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Navajo Nation Council

WINTER SESSION - SPEAKER'S REPORT



Office of the Speaker P.O. Box 3390 Window Rock, AZ (928) 871-7160

Hon. Otto Tso, *Speaker Pro Tem* 25th Navajo Nation Council

25 Navajo Nation Council



Speaker, Pro Tem Otto Tso

TO'NANEESNDIZI



R. Arviso

CHURCHROCK, IYANBITO, SMITH LAKE, PINEDALE, MARIANO LAKE



Lomardo

Aseret

KLAGETOH, HOUCK, TSÉ SI ÁNÍ NA'HA'TA DZIIL, AND WIDE RUINS



Helena Nez Begay

COPPERMINE, K'AI' BII TÓ, LECHEE,



Crystalyne Curley

LOW MOUNTAIN, MANY FARMS, NAZLINI, TACHEE-BLUE GAP, AND TSFI ANI-COTTONWOOD



Damon

ROCK SPRINGS, CHILCHILTAH, TSE'LICHII, MANUELITO, BÁÁHÁÁLÍ



Herman M. Daniels, Jr.

TS'AH BII KIN, NAATSIS'ÁÁN, SHONTO, AND OLJATO



R. James

JEDDITO, CORNFIELDS, GANADO, KINLICHEE, AND STEAMBOAT



Notah

BAHASTL'AH', COYOTE CANYON, MEXICAN SPRINGS, NASCHITTI, AND TOHATCHI



Shaandiin Parrish

CHILCHINBETO, DENNEHOTSO, AND KAYENTA



Germaine

Simonson

BLACK MESA, FOREST LAKE, HARDROCK, WHIPPOORWILL, AND PINON



Danny

Simpson

BECENTI, TSE' II' AHI, LAKE VALLEY, NAHODISHGISH, CROWNPOINT, WHITEROCK, HUERFANO, AND





Jesus

ST. MICHAELS AND OAK SPRINGS



Allen Johnson

CAMERON, COALMINE CANYON, TOLANI LAKE, TSIDI TO'II, AND LEUPP



Dr. Andy Nez

CRYSTAL, RED LAKE, SAWMILL, AND FORT DEFIANCE



Rickie Nez

TIIS TSOH SIKAAD, SAN JUAN, NENAHNEZAD, UPPER FRUITLAND, TSE DAA K'AAN, AND NEWCOMB



Roessel Slater

ROCK POINT, LUKACHUKAI, ROUND ROCK, TSE CH'IZHÍ, AND TSAILE/WHEATFIELDS



George H. Tolth

LITTLEWATER, PUEBLO PINTADO, TORREON, WHITEHORSE LAKE, BACA/PREWITT, CASAMERO LAKE, OJO ENCINO, AND COUNSELOR



Curtis Yanito

MEXICAN WATER, TEEC NOS POS, ANETH, TOLIKAN, AND RED MESA



Yazzie

DILKON, GREASEWOOD SPRINGS, INDIAN WELLS, TEESTO, AND WHITECONE



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Speaker's Message

Yá'át'ééh, shik'éí dóó shidine'é. It is my pleasure to welcome my colleagues of the newly sworn 25th Navajo Nation Council, President Buu Nygren, Vice President Richelle Montonya, and Chief Justice JoAnn Jayne. To the federal, state, and county officials; chapter officials, Navajo Nation employees, visiting dignitaries, and our Diné citizens, I welcome you all to the Navajo People's House.

A special thank you to the 24th Navajo Nation Council, President Jonathan Nez, and Vice President Myron Lizer for their dedication and service to the Navajo Nation throughout their term.

As we enter into the New Year, may we lay the foundation for the challenges set before us and the victories awaiting. May this year's Winter Session bring forth richness and abundance as Mother Earth awakens. Since the Fall '22 Council Session, the will of the people have brought in a new administration and Council in who will work to achieve the vision generations before prayed on.

With the transfer of power, the 25th Navajo Nation Council is humbled by the responsibilities set before us and grateful for the trust bestowed. Within the walls of the People's House, we as a Council continue our commitment to the legislative process to forge a more unified government between the three branches.

As we are entering a new era of our Nation's modern history, it is our duty as elected officials to ensure the governing body of the Navajo Nations continues. By staying committed to investing in our communities, we are able to provide vital services to be fully funded and directed to our Navajo families, elders, and veterans.

From generation to generation, the respect of our warriors and veterans has been a source of pride for our Nation for their strength, honor, and devotion. Paying tribute for their service has been a top priority for leadership and through attentive listening, communication, and understanding; our veterans and organizations can receive essential services.

On behalf of the 25th Navajo Nation Council, we thank the Executive Branch, the Judicial Branch, our local chapters, and the Navajo People for helping make this session a success. May this New Year be filled with blessings, health, prosperity, and may we all continue to walk in beauty.

Ahéhee', Otto Tso, Speaker Pro Tem

25TH NAVAJO NATION **COUNCIL ORIENTATION**

Office of the Speaker organized and facilitated the 25th Navajo Nation Council Orientation for the incoming 16 newly elected council delegates and the 8 returning 24th Navajo Nation delegates at the Twin Arrows Navajo Resort Casino in Leupp, Arizona. The orientation was conducted in 2 separate series.

The first orientation series was conducted on November 28th. 2022 through December 1st, 2022 where Legislative Branch offices and commissions, representatives and staff of the Office of the Speaker, Office of Legislative Services, Office of Legislative Counsel, Office of the Auditor General, Navajo Utah Commission, Navajo Nation Human Rights Commission, Labor Commission, Eastern Navajo Land Commission, Ethics and Rules Office, Navajo Election Administration, and the Office of Navajo Government Development were in attendance to provide information to and answer questions from the 25th Navajo Nation Council elect.

The second orientation series was conducted on December 12th through December 15th, 2022 at the same location. Day 1 consisted of presentations from the Judicial Branch which included subject matter regarding Navajo Nation Supreme Court, Administrative Office of the Courts, Judicial District Courts, Probation and Parole Services, Navajo Peacemaking Program and Dine Action Plan. Day 2, 3, and 4 consisted of presentations from the Executive

branch which included Department of Dine Education, Division of Community Development, Division of Economic Development, Office of the Controller, Division of General Services, Department of Health, Division of Natural Resources, Division of Public Safety, Division of Social Services, Division of Transportation, Veterans Administration, Washington Office, Environmental Protection Agency, Telecommunications and Regulatory, Gaming Regulatory Office, Fiscal Recovery Fund Office, Navajo Tax Commission, and Navajo Hopi Land Commission Office.

