



2016 THIRD QUARTER REPORT



NAVAJO NATION LEGISLATIVE BRANCH
23RD NAVAJO NATION COUNCIL



NAVAJO NATION OFFICE OF THE SPEAKER
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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 Summer Council Session

LoRenzo Bates

23rd Navajo Nation Council

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23rd Navajo Nation Council
Summer Council Session
July 2016



Speaker's Report



Message from Speaker LoRenzo Bates

Yá'át'ééh and welcome my colleagues of the 23rd Navajo Nation Council, President Russell Begaye, Vice President Jonathan Nez, chapter officials, federal, state, and county officials, legislative staff, and most importantly, to our Diné Citizens. Thank you for joining us as we welcome you to the opening of the 2016 Summer Council Session.

On behalf of the 23rd Navajo Nation Council, I extend my sincere appreciation to the many horse and bike riders who traveled many miles over the last several days to join us for the opening of the Summer Session. I recognize that each of these groups brings with them a very important cause, and each one is reflective of the conditions and needs of their respective communities and agencies.

Each year, the horse and bike riders set out on a journey that not only brings awareness to important issues such as domestic violence, healthy living, and many others, but the riders also honor and remember our past leaders who served our Nation proudly.

Our past leaders would make the long and difficult journey on horseback from their respective communities to the Council Chamber for each regular session. Along the way, each would pay visits to various homes and communities to listen to the needs and concerns of individuals and families. By the time they reached the Council sessions, they were well informed and knowledgeable and were able to speak on behalf of the needs and concerns of their people and communities.

With that same notion in mind, the 23rd Navajo Nation Council gathers during this session to deliberate and to consider many issues and legislations that have developed from our local chapters and communities.

As we move forward with the many initiatives of this Council, I would like to thank my colleagues on the 23rd Navajo Nation Council for your dedication and hard work in helping your communities and our Nation.

In the following report, I provide our Diné Citizens an overview of the progress and accomplishments of this Council. On behalf of the 23rd Navajo Nation Council, I again thank our Diné Citizens and many others for your contributions and support.



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

LoRenzo Bates, *Speaker*
23rd Navajo Nation Council



Síhasin Fund Phase I Expenditure Plan

In January, the 23rd Navajo Nation Council unanimously approved legislation to use a portion of the Navajo Nation's \$554 million settlement award from the federal government to fund a plan that would use approximately \$101 million for over 60 water projects and an additional \$79 million for nearly 50 sanitation system projects in communities across the Navajo Nation. Since then, the Síhasin Fund Subcommittee has worked aggressively with various entities to move the plan forward to initiate the water and sanitation projects.

Phase I

The Síhasin Fund Bulk Water and Wastewater Development Expenditure Plan resolution is to address the water needs of the Navajo Nation. The Expenditure Plan was based on the existing need to deliver water to communities, the conveyance of bulk water supplies, to fund ongoing construction and shovel-ready projects, to leverage funds from other agencies and seek a balance with existing and proposed water settlements in New Mexico and Utah.

Through the Water Management Branch (WMB) and Navajo Tribal Utility Authority (NTUA), these entities will build a foundation that is essential in getting the bulk water main transmission to fix, repair, and intertie some of the existing systems to move water across the Navajo Nation. The Office of the Speaker has worked closely with engineers and technical support from the Water Management Branch, Navajo Tribal Utility Authority, and Indian Health Service (IHS) Sanitation Facilities Construction to develop a strategic plan. In addition, the first phase of funding will contribute to the IHS-SDS list to serve homes that have not been connected to a waterline system.

Implementation

Upon the approval of the Síhasin Bulk Water/Wastewater and SDS Projects legislation, a team of experts from the Navajo Tribal Utility Authority (NTUA), Indian Health Services (IHS), Water Management Branch (WMB), Office of the Controller (OOC), Office of Management and Budget (OMB), the Department of Justice (DOJ), and Síhasin Subcommittee, formed a working group to complete the preliminary steps for the implementation of the Water Projects Expenditure Plan (Expenditure Plan).

A. Water Projects Expenditure Plan

The Water Projects Expenditure Plan (Expenditure Plan) was created by the Water Management Branch and was designed to meet the intent of the required Fund Management Plan (FMP). The purpose of the Expenditure Plan was to provide the required structure for the administration of water related project funds to provide and be served through the Water Management Branch.

The Expenditure Plan includes a template Memorandum of Agreement (MOA) between IHS and WMB, which will meet the intent of the legislation's required FMP. The Water Management Branch teamed up with the In-

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dian Health Services-DSFC to establish accounts for each of their operations. Water Management Branch will administer and implement projects and operations under their account. Navajo Area Indian Health Services will implement their project and their accounts will be administered under an MOA with Water Management Branch.

On June 13, upon the approval of all members of the working group, WMB submitted the Expenditure Plan through the SAS 164-review process. During the SAS 164 review process, OOC requested changes in the Expenditure Plan. OOC and WMB will meet to address the concerns of the Controller. Upon the completion of the 164-review process, the Expenditure Plan will be introduced through legislation and will be considered for approval by the Budget and Finance Committee (BFC).

On June 29, Sihasin Subcommittee legal counsel provided a draft of the BFC legislation to adopt the Expenditure Plan to the Office of Legislative Counsel. The legislation is ready to be introduced immediately following the completion of the Expenditure Plan's 164-review process and will be attached to the proposed legislation. The preliminary steps are necessary to ensure the funds are used in the most efficient manner and accountability is met.

B. Navajo Tribal Utility Authority - Loan Agreement

The working group, specifically OOC and NTUA have made progress in developing NTUA's Loan Agreement in the legislation. The Bulk Water and Wastewater Development Expenditure Plan legislation calls for the funds designated for NTUA to be dispersed pursuant to a Loan Agreement consistent with terms set forth in the legislation. The legislation also requires NTUA to develop a Fund Management Plan ("FMP") to administer and account for the funds it receives. The FMP can be attached to or incorporated into the Loan Agreement.

As of June 29, the NTUA Loan Agreement was at DOJ for review. The NTUA Loan Agreement has been submitted to the Controllers Office who is working with DOJ for further review and negotiation. When an agreement has been reached between Controllers Office and NTUA, the Loan Agreement will also be introduced through legislation and considered for review by the Budget and Finance Committee (BFC) as final authority.

Permanent Trust Fund Income Five-Year Expenditure Plan

The Permanent Trust Fund (PTF) income has been available for use since 2005. After 31 years since the initial investment, a five-year plan was established to address major waterline projects and economic development projects in regional centers across the Navajo Nation.

In April, the 23rd Navajo Nation Council approved the Navajo Nation Permanent Fund Income 5-Year Plan. The resolution is a part of the largest comprehensive Bulk Water and Wastewater Project that will benefit the Navajo Nation.

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The five-year plan addresses major developments, which include waterline projects, hotel-restaurant, retail center, and agricultural ventures.

The projects have been selected based on design plans and specifications that are 100% complete. Sites have been selected based on market feasibility studies. Some of the benefits to these projects include employment opportunities, rental and sales tax revenue, and provide the surrounding communities with goods and services.

It is important to note that the PTF income funding that was approved will not impact the principle balance, but rather the interest that has accumulated will be utilized for the projects.

The Office of the Speaker has extended an invitation to the Office of the Controller to begin discussing the implementation of the five-year expenditure plan. The initial meeting will involve Budget and Finance Committee chair Seth Damon to discuss the preliminary steps that may involve certain Navajo Nation departments, and funding the several chapters, who will be the primary recipients.

Fiscal Year 2017 Comprehensive Budget

Leadership from the three branches of government including the Budget and Finance Committee, Office of the Speaker, Office of the President and Vice President, Office of the Controller, and Office of Management and Budget have met on several occasions to discuss the process for the Navajo Nation's 2017 Comprehensive Budget.

With the current fiscal year ending at the end of September, the Navajo Nation is required to approve a budget for FY2017 at least 20 days prior to the end of the current fiscal year. The Council is moving forward with establishing the FY2017 General Fund revenue projection, adopting the budget calendar, and allocations for each branch of government.

In April, the Council approved the \$150 million Permanent Trust Fund income expenditure plan, which provides funding for water projects and economic development projects. The expenditure plan also stipulated that any remaining funds each year would be returned to the Nation's General Fund to help offset any potential budget shortfalls – this provides the Nation some assurance. Over the course of the coming weeks, the three branches will continue to meet to discuss options that meet the needs of our Nation's programs, chapters, and communities.

Each of the Standing Committees of the Council will begin holding budget hearings in August for the various programs, divisions, and departments that each oversees. The Council will hold its annual budget session in early September.

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State Task Force

New Mexico Real ID - Drivers License and Identification Cards

In March, New Mexico Governor Susana Martinez signed a bill referred to as the Real ID Act into law. The bill is to bring New Mexico drivers licenses and identification cards into compliance with federal standards. Current New Mexico drivers licenses and identification cards can continue to be used to enter federal facilities and board domestic flights until October 1, 2020. Thereafter, individuals will be required to renew their licenses and identification cards.

In June, a meeting was scheduled with New Mexico Tax and Revenue Secretary Demesia Padilla. A few questions were presented regarding the process for the State of New Mexico to issue a Real ID.

Secretary Padilla and staff are still in the process of developing the guidelines and will be conducting public hearings. The guidelines for the Real ID will be completed in November 2016. Nonetheless, as with current drivers licenses the following three documents will be required:

1. Proof of Identity
2. Proof of Date of Birth
3. Proof of Lawful Status in the U.S. and New Mexico.

The Navajo Identification Card is still under consideration to be an official form of identification, and will be reviewed by the legal department.

The New Mexico Motor Vehicle Department requires two forms of Proof of Lawful status that shows an address or proof of residence in New Mexico. A certified letter from the tribe identifying applicant's residences will continue to be accepted due to the lack of physical addresses within the Navajo Nation. The progress made by the department will continue to be communicated with the State Task Force.

New Mexico Capital Outlay - Tribal Infrastructure

At the beginning of the Legislative Session of the 52nd State Legislature the State Task Force and the Office of the Speaker actively advocated for the New Mexico Capital Outlay Projects for Navajo chapters and communities. The focus of the lobbying efforts included new Capital Outlay Projects, appeals for Capital Outlay reauthorizations, and continued support for Tribal Infrastructure Fund (TIF) Projects.

As of June, the State Task Force was informed that Navajo chapters in New Mexico that have Capital projects that were approved during the latest legislative session are anticipating a grant agreement later this summer. The finalization of the grant agreement is critical for chapters in order to begin their projects due to the fact that most grant agreements expire after three years.

Lastly, the New Mexico Indian Affairs Department is currently accepting guidelines and procedure recom-

recommendations from all tribal entities for the Tribal Infrastructure Fund (TIF) process. The Navajo Nation Department of Justice has submitted recommendations to the New Mexico Indian Affairs Department.

Arizona Transportation - Highway 60 Budget Funding

State Task Force chairman Council Delegate Kee Allen Begay, Jr., along with Arizona State Senator Carlyle Begay, Navajo County Supervisor Jesse Thompson, and Arizona Representative Albert Hale worked aggressively to secure funding for Hopi BIA Route 60. I commend their endless efforts and continued support in helping the surrounding communities. The Low Mountain road and Hopi BIA Route 60, is a 13.5-mile road that was once a high priority by both the Navajo Nation and Hopi Tribe.

For Fiscal Year 2016-2017, the Arizona 52nd State Legislature appropriated \$1.5 million from the state general fund to the Department of Transportation for distribution to the Navajo Nation for the route H60 construction project.

In 1984, the Bureau of Indian Affairs of Phoenix and Navajo Area Office established a Road Maintenance Agreement to exchange road maintenance responsibilities. The funding will be used to address a road that connects the Hopi and Navajo landscapes which can become virtually impassable during significant weather conditions.

Navajo Indian Irrigation Project - Navajo Agricultural Products Industry

On behalf of the 23rd Navajo Nation Council, I would like to thank the Congressional Offices that assisted in expediting the repairs of a siphon breach that occurred within the boundary of the Navajo Indian Irrigation Project (NIIP) property, operated by Navajo Agricultural Products Industry (NAPI).

On May 13, NAPI discovered a section of the siphon breached near the Kutz Lift Station. Approximately, 128 acre-feet of water spilled into the wash and forced NAPI to shut down their water delivery system. This severely impacted NAPI's overall farm operations due to the lack of irrigation water for 29 days, and in effect, causing a projected revenue loss of approximately \$12.3 million. This number may increase as NAPI continues to assess crop damages. The final numbers of revenue loss will be determined at the end of harvest season. In response to addressing the breach, NAPI has incurred total expenses of \$1.5 million to repair the siphon pipe.

Employees of NAPI and their selected contractors worked 24/7 to assess the damages and to determine what repairs were necessary. Prior to the breach, NAPI planted a total of 47,108 acres of various crops. According to NAPI management, the list of impacted concerns included the following:

- NAPI estimated over \$17,500,000 in loss crop revenue (does not include contracting crops)

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- Reduction in NAPI labor force (approximately 100 jobs)
- Water access to community livestock needs
- Contracted services to small businesses that rely heavily on crop output
- Direct services provided by the Navajo Nation and its surrounding businesses

On June 10, water was restored to NIIP after repairs and inspections were completed. NAPI has since resumed full operation, however, the full estimated loss of crop revenue is yet to be determined.

According to NAPI officials, it was determined in a preliminary analysis that the cause of the breach was due to distressed pipes. The result of this incident raises additional concerns for the O&M program due to the service life of the NIIP infrastructure. The estimated service life of the infrastructure is 45-50 years and the project is nearing this timeframe.

In addition, NAPI was informed that the Bureau of Indian Affairs (BIA) Regional Office had received \$1.07 million to fund the siphon repairs. These funds have been reimbursed to NAPI.

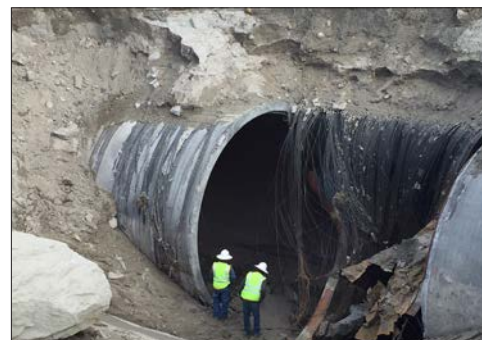


Photo: Workers inspect the siphon breach at Kuts Lift Station on NIIP property near Hwy. 550.



Photo: Workers worked in 24-hour shifts to repair the siphon breach, and was completed on June 10.

The responsibility for O&M for the NIIP infrastructure rests with the Bureau of Indian Affairs. NAPI has a contract with BIA to provide O&M, including replacement services on the NIIP water delivery systems. However, the funding does not include emergency services, which is necessary to operate the NIIP infrastructure due to recent events of the siphon breach.

Aside from the siphon breach, the completion of the NIIP continues to be a priority of the 23rd Navajo Nation Council. The Office of the Speaker and the Resources and Development Committee will continue to collaborate with federal officials and other entities moving forward to advocate for increased NIIP construction funding to seek alternative options to complete NIIP.

Inter-Agency Task Force on Rehabilitating the Former Bennett Freeze Area

The Inter-Agency Task Force continues to meet on a monthly basis on the recovery efforts of the Former Bennett Freeze Area (FBFA). Over the past several months, efforts have gradually developed with information being collected from the nine communities within the FBFA. This information will help guide the task force in developing priorities.

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The leadership of Navajo Housing Authority (NHA), Bureau of Indian Affairs Regional Office (BIA), Navajo Tribal Utility Authority (NTUA) and Indian Health Service (IHS) all play an important role. They have continued collaborating together to determine the best strategy in planning to assure progress continues.

Chapters are receiving additional assistance from the local action team, who has been involved at the local level since the creation of the Inter-Agency Task Force. In addition, NHA has taken the lead in developing a platform using Google Earth Pro to capture data information and upload onto a map. This available resource will help chapters make valid decisions on current and future projects.

The most recent task force meeting was held on June 10, in which part of the discussion focused on the possibility of waiving federal regulations within FBFA to expedite rehabilitation. It was further recommended to the task force to support H.R. 3911, a congressional bill introduced by U.S. Rep. Ann Kirkpatrick. The bill seeks to waive certain federal regulations the task force is seeking. In addition, the Office of the President and Vice President indicated that a formal letter would be sent to congressional delegation in support of this bill.

As progress moves forward, it has been recommended that the task force identify one or two chapters of the nine total affected chapters within the FBFA as pilot projects, and the selection will be based on the current condition and readiness of the areas for the implementation of the proposed rehabilitation projects.

The task force hopes that the pilot project provides other chapters the opportunity to follow the same path. In the future, I will schedule a meeting with all nine impacted chapters and present them an updated progress report.

The task force understands that each chapter will face different challenges, but based on the collected data, entities will have an idea on how to carry out rehabilitation efforts. One of the recent tasks was to rank the nine impacted chapters based on completed requirements related to home site leases, land clearances, community land use plans, housing assessments, boundaries, and other necessary information.

I am pleased to see all the entities come together and work as a team to accomplish one goal in healing the communities who were affected by the Bennett Freeze. I also want to thank Delegates Walter Phelps, Otto Tso, Tuchoney Slim, Jr., and others for their involvement and contributions in coordinating efforts.

Fire and Rescue Services - San Juan County, New Mexico

During the 2016 Spring Council Session, it was reported that discussions and negotiations were ongoing between the Navajo Nation and San Juan County, New Mexico over the transfer of Fire and Rescue Services to the Navajo Nation from San Juan County. The service area includes services for the communities of Newcomb, Shiprock, and Ojo.

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The two sides had agreed that as negotiations moved forward San Juan County would continue to provide services for the three communities. The Navajo Nation would make monthly payments to San Juan County in the amount of \$67,500 through the remainder of the Navajo Nation Fiscal Year 2016, or until such time the Navajo Nation would be ready to assume any or all responsibilities of the fire stations.

The Navajo Nation made an initial payment of \$67,500 for the month of April and is currently working to pay for the months of May and June. This will be a reoccurring cost. The two sides continue to hold discussions on when and how the Navajo Nation would assume all responsibility of the fire stations.

Several discussion items include determining when the two sides would finalize a Memorandum of Agreement and Mutual Aid Agreement document. Other areas of continuing discussion include:

1. Inventory (Stations & Equipment)
2. Leases for Fire Stations
3. Communications (Dispatch Services)
4. Radio Communications (Establishing Frequency & Equipment)
5. Personnel (15 positions budgeted in Navajo Nation FY16, currently 8 positions are filled)
6. Volunteers (Currently recruitment has not yielded any applicants to assist in supporting fire services)
7. Resolving Medical and Pharmacy Direction.

After its recent meeting in early July, both parties will continue to work on addressing all issues. In June, a report from the Navajo Nation Division of Public Safety and Department of Fire and Rescue Services was also provided to the 23rd Navajo Nation Council's Law & Order Committee on the status of the ongoing transfer.

Sacred Sites Task Force

Safeguard Tribal Objects of Patrimony Act

On behalf of my colleagues on the 23rd Navajo Nation Council, I thank U.S. Senator Martin Heinrich (D – N.M.) for introducing the Safeguard Tribal Objects of Patrimony Act (STOP Act), a congressional bill that seeks to prohibit the exporting and sale of Native American sacred cultural items.

I also thank my colleagues on the Sacred Sites Task Force for their strong advocacy in protecting and retrieving sacred items for the Navajo Nation. As you may know, the Navajo Nation has had several items taken from the boundaries of our homelands and transferred overseas for auction. This illegal trafficking of items that are sacred to our people has also victimized other tribes.

For those reasons, Senator Heinrich introduced the bill that would enhance the protections of Native American cultural items under the Native American Graves Protection and Repatriation Act by increasing the sentencing penalty from five years to 10 years for violating NAGPRA and prohibiting the exporting of Native American cultural items obtained in violation of NAGPRA.

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This congressional bill is strongly supported by the Navajo Nation through a resolution sponsored by Council Delegate Jonathan Hale that was unanimously approved by the Naabik'iyáti' Committee on June 23. The legislation approved by the Naabik'iyáti' Committee clearly outlines the challenges the Navajo Nation has been tasked with in retrieving sacred items and I thank my colleagues for their unanimous support.

My colleagues and I look forward to working with our congressional leadership to advocate for the passage of the bill by Congress.

Bluff Elementary School

The San Juan School District in southern Utah acquired and purchased land near Bluff for the construction of a proposed elementary school. According to an independent survey and analysis completed by the Navajo Nation Historic Preservation Department (NNHPD), it was determined there were in fact human remains and historic artifacts present on the land area for the proposed school.

Navajo parents and community members met with the school district to propose solutions to their concerns, however, they have not come to an agreement. The surrounding chapters and community members requested Navajo leadership, the Navajo Nation Human Rights Commission (NNHRC), and the NNHPD to aid them in their efforts.

The Office of the Speaker continues to work with the NNHRC, NNHPD, Navajo Nation Department of Diné Education, San Juan School District, and Navajo parents to develop solutions to the land issue, which is proving to be a lengthy process. An update regarding the elementary school will be provided at a later date.

Bears Ears

The 23rd Navajo Nation Council continues to advocate at the federal level for the designation of the 1.9 million-acres of land known as Bears Ears as a national monument in San Juan County, Utah. The Naabik'iyáti' Committee unanimously supported the designation in March 2015 through legislation sponsored by Council Delegate Walter Phelps.

Since then, Delegate Phelps along with Council Delegates Davis Filfred and Herman Daniels have continued to petition the Obama Administration to designate the area as a national monument.



Photo: Speaker LoRenzo Bates, Council Delegate Walter Phelps, Council Delegate Davis Filfred, Bears Ears Inter-Tribal Coalition members, U.S. Secretary of the Interior Sally Jewell, U.S. Department of Agriculture Under Secretary Robert Bonnie, Senior Advisor to President Obama Brian Deese, Managing Director at the White House Council on Environmental Quality Christy Goldfuss, and staff members with the Obama Administration in Washington D.C. on July 6, 2016.

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On July 6, Delegate Filfred, Delegate Phelps, and I accompanied the Bears Ears Inter-Tribal Coalition delegation to key high-level meetings in Washington D.C. with the Obama administration. We had the pleasure of meeting with U.S. Secretary of the Interior Sally Jewell, U.S. Department of Agriculture Under Secretary Robert Bonnie, Senior Advisor to President Obama Brian Deese, Managing Director at the White House Council on Environmental Quality Christy Goldfuss, and other staff members with the Obama Administration.

The landscape within the national monument proposal is the ancestral home of many southwestern Native American tribes. It is also the birthplace of Navajo Headman Manuelito. Navajo, Ute, Zuni, Hopi, and other Native American people depend on the land within the region to sustain their traditional livelihoods and cultural practices, such as hunting, gathering, and ceremonies.

As the tribal coalition moves forward with this important initiative, we will continue to urge the Obama Administration to designate the Bears Ears area as a national monument through the presidential authorities afforded to President Obama through the Antiquities Act.

Navajo Nation Council Chambers

Upon the completion of the structural investigation conducted by Chavez-Grievés Consulting Engineers, Inc., there were many findings that were conveyed through a report outlining the structural conditions of the roof, floor, and framing of the historic Navajo Nation Council Chamber.

