Poll official training throughout the Navajo Nation
November 4
 Last day to vote on walk-in basis at NEA offices

November 7
 Chief Poll Judges meeting
NOVEMBER 8
GENERAL ELECTION
 Absentee Ballot Return Deadline
November 9
 Begin general election grievance period of 10 days
November 9
 Candidates to begin submitting Campaign Expense Statements
November 18
 Grievance Deadline
November 18
 Voter registration reopens
November 18
 Deadline for candidates to file their Campaign Expense Statements

November 21
 General Election results to be certified after this date

January 9-13
 Oath of Office

2018 Navajo Nation Election Calendar

March 1
CANDIDATE FILING OPEN
 NN President
 NN Vice President
 Navajo Nation Council
 NN Board of Education
 Election Board
 Kayenta Township Commissioners

May 30
 Filing Deadline
June 1
 Begin recruiting poll officials from chapters

June 29
 Last day for chapters to submit recommendations for poll officials
July 30
 Voter registration close for Primary Election
July 30
 Absentee ballot becomes available upon request
August 13
 Mailed absentee application must be physically in NEA offices
August
 Poll official training throughout the Navajo Nation

August 24
 Last day to vote on walk-in basis at NEA offices
August 27
 Chief Poll Judges meeting
AUGUST 28
PRIMARY ELECTION
 Absentee Ballot Return Deadline
August 29
 Begin primary election grievance period of 10 days
September 7
 Grievance Deadline
September 7
 Voter registration reopens
September 7
 Deadline for candidates to file their Campaign Expense Statements

September 10
 Primary Election results to be certified after this date
October 8
 Voter registration close for the General Election
October 8
 Absentee ballot becomes available upon request
October 22
 Mailed absentee application must be physically in NEA offices
October
 Poll official training throughout the Navajo Nation
November 1
 Last day to vote on walk-in basis at NEA offices

November 5
 Chief Poll Judges meeting
NOVEMBER 6
GENERAL ELECTION
 Absentee Ballot Return Deadline
November 7
 Begin general election grievance period of 10 days
November 7
 Candidates to begin submitting Campaign Expense Statements
November 16
 Grievance Deadline
November 16
 Voter registration reopens
November 16
 Deadline for candidates to file their Campaign Expense Statements

November 19
 General Election results to be certified after this date

January 16, 2019
 Oath of Office

Plans

Assist National, State and County Offices

The Navajo Election Administration will be assisting the National, State and County elections with such issues as translations of election information, ballot measures, early voting sites, voter convenience centers and other election matters affecting Native Americans. The Election Administration works with eleven (11) counties, three (3) states and the Federal Government.

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.

2016 Navajo Nation Chapter Election

The NEA is preparing information and logistics for the 2016 Navajo Nation Chapter Election. A Candidate Guide is being updated to provide voters with a better understanding of running for office in the upcoming Chapter Election. There are 746 elected offices for this election.

FORT DEFIANCE AGENCY ELECTION OFFICE Navajo Nation Quality Inn Business Complex Suite 202

Window Rock, Arizona 86515

Tele: 928/871-6881

Fax: 928-871-7344

Toll Free: 1-866-800-4988

EASTERN AGENCY ELECTION OFFICE

Old Crownpoint Public Safety Building

PO Box 1925, Crownpoint, New Mexico 87313

Tele: 505/786-2263

Fax: 505/786-2364

Toll Free: 1-888-508-6870

CHINLE AGENCY ELECTION OFFICE

Double Wide Mobile Office

Southwest of the Chinle Chapter House

PO Box 649, Chinle, Arizona 86505

Tele: 928/674-2551

Fax: 928/674-2552

Toll Free: 1-866-387-9352

NORTHERN AGENCY ELECTION OFFICE

Navajo Nation Office Building #80

South of East 7-2-11 Store

PO Box 4050, Shiprock, New Mexico 87420

Tele: 505/368-1332

Fax: 505/368-1510

Toll Free: 1-866-659-5842

WESTERN AGENCY ELECTION OFFICE

Navajo Nation Building TD 15-074

Southeast of the Tuba City Community Center

4 Trailers East of the Industrial Laundry

PO Box 1596, Tuba City, Arizona 86504

Tele: 928/283-3220

Fax: 928/283-3219

Toll Free: 1-888-508-4970

Navajo Board of Election Supervisors

Newsletter



Navajo Election Administration
Navajo Nation Quality Inn Business Complex
Suite 212

PO Box 3449

Window Rock, AZ 86515

Toll Free #: 1-800-775-8683

Direct Line: 928/871-6367

Fax Number: 928/871-7344

navajoelections@navajo-nsn.gov

www.navajoelections.navajo-nsn.gov

Navajo Board of Election Supervisors

The new Board members consist of the following members:

Rodger Martinez	Eastern Agency	Chairperson
Ray Gilmore	Chinle Agency	Vice Chairperson
Leslie Chavez	Eastern Agency	Member
Dennis M. Dedman	Chinle Agency	Member
Bertha Aguirre	Fort Defiance Agency	Member
Dawn A. Yazzie	Fort Defiance Agency	Member
Sammy Ahkeath	Shiprock Agency	Member
Watona Kellywood	Shiprock Agency	Member
Shirlee A. Bedonie	Western Agency	Member
Ruth Gilmore	Western Agency	Member

During this reporting period, the Election Board held the following duly called meetings:

NBOES Regular Meeting	May 21, 2015
NBOES Regular Meeting	May 28, 2015
NBOES Orientation	June 2, 3, 2015
NBOES Regular Meeting	June 11, 2015
NBOES Regular Meeting	June 25, 2015
NBOES Regular Meeting	July 11, 2015
NBOES Regular Meeting	July 23, 2015
NBOES Regular Meeting	August 6, 2015
NBOES Regular Meeting	August 27, 2015
NBOES Work Session	September 4, 2015
NBOES Regular Meeting	September 10, 2015

The Election Board conducts their regular meetings twice a month on the second and fourth Thursday. The meetings are scheduled at 9:00 am at the Navajo Nation Quality Inn Business Complex, Conference Room 107. The public is invited.

Navajo Nation Referendum Special Election – July 21, 2015

The Navajo Election Administration conducted the 2015 Navajo Nation Referendum Election on July 21, 2015. The election results were certified by the Election Board on September 10, 2015 and will take effect until the 2018 Presidential Election.

Election Code Amendments

The Navajo Election Administration and the Navajo Board of Election Supervisors with the assistance of the Office of Legislative Counsel are reviewing the election code for possible amendments. The new Election Board reiterated that the Election Code needs to be amended to conform with current status of the Navajo Nation. The Election Administration and Board will be submitting to the Navajo Nation Council proposed amendments to the Election Code.

Navajo Mountain, Ojato, Shonto, Tsah Bii Kin Navajo Nation Council Special Election

On June 30, 2015, the Navajo Election Administration conducted the Special Election for the Council Delegate position for the Naa 't'is' Aán, Ojato, Shonto and Tsah Bii Kin Chapters. Mr. Herman Daniels, Jr. was elected in place of Jonathan Nez as the new Council Delegates to represent the four chapters. Mr. Daniels was sworn in after the 10 days grievance period.

Existing Vacancies

The Navajo Election Administration has several elected positions that are vacant. The Election Administration is working towards filling these vacancies with special elections and appointments. The vacancies include:

Position	Chapter
1-Jeehdeez 'a Elementary School Board	Whippoorwill
1-Rocky Ridge Boarding School Board	Hardrock
1-Chichilahi/Jones Ranch School Board	Fort Defiance
1-Kinteeel Residential Campus, Inc. School Board	At-Large Upper Fruitland/Red Valley

NBOES Goals and Objectives

The new Election Board will be reviewing its goals and objectives. The Board will continue working on the subject matters.

- A. 2016 Navajo Nation Chapter Election
- B. Navajo Nation Council Reapportionment
- C. Obtain Permanent Independent Status
- D. Public Education on Elections
- E. Increase and maintain Funding
- F. Obtain Independent Legal Counsel
- G. Enforcement of Policies
- H. Federal/State/County Relationship
- I. Secure Office Buildings/Equipment
- J. Election of Other Offices in Navajo Nation
- K. Election Code Amendments
- L. Securing funding for new voting equipment
- M. Navajo Nation School Board Apportionment

PROPOSED 2016 Navajo Nation Chapter Election

March 3, 2016	Filing Open
June 1, 2016	Filing Deadline
July 31, 2016	Voter registration close Absentee Voting Open
August 15, 2016	Mailed absentee applications must be physically in NEA Offices
August 26, 2016	Last day to vote on walk-in basis at NEA Offices

August 30, 2016 Navajo Nation Primary Election

September 9, 2016	Grievance Deadline Voter registration reopen
October 9, 2016	Voter registration close Absentee Voting Open
October 24, 2016	Mailed absentee applications must be physically in NEA Offices

November 4, 2016 Last day to vote on walk-in basis at NEA Offices

November 8, 2016 Navajo Nation General Election

November 18, 2016	Grievance Deadline Voter registration reopen
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January 9-13, 2017 Oaths of Office