Both series 1 and 2 consisted of 4 full days of information and presentations by each respective entity. Generally, the day began at 7 PM and ended in the evening usually between 6:30 to 7:00 PM. This orientation provided the newly elected 25th Navajo Nation Council the opportunity to familiarize themselves with Legislative, Executive and Judicial Branches polices and procedures so they have the tools necessary to ensure their success as public officials of the Navajo Nation.

Furthermore, they were provided the opportunity to introduce themselves to their colleagues and build cohesive relationships to strengthen comradery amongst the 25th Navajo Nation Council elect

RADIATION EXPOSURE **COMPENSATION ACT COMMITTEE (RECA)**

Office of the Speaker attended the Navajo Uranium Radiation

Victims Committee (NURVC) Public Uranium meeting which was held on December 16, 2022 in Gallup, New Mexico, along with Delegate Amber Kanazbah Crotty who provided a report on behalf of the 24th Navajo Nation Council. NURVC provided a year end report regarding the Radiation **Exposure Compensation Amend**ment Act of 2021 to community stakeholders.

The committee also discussed strategic plans for the incoming 118th U.S. Congress; since H.R. 5338 and S. 2798 are history, all efforts to any amendments to the RECA will have to begin all over with identifying new House and Senate sponsorship and increased lobbying of Washington Congressional Leaders for co-sponsorship of the new bills for consideration with the new incoming 118th U.S. Congress. There has been a shift between Congress, the House of Representatives will be controlled by Republicans and the Senate which will be controlled by Democrats.

H.R. 5338 and S. 2798 were both introduced in House and in Senate, respectively, on September 22, 2021. Currently, the CBO score is currently hindering the bill. S. 2798 was introduced in Senate on September 22, 2021, read twice and referred to the Committee on the Judiciary. The NURVC committee requested more support from Navajo Legislative and Executive Branch leadership, furthermore, participation and support from the 110 chapters of the Navajo Nation.

ANNUAL VETERANS DAY RECOGNITION EVENT

"On the 11th hour on the 11th day of the 11th month, we will remember them." Office of the Speaker had the esteemed pleasure to host the annual Veterans Day Recognition Event which was held on Friday, November 11th, 2022 at the Navajo Nation Veterans Memorial Park from 11 AM to 12:30 PM.

The event was attended by over 100+ Navajo Nation Veterans, Blue & Gold Star Mothers, and general public. The Tsidii to'ii (Birdsprings) Veterans Organization Color Guard posted and retired the colors for the event.

Honorable Kee Allen Begay, Jr., facilitated the event, the Veterans Address was provided by honorable Eugene Tso and Recognition of Veterans was given by Honorable Rickie Nez. Honorable Daniel Tso, along with Madame Chief Justice JoAnn Jayne were also in attendance to address the public and acknowledge appreciation of service provided by Navajo Veterans.

Participation from local community members included Ms. Gracine Helena Tom Moon who provided the Pledge of Allegiance in Navajo and blessed the public with a traditional Navajo song. Klagetoh Veterans Organization provided lunch for 150 attendees which was organized by Commander Samuel Joe. Office of the Speaker provided a birthday cake to commemorate the 247th birthday of the U.S. Marine Corps.

Office of the Speaker continues to advocate and provide support for Navajo Nation Veterans to ensure their voices are heard and their needs are fulfilled.

MESA COMMUNITY COLLEGE AMERICAN INDIAN INSTITUTE TRIBAL LEADER SUMMIT

Office of the Speaker is continuing to collaborate with Mesa Community College American Indian Institute and the Health, Education, and Human Services Committee (HEHSC) to facilitate and participate in a Tribal Leaders Summit to address the deficiencies experienced by Navajo students attending Mesa Community College and Maricopa County Community College District. This summit is tentatively scheduled for the Spring of 2023.

The purpose of the summit is to inform Navajo leadership and seek possible solutions for Navajo students to provide emergency financial assistance, assist Navajo students with re-engaging with campus life, teacher shortages, grant funding shortages, post COVID-19 student support and success, college and tribal partnership opportunities, indigenizing campus spaces, addressing cost of living increases, housing options for students, increase mental health and wellness options, familiarizing with MCCCD's Native American Programs and introduce a possible summer internship program.

Two preliminary planning meetings have been conducted since

the introduction to Speaker of the Navajo Nation in October of 2022. Since then Speaker and staff have been providing updates with regards to the change in leadership with Navajo Nation Council, HEHSC, and Office of the Speaker as a result of the 2022 Navajo Nation General Election. Currently, logistical support and assistance have been continuous to make the transition of leadership and maintain the target date of the summit as seamless as possible. Office of the Speaker continues its' efforts to strengthen partnerships with non-tribal entities, education centers and community-based services to advocate and improve the livelihood of Navajo people residing off the reservation.

U.S. ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (USACE), South Pacific Division, met with Navajo Nation Administration and Leadership on November 16, 2022 at the Navajo Nation Department of Transportation building to begin developing program execution processes and understanding between USACE and the Navajo Nation. Previously, the Navajo Nation hosted Colonel (P) Antoinette Grant on September 19, 2022 to begin improving communication and coordination for all USACE-Navajo initiatives to lead to more efficient and effective execution of USACE projects for the benefit of the Navajo people.

The Interagency and International Services (IIS), the U.S. Army Corps of Engineers program providing technical assistance to non-Department of Defense

(DoD) federal agencies, state and local governments, tribal nations, private U.S. firms, international organizations, and foreign governments, pending regionalization agreement will allow greater flexibility to the Navajo Nation, cost-sharing with the federal government to maximize the nations budget, and conduct regional planning studies. This would assist in addressing the Navajo Nation's large portfolio of projects, however, no master planning of these interconnected projects is being done. Other issues brought forth were an adequate flood response plan, road improvements, and flood mitigation. USACE emphasized the lack of Chapter representation, furthermore, want more representation from the Navajo Nation. Additionally, identified the 164 process, Right of Way consent, and eminent domain as hinderances to projects on the nation.