On April 28, the Office of the Speaker met with engineers with Chavez-Grievés to discuss the report. The Navajo Nation Historic Preservation Department (HPD) and Design and Engineering Services (DES) were invited to attend the meeting. HPD's involvement is necessary to assist and provide guidance in ensuring that all protocol is in compliance. DES will continue to be involved to provide technical support. The meeting provided direction to Chavez-Grievés on what the Navajo Nation Council would like to accomplish based on the investigations.

As discussed, the structural investigation is the preliminary step to rehabilitating the Council Chamber and addresses specific concerns regarding the building's safety. As previously reported to the Council, the Council Chamber was well designed and has been deemed safe for continued use.



The Office of the Speaker and Chavez-Grievés agreed to work on the rehabilitation in phases. The first phase will require the repair and replacement of cantilever/beam, the repair of the exterior high wall and roof, and the floor. These items were selected based on the severity of damage and urgency to address.

The next step will involve a bidding process for the construction phase based on the overall cost estimate, experience, and other criteria. We are in the process of researching and seeking external funding from non-profit organizations and other sources to assist with the repair costs.

Sexual Assault Prevention Subcommittee

On May 12, the Naabik'íyáti' Committee established the Sexual Assault Prevention (SAP) Subcommittee in response to the loss of 11-year old Ashlynn Mike, a tragic event that demanded our attention as lawmakers to address this very crucial issue – the protection of our Diné citizens, especially our children.

Council Delegate Amber Kanazbah Crotty serves as chair of the SAP Subcommittee and Delegate Jonathan Perry as vice chair. Subcommittee members include Delegates Jonathan L. Hale, Otto Tso, Leonard Tsosie, and Dwight Witherspoon.



Photo: Sexual Assault Prevention Subcommittee chair Council Delegate Amber Kanazbah Crotty, vice chair Delegate Jonathan Perry, Delegate Jonathan Hale, and Delegate Dwight Witherspoon met with judicial officials and attorneys to discuss issues to begin initiatives to combat sexual assault on the Navajo Nation on July 8, 2016.

The SAP Subcommittee is tasked with strengthening the response to sexual assault victims, exploring data sharing and cross-deputation with outside agencies, developing a coordinated community response to sexual assault, strengthening sexual assault laws, and addressing any other issues relating to sexual assault crimes on the Navajo Nation.

The subcommittee held its first meeting in June and identified areas that need immediate attention, including the following:

1. Coordinate and meet with entities to discuss a Coordinated Community Response; implement by December 2016.
2. Draft data sharing agreements; implement by December 2016.
3. Complete Navajo Nation Division of Public Safety and Judicial/Law Enforcement Capacity analysis regarding sexual assault (re: Adam Walsh Child Protection and Safety Act of 2006 and Violence Against Women Act); implement by August 2016.
4. Implement AMBER ALERT, update communication capacity, look into infrastructure for the AMBER ALERT system, E-911, and rural addressing.
5. Implement Violence Against Women Act on the Navajo Nation including the Tribal Access Program (TAP), and research sustainable funding (i.e. Ramah Settlement or Síhasin Fund); complete by December 2017.

A key area that the subcommittee will focus their attention to is the coordinated community response plan, which will create a series of networks, agreements, processes, and applied principles through collaboration

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of criminal justice agencies, public safety entities (i.e. tribal, state, and federal), and human services programs. It would allow communities to utilize the full extent of the Navajo Nation's legal system to protect victims, as well as to include utilization of our health and social services.

Another important piece of improving response and justice for sexual assault victims is the need to understand and implement the Tribal Law and Order Act, which would allow the Navajo Nation to prevent criminal offenses by imposing harsher and longer sentences to offenders. This is critical to ensuring protections and to alert offenders that our Nation can and will act swiftly in response to crime.

The Office of the Speaker has assigned a policy analyst to the subcommittee to aid with researching current laws and policies that will aid the task force in developing action plans and coordinated efforts to decrease sexually-based offenses on the Navajo Nation.

I commend the subcommittee for quickly defining their goals and establishing a timeline to remain accountable to our Nation to increase protections for our Diné children and people.

Energy

Four Corners

Several environmental groups have filed suit in Arizona's federal district court challenging our 25-year extension for coal operations at Navajo Mine, which is owned by the Navajo Transitional Energy Company. This 25-year extension is necessary for NTEC to continue to meet the coal supply agreement to continue operations of the Four Corners Power Plant.

As you are aware, the Navajo Nation passed several resolutions supporting the purchase and transfer of Navajo Mine and its assets to NTEC, which supports the Four Corners Power Plant. The Navajo Nation's support of this endeavor has always centered on the critical jobs provided to our people, as well as the revenues that contribute to the Nation's General Funds that benefit all of our people.

It is very important that we take this lawsuit seriously and that the Navajo Nation be proactive to ensure our Nation's assets and economic stability. I strongly urge President Russell Begaye and Attorney General Ethel Branch to direct the Navajo Nation Department of Justice to intervene in the lawsuit on the Nation's behalf. A decision not to intervene on the Nation's behalf would be irresponsible and may lead to detrimental impacts to our economy.

Navajo Transitional Energy Company

Near the conclusion of negotiations for the purchase of Navajo Mine, El Paso Electric notified us that they did not intend to sign the agreement due to their planned exit in 2016. This expedited the need to finalize

the deal and protect the interests of the Navajo workforce as well as the Nation's revenues. Now that El Paso has exited the Four Corners partnership, Navajo Transitional Energy Company (NTEC) is in a position to purchase El Paso's seven-percent share.

NTEC will also be finalizing the Navajo Mine purchase agreements this year that will allow the new mine manager, North American Coal Company, to assume management with NTEC in operating the mine. NTEC will be in a position to begin investing at least 10% of its profits in alternative and renewable energy resources as mandated by the Navajo Nation Council during its inception. Although, 10% is the minimum required, NTEC has stated that they intend to invest at a higher percentage in an effort to strategically diversify the Nation's energy portfolio.

Energy Task Force

The Navajo Nation Energy Task Force has met to plan for future energy needs of the Navajo Nation. Two main tasks were given to the task force in its enabling legislation: to work on the creation of a Navajo Nation Department of Energy and to review all energy projects currently being considered.

Additionally, the task force has been working together to share the energy goals and objectives of each Navajo-owned enterprises and departments in order to begin working together collaboratively. Navajo Transitional Energy Company, Navajo Tribal Utility Authority, and Navajo Nation Oil and Gas Company and the Minerals office have also met to identify possible joint ventures and energy projects that could strengthen the overall number of jobs and revenues.

Clean Energy Implementation Plan

In addition to the Energy Task Force, the Navajo Nation has been working specifically on a renewable energy plan with the obvious need to diversify our energy portfolio as well as to take advantage of the renewable energy market.

These discussions have focused on defining renewable energy zones that would be most compatible with renewable energy development such as wind and solar, developing screening criteria that would assist departments and programs in identifying projects that are commercially viable and technologically proven. With the advancement and speed of emerging technologies related to renewable energy, it has been difficult to properly evaluate projects and conduct due diligence without a set of criteria to guide the process.

Additional efforts have been spent educating the group on the various aspects of renewable energy such as the capacity and need for renewable energy within the NTUA system, including residential and commercial off-grid systems coupled with net-metering capabilities as well as the transmission capacity and potential of power purchase agreements for commercial and utility scale renewable energy for export off the Navajo Nation. Each of these renewable energy opportunities have both their strengths and weaknesses and it becomes more and more important that we keep on top of both the challenges and opportunities in this fast moving renewable energy market.

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Third Quarterly Report Program Summaries Fiscal Year 2016

Office of the Auditor General

Contact Person: Elizabeth Begay, *Auditor General*

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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.

Accomplishments from 3rd Quarter - Issued seven (7) reports

- Report 16-20 Water Resources Internal Audit
- Report 16-21 Sawmill Chapter Corrective Action Plan 3rd Follow-up Review
- Report 16-22 Administrative Inquiry - Tohajilee Chapter Community Services Coordinator
- Report 16-23 Whitehorse Lake Chapter Corrective Action Plan Follow-up Review
- Report 16-24 Mariano Lake Chapter Corrective Action Plan Follow-up Review
- Report 16-25 Business and Industrial Development Fund Corrective Action Plan Follow-up Review
- Report 16-26 Investigation on Bahastl'ah Chapter Community Services Coordinator

Goals for 4th Quarter (ongoing projects and activities)

- Whitecone Chapter Cash Receipts Special Review
- Upper Fruitland Chapter Special Review
- Many Farms Chapter Corrective Action Plan Follow-up Review
- Accounts Payable Duplicate Payment Special Review
- Contingency Management Fund Special Review - Quality Review
- Tribal Parks Special Review
- 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
- Alamo Chapter Corrective Action Plan Follow-up Review
- Tsaille Wheatfields Chapter Special Review
- Fraud Investigations of Navajo Chapters
- Revisits of sanctioned programs/chapters
- Workforce Development
- Shiprock Chapter

Issues/Recommendations

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

Black Mesa Review Board

Contact Person: Anna Sullivan, *Board Member*

Contact Email Address: ajmsullivan@yahoo.com

Section One: Accomplishments from 3rd Quarter

- Collaborate with Peabody and Community regarding Manymules Waterline Project
- Tour the Reclaim Area, the tank site for Manymules Waterline and visit new home site for relocated residents
- Advocate for local residents to be employed by Navajo Engineering and Construction Authority
- Present resolution for NPL residents at the Chapter and inform Council
- Monthly meetings with Peabody and residents
- Present monthly reports to the Chapter Officials and community
- Construction in progress for Phase 1 Manymules Waterline

Section Two: Goals for 4th Quarter

- Monitor the construction of the Manymules Waterline Project for Phase 1
- Future meeting for Manymules Waterline with OEH, IHS, BIA, 3 Council Delegates and Chapter Officials
- Meet with Evalena Claw, the new Navajo County Road Liaison
- Select a BMRB representative for Kayenta Chapter
- Monitor solar and scattered power line to completion
- Continue to meet with PWCC about community outreach and mining issues

Section Three: Issues/Recommendations

- Grazing, erosions, invasive plants growing, and 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.

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- Lacking a representative from Kayenta Chapter. BMRB will contact the chapter for a representative.
- Office for Environmental Health, Audrey Nelson does not communicate with Forest Lake Chapter House. BMRB will continue to meet with OEH.
- Road Department, Darrel Bradley is not responding to request for a meeting. BMRB will continue to write to Darrel.
- Peabody Funds were forwarded to Natural Resource Department, but it was meant to go to Water Resource Department. BMRB will continue to work closely with Jason John.

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 3rd Quarter

- Commissions top priorities (1: NELI/NIIP Project; 2: Resolving FWAD; 3: Oversight of Navajo Land Buy-Back Program; 4) New land purchase opportunities).
- The Commission conducted a two-day work session to review land offers by three ranchers and one private entity; the Commission will be touring two of the ranches in July.
- Conducted one Govt-to-Govt (G2G) meeting with USDO I in implementing the Navajo LBBP for the final determinations of land values based on mass appraisals and minerals. The treatment of residential leases when the allotment lands are converted to tribal trust will follow tribal home site leasing policies it was determined and those with current leases will have to apply to the Navajo Nation for their leases. These policies would apply only to those allotments which are sold 100%.
- The Federal Land Buy-Back Program has sent offers to 5,500 landowners who have allotments in Alamo, Ramah, Tohajiilee, Arizona, and Utah. As of June 24th approximately 777 landowners have sold their interests at a value of \$10 million, representing about 7% of all interest. Another 20,000 offers are sent dated July 01, 2016 to the landowners of the main ENA. The positive acceptance rate will need to clear 40% in order to fully utilize the \$102 million allocated for the Navajo Nation.

Section Two: Goals for 4th Quarter

- Conduct tour of two ranches northeast of Mount Taylor, the Lobo Ranch and Crawford L-Bar Ranch, combined these ranches have over 92,000 acres.
- Resume dialogue with Farmington and ABQ-BLM District offices to consider best alternative to the Customary Land Users situation of occupying BLM lands.
- Monitor and assess the Navajo Land Buy-Back Program (NavajoBBP) regard offers and sales in ensuring Navajo Program goals are met;
- The NavajoBBP ends September 30th.

Section Three: Issues/Recommendations

- There needs to be positive closure to the Fort Wingate land matter before a meaningful effort of re-initiating the NELI/NIIP Project can be pursued.
- Only an inclusive new land acquisition policy will be beneficial to all of the Navajo Nation.

Navajo Nation Ethics and Rules Office

Contact Person: Tom Platero, *Executive Director*

Contact Phone Number: (928) 871-6369

Contact Email Address: tomplatero@nndcse.navajo-nsn.gov

Section One: Accomplishments from 3rd Quarter

- Reissued Standard Operating Memorandum to case management to address influx of cases to reduce NNERO cases due to limited resources.
- Initiated amendments of the Ethics in Government Law and Standards of Conduct and the Office of Hearing and Appeals Hearing Rules.

Section Two: Goals for 4th Quarter

- Hire new Executive Director for the Ethics and Rules Office.
- Continue to work with the Office of the Auditor General to file and close out cases referred to the NNERO.
- Shall continue to seek out additional funds to hire additional staff; 2 Presenting Officers, 5 Investigator/Forensic Auditors.
- Set up work session with the Law and Order Committee: Ethics and Rules Administrative Hearing Rules as revised by the Office of Hearings and Appeals and Ethics in Government Laws.

Section Three: Issues/Recommendations

- 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

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 as follows:

Speaker's Report

Accomplishments

- 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 meets weekly with the attendance of chapter officials and staff. The Task Force recommended to implement a proposed major reform to Title 26 that will create 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 18 chapters/communities, organizations, tribal departments and high schools (Chinle and Monument Valley).
- 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 eight 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 education of the Navajo people on government development; utilizing educational curricula such as brochures, published reports, and the Internet.

Issues/Recommendations

- The Policy Analyst position has been vacant since March 2016. Department of Personnel Management reviewed the applicants and referred an applicant. The ONGD staff decided to re-advertise and will schedule interviews for qualified applicants. By the end of July 2016, a selection should be made. Currently, the ONGD does not have adequate staff to assist with research projects.
- ONDG has limited funds for program goals and activities. The Office of the Speaker committed to assist with funding for certain activities.

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 3rd Quarter

- Navajo Consumer Credit Seminar: Arranged and facilitated a Navajo consumer credit seminar at Leupp Chapter House in April 2016. However, no one participated in the seminar.
- Solicited data from border towns: The commission selected four border towns to assess employment issues. The office continues to probe data from Farmington, New Mexico.
- Work on International Human Rights Issues: Staff accompanied members of the Subcommittee on

Sacred Sites to meet at the United Nations in New York, NY to address international repatriation of sacred objects.

- Consumer Rights: The office is working with the Federal Trade Commission on assessing Navajo consumer concerns who fall victim to predatory auto lending and possibly bring action against border town automobile dealers and lenders.
- Reviewed Citizen Complaints: The office received new complaints during the third quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory auto sales and employment issues. In addition, the office continues to work with the City of Winslow regarding conciliation measures after the death of Loreal Tsingine.
- Ensure San Juan County Utah voting rights is addressed: The office continues to work on redistricting issues for the State of Utah San Juan County. Currently, the Commission is a complaining party in the matter of *Navajo Nation Human Rights Commission et al v. San Juan County et al.* and *Navajo Nation v. San Juan County*. Both cases surround redistricting the county and school board, and the mail-in ballot issue.

Section Two: Goals for 4th Quarter

- Consumer Credit Seminar: Navajo citizens continue to request seminar on consumer credit and predatory auto sales and small loans. The next credit seminar will be held in Shiprock, New Mexico in September 2016.
- Conduct Seminar on LGBTQ: Anticipating the final report to be adopted by the Commission on violence against Navajo women and gender violence. The Diné Life Way principles will be incorporated into the final report and will serve as a guide to addressing gender violence and discrimination at the seminar.
- Conduct Public Hearing: Conduct the third public hearing on assessing employment issues in the border towns. The third public hearing will be held in Farmington, New Mexico at the Farmington Civic Center.
- Continue Assessment Data: Continue to collect data from the City of Farmington in preparation for the Farmington public hearing on employment issues.
- Continue to Receive Complaints: Navajo citizens file complaints about discrimination and human rights violations. Will continue to assess and investigate filed complaints.

Section Three: Issues/Recommendations

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

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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 3rd Quarter:

- Efficient use of allocated funds, NNLC held fifteen (19) evidentiary hearings
- NNLC and program timely processed two (2) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed one (13) formally filed complaint
- NNLC timely adjudicated fifteen (18) NPEA cases
- NNLC and program timely closed and issued eight (11) orders
- NNLC & program timely issued and mailed eight hundred (800) 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 (75) pending NPEA cases
- NNLC program made five (4) audio copies at parties' request

Section Two: Goals for 4th 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 3rd Quarter

- Election Board members conducted six regular meetings and one work session

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- Election Board approved five resolutions during their regular meetings
- Election Administration finished candidate filing period for 2016 Chapter Election
- Election Administration working with Navajo County to combine poll workers
- Election Administration working on questions and concerns from February 23 Arizona Presidential Preference Election
- Established sub-office for Cibola County Voting Rights Coordinator in Ramah, NM
- Prepare for 2016 State Elections with Arizona and New Mexico counties
- Assisting Counties and States with interpretation and translation of ballot questions/election materials
- Conducted special election to fill the vacant District 14 Navajo Nation Council position
- Recommended three amendments to the Navajo Nation Council to Title 11 – Navajo Nation Election Code

Section Two: Goals for 4th Quarter

- 2016 Navajo Nation Chapter Primary 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
- Conduct voter registration drives at all Navajo Nation Fairs
- Continue working on next phase of Voter Registration Database for Navajo Nation Elections
- Increase and maintain Annual Funding
- Enforcement of Policies
- Secure Office Buildings/Equipment

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 Need 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 3rd Quarter

- The Navajo Utah Commission and in particular, the Utah chapter representatives appointed to the Utah Dine' Advisory Committee (DAC) made substantial progress in rule-making regarding manage-

Speaker's Report

ment of the re-activated Utah Navajo Trust Fund (UNTF). Chapter driven policies and procedures were enacted into law by Utah legislative standing committees. Appropriations and services from the UNTF will finally be made available again during FY2017 after an absence of nine years.

- The Navajo Utah Commission's active support of H.B. 33 resulted in passage of this educational legislation during the 2015 Utah Legislature. State of Utah education funds are being made available to address the educational achievement gap for low-performing Native American concentrated schools. The San Juan School District (SJSJSD) submitted a funding application for three of the five SJSJSD schools serving Navajo students.
- The Navajo Utah Commission assisted the Red Mesa Chapter in preparing a funding application seeking \$400,000 from the Utah Navajo Trust Fund (UNTF) FY2017 budget for the Red Mesa Chapter Administration Building Project.
- The Navajo Utah Commission assisted the Teec Nos Pos Chapter in preparing a funding application requesting \$200,000 from the UNTF 2017 capital outlay budget for the Teec Nos Pos Chapter Renovation Project.
- The Navajo Utah Commission assisted the Aneth Chapter in preparing a funding application seeking \$300,000 from the UNTF 2017 capital outlay budget for the Aneth Chapter Phase I Scattered-Sites Powerline Project.

Section Two: Goals for 4th Quarter

- The Navajo Utah Commission and Utah chapters will seek the support and leadership of the Begaye/Nez Administration in regard to advancement of the proposed Navajo Nation/State of Utah Water Settlement Agreement.
- Submit Utah Navajo issues and concerns position statement to Gov. Gary R. Herbert for discussion purposes during the Tribal Leaders roundtable scheduled for the 11th Annual Utah Tribal Summit.
- Seek meeting with the Utah Native American Legislative Liaison Committee (NALLC) on the Navajo Nation in San Juan County, Utah to provide first-hand observation of tribal issues.
- Meet and work with the San Juan School District in addressing educational achievement gap issues relative to funding recently made available as a result of H.B. 33 enactment.
- Assist two Utah chapters with preparation and submittal of funding applications for capital projects prioritized by chapters.

Section Three: Issues/Recommendations

- The Navajo Utah Commission enacted Resolution No. NUCNOV-659-15 endorsing the proposed Navajo Nation/State of Utah Water Settlement Agreement. The seven Utah chapters passed similar supporting resolutions. The Navajo Nation Council enacted Legislation 0412-15 endorsing the proposed Utah Water Settlement Agreement. The Utah Legislature passed a concurrent resolution reaffirming support and commitment for a settlement. The Begaye/Nez Administration has hesitated in expressing support and has sent mixed signals to the State of Utah and Congress regarding strength of Navajo support. Navajo Utah Commission is respectfully urging the Office of the President and Vice President to clearly and unequivocally express support for the Utah Water Settlement Agreement.

NAABIK'ÍYÁTI' COMMITTEE

FY 2016 – 3rd Quarter

Narrative Report

ESTABLISHMENT:

2 N.N.C. § 700 (A) established the Naabik'iyáti' 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'iyáti' 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'iyáti' 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:

April 7, 2016	Regular Meeting	19 Legislation
April 13-14, 2016	Regular Meeting	17 Legislation
May 12, 2016	Regular Meeting	16 Legislation
May 26, 2016	Regular Meeting	16 Legislation
June 9, 2016	Regular Meeting	8 Legislation
June 23, 2016	Regular Meeting	20 Legislation

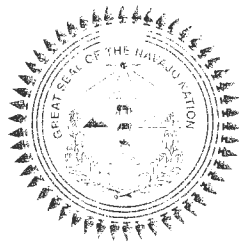
PERFORMANCE MEASURES:

See attached copy of Naabik'iyáti' Committee FY 2016 3rd Quarter Form 2 Report

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

***Fiscal Year 2016
THIRD QUARTER REPORT
April 1- June 30, 2016***

***2016 Summer Session
July 18-22, 2016***



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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 Third Quarter Report of significant accomplishments and activities of the Budget and Finance Committee of the Navajo Nation Council during the reporting period from April through June 2016. There were a total of **33** 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 Third Quarter Report
April, May and June 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.

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

Leonard Tsosie, representing Pueblo Pintado, Torreon, Ojo Encino, Casamero Lake, Counselor, Littlewater, Baca/Prewitt and White Horse Lake Chapters in the Eastern 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 Third Quarter Report is for the reporting period from April 1, 2016 through June 30, 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 Third Quarter of Fiscal Year 2016, which includes the months of April, May and June 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 **33** legislations this quarter.