The potential outcome and hope of this regionalization agreement is to hopefully be building their first project by this time next year. The next meeting is planned for March 2023 due to new incoming Navajo Nation leadership.

LAW & ORDER COMMITTEE: TITLE 17 LEADERSHIP MEETING

Madam Chair Eugenia Charles-Newton worked with Chief Prosecutor Vernon L. Jackson, Sr. to provide a summary of amendments to Title 17 of the Navajo Nation Code. Within the Division of Public Safety system, the current revolving door approach leads cases to never become fully prosecuted. The goal of the amendments is to get tough on crime while reinstating cultural standards within the Navajo Nation.

In addition, the current infrastructure of existing public facilities does not meet the minimum Federal Government standards of fifty beds in a standard jail. Additionally, Law enforcement personnel need salary increases, as well as more Criminal Investigators and a Chief Medical Examiner. If a Chief Medical Examiner is hired. the Navajo Nation will be the first Native American tribe to do so.

Public Safety Facilities across the Navajo Nation need to be fully operational to provide needed services to the Navajo people. The funding needs for the facilities have been identifies through division reports, data, statistics and caseloads from all regions within the Division of Public Safety. Eighteen facilities have been identified and are roughly \$248 million per facility, however costs have doubled due to inflation. In collaboration with the Department of Corrections and the Investment Committee, a \$174 million Public Safety Bond with Keybank was sought after with the remaining amount to come from the Síhasin Funds. The goal is to drop two legislations in order to secure funding.

The Law and Order Committee will be introducing the "3-strikes You're Out!" legislation to address the on-going bootlegging and drug offense crimes on the Navajo Nation. According to research and reports from other tribes, the Apache and Pueblo

have implemented similar laws to deter criminals from hiding out on reservations. Other conditions include, but are not limited to: Pueblo Police escort sex offenders off the reservation and are not allowed to spend more than eight hours on the reservations, and/or not allowed in any communities, etc.

TRANSPORT DRIVERS ON THE NAVAJO NATION

A report was provided by the Division of Public Safety to the Law and Order Committee on the issues surrounding people transported off the Navajo Nation for rehabilitation services. Navajo families have reported family members disappearing to the Phoenix Metropolitan Area.

Chief Daryl Noon reported the Navajo Police Department first received reports of these incidents a few months ago. A team of patrol officers and one detective have begun investigations on the incidents since. Although the Police Department is aware of these incidents, increased sightings and complaints of transport vans on the Navajo Nation have surfaced. The Gallup Police Department's MMIW Task Force have contacted the FBI who also reported these crimes have occurred on other reservations within New Mexico and Utah.

The Navajo Nation Division of Public Safety, Office of the Prosecutor, and the Police Department are continuing to investigate this growing pandemic of Missing and Murdered Diné Relatives.

MISSING PERSONS DAY NEW MEXICO

Missing Persons Day in New Mexico was held on October 22, 2022 at the Indian Pueblo Cultural Center in Albuquerque, N.M.

New Mexico Legislatures along with Governor Michelle Lujan Grisham, the New Mexico Attornev General, New Mexico State Representatives and others, set aside a day for families who are affected by missing and murdered relatives. Services were made available to provide guidelines for contacting the FBI for updates on cases, DNA submittal, update or submission of reports, as well as providing services to meet with criminal investigators. The primary focus was to promote healing by providing additional victim services for families.

Madam Chair Amber Kanazbah Crotty and MMDR Task Force members provided emotional support and referred victims to Navajo programs and to update the National Missing and Unidentified Persons Systems.

DINÉ ACTION PLAN

A Diné Action Plan Work Session was held November 15-16, 2022 in Flagstaff, Ariz. The selection of officers for the DAP Advisory group was held with an audience of nineteen stakeholders. The Advisory Group and stakeholders are in full support of the newly selected officers due to their active participation and background with Public Safety, Peacemaking, and the Judicial Branch. The DAP initiatives include Education &

Awareness, Violence, Substance Abuse Disorder, Suicide, Capacity Building, and Missing & Murdered Diné Relatives with respect to resolution CS-51-21: An Action Relating to the Health, Education, and Human Services, Law and Order, and Naabik'iyati' Committees, and the Navajo Nation Council Approving the Navajo Nation Dine Action Plan.

WESTWATER WATER PROJECT

The Office of the Speaker has been working with the Navajo Nation Department of Water Resources on the Westwater Water Project for the Westwater subdivision near Blanding, Utah. The project is comprised of three smaller projects focused on the City of Blanding Deep Water Well, Waterline Distribution System, and the Transitional Water Hauling Access Point.

The Deep Water Well is estimated at approximately \$1.3 Million. The Navajo Tribal Utility Authority and Jones & DeMille is working on the project and plan to begin drilling on the 2nd or 3rd quarter of 2023. They are currently working on a permit for the water.

The Waterline Distribution System project received \$543,000 from the U.S. EPA Tribal Set Aside for Planning and Design. A shortfall of \$662,720 was identified and the Utah Division of Drinking Water Board will redirect \$457,000 from the Blanding Deep Well and Arsenic Treatment Plant to close the funding gap on the Blanding side.

Lastly, the Indian Health Services

completed the design for the Transitional Water Hauling Access Point and is currently awaiting two quotes to secure funding to begin construction on the project. Funding was requested from the Utah Navajo Trust Fund (UNTF) to hire a vendor who will provide water hauling services to the Westwater Community. A workshop has been scheduled with UNTF and the community to promote best practices for water hauling.

NPL GRAZING PERMITS

On October 24, 2022 the Resources and Development Committee conducted a Leadership Meeting with the Division of Natural Resources, Navajo Nation Land Department, Department of Agriculture, Department of Fish & Wildlife, Navajo Department of Justice Natural Resources Unit and U.S. Department of the Interior Bureau of Indian Affairs to discuss the cancellation of grazing permits in the Navajo Partitioned Lands (NPL) Area. Members of the Navajo Nation stated concerns about grazing permits and the number of sheep units allowed to RDC members. The BIA Navajo Regional Office provided a presentation regarding the Navajo Partitioned Land (NPL) Grazing Permits and Transfer Agreement, and Cancellation. The Division of Natural Resources and the Department of Agriculture followed with a presentation on the 638-Grazing Permits for the Navajo Partitioned Lands (NPL) Area and Possibility of Renewal.