In April, the Committee held **1** regular meeting, **1** special meeting, **2** work sessions; and in May, the Committee held **1** regular meeting, **1** special meeting **1** work session; In June the Committee held **2** regular meetings **2** special meeting; a combined total: **4** regular meetings, **4** special meetings, **3** work sessions for a combined total of **11** days of meetings during the 3rd 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 Third Quarter:

General Fund – Financial Update:

The Office of the Controller provided an update on the status of the General Fund to date, as of May 27, 2016:

- Gross revenues \$158,359,160 which includes a \$13,000,000 transfer from the Sales Tax Trust Fund and with total set asides of \$43,704,649
- Net revenue for the General Fund is \$114,654,511 which is 70.17% of the revenue projection
- Expenditure by branch this quarter: Legislative - \$8,960,780 funds expended, encumbrances of \$797,446 with remaining budget balance of \$9,292,435; Executive - \$106,407,719 funds expended, \$12,435,453 encumbered, remaining budget balance of \$70,733,053; Judicial - \$7,504,398 funds expended, \$2,014 encumbered with a remaining budget balance of \$6,623,039.
- Total General Fund Expenditures: \$122,872,897; total encumbrances: \$13,234,913 with remaining total budget of \$86,648,528.
- Undesignated, Unreserved Fund Balance of \$9,569,087 as of May 27, 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

- Six (6) Supplemental appropriations were made by the 23RD Navajo Nation Council, leaving a remaining balance in the UUFB of **\$9,569,087**:
 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
 6. By Resolution CAP-25-16 Head Start-Matching/Caps and Gowns \$3,606,856

FY201 Navajo Nation General Funds Budget

The Committee approved the FY2017 Budget Instructions Manual. The budgeting schedule was also approved. The 3 Branch Chiefs met and agreed to the budget allocations amounts by signing the 3 Branch Chiefs agreement on June 21, 2016.

General Fund Allocations:

Fixed Costs	\$20,223,144	11.66%
Executive Branch	\$102,892,107	59.31%
Legislative Branch	\$14,120,033	8.14%
Judicial Branch	\$13,072,846	7.54%
Chapters –Infrastructure & Capital	\$3,789,918	2.17%
Chapters –Non-Administrative	\$11,843,495	6.83%
External Funds Cash Match	<u>\$7,552,457</u>	<u>4.35%</u>
Total:	\$173,494,000	100%

It was agreed that the difference between the FY2017 General Fund Revenue Projection of \$153,433,000 and the budget allocation total of \$173,494,000 will be made up from the Permanent Trust Fund interest income. \$22,946,000 from the interest income added to the \$153,433,000 totals \$176,379,000. The budget is proposed at \$173,494,000 thereby creating a contingency fund of \$2,885,000 for the FY2018, because of the projected decrease in General Fund revenue and Permanent Fund income.

Also, relative to the Personnel Lapse/Savings Fund, once the projected balance is known in the 4th quarter, the Branch Chiefs may make additional recommendations for a General Wage Adjustment and other uses for the Personnel Lapse/Savings Fund.

Budget Instructions Manual

The Committee approved the Budget Instructions Manual for FY2017 June 21, 2016 by BFJN-18-16 approving the projected revenue at \$205,650,000 and net total general fund of \$153,433,000 for FY2017. The set-asides of the projected revenues for:

- 1.12% or \$24,678,000 for the Navajo Nation Permanent Trust Fund
- 2.2% or \$4,113,000 for the Navajo Nation Land Acquisition Trust Fund
3. \$2,000,000 for the Capital Outlay Match Funding Special Revenue Fund

4. \$2,000,000 for the Navajo Nation Water Rights Claims Fund
5. \$11,000,000 for the Dine Higher Education Grant Fund
6. 4% or \$8,226,000 for the Navajo Veterans Trust Fund

Navajo Nation Bank (Proposed)

During the second quarter of this fiscal year, the Committee decided to reinitiate establishing a Navajo owned bank. Several meetings were held during the quarter.

April 28, 2016, the Budget and Finance Committee met in a work session with Speaker LoRenzo Bates and former Controller Mark Grant to discuss the proposed Navajo Bank initiated by the 22nd Budget and Finance Committee. A copy of Legislation No. 0476-12: *An Action Relating to the Budget and Finance Committee and Nabikiyati; Authorizing the Submission of Commitment Letters to the Board of Governors of the Federal Reserve System and to the Office of the Comptroller of the Currency Sponsor: LoRenzo Bates* was discussed. The previous Committee had hired FTI as consultant to do a feasibility and concept paper. It was recommended that Nation could use FTI to continue as consultant and revisit with the Federal Reserve to renew initiative with them.

April 29, 2016 Holisso Hakv's Principal Organizer JD Colbert provided a presentation and information about their consulting fees. Mr. Colbert has been associated with the Native American Bank of Denver, Colorado, which at one time the Navajo Nation invested \$1 million as a shareholder. The Committee decided to not accept Mr. Colbert's proposal.

May 5, 2016, the Committee discussed their next step to have another work session to discuss the FTI report. FTI was contacted and they sent a 200+ page report with recommendations.

May 3, 2016, The Committee made assignments to Mr. Grant to provide amendments to the investment policies and Mr. Nephew at the May 31 work session. Also, other assignments made to the Department of Justice to provide an overview of where business laws and other laws will need amending to complete the initiative.

May 31, 2016, the Committee met in a work session. The Legislative Counsel provided an overview of the FTI report and recommendations. The initiative may require an investment of approximately \$50 million. The Committee decided to request a meeting with the Naabikiyati Committee to provide them an overview of the recommendations from FTI to determine which direction to pursue. Also, the Committee wants feedback to determine the purpose of the bank and if the Nation to purchase a publicly owned bank or develop a de novo bank.

Navajo Nation Gaming Enterprise

Resolution No. BFJN-17-16 approved by a vote of 5 in favor 0 opposed on June 21, 2016, the revised loan term sheet, for the fifth time, at a fixed rate of 5.93%. April 3, 2012, the Budget and Finance Committee approved the \$212 million dollar loan to the Gaming Enterprise. December 11, 2013, a Forbearance Agreement was entered into because

although the Twin Arrows Navajo Resort opened May 1, 2013, it failed to meet revenue projections resulting in cash flow problems for the NNGE so on April 30, 2014, the first amendment to the forbearance agreement was considered and approved. August 30, 2014, the second amendment was made. The third amendment made December 31, 2014 and the fourth amendment approved January 9, 2015. The term sheet allows for the loan agreement to be amended no later than August 1, 2016 and terminates the forbearance agreement.

At the 2016 Spring Session, the Navajo Nation Council approved CAP-20-16 *An Action Related to Law and Order, Resources and Development, Budget and Finance And Naabik'iyáti' Committee And Navajo Nation Council; Adopting the Sihasin Fund Twin Arrows Police & Fire Station Economic/Community Development Expenditure Plan Pursuant to CD-68-14 And 12 N.N.C. §§ 2501 – 2508*. The Navajo Nation Council approved CAP-20-16 on April 20, 2016 by a vote of 19 in favor 3 opposed, even though, the Office of the Controller and the Office of Management and Budget have not expeditiously implemented the Twin Arrows Police and Fire Station Expenditure Plan. On June 28, 2016, the Budget and Finance Committee, as the oversight committee for the 2 entities, issued a written directive to the Controller and Office of Management and Budget to comply with CAP-20-16 and implement the expenditure plan. The Expenditure Plan appropriates \$4.5 million to construct the Twin Arrows Police and Fire Station. The Resort lacks adequate police safety and fire protection and must provide such services to casino patrons in order to comply with national and state gaming compact requirements.

June 30, 2016, the Navajo Nation Council considered *LEGISLATION 0147-16: An Action Relating to Resources and Development, Budget and Finance and Naabik'iyáti' Committees and Navajo Nation Council; Adopting the Sihasin Fund Twin Arrows Travel Center Development Expenditure Plan Pursuant to Resolution CD-68-14 and 12 N.N.C. §§ 2501-2508 (2/3 Vote) SPONSOR: Leonard Tsosie* The Navajo Nation Council failed to provide an additional Sihasin Fund Expenditure Plan for \$10 million for construction of a gas/convenience store at the Twin Arrows Resort. The 2/3 vote required failed with 15 in favor 1 opposed.

Amendments to Navajo Nation Code

- ❖ Amending 12 N.N.C. §§ 2301 and 2303(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
- ❖ Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§1-10, and the Land Acquisition Trust Fund, 16 N.N.C. §202; and Enacting the Navajo Nation Land Acquisition Act
- ❖ Amending 3 N.N.C. §878 (C)

Appointments

- ❖ Honorable Leonard Tsosie appointed by Speaker LoRenzo C. Bates to the Budget and Finance Committee effective June 2, 2016. Honorable Tsosie replaces Honorable Mel R. Begay. Honorable Tsosie represents 8 chapters: Pueblo Pintado, Torreon, Ojo Encino, Casamero Lake, Counselor, Littlewater,

Baca/Prewitt and White Horse Lake Chapters in the Eastern Agency. He was a member of the Resources and Development Committee prior to his new appointment.

- ❖ Honorable Tom T. Chee appointed to the Investment Committee

Audits – Corrective Action Plans

As the Audit Committee, the Committee considered and approved:

Report 16-04	St. Michaels Chapter Follow-up Review (no sanction)
Report 16-05	Rock Springs Chapter Follow-up Review (no sanction)
Report 16-06	Low Mountain Chapter Follow-up Review (no sanction)
Report 16-16	Becenti Chapter Follow-up Review (no sanction)
Report 16-18	Red Valley Chapter Follow-up Review-revisit (sanction lifted)

- Legislation No. 0098-16 Jeddito Chapter to implement corrective action plan
- Legislation No. 0110-16 Tribal Ranch Program imposing sanctions
- Legislation No. 0117-16 Ramah Navajo Utility Authority corrective action plan
- Legislation No. 0171-16 Mexican Springs Chapter imposing 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
- Approving Intergovernmental Agreement with the State of Arizona for Grant in the Amount of \$200,000 Entitled “Parents as Teachers Home Visiting Model for Maternal, Infant, Early Childhood Home Visiting Program”
- Authorizing and Accepting a United States Department of Justice, Office of Justice Programs Grant to the Navajo Nation Judicial Branch in the Amount of \$58,802 to Compensate Process Servers to Serve Protection Orders for Victims of Domestic Violence
- Supporting Navajo Nation Office of Special Education and Rehabilitation Services in its Grant Application for \$428,000.00 to the State of Arizona for Home Visiting and Infant Development Services; Approving 10% Indirect Cost Rate

Amendments to Investment Managers/Portfolio

- ❖ Approving the Addition of Investment Manager Services by Logan Circle Partners, L.P.
- ❖ Approving the Addition of Investment Manager Harvest Fund Advisors, LLC to the Navajo Nation’s Investment Portfolio

Budget Reallocations and Modifications

- ❖ Approving a Budget Reallocation in the Amount of \$13,895.12, from Business Unit Number CO1055 to a New Business Unit Number for the Shiprock Powerline Extension Project

- ❖ Approving Budget Modification in the Amount of \$100,000 for Employee Housing Program, Proprietary fund, Business Unit No. 912001
- ❖ Amending the Signature Authority for the Navajo Nation Office of the Controller to Conduct Business with the United States Office of the Special Trustee
- ❖ Approving the Carryover of Funds in the Gaming Development Fund Budget from Fiscal Year 2015 to Fiscal Year 2016, In the Amount of \$1,792,712.93 for Business Unit No. 507007 for use by the Gaming Regulatory Office
- ❖ Amending Navajo Nation Fiscal Year 2016 Comprehensive Budget, CS-39-15, and Approving the Appropriation of \$51,214 to the Office of Legislative Services, Business Unit 101019, and the Office of Legislative Services – Legislative District Assistants, Business Unit 101034, from Unappropriated Recurring Revenue

Approval of Intergovernmental Agreements/MOAs

- ❖ Approving the First Amendment to the Joint Powers Agreement Between the Navajo Nation and San Juan County, New Mexico, Regarding the Operation and Maintenance of Solid Waste Compactor and Transfer Stations in San Juan County

Supplemental Funds Requests

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

1. \$100,000 for Albuquerque Indian Center
2. \$3,558,856 for Navajo Head Start Cash Match
3. \$947,613 Shonto Chapter Convenience Store, Fuel Station and Laundromat
4. \$2,000,000 Summer Youth Employment to Navajo Nation Chapters
5. \$148,325 Phoenix Indian Center, Inc.
6. \$610,931 Navajo Nation Office of Dine Youth

Fund Management Plans

- ❖ Approving Amendments to the Navajo Nation Gaming Revenues Fund Management Plan
- ❖ Approving the Plan for the Expenditure of Revenues for the Office of Navajo Nation Library

Settlement Fund Appropriations

- \$4.5 million Twin Arrows Police & Fire Station
- \$10 million Twin Arrows Travel Center Development

States Legislative Bills

Opposing the Passage of S.B. 1316, A Bill Introduced to the State of Arizona Senate Entitled “Arizona Flexible Loan Act”

Enterprise Fund Accounts

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

- Navajo Nation Gaming Enterprise Restructuring Summary Term Sheet with 5.93% fixed rate

Establishing Policy

- ❖ Approving the Healthy Dine Community Wellness Development Project Guideline and Distribution Policy
- ❖ Accepting the Navajo Nation Fiscal Year 2017 General Fund Revenue Projection, Establishing the General Fund Budget Amount and Branch Planning Allocation Amounts, for the Preparation of the Fiscal Year 2016 Navajo Nation Comprehensive Budget and Other Related Actions

Amendments to the Budget Instructions Manual

Amending the Navajo Nation Fiscal Year 2016 Budget Instructions Manual at Appendix F-2, FY 2016 Fleet Management User Rate

Reports received by the Committee this quarter:

- Sihasin Expenditure Plan
- FY2016 and FY2017 Revenue Projections; with recommendations from the Office of the President/Vice President
- Hotel Occupancy Tax for proposed Crownpoint Hotel
- Judicial Public Safety facilities financial status
- Narbona Growth Fund
- Gaming Development Fund; Gaming funds disbursement to chapters; Division of Community Development assisting chapters to use the gaming revenue funds to pay for utilities expenses and CIP project development
- Tribal bank
- Implementation of the Sihasin funds
- NACE Census Data Discrepancy

Legislations referred to other standing committees:

15 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:

- RPAC meeting

Financial Report

The Budget and Finance Committee was appropriated a revised budget of \$100,530 as a total amount for FY2016; \$43,080.09 has been expended at 48.61%; a total remaining balance of **\$51,663.03** as of June 30, 2016.

2016

3rd Quarter - Quarterly Reports Budget and Finance Committee April - June 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
4/5/2016	X								2			3	13	2/2/2016	B&F Conference Rm. W/R AZ
4/13/2016	X							1				5	1		Twin Arrows Casino - Leupp, AZ
4/28/2016							X						2		Hispanic COC - Abq. N.M.
4/29/2016							X						1		Hispanic COC - Abq. N.M.
5/3/2016	X											2	5	4/5/16 & 4/13/16	B&F Conference Rm. W/R AZ
5/24/2016		X						4				5	1		B&F Conference Rm. W/R AZ
5/31/2016							X						4		Hispanic COC - Abq. N.M.
6/7/2016	X							2		1		2	7		B&F Conference Rm. W/R AZ
6/21/2016	X							5				2	8		B&F Conference Rm. W/R AZ
6/28/2016		X						1				1	2		B&F Conference Rm. W/R AZ
TOTAL	5	2					3	15		1		20	44	3	Ramah Chapter Hse. - Ramah NMI

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

2016 – RESOLUTION LISTING

PRESIDED: SETH DAMON

DATE: April 5, 2016

BFAP-04-16 **LEGISLATION NO. 0081-16:** An Action Relating to Budget and Finance Committee; Amending the Navajo Nation Fiscal Year 2016 Budget Instructions Manual at Appendix F-2, FY 2016 Fleet Management User Rate

DWIGHT WITHERSPOON/TOM T. CHEE/3-0

BFAP-05-16 **LEGISLATION NO. 0072-16-:** An Action Relating to Resources and Development Committee and Budget and Finance Committees; Approving Amendments to the Navajo Nation Gaming Revenues Fund Management Plan

LEE JACK, SR./TOM T. CHEE/4-0

PRESIDED: SETH DAMON

DATE: April 13, 2016

BFAP-06-16 **LEGISLATION NO. 106-16:** An Action Relating to Health, Education and Human Services Committee; Approving the Plan for the Expenditure of Revenues for the Office of Navajo Nation Library

DWIGHT WITHERSPOON/TOM T. CHEE/3-0

PRESIDED: SETH DAMON

DATE: May 3, 2016

BFMY-07-16 **LEGISLATION NO. 128-16:** An Action Relating to Budget and Finance Committee; Appointing a Budget and Finance Committee Member to the Investment Committee

LEE JACK, SR./TUCHONEY SLIM, JR./4-0

PRESIDED: SETH DAMON

DATE: May 24, 2016

BFMY-08-16 **LEGISLATION NO. 138-16:** An Action Relating to Budget and Finance Committee; Amending the Signature Authority for the Navajo Nation Office of the Controller to Conduct Business with the United States Office of the Special Trustee

DWIGHT WITHERSPOON/TOM T. CHEE/4-0

BFMY-09-16 **LEGISLATION NO. 144-16:** An Action Relating to Budget and Finance Committee; Approving the Carryover of Funds in the Gaming Development Fund Budget from Fiscal Year 2015 to Fiscal Year 2016, in the Amount of \$1,792,712.93 for Business Unit No. 507007 for use by the Gaming Regulatory Office

DWIGHT WITHERSPOON/TUCHONEY SLIM, JR./4-0

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

2016 – RESOLUTION LISTING

PRESIDED: DWIGHT WITHERSPOON

DATE: May 24, 2016

BFMY-10-16 **LEGISLATION NO. 157-16:** An Action Relating to Budget and Finance Committee; Approving the Addition of Investment Manager Services by Logan Circle Partners, L.P.

LEE JACK, SR./TOM T. CHEE/3-2

BFMY-11-16 **LEGISLATION NO. 158-16:** An Action Relating to Budget and Finance Committee; Approving the Addition of Investment Manager Harvest Fund Advisors, LLC to the Navajo Nation's Investment Portfolio

SETH DAMON/TOM T. CHEE/3-1

PRESIDED: SETH DAMON

DATE: June 7, 2016

BFJN-12-16 **LEGISLATION NO. 0098-16:** An Action Relating to Resources and Development and Budget and Finance Committees; Accepting the Audit of the Jeddito Chapter Submitted by the Office of the Auditor General and Approving the Corrective Action Plan by the Jeddito Chapter

DWIGHT WITHERSPOON/LEONARD TSOSIE/4-0

BFJN-13-16 **LEGISLATION NO. 0110-16:** An Action Relating to Resources and Development and Budget and Finance; Accepting the Follow-up Internal Audit of the Tribal Ranch Program Corrective Action Plan Implementation and Imposing Sanctions against the Tribal Ranch Program and the Director of the Division of Natural Resources for Failure to Implement the Corrective Action Plan

TOM T. CHEE/LEE JACK, SR./4-0

PRESIDED: SETH DAMON

DATE: June 21, 2016

BFJN-14-16 **LEGISLATION NO. 0159-16:** An Action Relating to Health, Education and Human Services; Resources and Development; and Budget and Finance Committees; Approving the Healthy Dine Community Wellness Development Project Guideline and Distribution Policy

TOM T. CHEE/TUCHONEY SLIM, JR./3-1

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

2016 – RESOLUTION LISTING

PRESIDED: SETH DAMON

DATE: June 21, 2016

BFJN-15-16 **LEGISLATION NO. 0162-16:** An Action Relating to Health, Education, and Human Services, Budget and Finance and Naabikiyati; Supporting Navajo Nation Office of Special Education and Rehabilitation Services in its Grant Application for \$428,000.00 to the State of Arizona for Home Visiting and Infant Development Services; Approving 10% Indirect Cost Rate

DWIGHT WITHERSPOON/TOM T. CHEE/3-0

BFJN-16-16 **LEGISLATION NO. 0171-16:** An Action Relating to Resources and Development and Budget and Finance Committees; Accepting the Follow-Up Review of the Mexican Springs Chapter Corrective Action Plan Implementation and Imposing Sanctions for Failure to Implement the Corrective Action Plan

TOM T. CHEE/TUCHONEY SLIM, JR./4-1

BFJN-17-16 **LEGISLATION NO. 0181-16:** An Action Relating to Budget and Finance; Approving (1) The Navajo Nation Binding Restructuring Summary Term Sheet summarizing the Basic Terms and conditions for the Restructuring of the Gaming Enterprise Loan between the Navajo Nation, Acting by and through the Budget and Finance Committee and by the Navajo nation Investment Committee, as the Lender, and the Navajo Nation Gaming Enterprise, As the Borrower Relating to the Restructuring of the Gaming Loan Upon Satisfaction of the Conditions Set Forth in the Term Sheet

LEE JACK, SR./TOM T. CHEE/5-0

BFJN-18-16 **LEGISLATION NO. 0192-16:** An Action Relating to Budget and Finance; Accepting the Navajo Nation Fiscal Year 2017 General Fund Revenue Projection, Establishing the General Fund Budget Amount and Branch Planning Allocation Amounts, for the Preparation of the Fiscal Year 2016 Navajo Nation Comprehensive Budget and Other Related Actions

SETH DAMON/TOM T. CHEE/5-0

PRESIDED: SETH DAMON

DATE: June 28, 2016

BFJN-19-16 **LEGISLATION NO. 0117-16:** An Action Relating to Resources and Development and Budget and Finance; Accepting Audit Report 16-02, Special Review of the Ramah Navajo Utility Authority Cash Receipts Activities Submitted by the Office of the Auditor General and Approving the Corrective Action plan submitted by the Ramah Navajo Utility Authority

TOM T. CHEE/LEE JACK, SR./3-0

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:

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.

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;

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

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

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

	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Program Performance Area:	5	6	5	14	5	11	5	
2. Program Performance Area:	2	3	2	16	2	12	2	
3. Program Performance Area:								
4. Program Performance Area:	1	1	5	5	1	11		
5. Program Performance Area:	2	3	2	2	2	6	2	
	1	2	1	1	3	5	1	

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

Pete Ken Atcity, Chief of Staff

Date:

LoRenzo C. Bates, Speaker, Office of the Speaker

Date

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



**Third Quarterly Report
April, May, & June, 2016**

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



23rd Navajo Nation Council

July 6, 2016

Honorable LoRenzo Bates, Speaker
23RD NAVAJO NATION COUNCIL

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

Re: Law and Order Committee - Third Quarterly Report 2016

Dear Mr. Speaker and Council Delegates:

The Law and Order Committee of the 23rd Navajo Nation Council respectfully submit its Third 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 Third Quarter of FY 2016. Also report provides the significant accomplishments of the Committee during the period of April, May and June, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Edmund Yazzie".

Honorable Edmund Yazzie, Chairperson
Law and Order Committee, NNC

A handwritten signature in black ink, appearing to be "Raymond Smith, Jr.".

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

cc: File

THIRD QUARTERLY REPORT

To the 23rd Navajo Nation Council
Second Year
Summer 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, lina 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 is 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 Herman Daniels, Jr.	Western	Shonto, Naa'Tsis' Aan, Oljato, Ts'ah Bii Kiin 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 April, May & June, 2016**

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

- April 11, 2016
Meeting Site: Tuba City District Judicial Court, Tuba City, Az
Update reports by: The Late Alex Yazzie's family report & requesting for financial assistance to attend the National Cops & Memorial event. Report by Alice Huskey, Court Administrator, Tuba City District Judicial Court. Acting Captain Rodney Yazzie, Tuba City Law Enforcement. Report by Robin Preseton, Department of Corrections. Update report by Acting Chief Justice Allen Sloan on the activities of Judicial Branch. Report by Gap Chapter, Darlene Zahn and Tuchoney Slim. Report by Cordell Shortey, Contracting Officer, Contracts & Grants regarding 638 Contract. Report from Jesse Delmar, Executive Director, DPS. Two resolutions were approved and forward to the next committees. LOC meeting started at 10:06 AM and ended at 6:40 PM

- April 26, 2016
Meeting Site: Kayenta Judicial District Court, Kayenta, Az
Report by Lavonne Yazzie, Court Administrator, Kayenta District Court. Report by Delores Greyeyes, Department of Corrections. Report from Vice President Jonathan Nez and Yvonne Kee Billison on Tribal Action Plan. Report Leonard Butler, Rangers Department on SLEC. Report from Danny Barney, ECO and Jacob Brock, COO of Sacred Mountain Medical Services, Navajo Owned ground ambulance transport company. Three legislations were considered and forward to the next committees. LOC meeting started at 10:07 AM and ended at 3:55 PM

- April 27, 2016
Meeting Site: Aneth Chapter House, Aneth, Utah
Report from Susie Martin, Court Administrator, Aneth Judicial Branch. Four legislations were on the agenda, one was tabled, one was approved and LOC is the final approval and one with no sponsor and the last one was referred back to Chief Justice and DPS. LOC meeting started at 9:59 AM and ended at 11:56 AM.

- May 9, 2016
Meeting Site: North Conference Room, Window Rock, Az
Report from Seth Damon, Chairperson, B&F Committee. Report from Rodger Martinez, Retirement Program regarding retirement and salary issue. Report from Jesse Delmar, Executive Director, DPS regarding Amber Alert. Report from Acting Chief Justice Allen Sloan. Three legislation were approved and move forward to the next committees. LOC meeting started at 10:37 AM and ended at 2:02 PM. Also a work session was held between LOC and B&FC at the Attorney General's Conference Room.

- May 17, 2016

Meeting Site: North Conference Room, Window Rock, Az
 Report by Jesse Delmar, Executive Director, DPS on Ambert Alert Task Force and others; Report by Chairman Yazzie regarding trip to Washington, DC; Update report by LOC members, Mr. Begay and Mr. Smith on their meeting with BIA Officials regarding 638 funding. Executive session was called to meet with Speaker LoRenzo Bates. LOC meeting started at 11:56 Am and ended at 3:12 PM
- May 23, 2016

Meeting Site: North Conference Room, Window Rock, Az
 Report by Bessie Allen, Pinon Chapter President and Evelyn Meadows, Chapter Vice President regarding shooting near and around schools. Also Ms. Sherry Mitchell, School Principal at Pinon Community School gave a report. Report from Lavonne Yazzie, Court Administrator of Kayenta Judicial Court, a proposal was submitted to LOC and to be forward to Sihasin Subcommittee and requesting for a new Court Facility. One legislation was approved and move forward with amendments. LOC meeting started at 10:07 a.m. and adjourn at 2:20 PM.
- May 25, 2016

Meeting Site: BIA/OJS Office in Albuquerque, NM
 The LOC met with BIA/OJS Officials in regards to 638 Funding, Salary Increase for Tribal Law Enforcement. Budget will be submitted with corrections and there will be an update meeting on July 7th or 8th. LOC meeting started at 10:02 AM and ended at 11:43 PM. (Other concerns were bed space to be paid by BIA as a rental fee, facilities plan review and inspections & certificate of occupancy).
- June 7, 2016

Meeting Site: Tohajiilee Community School, Tohajiilee, NM
 Round table discussion between Jesse Delmar, Exec. Director- DPS, Delores Greyeyes, Department of Corrections, Douglas Joe, Criminal Investigation, Ronald Silversmith, Department of Internal Affairs, Charlotte Bighthumb, Department of Personnel, Larry Chee, Fire Chief, Christine Chavez, OMB and Sharon Pinto, Regional Director with BIA, Gallup, NM. Working on Navajo Nation Police Officers pay, the LOC found out that they are below the pay scale. This also covers Police Chief along with updating the benefits, salary competitive, provide direct services and need more Police Officers and Criminal Investigators. LOC meeting started at 12:27 and adjourn at 3:51 PM.
- June 13, 2016

Meeting Site: North Conference Room, Window Rock, Az
 Report made by Kaibeto Chapter Officials and Council Delegate Tuchoney Slim, Jr. regarding DPS proposal for Kaibeto Community. Report from Acting Chief Justice Allen Sloan on overview of Judicial Branch Operation, Justice & Judges vacant positions, pending Judges confirmation and preparing for FY 2017 Budget Process. LOC meeting started at 10:07 AM & adjourn at 5:14 PM.

- June 22, 2016 Meeting Site: North Conference Room, Window Rock, Az
A motion was made to suspend the floor rules to consider legislations first and will go back to reports. Six resolutions were approved and moved forward to the next committee. Report given by Jesse Delmar, Exec. Director of DPS. Report by Hon. Seth Damon regarding the budget. LOC meeting started at 10:33 AM and adjourn at 4:34 PM.

- June 27, 2016 Meeting Site: Pinon Chapter House, Pinon, Az
Report from Pinon Chapter Officials Bessie Allen, Chapter President and Evelyn Meadows, Vice President and School Official. Report from Chinle Police District Commander. Report from Dzil Yijjin District Court, Arlene Lee, Court Administrator. Report. Report from Cordell Shortey, Contracting Officer, Contracts & Grants regarding Salary, O&M, Annual Contract Agreement Process. Report from NN Emergency Medical Services. LOC meeting started at 10:04 AM and adjourn at 3:25 PM.

- June 28, 2016 Meeting Site: Dine College Board of Regents Conference Room, Tsaile, Az
The Law and Order Committee met with Jesse Delmar, Executive Director, DPS, Board of Regents, Greg Bigman, Dine College Board of Regents and other Officials from Dine College regarding the usage of Dine College facility for Police Officers. LOC meeting started at 10:03 AM and adjourn at 12:10 PM.

**RESOLUTIONS OF THE
LAW AND ORDER COMMITTEE**

April – June, 2016

April 26, 2016

LOCAP-04-16

An Action Relating to Law and Order; Approving an Allocation of Five Hundred Twenty-Four Thousand Three Hundred Thirty-Three Dollars (\$524,333) Judicial/Public Safety Facilities Fund, Business Unit Number 1310, to the Kayenta Multi-Purpose Building, Business Unit Number New, to Construct and Install an 180,000-Gallon Water Tank for the Kayenta Multi-Purpose Justice Center

Motion Hon. Kee A. Begay, Jr.

Second: Hon. Raymond Smith, Jr.

Vote: 2 in favor 0 opposed

June 13, 2016

LOCJN-05-16

An Action Relating to Law and Order Committee; Directing the Navajo Nation President and the Navajo Division of Public Safety Executive Director to promptly hire a Police Chief within Thirty (30) Days

Motion: Hon. Otto Tso

Second: Hon. Jonathan Perry

(Presided by Hon. Raymond Smith, Jr.)

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

THIRD QUARTER REPORT

FISCAL YEAR 2016

April 2016 to June 2016

PRESENTED TO
THE NAVAJO NATION COUNCIL
SUMMER SESSION

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

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

INTRODUCTION

This report identifies areas of Health, Education and Human Services Committee oversight activities and accomplishments during the Third Quarter of 2016 Fiscal Year, which includes the months of April, May and June 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

<u>Members</u>	<u>Chapters</u>
Jonathan L. Hale, Chairperson	Oak Springs/ Saint Michaels
Norman M. Begay, Vice Chairperson	Alamo/ Ramah / Tohajilee
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 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 Third Quarter, the Health, Education and Human Services Committee received the following reports:

April 2016

SPECIAL MEETING April 6, 2016 (*In Lieu of Regular Meeting April 18, 2016*)

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona – no receiving reports .

REGULAR MEETING; April 11, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): March 21, 2016; March 28, 2016; April 6, 2016

1. Report on Inter-facility Ambulance Transport Services from Sacred Mountain Medical Services *Presenter: Jacob Brock, COO, Sacred Mountain Medical Services*
2. Report from Molina Health Care *Presenter: Leonard Joe, Molina Health Care*
3. Report and Discussion with NAAA Staff regarding ongoing issues and concerns relating to NAAA Senior Centers throughout Navajo Nation *Presenters: Honorable Amber Kanazbah Crotty; Lucinda Martin, Delegated Health Service Administrator*

4. Consideration to attend meeting with NDOH on April 20, 2016, NDOH East Conference Room, WR, AZ at 9:00 a.m.

SPECIAL MEETING April 12, 2016 *(In Lieu of Regular Meeting April 25, 2016)*

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

5. Update Report to Review Data and Discussion with Na'Nizhoozhi' Center, Incorporated (NCI) *Presenter: Dr. Kevin Foley, Na'Nizhoozi' Center, Inc.*

May 2016

SPECIAL MEETING; May 2, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

6. External Reports: Introduction by Arbin Mitchell, Chief of Staff, OPVP
7. External Reports: OMB Close-out Procedures, Cordell Shortey, Contracting Officer, OMB
8. External Reports: OOC External Funds Reversion Report, Laura Johnson, Manager, OOC
9. External Reports: Division of Human Resources (DHR)
 1. Director's External Budget Overview
 2. HEHSC Discussion/Action
10. External Reports: Navajo Department of Health (NDOH)
 1. Director's External Budget Overview
 2. HEHSC Discussion/Action
11. External Reports: Department of Dine Education (DODE)
 1. Director's External Budget Overview
12. HEHSC Discussion/Action
13. Consideration to attend 2016 DHHS Navajo Regional Tribal Consultation, Wednesday, May 4, 2016, NN Museum Auditorium, Window Rock, AZ
14. Consideration to attend Tribal Diabetes Symposium, Thursday, May 12, 2016, Arizona Department of Health Services, Black Canyon Conference Center, All Sessions in Sonoran Ballroom, 9440 N. 25th Ave, Phoenix, AZ 85021 8:30am – 4:00pm

SPECIAL MEETING; May 3, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

15. External Reports: Division of General Services (DGS)
 1. Director's External Budget Overview
 2. HEHSC Discussion/Action

16. External Reports: Division of Social Services (DSS)
 1. Director's External Budget Overview
 2. HEHSC Discussion/Action

REGULAR MEETING; May 9, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): April 11, 2016; April 12, 2016

17. Report on Chapter Positions Compensation and Classification Study Presentation
Presenters: Elizabeth Begay, Auditor General, Office of the Auditor General; Reycita Toddy, Acting Personnel Director, Department of Personnel Management
18. Report from Gallup McKinley County School Board
Presenters: Gallup McKinley County School Board Members
19. Report Regarding An Action Relating to HEHSC And Naa'bik'iyati'- To Support The Navajo Nation Health Survey (NNHS) And To Streamline A Funding Mechanism To Administer The Survey Annually Or Biannually (every other year) within the five (5) Navajo Nation Agencies
Presenters: Del Yazzie, MPH, Acting Director/ Epidemiologist; and Navajo Epidemiology Center Staff, NDOH
20. Consideration to schedule a follow-up meeting with Na'Nizhoozhi' Center, Incorporated (NCI); OPVP; Other Stakeholders (*Note: Letter dated 4.18.16 from HEHSC requesting a meeting was hand-delivered to OPVP during the NNC Spring Session*)
21. Consideration to change meeting location to Office of Dine YOUTH Center Conference Room, Fort Defiance, Arizona for HEHSC Regular Meeting Monday, May 16, 2016 at 10am
22. Consideration to reschedule (*In Lieu of*) Monday, May 30, 2016 HEHSC Regular Meeting due to Memorial Day Holiday
23. Consideration to attend National Indian Health Board Medicare, Medicaid, and Health Reform Policy Committee (MMPC) Meeting, Monday June 14, 2016 1:00 PM – 6:00 PM EDT, Holiday Inn Express 920 Broadway, Nashville, TN 37203
24. Consideration to attend Arizona Department of Education's 10th Annual Leading Change Conference, June 28-30, 2016, JW Marriott Starr Pass Resort, Tucson, Arizona

REGULAR MEETING; May 16, 2016

PLACE: Office of Dine YOUTH Center Conference Room, Fort Defiance, Arizona

25. Report on Diabetes Research Findings: Diabetes Prevention Program Outcomes Study (Diabetes Prevention) and Look AHEAD (Diabetes Treatment) for Shiprock Area of the Navajo Nation *Presenter: William C. Knowler, MD, DrPH, Chief, Diabetes Epidemiology and Clinical Research Section, National Institute of Diabetes and Digestive and Kidney Diseases, Phoenix, AZ*
26. Report on House Proposal For Former Bennett Freeze Community Members *Presenters: Cindy S. Covey, Community Chair, Tonalea Community Development Committee, Subcommittee of Tonalea Chapter Western Agency; Honorable Tuchoney Slim, Jr.*
26. Report from Office of Dine YOUTH *Presenter: Ronald Duncan, MPP, Department Manager I, Office of Dine' YOUTH, DODE*
28. Review of HEHSC Budget with committee members
29. Amber Alert Discussion with committee members.
30. Consideration for travel to attend Richfield Utah Graduation Activities.
31. Consideration for travel to attend work session at Fort McDowell, AZ with Winslow Indian Health Care Center for review of WIHCC Annual Report.
32. Consideration for HEHSC Advisor to submit memo to Speaker for a Sexual Assault Subcommittee to develop policies, etc.

REGULAR MEETING; May 23, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): May 9, 2016; May 16, 2016

33. Report from Navajo Nation Human Research Review Board Regarding Plan Of Operation; and other NNHRRB Issues *Presenters: Beverly Becenti-Pigman, NNHRRB Chairperson; Michael Winney, Administrative Assistant, Office of Planning, Research and Evaluation, NDOH*
34. Report on Potential Navajo Nation Health Economic Opportunity *Presenter: Roselyn Begay (Note: Deleted off the agenda)*
35. Report from Veterans regarding issues and concerns.
36. Report regarding Legislation 0078-15 per request from Honorable Kee Allen Begay.

37. Consideration to schedule an Oversight Meeting with Veterans 5 Agency Commanders and Veterans Advisory Council; DOJ; Significant Others
38. Consideration to attend 'Meet and Greet' with Region IX Office of Child Support Enforcement San Francisco, CA scheduled for May 26, 2016 Window Rock, AZ
39. Review of HEHSC Budget with Office of the Speaker Finance Staff.

SPECIAL MEETING; May 31, 2016 (*In Lieu of Regular Meeting May 30, 2016*)

PLACE: Joe & Rena Ellis's Church White Mesa, Arizona (Tonalea Store, North on Route 21, Mile Post 10, Left 1 mile past railroad tunnel)

40. Site Visit & Update Report on House Proposal For Former Bennett Freeze Community Members *Presenters: Cindy S. Covey, Community Chair, Tonalea Community Development Committee, Subcommittee of Tonalea Chapter Western Agency; Honorable Tuchoney Slim, Jr.*
41. Chinle Veterans Report *Presenter(s): Honorable Nelson BeGaye; Chinle Agency Veterans*

June 2016

WORK SESSION MEETING; June 7, 8,9,10, 2016

PLACE: We-Ko-Pa Resort and Conference Center, Fort McDowell, Arizona

42. Work Session with Winslow Indian Health Care Center (WIHCC)

REGULAR MEETING; June 13, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): May 23, 2016; May 31, 2016

43. Report on CCDF Tribal PrePrint Plan *Presenters: Grace Boyne, Program Manager, Navajo Child Care Development Fund Program; Terrelene Massey, Esq., Division Director, Navajo Nation Division of Social Services*
44. Follow up Report from Office of Dine YOUTH *Presenter: Ronald Duncan, MPP, Department Manager I, Office of Dine' YOUTH, DODE (Note: Per HEHSC - May 16, 2016 for ODY to return for follow-up)*
45. Consideration to attend Department of Self Reliance General Staff Meeting, Drury Inn Hotel and Conference Center, July 21-22, 2016, NAU University Campus, Flagstaff, Arizona
46. Consideration to schedule Navajo Nation FY 2017 General Fund Budget Process Review as Oversight – begins August 2016
47. Consideration to meet with Navajo Technical University (NTU) at Crownpoint, New Mexico in August 2016

48. Consideration for RDC, LOC, HEHSC Joint Committee Meeting, Wednesday, June 29, 2016 10am (Location to be determined)
49. Sexual Assault Report from Dr. Christine Benally.
50. Consideration to attend New Mexico Tribal Leader's Summit, Thursday, Friday, June 14-15, 2016.

REGULAR MEETING; June 20, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): June 13, 2016

51. Networks Among Tribal Organizations for Clean Air Policies Research Project Report *Presenter: Dr. Patricia Nez Henderson, M.D., M.P.H Vice President Blackhills Center for American Indian Health*
52. Report from NAAA regarding 1) Merger of Senior Centers – update; and 2) FY 2017 NAAA Budgets – update *Presenters: Lucinda Martin, Health Services Administrator, NAAA ;NAAA Staff; Honorable Amber Kanazbah Crotty*
53. Update Report on Chief of Police Issue with Department of Personnel Management (DPM) and Division of Public Safety (DPS) *Presenters: Reycita Toddy, Acting Personnel Director, Department of Personnel Management (DPM); Jesse Delmar, Executive Director, Division of Public Safety (DPS); Honorable Jonathan L. Hale*
54. Consideration for next HEHSC meeting to be held at TeeNosPos – request from Honorable Davis Filfred dated June 15, 2016
55. Consideration to schedule Utah Navajo Health System, Inc. (UNHS) Annual Report (location, time, place)
56. Discussion of FY 2017 Comprehensive Budget.
57. Request from Honorable Nelson BeGaye for an update on HEHSC Budget.

SPECIAL MEETING; June 22, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

58. Discussion with Navajo Veterans regarding Issues & Concerns

REGULAR MEETING; June 27, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

REVIEW AND ADOPT THE JOURNAL(S): June 20, 2016

59. Report on Navajo Area Annual 2014 HIV Epidemiology Report & HIV Procedures Manual & Information on Zika Transmission, Causative Agent(s), Occurrence, Reservoir, Transmission, Risk Groups and Prevention *Presenters: Philene Herrera, Program Manager, Health Education Prevention, NDOH; David Nez; Support Staff*
60. Report on “Cultural Elements Underlying the Community Health Representative – Client Relationship in Navajo Nation” and “Strengthening the role of Community Health Representatives in the Navajo Nation” *Presenter: Dr. Sonya Shin, Principal Investigator; Christian Brown, COPE Program | PCORI Coordinator*
61. Report on Childhood Asthma on the Navajo Nation *Presenters: Peter Nez, National Jewish Health*
62. Report and Discussion with NBOE & DODE regarding Accreditation Issues/Concerns for School(s) within the Navajo Nation *Presenters: Dr. Pauline Begay, Board President, Navajo Board of Education (NBOE); Dr. Tommy Lewis, Superintendent of Schools, Department of Dine Education (DODE); Department of Justice (DOJ); Honorable Jonathan L. Hale*
63. Consideration to reschedule July 18, 2016 HEHSC Regular due to Navajo Nation Summer Session
64. Committee discussion regarding potential FY 2017 Comprehensive Budget Cuts.

Joint Meeting with RDC, LOC, HEHSC

Place: Navajo Nation Council Chamber, Window Rock, Arizona

65. Joint Meeting Discussion with RDC, LOC, HEHSC regarding Legislation 0008-16

RESOLUTIONS

The Health, Education and Human Services Committee considered several legislations during the Third 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

April 2016

SPECIAL MEETING; April 6, 2016 (*In Lieu of Regular Meeting April 18, 2016*)

PLACE: Navajo Nation Council Chamber Window Rock, Arizona

1. **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)
2. **Legislation 0091-16** An Action Relating To Health, Education and Human Services, Naabik'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)
3. **Legislation 0094-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting And Recommending Approval Of Proposed Rule RIN 0905AC97, Catastrophic Health Emergency Fund, 42 CFR Part 136 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 04, 2016)

(Note: Deleted of April 6, 2016 HEHSC regular meeting agenda for additional comments on impact of legislation 0094-16)

REGULAR MEETING; April 11, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

4. **Legislation 0106-16** An Action Relating To Health, Education and Human Services And Budget Finance Committee; Approving The Plan For The Expenditure Of Revenues for the Office Of Navajo Nation Library **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 10, 2016)
5. **Legislation 0107-16** An Action Relating To Health, Education and Human Services, Budget And Finance, Naabik'iyati' And Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance In The Amount Of Three Million, Five Hundred Fifty Eight Thousand, Eight Hundred Fifty Six Dollars (\$3,558,856) For The Navajo Head Start, Business Unit 109019, As A Cash Match Requirement For Federal Financial Assistance Grant For FY 2015 To FY 2016 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 10, 2016)
6. **Legislation 0113-16** An Action Relating To Health, Education and Human Services Committee, Budget And Finance, Naabik'iyati' And Navajo Nation Council; Approving Intergovernmental Agreement With The State Of Arizona For Grant In The Amount Of \$200,000 Entitled "Parents As Teachers Home Visiting Model For Maternal, Infant, Early Childhood Home Visiting Program" **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 11, 2016)

SPECIAL MEETING April 12, 2016 (*In Lieu of Regular Meeting April 25, 2016*)
PLACE: Budget and Finance Committee Conference Room, Window Rock, Arizona

7. **Legislation 0102-16** An Action Relating To Health, Education and Human Services; Amending The Navajo Nation Personnel Policies Manual **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 7, 2016)

May 2016

SPECIAL MEETING; May 2, 2016
PLACE: Navajo Nation Council Chamber
Window Rock, Arizona – no legislations considered

SPECIAL MEETING; May 3, 2016
PLACE: Navajo Nation Council Chamber
Window Rock, Arizona – no legislations considered

REGULAR MEETING; May 9, 2016
PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

8. **Legislation 0094-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting And Recommending Approval Of Proposed Rule RIN 0905AC97, Catastrophic Health Emergency Fund, 42 CFR Part 136 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 04, 2016); (*Note: Deleted off April 6, 2016 HEHSC regular meeting agenda to receive additional comments on impact of legislation 0094-16*)
9. **Legislation 0109-16** An Action Relating To Health, Education and Human Services Committee; Approving Budget Modification In The Amount Of \$100,000 For Employee Housing Program, Proprietary Fund, Business Unit No. **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 10, 2016)
10. **Legislation 0111-16** An Action Relating To Law And Order, Health, Education and Human Services And Naabik'iyati Committees; Supporting The National Institute Of Justice Violence Against Women National Baseline Study **Sponsor: Honorable Edmund Yazzie** (Note: Eligible For Committee Action April 11, 2016)
11. **Legislation 0115-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Urging the U.S. Department Of The Interior To Reconsider A School Construction Application Submitted By Shonto Preparatory School **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 13, 2016)
12. **Legislation 0120-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting Findings And Recommendations Of U.S. General Accounting Office Regarding Safety And Health At Bureau Of Indian Education Facilities, GAO Report GAO-16-313 **Sponsor: Honorable Jonathan L. Hale**