As a result, Legislation No. 0199-22 was introduced to rescind RD- CMA-27-18 Which Accepted the Bureau of Indian Affairs Recommendation of the Grazing Capacity of Equal Distribution of Ten (10) Sheep Unit Year Long (SUYL) for the Navajo Partitioned Lands; Recommending to the Bureau of Indian Affairs the Modification of Carrying Capacities and Stocking Rates in the Navajo Partitioned Lands with Attention to Diné Traditional Law; and Recommending to the Bureau of Indian Affairs Equal Distribution of Fifty (50) Sheep Unit Year Long (SUYL) for the Navajo Partitioned Lands.

NTUA UTILITY ASSISTANCE

The 24th Navajo Nation Council convened for a Special Session to pass emergency legislation to approve an amendment to the Fiscal Year 2022 Navajo Nation Indian Housing Plan (IHP) for the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) Indian Housing Block Grant (IHBG) Funding. Legislation No. 0177-22 would allow the Navajo Housing Authority (NHA) to add emergency utility assistance payments for impacted low income Navajo families.

According to General Manager Walter Haase, the Navajo Tribal Utility Authority applied a Navajo Nation-wide temporary non-disconnect policy in efforts to provide Navajo families with financial relief during the COVID-19 Pandemic. As a result, 14,000 residential accounts had been identified as 60 days past due in total of \$9 million. NTUA notified Navajo Nation Leadership they will disconnection services

for past due customers on September 19th, which was extended one-week to September 26th, to help its customers have more time to contact NTUA about payment arrangements.

In attendance with the Office of the Speaker was the Office of the President and Vice President, the Resources and Development Committee, the Navajo Housing Authority and Navajo Tribal Utility Authority to discuss how to assist the 14,000 past due customers.

The Navajo Housing Authority Board of Commissioners unanimously passed Resolution NHA-5119-2022 as part of the solution to assist Navajo families. With the approval of the U.S. Department of Housing and Urban Development (HUD), NHA will be able to issue an assistance check to NTUA on behalf of identified families with outstanding utility bill. This combined effort of the 24th Navajo Nation Council and OPVP resulted in Resolution NHA-5119-2022 being approved and signed by Speaker Damon to update the IHP application to include utilities for this emergency situation. NHA plans to assist Navajo families in New Mexico who do not have NTUA as their utility with CARES Funding.

NAVAJO UTAH COMMISSION SEEKING CONTINUED SUPPORT

The Navajo Utah Commission (NUC) is a governmental subdivision of the Navajo Nation and has the responsibility of seeking governmental efficiency and proper

representation for the seven Utah Chapters. This includes interaction and relationship building with state government, elected leaders and officials.

This past quarter has been a transition for our new council leadership and executive administration. and it was no easy task to keep our Navajo Utah priorities moving forward. It is a unique time of the year, as all the surrounding state governments conduct their legislative sessions simultaneously. Our Navajo Utah Council Delegates; Ms. Shaandiin Parrish, Mr. Herman Daniels, and Mr. Curtis Yanito lead the efforts, along with the Navajo Utah Commissioners to ensure a favorable outcome at the end of the Utah Legislature Session.

January 17, 2023, the State of Utah convened for their annual 45 days legislative session at the state capital in Salt Lake City, UT. On February 1, 2023, in partnership with the Utah Division of Indian Affairs, the Utah Council Delegates and the Utah Navajo Commissioners will travel to Salt Lake City to engage with state legislators on the Navajo Nation's Utah priorities for this coming year.

The proposed Utah priorities are as follows: Creation of Utah ICWA Law, Navajo Mountain to Oljato Transportation EIS Study, Establishment of higher education facility in Montezuma Creek, Domestic Violence funding support for Gentle Iron Hawk Shelter, Protection of voting rights for Native Americans, Montezuma Creek-Aneth Community School Broadband expansion, (cont.)

OWHLF funding support for tribal housing projects, Completion of planned Utah Department of Transportation (UDOT) projects on the Navajo Nation in San Juan County, Strengthen tribal, county, law enforcement cross-commissioning agreement, and Recognition of tribal support for Bears Ears National Monument.

NAVAJO NATION AMERICAN RESCUE PLAN ACT HARDSHIP ASSISTANCE PROGRAM

In a recent update to the Budget and Finance Committee on January 3, 2023, the Office of the Controller reported on the latest updates from the ARPA Hardship Assistance Program. The Hardship Program was created to be of assistance to our people who needed the funds to mitigate the pandemic and/or otherwise make up for lost of income or services due to the pandemic.

Since February, 2022, the Hardship Team at the Office of the Controller has processed approximately eighty-two (82) check runs, which disbursed hardship assistance to eligible Navajo customers. In the month of December 2022, the Office of the Controller processed 2,125 checks.

\$565,128,100.00 is the total amount spent as of January 3, 2023. This total amount is represented by the eighty-two (82) check runs. The total budget is \$677 million to support the ARPA Hardship Program. The available balance is \$111,871,900 of the 82 check runs, and it is good news that this program has been ex-

tended to June, 2023.

The Office of the Controller continues to monitor all incoming inquiries that come in through the contact email: ARPA.Hardship@nnooc.org. It has been quite the feat for our Controller and her team to operate this hardship disbursement challenge, and we'd like to send our appreciation to Mrs. Begay and her hardship team for their efforts and continued support.

HONORING OUR FRONT-LINE WORKERS

Continued appreciation goes to our Navajo Department of Health and all our first responders to this season's flu and COVID effects. Although we are not in the clear yet, we would like to thank our Navajo people as well, for their understanding and cooperation in these trying times. We united and tackled this challenge together, and the 25th Navajo Nation Council looks forward to more progression in the future.

In this first quarter there has been a revised public health order that increased our indoor capacity gathering limits and alleviated the requirement to wear mask outdoors. This is big steps to almost getting back to where we once were before the pandemic. Mask will continue to be highly recommended in-doors or when in large gatherings. The "Safer at Home" initiative continues to be emphasized to ensure an effective response to the COVID pandemic. This encourages limited unnecessary movement of individuals to mitigate any possible spread of any virus. The safety of our younger and older generations is important, and although these public health orders may change or be extended, we will all continue to put our best efforts forward.