13. **Legislation 0124-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting And Recommending The Passage Of S.2564, A Bill Introduced In The United States Senate Entitled "Dine College Act Of 2016" **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 21, 2016)
14. **Legislation 0131-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting Proposed Federal Regulation Entitled "Recognition Of Organizations" **Sponsor: Honorable Norman M. Begay** (Note: Eligible For Committee Action April 26, 2016)
15. **Legislation 0132-16** An Action Relating To Health, Education and Human Services'; Appointing a Shareholder Representative To The Navajo Times Publishing Company, Inc. **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 26, 2016)

REGULAR MEETING; May 16, 2016

PLACE: Office of Dine YOUTH Center Conference Room, Fort Defiance, Arizona

16. **Legislation 0136-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Concurring with Dine Bi Olta School Board Association In Opposing U.S. Senate Bill 2580 Entitled "Reaffirming American Indian Standards Of Education Act of 2016" **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 2, 2016)
17. **Legislation 0121-16** An Action Relating To Health, Education and Human Services, Resources And Development, Naabik'iyati' Committees; Opposing Hydraulic Fracturing Within The Navajo Nation **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action April 19, 2016)
18. **Legislation 0137-16** An Action Relating To Law And Order, Health, Education and Human Services And Naabik'iyati' Committees; Requesting The United States Attorney General Loretta E. Lynch's Office To Investigate The Winslow Police Department In Response To The Shooting Of Loreal Tsingine A Tribal Member Of The Navajo Nation By A Winslow Police Officer **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 2, 2016)
19. **Legislation 0139-16** An Action Relating To Health, Education and Human Services; Approving The Dine Bi Olta School Board Association's Proposal To Re-Contract To Continue Administering Bureau Of Indian Affairs And Bureau Of Indian Education Contract Funds Under Public Law 93-638, Indian Self-Determination Act, For The Period Of July 1, 2016 And Ending June 30, 2019 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 10, 2016)

20. **Legislation 0142-16** An Action Relating To Health, Education and Human Services And Naabik'iyati; Supporting The State Of Utah In Its Grant Application Submitted Pursuant To Funding Opportunity Entitled "State And Tribal Indian Child Welfare Act Implementation Partnership Grants" As Administered By The U.S. Department Of Health And Human Services, Administration For Children And Families **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 10, 2016)
21. **Legislation 0143-16** An Action Relating To Health, Education and Human Services And Naabik'iyati; Supporting Comments By Dine Bi Olta School Board Association Concerning Proposed Senate Bill 2711 Entitled "Native American Education Opportunity Act" **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 10, 2016)
22. **Legislation 0145-16** An Action Relating To Health, Education and Human Services And Naabik'iyati; Supporting United States Senate Bill S.2468, "Safe Academics Facilities And Environments For Tribal Youth Act" **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 10, 2016)
23. **Legislation 0146-16** An Action Relating To Health, Education and Human Services And Naabik'iyati Committees; Approving Dine Bi Oltal School Board Association, Inc. Position Statement On The Bureau Of Indian Education Budget For Fiscal Year 2017 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 10, 2016)

REGULAR MEETING; May 23, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

24. **Legislation 0151-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Requesting The Navajo Area Indian Health Services And The U.S. Department Of Health And Human Services To Permit The Navajo Nation Emergency Medical Services Use Of Adequate Office Space At The Tohatchi Health Center (IHS) **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 16, 2016)
25. **Legislation 0152-16** An Action Relating To Health, Education and Human Services And Naabik'iyati'; Supporting The Navajo Nation Department of Health Policies and Recommendations **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 16, 2016)
26. **Legislation 0148-16:** An Action Relating to Resources and Development, Health, Education and Human Services, Budget and Finance, Naabik'iyati Committees And the Navajo Nation Council; Approving Supplemental Funding From The Unreserved, Undesignated Fund Balance in the Amount of Two Million Dollars (\$2,000,000) for the 110 Navajo Nation Chapter's Summer Youth Employment **Sponsor: Honorable Seth Damon**

SPECIAL MEETING May 31, 2016 *(In Lieu of Regular Meeting May 30, 2016)*

PLACE: Joe & Rena Ellis's Church White Mesa, Arizona (Tonalea Store, North on Route 21, Mile Post 10, Left 1 mile past railroad tunnel)

27. **Legislation 0159-16** An Action Relating To Health, Education and Human Services; Resources and Development; and Budget and Finance Committees; Approving The Healthy Dine Community Wellness Development Project Guideline and Distribution Policy **Sponsor: Honorable Jonathan L. Hale**

REGULAR MEETING; June 13, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

28. **Legislation 0160-16** An Action Relating To Health, Education and Human Services and Naabik'iyati'; Supporting United States Senate Bill S.2304, "Tribal Early Childhood, Education, And Related Services Integration Act Of 2015 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 25, 2016)
29. **Legislation 0161-16** An Action Relating To Health, Education and Human Services, Budget and Finance, Naabik'iyati' And The Navajo Nation Council; Approving Supplemental Funding For Phoenix Indian Center, Inc. From The Unreserved, Undesignated Fund Balance In The Amount Of \$148,325.00 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 25, 2016)
30. **Legislation 0162-16** An Action Relating To Health, Education And Human Services, Budget And Finance And Naabik'iyati'; Supporting Navajo Nation Office Of Special Education And Rehabilitation Services' in Its Grant Application For \$428,000.00 To The State Of Arizona For Home Visiting And Infant Development Services; Approving 10% Indirect Cost Rate **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action May 29, 2016)
31. **Legislation 0173-16** An Action Relating To Health, Education And Human Services And Naa'bik'iyati Committees; Requesting The United States Congress Appropriate Funds To Construct A Navajo Code Talkers National Monument In The Nation's Capital (Washington, D.C.) **Sponsor: Honorable Edmund Yazzie** (Note: Eligible For Committee Action June 01, 2016)(Note: typo correction should read "Honorable Edmund Yazzie")
32. **Legislation 0175-16** An Action Relating To Health, Education And Human Services, Budget And Finance, Naa'bik'iyati And The Navajo Nation Council; Approving Supplemental Funding For Navajo Nation Office Of Dine Youth From The Unreserved, Undesignated Fund Balance In The Amount Of \$610,931.00 **Sponsor: Honorable Jonathan L. Hale** (Note: Eligible For Committee Action June 02, 2016)

REGULAR MEETING; June 20, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

33. **Legislation 0163-16** An Action Relating to Law and Order, Health, Education and Human Services and Naabik'iyati' Committees; Requesting the United States Congress to Amend 42 CFR 435.1009 to Authorize Medicaid Reimbursement for Outpatient Services Provided to Incarcerated Individuals by Indian Health Services
Sponsor: Honorable Otto Tso
34. **Legislation 0164-16** An Action Relating to Law and Order, Health, Education and Human Services; Naabik'iyati' Committees; Requesting a Memorandum of Agreement between the United States Public Health Services and the Bureau of Indian Affairs to Assign a Commissioned Corps Officer to the Navajo Nation Correctional Facilities to Provide Health Care to those Incarcerated
Sponsor: Honorable Otto Tso
35. **Legislation 0186-16** An Action Relating to Health, Education and Human Services, Law And Order, Naabik'iyati Committees; And Navajo Nation Council; Approving The Amendments To Title 15 N.N.C. §§ 1201 Thru 1209 And Authorizing the Navajo Technical University To Amend Its Articles of Incorporation
Sponsor: Honorable Jonathan L. Hale (Eligible for Committee Action June 14, 2016) (Note: Withdrawn by Sponsor)
36. **Legislation 0189-16** An Action Relating to Health, Education and Human Services And Naabik'iyati Committees To Proclaim The Second Week of July As Sihasin For Healthy Communities Week
Sponsor: Honorable Alton Joe Shepherd; Co-Sponsor: Honorable Tuchoney Slim, Jr. (Eligible for Committee Action June 16, 2016)

SPECIAL MEETING; June 22, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona-no legislations considered

REGULAR MEETING; June 27, 2016

PLACE: Navajo Nation Council Chamber, Window Rock, Arizona

37. **Legislation 0166-16** An Action Relating to Law and Order, Health, Education and Human Services, Naabik'iyati' Committees and the Navajo Nation Council; Amending 15 N.N.C. 303(B), Navajo Nation Labor Commission Organization Section
Sponsor: Honorable Dwight Witherspoon
38. **Legislation 0197-16** An Action Relating to Health, Education and Human Services; Amending The FY 2016 Budget Of The Office Of Navajo Nation Scholarship And Financial Assistance From \$2,800,000.00 to \$4,490,294.00
Sponsor: Honorable Jonathan L. Hale (Note: Eligible for Committee Action June 27, 2016)

Joint Meeting with RDC, LOC, HEHSC

Place: Navajo Nation Council Chamber, Window Rock, Arizona

- 39. Legislation 0008-16** An Action Relating To Resources and Development Committee, Budget and Finance Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$832,698.00 for the Rebuilding of 27 homes destroyed by the Assayi Lake Fire and the Purchase of Hay and Fee to Provide for Livestock owned by permittees affected by the Assayi Lake Fire; Waiving 12 N.N.C. §820(I) and 860(C) Relating to the Capital Improvement Process. (Note: Joint Meeting Discussion with RDC, LOC & HEHSC members)

3rd Quarter Report
 Health, Education, and Human Service Committee
 April, May, June 2016

DATE	MEETINGS				HEARINGS				RESOLUTIONS					Location of Meeting	
	REGULAR	SPECIAL	SUB COMMITTEE	JOINT MEETING	OVERSIGHT/PUBLIC HEARINGS	BUDGET HEARINGS	ADMINISTRATIVE HEARINGS	TRAINING/WKSN.	Approved (Resolutions)	DISAPPROVED	TABLED	LEGISLATIONS	Oral Reports, Travels, Budgets, Other Business, Excerpts Request Received & Transcription		JOURNALS
4/6/2016		1										3			NN Council Chambers, Window Rock, Arizona
4/11/2016	1											3	4	3/21 & 3/28/2016; 4/6/2016	NN Council Chambers, Window Rock, Arizona
4/12/2016		1									1	1	1		BFC Conference Room, Window Rock, Arizona
5/2/2016		1										9		recording inaudible	NN Council Chambers, Window Rock, Arizona
5/3/2016		1										2		recording inaudible	NN Council Chambers, Window Rock, Arizona
5/9/2016	1										8	8	8	4/11 & 12/2016	NN Council Chambers, Window Rock, Arizona
5/16/2016	1										8	8			Ft. Defiance DOY, Ft. Defiance, Arizona
5/23/2016	1							1			3	7	1	5/9 & 5/16/16	NN Council Chambers, Window Rock, Arizona
5/31/2016		1									1	2			White Mesa, Arizona
6/7/2016							1					1			Ft. McDowell, Arizona
6/13/2016	1										5	8		5/23 & 5/31/16	NN Council Chambers, Window Rock, Arizona
6/20/2016	1										4	7	1	6/13/2016	NN Council Chambers, Window Rock, Arizona
6/22/2016		1										1	1		NN Council Chambers, Window Rock, Arizona
6/27/2016	1										2	6	1	Approved 7/6/16	NN Council Chambers, Window Rock, Arizona
6/29/2016				1							1	1		Approved 7/6/16	NN Council Chambers, Window Rock, Arizona
TOTAL	7	6	0	1	0	0	0	1	1	0	0	39	65	5	

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

FY 2016

PART I. PROGRAM INFORMATION:

Business Unit No.: 101030

Program Name/Title: _____

Health, Education & Human Services

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:

Improve Veterans policies and regulations.

Goal Statement:

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

2	5	2	4	2	6	2	
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2. Program Performance Area:

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

Goal Statement:

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

4	7	4	12	4	14	5	
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3. Program Performance Area:

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

Goal Statement:

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

3	3	3	5	3	6	3	
---	---	---	---	---	---	---	--

4. Program Performance Area:

National policy development on Native American Health, Education, Social Services issues.

Goal Statement:

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

2	3	2	3	2	13	2	
---	---	---	---	---	----	---	--

5. Program Performance Area:

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

Goal Statement:

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

3	4	3	10	3	17	3	
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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

 7/7/16



Program Manager's Printed Name and Signature/Date

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

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



**Third Quarter Report
Fiscal Year 2016**



July 6, 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 Third Quarter Report to the 23rd Navajo Nation Council.

This quarter, Resources and Development Committee held a series of meetings with both Division of Community and Division of Economic Development Division Directors discussing the need to enhance chapter governments and economic developments for the Navajo Nation. As well, as meeting with NDOT, BIA and reviewing policies and procedures to enhance the Navajo Nation road system.

In closing, the Resources and Development Committee extends appreciation to the Divisions and NN Leadership in striving to enhance services for our Navajo people.

Sincerely,

A handwritten signature in black ink, appearing to read "Alton Joe Shepherd", written over a horizontal line.

**Honorable Alton Joe Shepherd, 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

THIRD QUARTER ACTIVITIES:

1. The Committee considered approximately 74 legislations that are under their oversight. Some legislations were referred to other assigned standing committees; while others were formulated into final resolutions accordingly.
2. On April 11, 2016, the Committee held a special meeting at TANCR, and met with the newly appointed Division of Economic Development Crystal J. Deschinny on the need for economic development on Navajo Nation. The Committee discussed with Ms. Deschinny the Council’s priorities and OPVP’s four pillars in working with DED and

OPVP to seek economic opportunities for the Navajo Nation. Ms. Deschinny requested for a follow-up meeting in amount three months with the committee to provide status report. She noted the Division is already staff with qualified personnel and will continue to work with them through her leadership. After the meeting with Ms. Deschinny, the Committee participated in the Economic Summit held at TANCR during that same time.

3. The Committee met with Leo Gishie of Department of Interior Tribal Transportation Department on May 24, 2016 at NDOT. Mr. Gishie provided an overview of the BIA Road Maintenance Program highlighting there is approximately 161,900 miles of existing and proposed roads in the NTTFI. Of the 161,900 miles, 150,100 are present, while others are proposed or are planned and have not been built. He noted the proposed roads are included for planning purposes. He also noted the total number of existing BIA miles is 29,600, with an estimated 2,600 bridges in Indian country across the country.
4. The Committee held a series of meeting with DNR, Minerals Department, NDOT, BIA and NECA discussing the Sand/Gravel burrow pits policies and procedures; this matter is an ongoing discussions until policies and regulations are streamlined.
5. On June 15, 2016, the Committee held a work session with Division of Community Development Carl Smith and his staff to discuss the Division's reorganization structure and merging of departments/programs to streamline the internal program services processes.
6. On June 24, 2016, RDC held a special meeting at Ts'ah Bii Kin Chapter to certify the Chapter's five management of policies and procedures. After the meeting, Navajo Nation Vice-President was in attendance at the celebratory event and spoke to the community people on the importance of moving forward with the chapter's certification for economic development.

REGULAR AND SPECIAL MEETINGS FOR FY 2016 – THIRD QUARTER:

**April 5, 016 Regular Meeting
Navajo Nation Council Chambers
Window Rock, Arizona**

RDC received three reports (1) Update Report from NN Solid Waste Program; (2) Report – US Environmental Protection Agency Region 9; and Audit Report on NN Tribal Ranches; Under New Business considered the following Legislations: Legislation # 068-16; Legislation # 0073-16; Legislation # 0074-16; Legislation # 0082-16; Legislation # 0084-16; Legislation # 0092-16; Legislation # 0093-16 and added to agenda Legislation # 0197-16. Other approved action items approved related to Committee travel; special meeting, work session and participation in upcoming conferences.

**April 11, 2016 Special Meeting
Twin Arrows Resort & Casino
Twin Arrows, Arizona**

RDC held a special meeting at TANCR at 1:00 p.m. Received one report – Report from Division of Economic Development Division Director Crystal J. Deschinny. Under New Business, the following Legislations were considered; Legislation # 0076-16; Legislation # 0098-16; Legislation # 0099-16; Legislation # 0100-16. Honorable Benjamin Bennett added a two reports relative to NM Road 491 Road Construction and Executive Order issued by the Former NN President Bennie Shelly”. Committee accepted the brief report and no actions nor discussions take on the matter, thereafter the Committee adjourned.

April 12, 2016 Regular Meeting

Regular Meeting cancelled and rescheduled to June 11, 2016 at TANCER as a special meeting.

**April 19, 2016 Regular Meeting
NNC Chambers
Window Rock, Arizona**

Regular Meeting cancelled due to the scheduling of the Navajo Nation Council – Spring Session.

**April 18 - 22, 2016 Navajo Nation Council – Spring Session
Window Rock, AZ**

RDC members participated in the NNC Spring Session which concluded on Thursday.

**April 22, 2016 RDC Regular Meeting
NNC Chambers
Window Rock, Arizona**

RDC held a special meeting after the conclusion of the Navajo Nation Council to address committee business. Received one report – Update report from Division of Community Development regarding the Division’s internal reorganization to provide better program services to the Navajo people and develop a tracking system for CIO/DES projects. Under New Business, the following legislations was considered: Legislation # 0096-16; Legislation # 103-16; Legislation # 0105-16; Legislation # 0122-16 and approved RDC to conduct their May 17, 2016 regular meeting at Black Mesa Chapter in Black Mesa, Arizona.

**April 26, 2016 RDC Regular Meeting
MV Visitor Center, Monument Valley, Utah**

RDC did not have a quorum to conduct their regular meeting; however, Chairman Shepherd called for a work session to have some discussion on the concerns of the Oljato Chapter relative to the management and operation of the Monument Valley tribal park. The Oljato Chapter and residents provided their reports on their issues and concerns and in response MV Park staff; NDOT and others were there to respond to the road issues; and tourism. Vice-President

Jonathan Nez arrived in the afternoon and he spoke to the community officials & residents as well. Recommendation was to have some continued discussion with the Parks and Recreation Department and Division of Natural Resources Division Director on several ongoing issues.

May 3, 2016 **Regular Meeting**
NNC Chambers
Window Rock, Arizona

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

May 10, 2016 **Regular Meeting**
NNC Chambers
Window Rock, Arizona

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

May 16, 2016 **Regular Meeting**
NDOT Nataani Conference Room
Tse Bonito, New Mexico

Received two reports: (1) NN E911 System; (2) Twin Arrows Family Entertainment Initiative; and one report deferred to next meeting due to unavailability of presenter. Under Old Business the following legislations considered: Legislation # 0203-15; Legislation # 0040-16; Legislation # 0064-16; Under New Business the following legislations were considered: Legislation 0067-16; Legislation # 0119-16; Legislation # 0123-16; Legislation # 0147-16; Legislation and other Committee activities approved was scheduling of a work session with NDOT.

May 17, 2016 **Regular Meeting**
NDOT Nataani Conference Room
Tse Bonito, NM

Received the following reports: Be for Green, LLC and Update Report from NAPI re: Sipon Breach. One report was deleted off the agenda by NHA Officials. Under Old Business the following was considered: Legislation # 0049-16; Legislation # 0057-16; and Under New Business the following legislations were considered: Legislation # 0095-16; Legislation # 0101-16; Legislation # 0118-16; Legislation # 0148-16; Legislation # 0119-16; and approved Committee activities relating to scheduling of work sessions.

May 24, 2016 **Regular Meeting**
NDOT Nataani Conference Room
Tse Bonito, NM

RDC received several reports: Tribal Transportation Director Leo Gishie; Internal Audit Report on NN Tribal Ranch Program Correction Action Plan Implementation; NN Lease with NAPI; Home Site Lease Regulation; NN Oil and Gas, Inc.; Resolute, Inc.; and Report from NN relative

to the Land Dispute issues Near Bluff, Utah. Under Old Business, the following legislations were considered: Legislation # 0096-16; Legislation # 0057-16; Under New Business, the following legislations were considered: Legislation # 0380-16; Legislation # 0095-16; Legislation # 0101-16; Legislation # 0110-16; Legislation # 0118-16; Legislation # 0135-16; Legislation # 0155-16; and Legislation # 0156-16.

May 31, 2016 **Regular Meeting**
NDOT Nataani Conference Room
Tse Bonito, New Mexico

Received one report from NAPI CEO relative to NAPI Master Lease; Under Old Business the following Legislation was considered: Legislation 0096-16; Under New Business the following legislations were considered: Legislation # 0101-16; Legislation # 0117-16; Legislation # 0168-16; Legislation # 0169-16; and approved a leadership meeting with NNLD, NDOT, DNR and Minerals and NECA; work session with Black Mesa Chapter; and approved Tsa'a Bii Kin's request to host RDC's special meeting for June 24, 2016 in Tsa'a Bii Kin, Arizona. Meanwhile, several legislations were deferred to the next regular meeting date due to unavailability of the sponsors.

June 7, 2016 **Regular Meeting**
NDOT Nataani Conference Room
Tse Bonito, New Mexico

Received several reports: ADOT Road issues and NN Tribal Road System Update; NN DIT Coordination with M&A Technology Relative to Designing a Solution for NN via Voice/Text/Broadcast/GPS Location During Emergency Situation; Report from Department of Fish and Wildlife; NN Fourth of July and NN Fair Update; TCRHCC Correctional Health; Lupton Chapter re: Referendum for AFOG Implementation; Under Old Business the following legislation was considered: Legislation # 0135-16; Under New Business the following legislations were considered: Legislation # 0095-16; Legislation # 0165-16; Legislation # 0167-16; Legislation # 0171-16; Legislation # 0159-16; and approved to schedule a joint meeting with LOC & HEHSC relative to Legislation # 0008-16, an action referred back from Navajo Nation Council.

June 14, 2016 **Aneth Chapter**
Aneth, Utah

Received a report from Navajo Land Department, BIA and Department of Agriculture regarding McCracken Mesa issues; and under New Business considered one legislation – Legislation # 0178-16.

June 21, 2016 **Regular Meeting**
NDOT Nataani Conference Room
Tse Bonito, New Mexico

Received one report – Sacred Mountain Medical Services; Under New Business, considered the following legislations: Legislation # 0176-16; Legislation # 0180-16; Legislation # 0182-16;

Legislation # 0183-16; Legislation # 0184-16; Legislation # 0187-17; Legislation # 0190-16; and approved the scheduling of a work session with NNDOT on June 30th and July 1st in ABQ, NM. One legislation was deferred to June 28th regular meeting.

**June 24, 2016 Special Meeting
Ts'ah Bii Kin Chapter
Ts'ah Bii Kin, Arizona**

Ts'ah Bii Kin Chapter Officials called to host RDC for a special meeting to consider Legislation # 053-16, an action that certified the Chapter's Five Management System Policies and Procedures. The meeting was held in conjunction with a community celebration as organized by the Chapter. Presiding Vice-Chairman Bennett formerly called meeting to order and conducted committee business accordingly. After the conclusion of the meeting, the Chapter held their celebratory activities and provided lunch for the officials and community. Vice-President Jonathan Nez was also present for the celebration.

**June 28, 2016 Regular Meeting
NDOT Nataani Conference Room
Tse Bonito, New Mexico**

Committee received two reports: LCRWCA; and Hard Rock/Pinon Chapter relating to 8031 Road Project. Under Old Business considered Legislation # 0182-16; Under New Business the following legislations were considered: Legislation # 0188-16; and Legislation # 0194-16; and approved to conduct the July 5th 2016 meeting at Newcomb Chapter at Newcomb, New Mexico.