More information can be found on any current and future Public Health Orders and Flu & COVID-19 Vaccine events at https://www.ndoh.navajo-nsn. gov/COVID-19

Continue to report exposures to the HCOC portal, (https://www.ndoh.navajo-nsn.gov/COVID-19) and notify the nearest local health facility before you begin any office/facility closures. Await further guidance before closing any offices or place of business.



General HCOC Hotline: (928) 871-7014 or NNHCOCPlans@navajo-nsn.gov

National Suicide Lifeline: 1(800)273-TALK

HCOC Operation Hours: M-F (8am to 5pm); Sat (8am-12pm); Sun (standby)

COVID-19 Interactive Dashboard: https://www.ndoh.navajo-nsn.gov/COVID-19/Data

OFFICE OF THE AUDITOR GENERAL

Helen Brown, CFE, Delegated Auditor General (928) 871-6303 helenbrown@navajo-nsn.gov

ISSUES/RECOMMENDATIONS

- Continue to recruit applicants to fill four (4) vacant positions including two Associate Auditor positions and one Auditor position; these are key positions for completing audits; will continue to advertise and recruit as diligently as possible.
- Due to the vacancies, our office is challenged in completing the targeted number of projects with limited resources. In order to meet our performance goals, we will have to continue to outsource more audits but that also depends on our consulting budget.
- Efforts to amend our plan of operation and internal procedures manual are ongoing as both documents have not been revised in several years; both documents need revisions to ensure consistency and compliance with audit standards. The priority is to revise the internal procedures manual first as we prepare for our peer review.
- A handful of chapters continue to ignore our requests for their MIP backups each quarter due to various reasons; we continue to maintain a repository of chapter financial data via the backups.
- Continue to assist the Administrative Service Centers on chapter matters.
- Continue to work with the Wells Fargo Bank to address chapter banking issues such as the need for credit cards but there are no existing policies and procedures.

ACCOMPLISHMENTS

Program/Chapter Audits/Investigations

- 1. Kinlichee Chapter Special Review
- Tselani-Cottonwood Chapter Internal Audit
- 3. Crownpoint Chapter LGA certification review

Corrective Action Plan Follow-up Reviews

- 1. Monument Valley Tribal Park
- 2. Lake Powell Tribal Park
- 3. Four Corners Tribal Park
- 4. Little Colorado River Tribal Park

GOALS FOR FY '23 SECOND QUARTER

- Navajo Rehabilitation Trust Fund Special Review
- Special Duty/Hazard Pay Special Review
- Office of the Controller Performance Audit
- Business Site Lease Process Performance Audit
- Birdsprings Chapter Internal Audit
- Baahaali Chapter Internal Audit
- Cove Chapter Internal Audit
- Outsource more chapter audits and performance audits of Navajo Nation depts/programs; will need to issue various request for proposals to utilize consulting budget

HUMAN RIGHTS COMMISSION The Navajo Nation Human Rights Commissio this reporting period. Staff took part in all weel received, followed up on individually assign meetings, and performed office duties associathe major activities conductions.

Leonard Gorman, Executive Director (928) 871-7436 leonardgorman@navajo-nsn.gov

The Navajo Nation Human Rights Commission continued to address many significant issues for this reporting period. Staff took part in all weekly staff meetings, conducted intakes on new cases received, followed up on individually assigned cases, participated in monthly Commission meetings, and performed office duties associated with administrative matters. A brief synopsis of the major activities conducted by this office are as follows.

NEW HIRES AT NNHRC

It is with great admiration and relief to announce the Human Rights office has hired two permanent employees to serve in the positions of Office Assistant and Administrative Assistant. We welcome Ms. Nicola Juan, Administrative Assistant, and Ms. Gloria Gray, Office Assistant, to this office. Both come with experience in administrative matters and will bring stability back to the office.

NEW MEXICO REDISTRICTING

The Central Consolidated School District in Shiprock, New Mexico adopted the school board redistricting plan for five board members on November 18, 2022. The plan adopted was developed by the Navajo Nation Human Rights Commission Office. The Commission is authorized by the oversight committee of the Navajo Nation Council to represent the Navajo Nation at the redistricting meetings in Arizona, Utah and New Mexico. During the first quarter of FY23, the Commission participated in the Central Consolidated School District redistricting. On November 28, 2022, the CCSD school board adopted the Commission's redistricting plan. In addition to this activity, the Commission continued to be involved in San Juan County, New Mexico redistricting litigation.

ARPA FUNDS

The Commission applied for ARPA funds in 2021. It

submitted four different proposals. During the first quarter of FY23, the Commission received a reply to two of the proposals from the Navajo Department of Justice. There is an explanation by NNDOJ as to why the Commission may not stand to receive ARPA funds but further made recommendations to for the Commission to consider. The Commission has repeatedly requested a meeting with the attorney that reviewed the Commission ARPA funding requests. There is no reply from NNDOJ on these requests.

SAN JUAN COUNTY UTAH REDISTRICTING

The settlement agreement with San Juan County Utah expires in December of 2024 and with the recent general election on November 8, 2022, Navajo voters experienced some problems. San Juan County Clerk Lyman Duncan's office fail to recognized the significance of the settlement agreement and the terms within the agreement. The Commission has a settlement agreement with San Juan County Utah for the purpose of providing polling sites on the Navajo Nation on election day, language assistance to Navajo voters and satellite offices thirty days before the election day. Unfortunately, the Commission found the 2022 election cycle as a challenge because the county clerk/auditor, as reported by Navajo poll workers, did not respond positively to the process created by the previous clerk/auditor. As an example, the Navajo language audio recording of the ballot was not provided at the polling places on election day. The Navajo audio was submitted to the Commission on Friday, November 4, 2022, and the

Commission returned its review on November 7th, the following Monday. The Commission also visited a satellite office where there was early voting; the Commission was informed by one of the community liaisons that it was necessary to explain to Navajo voters, outside the proper training provided by the Navajo certified interpreter, to provide additional information to the voter. The Commission informed the community liaison that the method employed was inappropriate. This office will address the issues raised by Navajo voters with San Juan County in the future.