**June 29, 2016 RDC/LOC/HEHSC Joint Meeting
Navajo Nation Council Chambers
Window Rock, Arizona**

Navajo Nation Council during the Spring Session referred Legislation # 0194-16 back to RDC with directives to conduct a joint meeting with LOC and HEHSC on whether the supplemental funding requested should be considered and to follow up on the pending investigation into the incident. The Departments presented their reports, however, it appears there was a lack of communication between the Departments to help pursue the initiative and to finalize the investigation to help determine whether there will be insurance compensation for families who suffered the loss of their summer camps in the Chuska Mountain. The three Committee chairperson issued another directive to the Departments to schedule a meeting and provide an immediate response on how the Navajo Nation Council should address the legislation.

WORK SESSION AND OTHER LEADERSHIP MEETING:

**April 12 - 13, 2016 Economic Summit
Twin Arrows Casino/Resort
Twin Arrows, Arizona**

RDC members participated in the Economic Summit held at TANCR.

**April 23, 2016 RDC Participation in NTUA Kayenta Solar Utility Farm Celebration
Kayenta, Arizona**

RDC members were invited to the celebratory event; however, due to conflicting meeting schedules Chairman Alton Joe Shepherd represented the Committee at the event.

**May 27, 2016 NNC Special Session
NNC Chambers
Window Rock, Arizona**

RDC members participated in the Navajo Nation Council Special Session held in the NNC Chambers in Window Rock, Arizona

**June 6, 2016 RDC/Forest Lake Chapter Work Session
Forest Lake, Arizona**

Forest Lake Chapter officials invited RDC to discuss concerns and issues surrounding the proposed NPL Range Management Units and the implementation of the grazing permits eligibility criteria.

**June 13, 2016 RDC/DED-RBDO Work Session
Karigan Estate Conference Room
St. Michaels, Arizona**

After tabling several legislations relatives to RBDO's termination or cancellation of business site leases, the Committee expressing concerns with the environmental cleanup liability that falls on Navajo Nation, the Committee requested for a work session on these issues. RBDO staff provided information on the internal process for application of a business site leases, the environmental cleanup process, if needed, termination of leases and subleasing procedures. RBDO staff indicated that when environmental or hazardous situation occurs, then the Navajo Nation EPA becomes involves in the process and work with the business owners to ensure all cleanup process happen. The RBDO staff stated that the program will repackage and re-initiate those legislations that were withdrawn and present to RDC for reconsideration in the near future.

**June 15, 2016 RDC/DCD Work Session
Twin Arrows Resort/Casino
Twin Arrows, Arizona**

RDC held a work session with Division of Community Development regarding their internal reorganization structure. Division Director Carl Smith, Jr. and staff presented an update on the initiative and presented the pros and cons of the reorganization. The process was initiated with the vision of streamlining program services and merging certain programs to ensure that chapter programs are not held up and moving forward. The presentation was conducted with a power point.

**June 16, 2016 RDC Work Session NDOT, BIA, NECA, Minerals, DNR
Twin Arrows Resort/Casino
Twin Arrows, Arizona**

RDC held a work session with DNR, Minerals, NDOT, NECA, BIA and other officials to have some continued dialogue on the development of Sand and Gravel pits on Navajo Nation. Each of the presenters provided information on their involvement in the processes of leases and the need to establish partnership with all the entities in developing sand and gravel, preparing for the NN's plan to develop road infrastructure in the near future. Minerals Department and DNR noted the importance of the fees assessed to these types of initiative because when all is said and done, the site needs to be reclaimed. When recommended reclamation fees are decreased, then that amount may not cover the full reclamation needed. In addition, any revenues generated from the fees, i.e., right of ways, etc., those are deposited into the general fund for future use by the Nation.

**June 22, 2016 RDC Work Session with Black Mesa Chapter
Black Mesa, Arizona**

The work session held at Black Mesa Chapter was to discuss the Chapter's request to complete the 8033 road to the Chapter and school compound. BIA, NDOT provided an update on the project, and according to RDC member Leonard Pete, he met with BIA officials in Gallup and apparently there are some documentation lacking for the initiative to continue. He encouraged the Chapter officials to submit those documents and that he would schedule a meeting with the BIA staff and requested the Chapter officials to be present when that meet is set. Community members and students presented on their view of the need to complete the road project to the school, as it has a direct impact on student attendance. During inclement weather, often students are held up in the bus for over four hours before getting homes. The student who presented also requested the Committee to seriously consider installing bridges or culvert for arroyos where bus crosses for the safety of the children. It was noted on rainy season, a car was stuck in the mud and the family had to immediately abandon their vehicle. The student's presentation included a power point that his pictures expresses the real need that's encountered by the community. In closing, he says always remembers pictures speaks louder than words.

RESOLUTION LISTING: (Available upon request.)



July 06, 2016

MEMORANDUM:

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

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

SUBJECT : 2016 3rd Quarterly Report

Attached is the 3rd Quarter Report, the Statistics for Office of Legislative Services Reporting Section for the month of April, May, and June 2016.

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

Attachments

2016

3rd QUARTERLY REPORT FOR
APRIL, MAY, AND JUNE

Regular	40
Special	18
Subcommittee	12
Joint	3
Oversight/Public	0
Budget	0
Others	
Training/Work Sessions	19
Approved Resolutions	96
Disapproved/Failed	7
Tabled/Referred	9
Committee Report	134
Reports (Oral)	235
Excerpts/Journal	37

**3rd Quarterly Report
April, May, June**

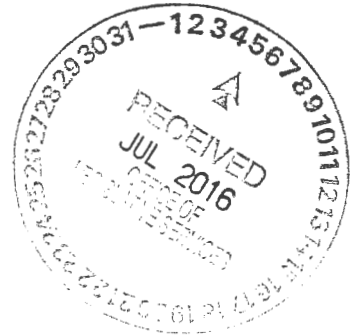
	Reg	Spec	S/C	Jt	O/S Public	BDGT	Adm Hrgs	Trng W/S &Conf	Appd Legis.	Disappd Legis/ Failed/ Deferred	Tabled/ Deleted Legis.	COM & Legis Reports	Oral Rpts/ Others	X-CERPTS AND/OR JRNLs
NNC														
April	4	0	0	0	0	0	0		11	3	1	0	6	4
May	2	0	0	0	0	0	0	1	5	0	0	0	0	1
June	0	1	0	0	0	0	0	1	0	1	2	0	0	0
NABI														
April	2	1	0	0	0	0	0	0	5	0	1	3	1	1
May	2	0	5	0	0	0	0	1	24	1	1	5	3	2
June	2	0	6	0	0	0	0	1	13	0	0	0	4	1
B&F														
April	2		0	0	0	0	0	2	3	0	0	8	17	3
May	1	1	0	0	0	0	0	1	4	0	0	7	10	0
June	2	1	0	0	0	0	0	0	8	0	1	5	17	0
HEHSC														
April	1	2	0	0	0	0	0	0	0	0	0	7	4	3
May	3	4	0	0	0	0	0	0	1	0	0	22	22	4
June	3	0	0	1	0	0	0	1	0	0	0	3	13	2
LOC														
April	3	0	0	0	0	0	0	0	0	0	0	6	18	0
May	3	2	0	0	0	0	0	0	0	0	0	6	17	0
June	3	2	1	1	0	0	0	1	0	0	1	9	27	0
RDC														
April	1	2	0	0	0	0	0	2	6	1	1	16	31	4
May	3	1	0	0	0	0	0	3	9	0	0	21	21	5
June	4	1	0	1	0	0	0	5	7	1	1	16	86	7
NHLC														
April														
May														
June														
Total	40	18	12	1	0	0	0	19	96	7	9	134	235	37

Subcommittees:

Sacred Site SC	2 meetings
Interagency SC	2 meetings
Title Two SC	2 meetings
Sihasin SC	4 meetings
Navajo Sexual Assault Prevention SC	1 meeting
	11 meetings

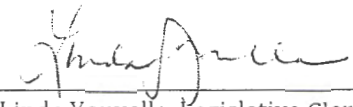


July 1, 2016



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 3rd Quarterly Report**

The Navajo Nation Council Delegates' Office (NNCDO) hereby submits the 2016 3rd Quarterly Report. The report covers the months of April, May and June 2016.

The office provides administrative support to members of the Navajo Nation Council, such as memorandum/letter writing, chapter reports, trip reports, meeting reports, etc.; travel arrangements, PCard reconciliation, mail services, logging in all incoming correspondences and receiving telephone calls; additional support covers preparation of supplemental budgets for NNC respective chapters or other entities; the NNCDO staff provide assistance with standing 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 the NNCDO staff provides is to the Office of Legislative Services staff, administration, advisors, reporting and Legislative District Assistants with 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 and making purchases by abiding by PCard Policies. NNCDO is charged with providing tours of the Navajo Nation Council chamber for interested parties, such as students, tourists, etc. on a daily basis.

The OLS Administration hired two (2) temporary employees who also assist the Navajo Nation Council, they are Mr. Dwight Carlston and Mr. Judd Hildreth, their employment is for the summer. The NNCDO has one (1) vacant position, which the Administration office is still working on filling, by abiding by the Navajo Nation Personnel Policies and Procedures Hiring Process.

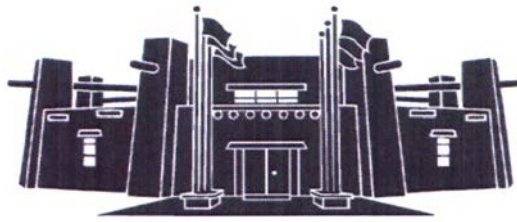
This concludes the Navajo Nation Council Delegates Office quarterly report.

ATTACHMENT

xc: File copy

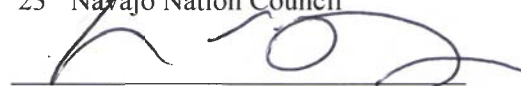
**REQUEST FOR SERVICES
COUNCIL DELEGATE'S OFFICE**

MONTH	April 2016	May 2016	June 2016
Navajo Nation Council Delegates	561	622	709
Legislative District Assistants	87	91	72
Navajo Nation Public	735	765	811
Legislative Branch Departments, i.e. OLS, Legislative Counsel, Office of the Speaker, other Navajo Nation departments, federal, state, county, etc.	132	157	162
PCard Reconciliations & Reviews	18	17	15
Others	1,778	1,366	1,624
TOTAL	3,311	3,018	3,393



MEMORANDUM

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

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

DATE : July 5, 2016

SUBJECT : Third Quarter Report for Fiscal Year 2016

I. CONTACT PERSON

Levon B. Henry, Chief Legislative Counsel

II. INTRODUCTION

The general duties and responsibilities of the Office of Legislative Counsel includes to report and be responsible to the Navajo Nation Council and to the Naabik'iyati' Committee of the Navajo Nation Council. Coordinate with the Department of Justice and other attorneys. Provide legal services to the Navajo Nation the work of the Legislative Counsel, advise the Navajo Nation Council on legislative matters pending before the Navajo Nation Council, advise standing committees, sub-committees, commissions and boards.

III. SIGNIFICANT ACCOMPLISHMENT IN THIRD QUARTER

1. Navajo Nation Council

Levon Henry, Chief Legislative Counsel and staff provided legal assistance to the Navajo Nation Council during its Springs Session held on April 18-22, 2016. The Navajo Nation Council adjourned at 9:00pm on the fourth day session. Two special meeting were held on Friday, May 27, 2016 and Thursday, June 30, 2016.

2. Naabik'iyati' Committee

Levon Henry and attorney staff members provided legal advice and attended five (5) meeting of the Naabik'iyati' Committee (NABI). Some of the highlights for this quarter include the following. The April 7, 2016 meeting discussion on USEPA accountable for their negligence resulting in a Toxic Spill from the Gold King Mine; Council received reports from Mr. Steve Boos, Attorney for Maynes, Bradford, Shipps & Sheftel LLP on the San Juan County Utah School Board and Commission election districts. The April 13-14, 2016 meeting was held in Twin Arrows. Mr. Henry, Ms. Kahn and Ms. West attended the meeting and generally provided legal advice on legislation that were considered at the 4/7/16 Naabik'iyati' committee meeting. Some legislation were carried over into the 4/13-14/16 meeting. The May 12th meeting the NABI received reports on Hydraulic Fracturing, presented by Navajo Nation Oil and Gas, Inc. and several new items were addressed. At the May 26th meeting the committee received reports on Resolute, NAPI and Region IX Office; Child Enforcement; and legislation on confirmation; Senate Bill; Authorizing and Accepting grants; grants application; adopting the Sihasin Funds Twin arrows Travel Center Development Expenditures Plan; UUFB for \$2,000,000 for 110 Navajo Nation Chapters' Summer Youth Employment, and amending the Navajo Nation Fiscal

Year 2016 Comprehensive budget & approving the appropriation of \$51,241 to the OLS-Legislative District Assistants from unappropriated recurring revenues.

3. Budget & Finance Committee

Kristen Lowell, Principal Attorney is the primarily responsible for the provision of legal advice and legislative assistance to the Budget and Finance Committee. The major task for the committee was completing the FY'17 Budget season. The Budget and Finance Committee conducted its comprehensive budget preparation. Legislation was drafted for consideration by the standing committees and the Navajo Nation Council to fulfill oversight and budget responsibilities. The committee also has authority over the Navajo Nation Investment Committee. Mr. Henry attended the Budget and Finance Committee meetings on behalf of Ms. Lowell during her absent. At one of their meeting, topics discussed included approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount \$832,698.00 for rebuilding of 27 homes destroyed by the Assayi Lake Fire and the Purchases of Hay and Feed to provide for livestock owned by Permittees affected by the Assayi Lake fire.

During this quarter Ms. Lowell has also verbally answers to inquires primarily from delegates or employees from the various Navajo Nation departments or enterprises who came into or phoned the Office of Legislative Counsel, questions from Legislative Services Staff and Speaker's Office staff, questions from Department of Justice attorneys and the President's attorney. At the Budget and Finance work session on May 31, 2016 she presented the FTI Report at Banking Work Session in Albuquerque, NM..

4. Law & Order Committee

Carolyn West-Taylor provided legal assistance to the Law and Order Committee (LOC). Over the last several months the LOC meetings were held at numerous location on the reservation and with the Judicial District Courts. Some of the highlighted topics discussed was the shooting of Loreal Tsingine; Office of Justice Program Grant to the Navajo Nation Judicial branch in the amount of \$58,802 to compensate process server to serve protection orders for victim of domestic violence. A report on the trip to Washington, DC regarding the meeting with Congressional Officials on 638 funding for Division of Public Safety/Judicial during the National Police week and memorial services for the late Alex Yazzie. The June 22nd special meeting of the LOC was covered by Mr. Henry. The June 27th meeting at Pinon Chapter House was attended by staff attorneys Stacy Allison and Rhonda Tuni at Pinon Chapter House. A special meeting held on June 28, 2016 at Dine College was covered by Ms.Tuni, regarding reports on Dine College facility usage by Department of Public Safety.

5. Health, Education & Human Services

Ron Haven is the primary attorney who advises the Health, Education & Human Services Committees (HEHSC). During this quarter Mr. Haven, has drafted resolutions that have gone on for committee or council approval, drafted additional resolution that did not continue on through the process. The HEHSC held six regular meetings, the April 6 regular meeting Ms. Tuni assisted, five special meetings of the HEHSC and Ron attended 90% of the Committees meetings. Issues this quarter have included education (ex. accreditation, grants, etc.), veterans (ex. Veterans Act and plans of operation for the new VA program and its Advisory Council) and health (ex. Federal and state services).

6. Resources & Development Committee

Mariana Kahn is the primary attorney who drafts legislation and advises the Resources and Development Committee (RDC). She drafts legislation for and advises the Committee. There are nine subject area in the Navajo Nation Three Branch Government One Nation One Voice Priorities. During this quarter, my work with the Navajo Nation Council and the standing

committees included subject areas from six of the nine priorities: Infrastructure Development & Improvements; Economy; Water Rights; housing and Public Facilities; Governance and Natural Resources. During this quarter, she drafted legislation for the RDC final approval for the right-of-way, mineral utilization permits, temporary construction easements, revocable use permits for churches, terminating a business site lease, approving a lease for a community school, and approving Newcomb Chapter's renewal of Community Land Use Plans and modification of Navajo Nation department fund management plans for two departments over which the RDC has oversight authority and approval of submission to HUD of the Navajo Nation's Community Development Block Grant Citizen Participation documentation. These legislation impact the Three Branch Government One Nation One Voice Priorities because the legislation involves infrastructure, road, and buildings.

Legislation drafted that has final approval authority of the Resources and Development, other Standing Committees and the Navajo Nation Council include: a Joint Powers Agreement with San Juan County, New Mexico regarding Solid Waste Transfer Stations; an appointment by the President to the Board of the Navajo Agricultural Products Industry; approval of an internal Audit of the Tribal Ranch Program, and supporting the submission of the Transportation Investment Generating Economic Recovery (TIGER) grant to the U.S. Department of Transportation.

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 125 times and representation by attending twenty-nine (21) hearing and Ten (10) new Labor complaints were filed this quarter. She has wrote twelve (12)) orders and opinions that involve the following cases listed by docket number (some cases require multiple orders): No. NNLC 2015-28; No. NNLC 2016-12; No. NNLC 2014-12; No. NNLC 2014-72; No. NNLC 2014-94; No. NNLC 2014-12; No. NNLC 2014-71; No. NNLC 2012-69; No. NNLC 2013-33; No. NNLC 2014-23; No. NNLC 2014-16; and NNLC 2014-94.

Ms. Skeets also reviewed numerous pleadings and documents that pertain to approximately (85) pending cases. Ms. Allison, this quarter although she is no longer assigned to the Navajo Labor Commission, she assisted on some on-going cases that have not been resolved that she covered for Ms. Skeet, due to conflicts that prevented her from handling the case.

8. Office of the Speaker

Levon Henry, Chief Legislative Counsel has participated in a number of staff meeting conducted by the Office of the Speaker. As such most of the discussion was preparing for the budget session, review of the Navajo Nation Spring Session and upcoming events. The staff meeting also covered several interoffice event and activities regarding, FY 2016 updates, etc.

9. Navajo Board of Election Supervisors and Navajo Election Administration

Ron Haven, Principal Attorney, has primary responsibility for providing legal advice and representation to the Navajo Election Administration Office. There have been numerous inquiries from NEA about legal matters and Mr. Haven has been responding and providing the necessary advice and guidance. Several notable events include: During this quarter, the NEA will be conducting the 2016 Primary Chapter Elections. Filing periods were opened on March 3, 2016 and closed June 1, 2016. There were numerous grievances filed, most concerning candidate qualifications. Hearing were scheduled before OHA. Chapter Primary elections will be conducted on August 30, 2016. There also was an OHA hearing on a recall petition against the Sanostee Chapter President. Mr. Haven represented the NEA in these proceedings in which OHA agreed with NEA that the petition filed did have the necessary number of signatures. No appeal ensued. Also, in the quarter, OLC assisted NEA with addressing issues relative to the vacancy created with respect to Council delegate position for District 14 (Bahastl'a'a', Coyote Canyon, Mexican

Springs, Naschitti and Tohatchi chapters), previously represented by Mr. Mel Begay. Special elections were conducted June 28, 2016. The results and winning candidate is expected to be certified by the Navajo Board of Election Supervisors and the new delegate should be able to attend the 2016 summer session. Chapter election related issues included the consecutive 4-term limit for school board members (question being whether the 2012 amendment was to be retroactively applied). OHA agree with NEA determination that the new law included all previous consecutive terms served. Mr. Haven continues to advise election staff on a daily basis. Most advice has been telephonic or at meeting convened.

10. Office of Legislative Services

Levon 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. During the month of April the OLC staff review of legal issues presented at the Navajo Nation Spring Session and upcoming legal issues.

11. Office of Legislative Counsel

The major task for the Office of Legislative Counsel this quarter OLC continued to address all issues concerning the drafting of legislation, exercise oversight authority over a wide range of Infrastructure Development & Improvements, Economy, Water Rights, Housing & Public Facility, Education, Human Services, Governance, Public Safety & Judicial, and Natural Resources. Write legal opinions primarily informing delegates that their requests for resolution and inquiry from delegates or employees from the various Navajo Nation departments or enterprises both written and verbal, questions from Department of Justice attorneys and the President's attorney.

During this quarter the staff attorneys attended the Federal Indian Bar Conference held at the Talking Stick Resort in Scottsdale, AZ from April 7-8, 2016. Received updates on the ICW, self-determination and its impact on the environment, the progress of tribal courts, the future of Indian law leaders, trust responsibility, and the Obama administration.

The Staff also attended the Navajo Nation Bar Conference held in Albuquerque, NM from June 9-10, 2016. Learned about Navajo Fundamental and Customary law, respect for Navajo law in other jurisdictions, ethical considerations in will drafting and estate planning on the Navajo Nation, case law updates re: Federal, State, and Navajo.

On February 26, 2016, the Office of Legislative Counsel staff reviewed legal issues presented at the Navajo Nation Spring Session and upcoming legal issues. Ms. Tuni on February 23-24, 2016 attended the Arizona Bar Exam. On May 4th the office met with the Office of New Mexico Legislative Council in Santa Fe, NM and returned back to Albuquerque for the Office of Legislative Counsel's quarterly meeting at the State Bar of New Mexico as a practitioner.

The OLC attorney staff Ms. Carolyn West last day with the office was June 17, 2016. Ms. West made a valuable contribution to the OLC as an attorney with the Navajo Nation. She has been assisting and attending the Law and Order Committee, Sacred Sites and the Human Rights Commission. She was also extremely helpful in assisting with other standing committee and the Navajo Nation Council. She has spent at least 50 hours researching topics for legislation and also drafted portions of briefs to be filed in court.

12. 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.

Currently, Ms. Stacy Allison, Attorney is assigned to the Navajo-Hopi Land Commission, Eastern Navajo Land Commission, Inter-Agency Task Force and the Navajo Sexual Assault Prevention Subcommittee. The final hearing for the Navajo Utah Commission v. Aneth Community Development Corporation and Victor Dee, AN-CV-000005-2015 was held on April 26, 2016 at 8:00am in Aneth, UT. At this hearing, the Respondent Victor Dee presented his case in Chief thru counsel David Jordan and their counterclaim The Court, Judge Irene Black presiding, took the case under advisement and as of today, July 7, 2016 has not issued a ruling in the case. Ms. Allison also met with Mr. Larry Rodgers and staff member Bettie Begay of the Eastern Navajo Land commission on April 20, 2016 related to the notary public service that is provided by the buy-back staff. On May 11, 2016, Ms. Allison presented to the Buy-Back Program staff at their quarterly meeting held at the Karigan Office Complex in St. Michaels, AZ. Other meeting attended was the Inter-Agency Task Force meeting on May 3, 2016; two (2) Navajo-Hopi Land Commission meetings and (1) Eastern Land Commission meeting on May 19, 2016. So Far, there have been meetings of the Navajo Sexual Assault Prevention Subcommittee.

Ethics and Rules Office (ERO). The OLC is responsible for advising the ERO. The assigned attorney, Ms. Carolyn West, this quarter, resigned from the OLC. Mr. Ron Haven, OLC principal attorney, is temporarily assigned to assist ERO for questions relative to ethics matters. Currently, Mr. Haven is working on updating hearing rules for ethics cases filed with OHA. The proposed amended hearing rules will be posted on the website for comments and will be considered by the Law and Order Committee. Also, this quarter, Mr. Vernon Roanhorse, Director of ERO, resigned. The Ethic Director position is currently vacant. The Director of the Office of Legislative Services is assuming administrative responsibilities for ERO personnel.