SAN JUAN COUNTY NEW MEXICO REDISTRICTING LITIGATION

The Commission and its Office continues to work closely with the law firms litigating the case against San Juan County Commission in New Mexico. In this reporting period much work centered on confirming defendents to be deposed, scheduling deposition dates, responding to depository filings, reviewing expert reports, solidifying factual information and revisiting highlights from an earlier mediation meeting. NNHRC continues to work closely with the team of lawyers that are working on behalf on protecting Navajo voting rights. In October 2022, the Commission participated in settlement discussion with the county commission at Nageezi chapter house gymnasium. It was unfortunate that the county commissioners dissolved their participation in the settlement discussions. While the Commission is considered as an expert in indigenous redistricting, the court case pending in the United States Supreme Court could regress the advancements the Commission achieved in the past two redistricting cycles.

FUNERARY AND BURIAL ISSUES

The Commission continued to provide public education to Navajo citizens on the Navajo traditional method of burying a loved one. The Navajo people have significantly veered away from their traditional and cultural ways to address issues in their communities. This divergence is occurring due to significant acculturation and assimilation into the dominant western society and often misinformation formulated that discourage Navajo citizens from practicing their traditional culture. The Commission conducted two public meetings; one at the University of New

Mexico College of Law based on the request of the indigenous studies program at the university, and the second one was in the Navajo Nation Museum. The Commission also provided a radio forum at KGAK to talk to the Navajo people about "replanting" a descendant. The feedback from Navajo citizens has been positive. The elders have pointed out that it is important that the Navajo people rejuvenate and manifest their culture so that the new generations can practice the Navajo culture in the future.

COMPLAINTS/INVESTIGATIONS/ **CONSUMER COMPLAINTS**

Navajo citizens file complaints with the Commission regarding a variety of issues they experience. The Commission was established to assist Navajo citizens to go through the process of getting their issues properly addressed. There are establishments off the Navajo Nation that deliberately target Navajo citizens by taking advantage of them by fabricating their credit and income. The Commission continues to assist the Federal Trade Commission to ensure Navajo customers are properly awarded the proceeds from Tate's Auto settlement funds. Several Navajo consumers contacted the Commission seeking assistance to cash their proceeds check on the Navajo Nation; many Navajo families do not have bank accounts to deposit the proceeds check. The Commission worked with Bashas' grocery stories on the Navajo Nation to allow Navajo consumers to cash their checks in their stores. In addition, the Commission continues to work with the Arizona Attorney General seeking reimbursements to Navajo consumers that left their vehicles at Flagstaff AMMCO; unfortunately, AM-MCO did not repair Navajo customers' vehicles while the customers paid substantial money to the auto report store or unknowingly was given an AM-MCO credit card.

RESOLUTIONS

The Commission acted on four resolutions this reporting period:

- 1. NNHRCOCT-9-22
- 2. NNHRCOCT-10-22
- 3. NNHRCOCT-11-22
- 4. NNHRCOCT-12-22

NAVAJO UTAH COMMISSION

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ISSUES/RECOMMENDATIONS

The Navajo Utah Commission has a staff of only three employees and is encountering delays in making personnel changes. One position approved for reclassification by the Navajo Department of Personnel Management is still awaiting a background check requested approximately three months ago. Reclassification of another vacant position is also awaiting a final decision by Navajo DPM. The Navajo Utah Commission considers the role and contribution of each position vital and important for the success and efficiency of the program. The Navajo Utah Commission have also observed the long delays in hiring community service coordinators/chapter manger positions at the Utah chapters. All seven Utah chapters experienced a vacancy in these positions over the past 1 ½ years with three chapters still with vacant positions. The administrator positions for the chapters are important in addressing daily issues and moving projects forward at the local level.

GOALS FOR FY '23 SECOND QUARTER

- The Navajo Utah Commission will work with the Utah lobbyist consultant and seven Utah chapters in finalizing legislative priorities for the 2023 Utah Legislature.
- The Navajo Utah Commission will review the status of certain inactive partially funded projects to consider re-purposing to prevent grant reversion.
- The Navajo Utah Commission will meet with the Utah Department of Workforce Services -Housing & Community Development to discuss funding opportunities for a new housing project serving Utah chapters.
- The Navajo Utah Commission will continue working with the seven Utah chapters in finalizing and implementing ARPA projects appropriated by the Navajo Nation.

ACCOMPLISHMENTS

- The Navajo Utah Commission secured \$160,000 from the 2023 Non-Chapter Utah Navajo Revitalization Fund as matching funds for the Naa'tsis'Aan Chapter Building Renovation Project.
- The Navajo Utah Commission lobbied state leaders extensively during the first quarter of FY2023 to enact a state level ICWA law, including agreement with the Utah Native American Legislative Liaison Committee for sponsorship of the ICWA legislation during the 2023 Utah Legislative session.
- The Navajo Utah Commission, Navajo Nation Human Rights Commission, Rural Utah Project, and the seven Utah chapters coordinated efforts to ensure San Juan County Utah complied with the terms of the Navajo Nation/San Juan County Voting Settlement Agreement during the November General Election and collaborated further by actively supporting Navajo candidates vying for State of Utah leadership positions.
- The Navajo Utah Commission, Utah Navajo Trust Fund, Utah Department of Facilities & Construction Management, and Curtis Miner Architecture completed preliminary planning for the Montezuma Creek Post Office Project in the first quarter of FY2023, including architectural and engineering services required by the project with match funding (\$90,000) secured by the Navajo Utah Commission from the Utah Navajo Revitalization Fund Board.