Navajo Nation Human Rights Commission (NNHRC). Ms. Kahn attended a meeting between the NNHRC and the City of Winslow, Arizona, regarding the police shooting of a member of the Navajo Nation. She was in attendance to provide legal advice to the Commission in the event legal advice was requested.

13. The Public -The Office of Legislative Counsel received inquiries primarily from delegates or employees from the various Navajo Nation departments or enterprises who came into or phoned the Office of Legislative Counsel, questions from Legislative Services staff, Legislative District Assistants (LDA) and Speaker's Office staff, questions from Department of Justice attorneys and the Office of the President and Vice President. Other, occasional phone conferences on Bar Association affairs and outside entities.

IV. ACCOMPLISHMENT OF PERFORMANCE MEASURES

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

4 days of the 5 days session, NNC 2016 Springs Session 4/18,4/19,4/20 & 4/21/2016
NNC Special Session (2), 5/27, 6/30/2016

2. Number of Resolutions Drafted:

Drafts of Legislation and Resolutions, as Requested. **(234)**

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. **(251)**

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

Number of Times Legal Advice Provided (Verbal or Written Memoranda) **(464)**

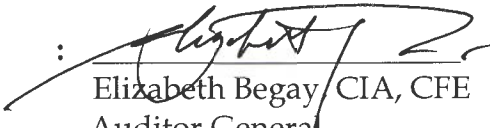
5. Number of New Resolutions Incorporated into the Code.

The Office of Legislative Counsel has been finishing up the Navajo Nation Code Books. The final correction was send to Westlaw Publishing on April 28, 2016. Reviews of the recent Navajo Nation Council resolutions that amended existing law or created new laws for the purpose of updating the Navajo Nation Code for publications.

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 : July 7, 2016

SUBJECT : FISCAL YEAR 2016 THIRD QUARTER REPORT

The Office of the Auditor General submits the fiscal year 2016 third quarter report covering the period April 1, 2016 through June 30, 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 third 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	\$1,132,953	\$773,582	68%
Operating	719,300	499,777	69%
Total:	1,852,253	1,273,359	69%

IV. SIGNIFICANT ACCOMPLISHMENTS

Audits and Reviews of Programs/Navajo Nation Chapters

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

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

Completed Audits and Reviews of Programs/Chapters

DESCRIPTION:

STATUS:

Audits:

Water Resources

Final Report issued April 2016

Investigations:

Tohajiilee Chapter (CSC)

Final Report issued April 2016

Bahastl'ah Chapter (CSC)

Final Report issued June 2016

CAP Follow-Up Reviews:

Sawmill Chapter

Final Report issued April 2016

Mariano Lake Chapter

Final Report issued June 2016

Whitehorse Lake Chapter

Final Report issued June 2016

Business Industrial Development Fund

Final Report issued June 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 Fourth Qtr.

DESCRIPTION:

STATUS:

Audits:

Tribal Parks	Fieldwork in progress
Whitecone Chapter	Quality review in progress
Upper Fruitland Chapter	Preliminary phase
Tsaile Wheatfields Chapter	Fieldwork in progress
Accounts Payable Duplicate Payment	Quality review in progress
Contingency Management Fund	Draft report issued

CAP Follow-Up Review:

FMIS Disaster Recovery	Quality review in progress
Many Farms Chapter	Quality review in progress
Tonalea Chapter	Fieldwork in progress
Parks and Recreation Department	Preliminary phase
Workforce Development	Quality review in progress
Alamo Chapter	Quality review in progress
Shiprock Chapter	Fieldwork in progress

Investigations:

Aneth Chapter-Community Development Corporation

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, 29% 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



**FY 2016
THIRD QUARTER
(APRIL – JUNE)**



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

Office of Navajo Government Development

JUNE 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	April 21, 2016	April 21, 2020
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 Third Quarter Budget Information

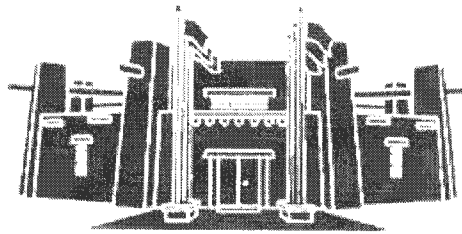
The table below illustrates the approved FY 2016 Budget and the FY 2016 Third Quarter actual expenditures, revised budget, remaining budget available and percentage of budget used.

**Office of Navajo Government Development
Expenditure Report
FY 2016 – 3rd Quarter Budget Table**

Account	Original Budget	Revised Budget	Actuals	Budget Available	% Expense of Total
2001 Personnel Expenses	414,186	414,186	248,723	165,463	60%
3000 Travel Expenses	25,856	47,709	38,631	9,078	81%
3500 Meeting Expenses	22,250	19,750	16,966	2,784	86%
4000 Supplies	18,000	9,500	2,242	7,258	24%
5000 Lease and Rental	7,155	7,155	1,385	5,770	19%
5500 Communications and Utilities	12,500	4,700	4,769	69.00 -	101%
6000 Repairs and Maintenance	8,500	10,342	8,693	1,649	84%
6500 Contractual Services	3,000	3,000	2,500	500	83%
7000 Special Transaction	22,274	25,274	10,964	14,310	43%
TOTAL	533,721	541,616	334,873	206,743	62%

THE NAVAJO NATION ETHICS AND RULES OFFICE

The Legislative Branch



3rd QUARTER REPORT

(April, May, June)

FY2016

Presented to the 23rd Navajo Nation Council

Summer Session



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

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

WEBSITE: www.nnethicsrules.navajo-nsn.gov

July 7, 2016

Honorable Speaker Lorenzo Bates
The Navajo Nation Council

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

RE: 3rd QUARTERLY REPORT FY2016

Dear Honorable Speaker and Members of the 23rd Council:

Ya'a'teeh. The Ethics and Rules Office hereby submits the 3rd Quarter Report for Fiscal Year 2016 to the 23rd Navajo Nation Council.

The attached 3rd Quarter Report incorporates all the activities, projects, significant information and accomplishments that have occurred, involving the Ethics and Rules Office during the 3rd Quarter of Fiscal Year 2016.

Respectfully submitted, *A'hee'hee,*

/ original signed /

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

3rd QUARTER REPORT (April, May, June) FY2016

I. CONTACT INFORMATION

Navajo Nation Ethics and Rules Office
Post Office Box 5490
2526 SW Morgan Blvd-(Building 2526), Dept. 85
Window Rock, Arizona 86515
Phone (928) 871-6369
Fax (928) 871-7168
Website: www.nnethicsrules.navajo-nsn.gov

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.

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.

III. SIGNIFICANT ACTIVITIES AND ACCOMPLISHMENTS

Meetings/Investigative Field Work/Investigations

April 6, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director met with Legislative Counsel, Rhonda Tuni, in Window Rock, AZ.

April 06, 2016, Ronald Largo, Investigator completed report and Affidavit on Ethics and Rules Office case #ERO-36-2011, Tiisyaakin Residential Hall, former school board member.

April 7, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director met with FBI Agent S. Wellsinger, in Window Rock, AZ.

April 07, 2016, Lewnell B. Harrison, Investigator met with Sandy Welshinger, FBI on Tuba City Case.

April 11, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director attended the Law & Order Committee Meeting, in Tuba City, AZ.

April 11, 2016, Rodriquez Morris, Presenting Officer met with the IRS Southwest Office on case referrals from the Navajo Nation, in Albuquerque, NM.

April 11, 2016, Rodriquez Morris, Presenting Officer completed a consult and case staffing with R. Begay, ASC in Window Rock, AZ.

April 14, 2016, Mona Waquiu, Investigator - A total of 66 Discretionary Funds cases completed. 29 DF cases forwarded to NNWCU and 27 ERO were forwarded to ERO Presenting Officer for filing with OHA. Meeting with DOJ attorney regarding DF cases.

April 20, 2016, Ronald Largo, Investigator - Walk-in, completed interview with Sheep Springs Chapter Vice President at Ethics and Rules Office.

April 21, 2016, Lewnell B. Harrison, Investigator served Ethics complaint on Terry Johns in Oaksprings, Arizona.

April 26, 2016, Ronald Largo, Investigator met with Vernon Roanhorse, Ethics Director, regarding Navajo Nation Supreme Court ruling docket #SC-CV-32-15 Jessie Valdez and Dolly Commanche.

April 26, 2016, Ronald Largo, Investigator - walk-in and completed interview on Sheep Springs Chapter, Chapter Manager, and received chapter records for case # ERO-67-2013.

April 26, 2016, Ronald Largo, Investigator - assigned new case #ERO-71-2016, Russell Begay, NN President.

April 27, 2016, Ronald Largo, Investigator met with Vernon Roanhorse regarding Ethics and Rules Office/Office of Hearings and Appeals Hearing Procedures, Order to Show Cause cases, and all the incoming reports/complaints for case management.

April 28, 2016, Ronald Largo, Investigator served "Notice of Hearing" on LeVonne Tsosie, Legal Counsel, regarding case #OHA-ER-002-14 at Navajo Nation Human Resources Department in Window Rock, Arizona.

April 28, 2016, Ronald Largo, Investigator completed two "Ethics Clearance" for candidates applying for Navajo Nation elective position.

April 28, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director met with Clay Foutlz to file a claim on Certified Fraud Examiner, T. Becenti for breach of contract, in Gallup, NM.

April 29, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director interviewed, collected documents, and completed an intake with Dr. K. Sanchez-Griego, ERO-91-2016, Tohajiilee School Board, Albuquerque, NM.

May 02, 2016, Ronald Largo, Investigator completed case review on case #ERO—71-2016 Window Rock, Arizona.

May 03, 2016, Ronald Largo, Investigator - Case Management with all Ethics and Rules Office staff in conference room.

May 04, 2016, Ronald Largo, Investigator - Walk-in and completed interview on Gilbert Harrison, San Juan River Farm board member regarding a former Farm board member investigation.

May 04, 2016, Ronald Largo, Investigator - Ethics and Rules Office staff meeting on all incoming reports/complaints, and assignment of new cases to each Investigator. New case assignment (16)

May 04, 2016, Mona Waquiui, Investigator - Assigned 25 new ERO cases.

May 04, 2016, Lewnell B. Harrison, Investigator met with Sandy Welshinger, FBI on Oak Springs Chapter and Tuba City Chapter Case.

May 05, 2016, Rodriquez Morris, Presenting Officer completed a consult and case staffing with R. Begay, ASC and Navajo Elections Administration, E. Wauneka, Bodaway Gap Chapter issues, Tuba City, AZ.

May 05, 2016, Ronald Largo, Investigator met with Dr. George Walker, Private Investigator, FNISG and Frank Brown, Investigator, White Collar Crime Unit regarding investigation on a former chapter official in ERO conference room.

May 06, 2016, Rodriquez Morris, Presenting Officer, and Vernon J. Roanhorse, Executive Director met with the Special Prosecutors, Rothstein Law Firm, *Supreme Court Case-Statue of Limitation*, Tempe, AZ.

May 10, 2016, Ronald Largo, Investigator attended "Order to Show Cause" hearings and Administrative hearing at Office of Hearings and Appeals.

May 11, 2016, Ronald Largo, Investigator completed "30 Day Summon" hearing notice on case #OHA-ER-009-16

May 11, 2016, Ronald Largo, Investigator completed (8) Ethics and Rules cases with close notices.

May 12, 2016, Ronald Largo, Investigator served "30 Day Summon" with ethics complaint on Dennehotso Chapter official at the Chapter, case #ERO-40-2013.

May 13, 2016, Ronald Largo, Investigator prepared memorandum to the following tribal departments, Election Administration, Auditor General, Department of Personnel in reference to Office of Hearings and Appeals final "Order" on case #OHA-ER-007-16.

May 16, 2016, Ronald Largo, Investigator completed one "Ethics Clearance" for a candidate applying for Navajo Nation elective position.

May 17, 2016, Ronald Largo, Investigator traveled to Flagstaff, Arizona and completed interview on, R. Gehl Tucker, school attorney regarding case #ERO-37-2015, Rough Rock Community School

May 17-18, 2016, Lewnell B. Harrison, Investigator interviewed witnesses concerning Gadii'ahi/Tokoi Chapter case.

May 18, 2016, Mona Waquiu, Investigator - Closed 11 ERO cases assigned to me.

May 18, 2016, Ronald Largo, Investigator traveled to Shiprock Irrigation Office, Shiprock and to Nenahnezah Chapter, New Mexico, and to Aneth, Utah and completed interviews on case #ERO-37-2015 and ERO-03-2013.

May 19, 2016, Ronald Largo, Investigator - walk-in and completed interview on Chapter Manager of St. Michaels Chapter at Ethics and Rules Office.

May 19, 2016, Ronald Largo, Investigator - walk-in and completed interview on a Program Supervisor of the Navajo Area on Aging Department at the Ethics and Rules Office.

May 19, 2016, The Ethics & Rules Office completed a case review and updates with the Office of the Auditor General, in Window Rock, AZ.

May 23, 2016, Ronald Largo, Investigator - walk-in and completed interview on a community member of Whitecone Chapter at Ethics and Rules Office.

May 24, 2016, Lewnell B. Harrison, Investigator met with auditor, Jeanne Jones concerning Tuba City and Gadii'ahi/Tokoi Chapter.

May 24-26, 2016, Ronald Largo, Investigator - case review on ERO-37-2015, Rough Rock Community School.

May 25, 2016, Mona Waquiu, Investigator started working on NNOAG Memo 5 for Discretionary Funds with ERO Presenting Officer R. Morris.

May 26, 2016, Ronald Largo, Investigator completed (8) "Ethics Clearance" for candidates applying for Navajo Nation elective position.

May 26, 2016, Ronald Largo, Investigator met with Vernon Roanhorse, Ethics Director, regarding Navajo Nation Supreme Court ruling on Jessie Valdez and Molly Commanche case.

May 26, 2016, Ronald Largo, Investigator - walk-in and completed interview on a Many Farms School board member concerning a Many Farms school member's conduct.

May 27, 2016, Ronald Largo, Investigator - case review on ERO-37-2015, Rough Rock Community School.

May 27, 2016, Ronald Largo, Investigator completed (16) "Ethics Clearance" for candidates applying for Navajo Nation elective position.

May 27, 2016, Mona Waquiu, Investigator - A total 10 Ethics Clearance Completed for individuals running for official office.

June 02, 2016, Ronald Largo, Investigator prepared work sheet on case #ERO-37-2015, Rough Rock Community School meeting stipends.

June 02, 2016, Ronald Largo, Investigator completed (7) "Ethics Clearance" for candidates applying for Navajo Nation elective position.

June 2, 2016, The Ethics and Rules Office set up to complete elections clearances for Navajo Nation candidates for the 2016 Elections at the Navajo Nation Museum, Window Rock, AZ.

June 03, 2016, Mona Waquiu, Investigator traveled to Crownpoint, NM for investigative interview involving case ERO-38-2011.

June 03, 2016, Ronald Largo, Investigator - walk-in and completed interview on Vice President of Newcomb Chapter regarding a community member who represents the Chapter to the Johnson O' Malley Program.

June 06, 2016, Ronald Largo, Investigator traveled to Shiprock Irrigation Office and completed interview on the Irrigation Supervisor.

June 06, 2016, Ronald Largo, Investigator traveled to Aneth, Utah and completed interview on Chapter Manager and the Community Services Coordinator on an ethics case.

June 07, 2016, Rodriguez Morris, Presenting Officer completed a preliminary inquiry for ERO-47-2015 and ERO-98-2016, Coppermine Chapter, Coppermine, AZ.

June 07, 2016, Ronald Largo, Investigator met with an Attorney at the Office of Legislative Services regarding an ethics case. Draft a letter to Utah State Federal Court to request for information on a former Aneth Chapter employee.

June 09, 2016, Ronald Largo, Investigator - Walk-in, and completed interview on a community member of Bahastl'a'a Chapter at Ethics and Rules Office.

June 12, 2016, Lewnell B. Harrison, Investigator met with Auditor General concerning Tuba City chapter and Gadii'ahi/Tokoi Chapter.

June 13, 14 & 20, 2016, Ronald Largo, Investigator - case review ERO-37-2015 and prepared work sheet on Rough Rock Community School board members' Travel Authorization, lodging, registration, and reimbursement documents/expense.

June 15, 2016, Mona Waquiu, Investigator assisted ERO Director Vernon Roanhorse and Final Notice Dr. Walker with investigative interview and gathering documents regarding case ERO-94-2014 and ERO-95-2014.

June 17, 2016, Lewnell B. Harrison, Investigator served hearing notice on Eckberg Gleason in Gallup, New Mexico.

June 20, 2016, Lewnell B. Harrison, Investigator served Respondent Terry Johns notice of Default Judgment at Oak Springs Chapter, Oak Springs, Arizona.

June 20, 2016, Lewnell B. Harrison, Investigator met with Auditor General concerning pending cases referred by Auditor General's office.

June 20, 2016, Ronald Largo, Investigator met with Office of Auditor General regarding status report on audit reports referred to Ethics and Rules Office for further investigation.

June 21, 2016, Ronald Largo, Investigator - Walk-in and completed interview on the President of Hogback Chapter at Ethics and Rules Office.

June 21, 2016, Ronald Largo, Investigator attended Ethics and Rules Office/Office of Hearings and Appeals Administrative and Order to Show Cause hearings at OHA.

June 21, 2016, Lewnell B. Harrison, Investigator - OHA hearings on Deane K. Johnson, Terry John, Eckberg Gleason, Grace Chavez, Benjamin Davis, Hearing Officer did not show, cases continued.

June 22 & 23, 2016, Ronald Largo, Investigator - case review on ERO-37-2015, Rough Rock Community School and prepared work sheet on the board members' meeting stipends, travel authorization, trip reports.

June 23, 2016, Mona Waquiui, Investigator served ERO 30 Day Civil Summons in Tuba City, AZ. ERO-107-2014.

June 23, 2016, Rodriquez Morris, Presenting Officer met with the Office of the Auditor General, R. Jumbo pertaining to Chapter Issues on grazing accounts in Window Rock, AZ.

June 24, 2016, Vernon J. Roanhorse, Executive Director last day with Ethics and Rules (Retired).

June 24, 2016, Lewnell B. Harrison, Investigator met with Kristina Haskell with Avalon Accounting concerning Tuba City case.

June 25, 2016, Mona Waquiui, Investigator served ERO 30 Day Civil Summons in Bodaway / Gap, AZ. ERO-106-2014.

June 26-29, 2016, Mona Waquiui, Investigator Field Investigation with respondent in Tempe, AZ regarding case file ERO-103-2014.

June 27, 2016, Ronald Largo, Investigator - Ethics and Rules Office staff meeting with Tom Platero, Executive Director, Office of Legislative Services regarding "Standing Delegation" for Ethics and Rules Office.

June 28, 2016, Ronald Largo, Investigator completed one "Ethics Clearance" for a candidate applying for Navajo Nation elective position.

June 28, 2016, Ronald Largo, Investigator draft a memorandum to Law and Order Committee member requesting to sponsor and amend the Ethics and Rules Office Hearing Procedures.

June 28, 2016, Rodriquez Morris, Presenting Officer and Mona Waquiui, Investigator met with the Rothstein Law Office, Special Prosecutors, on the pending Discretionary Fund cases with the NNERO in Tempe, AZ.

June 29, 2016, Ronald Largo, Investigator - walk-in and completed interview on two Senior Safety Technicians of OSHA at Ethics and Rules Office.

June 29, 2016, Ronald Largo, Investigator - walk-in and completed interview on Ramah school board member at Ethics and Rules Office.

June 29, 2016, Lewnell B. Harrison, Investigator served Ethics complaint on Robinson Jones in Shiprock, New Mexico.

June 30, 2016, Ronald Largo, Investigator traveled to Tuba City and Cameron, Arizona and completed interviews on a former chapter Vice President and the Chapter Manager of Cameron Chapter.

Trainings

April, 2016, Henrietta Wauneka attended the Falmouth Institute 23rd Annual Tribal Secretaries & Administrative Professionals in Las Vegas, NV.

June 4 - 9, 2016, Josephine Yazzie attended the National Notary Association 2016 Conference in Anaheim, CA.

June 9,10, 2016, Rodriquez Morris attended the Navajo Nation Annual Bar Conference in Albuquerque, NM.

Ethics Clearances completed

April, 2016

Josephine Yazzie, Legislative Assistant,	- 90 clearances.
Henrietta Wauneka, Sr. Office Specialist,	- 35 clearances.
Vernon Roanhorse, Executive Director,	- 0 clearances.
Mona Waquiui, Ethics Investigator,	- 0 clearances.
Ronald Largo, Ethics Investigator,	- 2 clearances.
Rodriquez Morris, Presenting Officer,	- 2 clearances.

May, 2016

Josephine Yazzie, Legislative Assistant,	- 185 clearances.
Henrietta Wauneka, Sr. Office Specialist,	- 295 clearances.
Vernon Roanhorse, Executive Director,	- 3 clearances.
Mona Waquiui, Ethics Investigator,	- 10 clearances.
Ronald Largo, Ethics Investigator,	- 25 clearances.
Rodriquez Morris, Presenting Officer,	- 7 clearances.

June, 2016

Josephine Yazzie, Legislative Assistant,	- 194 clearances.
Henrietta Wauneka, Sr. Office Specialist,	- 115 clearances.
Vernon Roanhorse, Executive Director,	- 0 clearances.
Mona Waquiui, Ethics Investigator,	- 0 clearances.
Ronald Largo, Ethics Investigator,	- 8 clearances.
Rodriquez Morris, Presenting Officer,	- 120 clearances.

Ethics Intakes & Case Management

New Intakes: 23 new cases, 7 pending assignments, 30 cases closed.

Restitution collected: \$426.49 in April, \$402.50 in May and \$597.50 in June. Total \$1,426.49

Office Consults: 546 consults

Telephonic Consults: 257 consults

Investigations

Effectuation of Service of process: Ronald Largo, 9 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Lewnell Harrison, 13 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Mona Waquiu, 02 legal documents to include Subpoena Duces Tecum, Notice of Hearings, Ethics Complaints and Order to Show Cause Notices.

Completed Investigations: Ronald Largo, 0 completed, 8 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, 3 New Cases, and 1 Order to Show Cause Cases.

Lewnell Harrison, 1 New Cases, 2 Order to Show Cause Cases.

Mona Waquiu, 2 New Cases.

Interview/Consults: Ronald Largo, 27
Lewnell Harrison, 11
Mona Waquiu, 11

Telephonic Consults:

Ronald Largo, 44 General Public
Lewnell Harrison, 34 General Public

Administrative Hearings held

June 21, 2016

9:00 am – NNERO v. Deane K. Johnson.
9:30 am – NNERO v. Terry John.
10:00 am – NNERO v. Eckberg Gleason.
10:30 am – NNERO v. Grace Chavez.
11:00 am – NNERO v. Benjamin Davis.
1:30 pm – NNERO v. Emery Lester.
2:00 pm – NNERO v. Melvin Jones.
2:30 pm – NNERO v. Joey Antonio, Jr.