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ETHICS AND RULES OFFICE

ACCOMPLISHMENTS

Lewnell B. Harrison, Ethics Investigator was appointed Interim Executive Director on October 15, 2021 to carry out the duties and responsibilities of the office so that services to the Navajo Nation would not be interrupted. The Ethics and Rules Office currently has a contract with Mr. Joe W. Washington, Attorney for all our filings and hearings. On November 10, 2021, The ERO requested and was approved by the Motor Vehicle Review Board to replace our current high mileage vehicles with two newer vehicles. We have received one unmarked vehicle and are working with fleet management to get the other vehicle replaced and we are optimistic it will happen this fiscal year. The Ethics and Rules Office has hired a new investigator, Mr. Albert Benally and are two positions away from being fully staffed. On November 30, 2022 the ERO had three (3) Order to Show Cause Hearings for Respondents who haven't paid their restitutions and one (1) new complaint was heard with the Respondent (Chapter Official) being found to have violated the Ethics Law. On December 1, 2022 one (1) new complaint was heard with the Respondent (Employee) being found to have violated the Ethics Law There was one (1) case that was continued to be heard on January 11, 2023. To date the Ethics and Rules Office has filed a total of 1,603,917.85 in total restitution and have collected 250,339.19. Efforts are still being made to locate and contact individuals that have outstanding restitution with the Navajo Nation. There has been some success in obtaining restitution from some Respondents that have never made payments before. Intakes continue to be received and reviewed for possible investigation and prosecution. Each Investigator has a number of investigations they are working on. The office continues to answer questions regarding the ERO process either by phone or email.

GOALS FOR FY '23 SECOND QUARTER

- 1. We have interviewed one individual for the Director's position hopefully we get him on board.
- 2. Continue to collect restitution owed to the Navajo Nation by filing on the Respondents that are not in compliance and work on other solutions to collect restitution owed to the Navajo Nation.
- 3. Work towards establishing a more efficient office procedure regarding case management, including appropriate retention timelines.
- 4. Establish procedures to identify fixed timelines for the filing of Orders to Show Cause and Garnishment proceedings to avoid missing the statute of limitations.
- 5. Recommence working and collaborating with the Division of Community Development, Administrative Services Centers, Navajo Nation Department of Justice, Navajo Elections Administration, and Office of Government Development in providing consultations for local governments (110 chapters).

- 6. Continue Ethics in Government Law/Standards of Conduct trammg for Chapters, School Boards, and other NN Departments, including monthly training for newly hired employees with the NN Staff Development and Training Center.
- 7. Work cooperatively with other NN departments, the Public Integrity Task Force, FBI, Office of Inspector General and Internal Revenue Service on various task forces and workgroups that concern the public trust to more effectively hold individuals accountable for violations of the Ethics in Government Law.
- 8. Continue to take Ethics intakes on elected and appointed officials and employees of the Navajo Nation and complete Ethics Clearances for candidacies, business loans, veteran's loans and the Navajo Nation Office of Background Investigations.
- 9. File Order to Show Causes and eligible cases for garnishment pursuant to 2 N.N.C. § 3800 et seq. in the Window Rock District Court.

EASTERN NAVAJO LAND COMMISSION

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NELI PROJECT

In May the Attorney submitted the Legislation to Senator Ben Ray Lujan's office, to be reviewed. The Eastern Navajo Land Commission, in June, submitted a resolution affirming support for the Eastern Navajo Agency Land Exchange and Archaeological Protection Act of 2022. During a November Special Naabii meeting, the committee passed a supporting and request for congressional legislation resolution. The U.S. congressional delegates will be moving forward with introducing a bill in the near future.

NAVAJO LAND BUY-BACK PROGRAM - II

Work has concluded with the statistical data and maps. The final product is completed, and in the process of booklets being printed. A final report/booklet will be distributed to all chapters upon completion.

IGNACIO CHAVES RANCH

The NLD submitted an acquisition package recommending the purchase to the Division of Natural Resources. Also, the NLD is currently waiting for confirmation of the "Phase 1" ESA study area. Earlier this year, the NLD received a Letter of Intent to sell to the Navajo Nation from a member of the Court-Appointed Sales Committee. The 7th Judicial Court of Socorro County ordered the property be sold in its entirety with a Letter of Interest to be submitted to the courts before June 22, 2022. The Navajo Nation is the preferred buyer and as such, the letter of intent was submitted to the NLD. The requirements to purchase are that the Land must conform to major purposes per 16 NNC § 2 or otherwise benefit Navajo Nation. Along with a resolution of support from Alamo Chapter, and from the Eastern Navajo Land Commission. A resolution was completed, and was voted on during a special ENLC meeting on

June 21, 2022. Other requirements include insurable title, and a letter of interest which was submitted by the Division of Natural Resources.

ARC GIS - MAPPING PROJECTS

The GIS Technician Continued to complete maps for various projects of the ENLC as well as other entities.

For the Month of October, the GIS Technician completed all maps for the NLBBP-II project. Also, since the GIS Technician is assuming the role of Executive Director, the GIS Technician has also compiled and generated data sheets pertaining to the Buy-Back Program booklet. All documents are submitted, and will be ready for print in the near future. In total, the GIS Technician completed a total of 14 maps for the NLBBP-II project, and completed a total of 4 other maps for other entities, and persons. The GIS Technician will continue to perform the GIS duties, as well as Executive Director duties in the coming months.

For the Month of November, the GIS Technician continued to generate maps, and work on the statistical data for the NLBBP-II. The GIS Technician completed a total of 5 maps in total. These maps were generated for personal use and for entities needing maps for their communities.

For the month of December, the GIS Technician completed 4 maps for people looking to locate their lands in the ENA. These people are allottees who are researching their options for further use. Also, the GIS Technician is currently working with Utility companies to ascertain current GIS Shapefiles pertaining to their respective infrastructure. These files are indelible to the Office of ENLC to inform the Commissioners with the most current and reliable data for the ENA. The GIS Technician will continue to work on maps and data, for the Office of ENLC.

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NAVAJO GOVERNMENT DEVELOPMENT

ACCOMPLISHMENTS

Work on the Navajo Government Reform **Project**

- 1. Continuing to develop the Diyin Nohookaa Dine'e Bi Beehaz 'áanii Bitsí Siléí as a component of the Navajo Government Reform Project.
- 2. Created and presented a presentation on the history of Navajo Nation Government, the history of CNGD & ONGD, and the current governmental issues.

Draft the government reform proposal (measure by articles, sections)

- 1. Drafted the Navajo Government presentation.
- 2. Drafted document Article on Elections.
- 3. Drafted document Article on Local Governance.
- 4. Working to identify the key attributes of a Navajo Democracy.

Empower the Navajo people by proposing amendments to Initiative procedures

1. CNGD 05-02-22 was submitted by Hon. Delegate Eugene Tso (Chinle) and is currently with Office of Legislative Council to draft legislation. In the event the Legislation is not presented to the 24th Navajo Nation Council, Mr. Herman Daniels has agreed to sponsor the Legislation in the 25th Council.

Public Engagements regarding Navajo Government Reform Project proposal

1. ONGD planned & hosted the Navajo Local Governance Seminar on October 25th at Twin Arrows, AZ for Navajo Nation Chapter Officials & Administrators. The seminar included a lengthy presentation by Rod Begay regarding the history of Navajo Nation Chapters and current options for becoming LGA certified. Director Tsosie also developed and provided a presentation on the history of Navajo Nation governance. ONGD staff have developed informational flyers and posted them on our website, Facebook and

sent some out by email.

- 2. Developed and provided a visual representation of the Navajo Nation 2022 Election Results for the Navajo Nation President and Vice-President and Navajo Nation Council Delegates. The report is provided to the Navajo public and officials through social media and ONGD's website.
- 3. Director Tsosie developed and presented a presentation concerning the Commission on Navajo Government Development and the Office on Navajo Government Development at the 25th Navajo Nation Council Orientation on Thursday, December 1, 2022.

Develop proposals for alternative forms of central and chapter government

- 1. Reviewed AGOG Presentations
- 2. Drafted some proposals for chapter governance
- 3. Drafted a presentation on the key attributes of a Democracy.
- 4. Drafted a proposal for Navajo Nation Elections.

2022 PROPOSED GOVERNMENT REFORM REFERENDUM MEASURES

The Commission took action to suspend reform initiatives on the formal adoption of three-branch government, and a proposed Navajo Nation Constitution. This decision was made in light of the ongoing COVID-19 pandemic which severely limits the ONGD's ability to carry-out major reform initiatives. The Commission has re-evaluated this reform initiative and has instead developed a proposal for comprehensive Navajo Government Reform Project to be voted upon by the Navajo people. This change in direction is a result of recent Navajo Supreme Court decisions regarding the Navajo Government Reform Project.

However, the commission continues to work diligently on a comprehensive Navajo Government Reform document that the commission hopes to introduce to the general public in the near future when grammatical and legal reviews are completed.

LABOR COMMISSION

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ACCOMPLISHMENTS

• Efficient use of allocated funds, NNLC held (2 0) hearings by teleconference or Zoom or in person with counsels of record and parties.

- NNLC and program timely processed (01) appealed NNLC cases to Navajo Nation Supreme Court.
- NNLC program timely processed (16) formally filed complaint by mail, fax&email.
- NNLC timely adjudicated/ settlement conferences (15) NPEA cases.
- NNLC and program timely closed and issued (10) continuance orders by teleconference due to closure.
- NNLC & program timely issued and mailed (600) subpoenas and notice of hearings & NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties.
- NNLC will continue to adjudicate (110) pending NPEA cases.
- NNLC program made (04) audio copies at parties' request.
- Amended NNLC Rules of Procedure effective April 19, 2021.
- NNLC staff, and Raymond Etsitty, OLC prepared, presented and attended orientation for 25th Navajo nation Council at Twin Arrows Casino Resort.

GOALS FOR FY '23 SECOND QUARTER

- NN Presidential and HEHS appointment of NNLC membership per CJY-42-16. Continue to refer candidate(s) to appointing authority.
- Efficient use of allocated funds and timely processed appealed NNLC case(s).
- NNLC & program will timely adjudicate NPEA cases by teleconf., Zoom, and authorized in person hearing(s) from July 08, 2021.
- 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 to assist and complete proposed amendments to NNLC Plan of Operation.
- NNLC & program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law.
- Closure of NNLC cases heard by current sitting NNLC members

ISSUES/RECOMMENDATIONS

- NNLC lacks one (1) NNC Health, Education and Human Services Committee duly appointment and (1) Navajo Nation Presidential appointment. Vacancy been advertised.
- NNLC will continue to expedite office renovation & funding per COVID-19 guidance.
- Additional sanitation supplies re: COVID-19 issues will be necessary.
- Continuing Closure of NN due COVID -19.
- Need equipment for audio Zoom NNLC hearings.
- NNLC & office updating NNLC Plan of operation.
- Confirmation on compliance with Federal American Disability Act during first quarter.

OFFICE OF LEGISLATIVE SERVICES



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ACCOMPLISHMENTS

- OLS processed 91 Legislations this quarter as well as closing out 134 resolutions.
- OLS personnel participated in 72 council/standing meetings and work sessions during this quarter.
- OLS Expended approximately 18% of the FY 2023 Budget for department and 17% for the Legislative District Assistant's program.
- Within the First Quarter, office occupancy continues at 100% with legislative staff in the office at 5 days a week. Legislative staff continued to work in the office with a majority, if not all, of the meetings held with a teleconference option; in-person meetings continue to increase.
- OLS assisted two (2) workforce employees with temporary employment during the 1st quarter; one (1) temporary Carpenter to assist with ADA renovations.
- OLS completed renovation and modifications to OLS Building #4 to address Americans with Disabilities Act (ADA) compliance. Improvement projects included the placement of new sidewalk and OLS Restroom projects.
- Completed OLS/LDA Program orientation to the 25th Navajo Nation Council, as well as, assisted with both orientations.
- Provided LDA ARPA update and orientation meeting.

GOALS FOR FY '23 SECOND QUARTER

- Increase Training Opportunities for Staff.
 - 1. Professional Development
 - 2. Budget Process Training
 - 3. Navajo Translation Certification
- Expand OLS Education to the general public and other Navajo Nation (NN) Divisions/Departments regarding: NN Legislative Process and NN Budget Process.
- Update current Strategic Plan (last updated in 2017).
- Continue OLS Resolution Archive Project.
- Implement Legislative Tracking DIBB backup storage for personnel.
- Fill Vacant Positions: OLS Legislative Secretary II (2); Legislative Assistant (1); Legislative Advisor (2).
- Complete Position Classification Questionnaire (PCQ) for potential ARPA Personnel Assistants.

ISSUES/RECOMMENDATIONS

ISSUE: 1. OLS is short on certified translators after the retirement of staff.

Recommendation: 1. OLS researching Navajo translation certification programs as well as reaching out to local colleges and universities.



Navajo Nation Legislative Branch