ERO Presentations

April 6, 2016, Rodriquez Morris, Presenting Officer completed an Ethics in Government Law Presentation for the Chinle ASC, in Chinle, AZ.

May 13, 2016, Rodriquez Morris and Vernon Roanhorse, Executive Director provided a presentation for the Navajo Elections Administration, in Window Rock, AZ.

May 23, 2016, Rodriquez Morris, Presenting Officer completed an Ethics in Government Law Presentation for the St. Michaels Chapter staff and elected officials, in Window Rock, AZ.

June 8, 2016, Rodriquez Morris, Presenting Officer completed an Ethics in Government Law Presentation for the DSS Program for Self-Reliance Youth Conference at the Shiprock Dine College South Campus, Shiprock, NM.

June 14, 2016, Rodriquez Morris, Presenting Officer completed an Ethics in Government Law Presentation for the Chinle ASC, in Rough Rock , AZ

PLANS FOR FY2016 4th QUARTER

Hire a new Executive Director.

NAVAJO-HOPI LAND COMMISSION



2016 Third Quarter Report

Prepared for the 23rd Navajo Nation Council

Summer Session

July 18-22, 2016

Navajo-Hopi Land Commission

2016 THIRD 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

April 14, 2016	Regular Meeting	Twin Arrows, Leupp, AZ
April 28, 2016	Regular Meeting	Quality Inn-Window Rock, AZ
May 4, 2016	Regular Meeting (in lieu of May 12)	BFC - Window Rock, AZ
May 26, 2016	Regular Meeting	Quality Inn-Window Rock, AZ
June 09, 2016	Regular Meeting	BFC – Window Rock, AZ
June 25, 2016	Work Session	Twin Arrows, Leupp, AZ
June 29, 2016	Special Meeting	BFC Conf. Rm., Window Rock, AZ

REPORTS

April 14 - Report by Karis Begaye, OPVP Legal Counsel, on the ONHIR Transition

May 4 - Written report by Leonard Chee, OPVP, on the HPL livestock impoundment

May 26 - Written report by Darryl Ahasteen, Nahata Dziil Commission Governance, on the Red Barn Inspection

- Written report by Janene Yazzie on the Little Colorado River Watershed Chapters' Association (LCRWCA) project

June 9 - Report by Tim Begay on Hopi livestock impoundment situation

- Update report by Karis Begaye, Legal Counsel, OPVP, on the Twin Arrows Agreement and the ONHIR Transition

June 23 – Report by NEPA, Henry Haven, Geologist and Warran Roan on the clean-up efforts of contaminated areas around Newlands, Sanders, AZ. Leaking underground storage tank clean up involved the former Burnt Water Trading Post and the former Painted Desert Inn.

June 25 – Work Session on the LCR Watershed Project. Presenter: Janene Yazzie

SIGNIFICANT ACCOMPLISHMENTS

1. NHLC continued to monitor the closeout activities of ONHIR. Navajo Hopi Land Commissioner Raymond Smith, Jr. was appointed by the NHLC to the ONHIR Transition Task Force. In the second quarter meetings were held on April 26, and May 23. ONHIR is closing operation on September 30, 2018. At this juncture, discussions have focused on the transition of authority and functions and the expectations for an orderly transfer of functions to the Navajo Nation.
2. NHLC approved the Twin Arrows Navajo Casino Resort Master Business Site Lease to expand development beyond the initial 60 acres and also amended the ONHIR's management authority.
3. NHLC was updated on two land disputes issues with the Hopi Tribe. Both involved livestock impoundment and related fees. One was a repeated violation. NHLC directed that authorities and regulation/policies be researched by NDOJ.
4. NHLC continued to monitor the expenditure of the Navajo Rehabilitation Trust Fund.

5. **NHLC continued its review of plans for future land purchases.**
6. **On June 25, 2016, the NHLC held a work session on the Little Colorado River Watershed Project. The Project Managers presented the accomplishments of the community programs, mainly training youth in the use of water.**

RESOLUTIONS

1. **Appointing Two Members of the Navajo-Hopi Land Commission to Serve on the Navajo Nation ONHIR Transition Team to Prepare for the Closure of ONHIR**
2. **The Navajo-Hopi Land Commission of the Navajo Nation Council hereby approves and supports the NHLCO to develop an Inter-departmental Agreement to have NN Department of Economic Development implement the FBFA business site feasibility studies**
3. **Supporting Tolani Lake Enterprise, Inc. Application for a Rural Business Development Grant in the Amount of \$75,000.00 for a U.S. Department of Agriculture (USDA) Certified Meat Harvesting Facility**
4. **Approving and Recommending to the Naabik'iyáti' Síhasin Fund Subcommittee, the Full Grant Funding for the Twin Arrows Travel Center**
5. **Supporting and Recommending the Lease Modification to the Twin Arrows Navajo Casino Resort Business Site Lease**

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



Anna Sullivan
ajmsullivan@yahoo.com

Section One: Accomplishments from 3rd quarter

- Collaborate with Peabody and Community about Manymules Waterline Project
- Tour the Reclaim Area, the tank site for Manymules Waterline and visit the new home site for relocated residents
- Advocate for local residents to be employed by NECA
- Present resolution for NPL residents at the Chapter and inform the Council Delegates
- Monthly meetings with Peabody and residents
- Present monthly reports to the Chapter Officials and community
- Construction is progress for Phase 1 Manymules Waterline

Section Two: Goals for next quarter

- Monitor the construction of the Manymules Waterline Project for Phase 1
- Future meeting for Manymules Waterline with OEH, IHS, BIA, 3 Council Delegates and Chapter Officials
- Meet with Evalena Claw, the new Navajo County Road Liaison
- Select a BMRB representative for Kayenta Chapter
- Monitor solar and scattered power line to completion
- 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
- Office for Environmental Health, Audrey Nelson doesn't communicate with Forest Lake Chapter House. BMRB will continue to meet with OEH.
- Road Department, Darrel Bradley not responding to request for a meeting. BMRB will continue to write to Darrel.
- Peabody Funds are forward to Natural Resource but it was suppose to go to Water Resource Department. BMRB will continue to work closely with Jason John.

NAVAJO UTAH COMMISSION

*Of the
Navajo Nation Council*

***Third Quarterly
Report***

Fiscal Year 2016

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

*The Navajo Nation
Window Rock, Arizona
July 7, 2016*



LoRenzo Bates
Speaker of the 23rd Navajo Nation Council



July 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 Third Quarterly Report of Fiscal Year 2016 of the Navajo Utah Commission of the Navajo Nation Council. The report covers the April 01, 2016 through June 30, 2016.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alfred Jim".

Alfred Jim, Vice-Chairperson
NAVAJO UTAH COMMISSION

NAVAJO UTAH COMMISSON
Third Quarterly Report
Fiscal Year 2016

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I. Contact Person:

Clarence Rockwell, Executive Director
NAVAJO UTAH COMMISSION
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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 Third Quarter of Fiscal Year 2016:

Accomplishments and activities for the Navajo Utah Commission during the period of April 01, 2016 through June 30, 2016 are enumerated as follow:

1. The Navajo Utah Commission (NUC) conducted three regular meetings during the 3rd Quarter of FY2016. The monthly meetings occurred on April 15, 2016, at the Monument Valley Welcome Center; in Window Rock, AZ, on May 11, 2016; and at Mexican Water Chapter on June 8, 2016. The Navajo Utah Commission enacted 07 resolutions during the 3rd Quarter.
2. The Navajo Utah Commission staff participated in 27 meetings with various tribal and state entities during the 3rd Quarter concerning matters important to Utah chapters.
3. Navajo Tribal Utility Authority (NTUA) and Rocky Mountain Power (RMP) conducted a series of public hearings at Mexican Water Chapter, Red Mesa Chapter, and Aneth Chapter during April regarding NTUA's proposed buy-out of RMP's franchise area on the Navajo Nation in Utah. The NUC Office urged public participation and attended the hearings. The public expressed concerns regarding rate hikes, response to power disruption, employment with local oil companies, and water quality (although the latter was not part of buy-out).
4. The Navajo Utah Commission staff attended a joint Utah Navajo Trust Fund (UNTF) Board of Trustees and Utah Dine' Advisory Committee (DAC) meeting in April and two monthly Utah Dine' Advisory Committee meetings at Mexican Water Chapter and Red Mesa Chapter in May and June. Utah SB 90 reactivated the Utah Navajo Trust Fund during 2015. The UNTF provides services in health, education, and general welfare. Utah chapter participation

in these meetings are very important due to on-going rule-making process, discussion of investment options, annual operating budget, and delivery of services.

5. The Navajo Utah Commission and the Navajo Nation Capital Improvement Office (CIO) conducted three monthly projects coordination meetings with Utah chapters during the 3rd Quarter. The purpose of these meetings is to provide technical assistance, and other project planning support for on-going, stalled, and new projects including identification of challenges, solution-oriented recommendations, funding issues, and building partnerships.
6. The Navajo Utah Commission, Utah Navajo Trust Fund (UNTF), and Navajo Nation CIO participated in a work-session with the Oljato Chapter on May 17, 2016, in Window Rock, AZ, regarding construction of a new chapter house facility, and community land-use planning. Funding and extension of three-phase power to a remote location are immediate challenges. Leveraged funds totals \$827,686 including \$327,686 in Utah funds. Next tasks are procurement activities including RFP for demolition contractors, and RFQ for A&E services. The Navajo Utah Commission will assist with funding acquisition.
7. The Navajo Utah Commission's lobbying support and eventual enactment of HB 33 (Native American – Alaskan Native Education Amendments) is currently providing dividends in addressing achievement-gap issues for Native American concentrated schools. The San Juan School District (SJSD) submitted a funding application for appropriations made available by HB 33 to assist three of the five SJSD schools struggling with poor performance in serving Navajo students.
8. The Navajo Utah Commission staff traveled to Naa'tsis'aan Chapter to conduct final inspection for housing project completed by the Utah Olene Walker Housing Loan Fund (OWHLF) and assist the Community Service Coordinator (CSC) in preparing documentation for labor funds reimbursement claims for housing projects financed by the Utah OWHLF and Rural Development-Housing Preservation Grant (HPG). Labor funds will be reimbursed by the Utah Navajo Revitalization Fund.
9. The Navajo Utah Commission Office prepared a funding application seeking \$400,000 from the Utah Navajo Trust Fund's FY2017 appropriations for the Red Mesa Administration Building Project. The UNTF has a funding set-aside for construction-ready projects. Navajo Nation-Design & Engineering Services (DES) estimated total project cost at \$1,680,000. Total funds leveraged for this project amounts to \$800,000. This includes \$100,000 previously secured by NUC from the Utah Navajo Revitalization Fund.
10. The Navajo Utah Commission staff, Council delegates Davis Filfred and Herman Daniels, Jr. attended the Quarterly Utah Tribal Leaders (UTL) Meeting hosted by the Paiute Tribe of Utah, in Cedar City, Utah, on June 9th and 10th. The NUC Office prepared a written report. Delegate Filfred, in his capacity as Navajo representative for the UTL, delivered Navajo Nation report, and participated in UTL discussions. The Utah Division of Indian Affairs (UDIA) and other state, federal, tribal entities presented reports and engaged discussions. Council delegate Filfred and leaders from the Ute Mountain Ute Tribe were finally successful in obtaining a supporting resolution from the Utah Tribal Leaders regarding designation of Bears Ears as a national monument.

11. The Navajo Utah Commission staff, Aneth Chapter officials, and Shiprock NTUA representatives met several times during the 3rd Quarter to compile preliminary planning documents for the Aneth Chapter Phase I Scattered-sites Powerline Distribution Project. The tasks included identification and finalization of project participants, coordination between Rocky Mountain Power and NTUA, utility route design, construction cost estimation, Right of Way studies, and supporting chapter resolution.
12. The Navajo Utah Commission's NAHASDA-financed Aneth "23 Units" Housing Project was completed in 2013 with exception of subdivision streets. The streets and drive-ways were installed in 2015. Final inspection of the pavement project detected construction deficiencies at several units. The NUC Office worked with NHA and Tyonek Construction Company of Albuquerque, NM, to correct deficiencies in June 2016.
13. The Navajo Utah Commission staff met with the Teec Nos Pos Chapter officials and administrator three times during the 3rd quarter to compile preliminary planning documents for the Teec Nos Pos Chapter Renovation Project, and construction of one residential unit financed by the Utah OWHLF. Specific activities included acquisition of estimated cost for the Chapter House Renovation Project and procurement of building materials, and construction contractor for housing project.
14. The Navajo Utah Commission staff and Aneth Chapter officials/administrator met three times during the 3rd quarter to advance planning for two proposed public facility projects. The projects include construction of a chapter warehouse and transit bus storage facility, and conversion of an abandoned swimming pool building into a community event center. An on-site assessment of swimming pool facility by a construction expert revealed this project might be cost-prohibitive, but planning for the warehouse and transit bus storage facility is proceeding and will require collaboration to succeed.
15. The Navajo Utah Commission Office prepared and submitted a funding application seeking \$200,000 from the Utah Navajo Trust Fund's FY2017 capital outlay budget for the Teec Nos Pos Chapter Renovation Project. Navajo Nation Design & Engineering Services (DES) estimates total project cost at \$1,212,775.51. The Navajo Utah Commission previously acquired \$161,800 from the Utah Navajo Revitalization Fund (NRF), and is supplementing \$500,000 obtained by Teec Nos Pos from the Navajo Nation UUSB.
16. The Navajo Utah Commission prepared and submitted a funding application requesting \$300,000 from the Utah Navajo Trust Fund's FY2017 capital outlay budget for the Aneth Chapter Phase I Scattered-Sites Powerline Extension Project. The Aneth Chapter previously secured \$250,226 as matching funds for this project. Total project cost is still in process of confirmation. .

IV. Other Activities:

None

V. Performance Measure Work Sheet(s):

Attached

VI. Concerns with Recommendations:

None

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 NAB/AP-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.	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Goal Statement: Prioritize issues, identify stakeholders, & seek resolution.	6	13	6	6	6	7	6	6
3. Program Performance Area: Conduct 60 technical assistance visits to Utah chapters.	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
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.	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Goal Statement: Address lack of funding for community development projects at Utah chapters.	2	4	2	2	2	3	2	2
5. Program Performance Area: Provide Utah chapter representation & advocacy in tribal-state collaboration.	1st QTR		2nd QTR		3rd QTR		4th QTR	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Goal Statement: Strengthen partnerships with Utah governmental units and improve delivery of service.	6	12	6	17	6	13	6	6
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.								
Clarence Rockwell Program Manager's Printed Name and Signature/Date			Pete K. Atcity Division Director/Branch Chief's Printed Name and Signature / Date					

* Special meeting in lieu of March regular meeting

**Navajo Nation Legislative Branch
Navajo Utah Commission
Fiscal Year 2016 - Third 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 3rd Quarter (list using bullet points)

- The Navajo Utah Commission and in particular, the Utah chapter representatives appointed to the Utah Dine' Advisory Committee (DAC) made substantial progress in rule-making regarding management of the re-activated Utah Navajo Trust Fund (UNTF). Chapter driven policies and procedures were enacted into law by Utah legislative standing committees. Appropriations and services from the UNTF will finally be made available again during FY2017 after an absence of nine years.
- The Navajo Utah Commission's active support of HB 33 resulted in passage of this educational legislation during the 2015 Utah Legislature. State of Utah education funds are being made available to address the educational achievement gap for low-performing Native American concentrated schools. The San Juan School District (SJSJ) submitted a funding application for three of the five SJSJ schools serving Navajo students.
- The Navajo Utah Commission assisted the Red Mesa Chapter in preparing a funding application seeking \$400,000 from the Utah Navajo Trust Fund (UNTF) FY2017 budget for the Red Mesa Chapter Administration Building Project.
- The Navajo Utah Commission assisted the Teec Nos Pos Chapter in preparing a funding application requesting \$200,000 from the UNTF 2017 capital outlay budget for the Teec Nos Pos Chapter Renovation Project.
- The Navajo Utah Commission assisted the Aneth Chapter in preparing a funding application seeking \$300,000 from the UNTF 2017 capital outlay budget for the Aneth Chapter Phase I Scattered-Sites Powerline Project.

Section Two: Goals for 4th Quarter

- The Navajo Utah Commission and Utah chapters will seek the support and leadership of the Begaye/Nez Administration in regard to advancement of the proposed Navajo Nation/State of Utah Water Settlement Agreement.
- Submit Utah Navajo issues & concerns position statement to Gov. Gary R. Herbert for discussion purposes during the Tribal Leaders roundtable scheduled for the 11th Annual Utah Tribal Summit.
- Seek meeting with the Utah Native American Legislative Liaison Committee (NALLC) on the Navajo Nation in San Juan County, Utah, to provide first-hand observation of tribal issues.
- Meet and work with the San Juan School District in addressing educational achievement gap issues relative to funding recently made available as a result of HB 33 enactment.
- Assist two Utah chapters with preparation and submittal of funding applications for capital projects prioritized by chapters.

Section Three: Issues/Recommendations

- The Navajo Utah Commission enacted Resolution no. NUCNOV-659-15 endorsing the proposed Navajo Nation/State of Utah Water Settlement Agreement. The seven Utah chapters passed similar supporting resolutions. The Navajo Nation Council enacted Legislation 0412-15 endorsing the proposed Utah Water Settlement Agreement. The Utah Legislature passed a concurrent resolution reaffirming support and commitment for a settlement. The Begaye/Nez Administration has hesitated in expressing support and has sent mixed signals to the State of Utah and Congress regarding strength of Navajo support. Navajo Utah Commission is respectfully urging the Office of the President & Vice-President to clearly and unequivocally express support for the Utah Water Settlement Agreement.

THE NAVAJO NATION

Casey Watchman
Ben Smith
Marie B. Etsitty
Blaine Wilson



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

JUL 6 '16 9:10

July 05, 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 Third Quarterly Report and Summarized Report

Re : Navajo Nation Labor Commission & Program

Per directive, we have respectfully submitting our third 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



THE NAVAJO NATION - FISCAL YEAR 2016 PROGRAM PERFORMANCE CRITERIA

PART I. PROGRAM INFORMATION:

Business Unit No.: 101014

Program Name/Title: Navajo Nation Labor Commission

PART II. PROGRAM PERFORMANCE CRITERIA:

1. Program Performance Area:

NL C processing of Appealled Commission cases

FY2016 1ST QTR		FY2016 2ND QTR		FY2016 3RD QTR		FY2016 4TH QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

Goal Statement:

Timely filing of cases in accordance to Navajo Rules of Appellate Procedure

3	2	3	2	3	2	3	
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2. Program Performance Area:

Complaint properly mailed w/in five days as provided by the Act & rules.

Goal Statement:

NNL C Staff processing formal complaints.

15	1	15	12	15	13	15	
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3. Program Performance Area:

NNL C to continue to conduct Quasi-judicial hrgs.

Goal Statement:

Timely adjudicate all NPEA complaints/Pet.-actions in accordance to the Act.

22	15	22	18	22	19	22	
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4. Program Performance Area:

NNL C continue finalized and close>NNL C cases

Goal Statement:

Timely close>NNL C cases

5	8	5	10	5	11	5	
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5. Program Performance Area:

NNL C staff process and complete close cases

Goal Statement:

Timely process and complete close cases (final order) accorffing>NNL C Rules

5	8	5	10	5	11	5	
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THE NAVAJO NATION

Casey Watchman
Ben Smith
Marie R. Etsitty
Blaine Wilson



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

Navajo Nation Labor Commission and Office of the Navajo Nation Labor Commission Third Quarterly Report for Fiscal Year 2016 (April, May & June)

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	75
New Formal Complaints Filed during this quarter	13
Petition for Preliminary Relief in form of Injunction or other Equitable Remedy	00
Petition for Enforcement of and Failure to pay prevailing wages	02
Petition for Enforcement of Investigative, Modification or Revocation Subpoena/s	00
Order to Show Cause hearing/s	00
Evidentiary hearing/s	19

Motion hearing/s	03
Damage hearing/s	00
Pending Stayed case/s	00
Final Decision/s entered and closed cases	11
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. Amended NNLC Rules April 28, 2016.
- 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 THIRD QUARTER PERFORMANCE REPORT

WORKSHEET

Program: Navajo Nation Labor Commission (LEGISLATIVE-INTERNAL)

Performance Measure	Outcome Measures	Output Measures	Output Accomplished	Barriers to Accomplishing Output
<p>Formal complaints intake pursuant to Navajo Preference in Employment Act (NPEA)</p>	<p>All formal complaints filed will include all necessary information & documents</p>	<ul style="list-style-type: none"> * Distribute revised up-dated brochure to the General Public. * Public Announcements 	<ul style="list-style-type: none"> - (13) of (13) 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 	<ul style="list-style-type: none"> w/ONLR staff regarding complaints -NNLC/staff attended workshop w/ONLR. - revised NPEA brochure in the process of being submitted for copies at Records. 	
<p>NNLC staff processing NNLC formal complaints</p>	<p>Complaint properly mailed within five days as provided by Commission Rules.</p>	<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 	<ul style="list-style-type: none"> -Continued to properly mail out new complaints received -Issued (800) Notice of Hearings -Prepared and Issued 800 plus Subpoenas -Prepared twenty (11) 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 05-23-14 	<ul style="list-style-type: none"> -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 THIRD 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
<p>NNLC staff processing of Appealed Commission cases</p>	<p>Timely filing of cases in accordance to Navajo Rules of Appellate Procedures</p>	<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-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 	
<p>NNLC to continue to conduct quasi-judicial hearings</p>	<p>Timely adjudicate complaints/Petition or other actions in accordance to NPEA. Hearing to be held within 60 days</p>	<ul style="list-style-type: none"> * NNLC to continue review of rules * Establish Commission file for hearing at each availability 	<ul style="list-style-type: none"> -Commission timely adjudicated (11) commission cases. -Prepared and distributed updated calendar -NNLC conducted 19 hrs -Consultation w/Counsel of records, parties & OLC 	
<p>NNLC to conduct regular deliberative session(s)</p>	<p>Timely completion of cases in accordance to NPEA, Commission rules & case management. Commission adhere to regular schedule.</p>	<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 04.28.2016 	
<p>Community Education</p>	<p>Overall Public Awareness of NPEA, Labor laws. Make materials & information available to general public.</p>	<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, 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 	



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: July 7, 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: Third Quarter Report for Fiscal Year 2016

The Office of Navajo Nation Human Rights Commission submits its 2016 Fiscal Year Third Quarter report covering the period April 1, 2016 through June 30, 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

WWW.NNHRC.NAVAJO-NSN.GOV

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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 THIRD QUARTER OF FISCAL YEAR 2016

During the period from April 1st through June 30th, the following are the significant accomplishments of the Commission and Office:

Resolutions Approved by the Commission

1. NNHRCMAY-08-16: Approving and Supporting the Conciliation Issues with the City of Winslow to Advance and Respect the Protection and Preservation of Navajo Human Rights

On April 13th and May 3, 2016, the Office meet with the Winslow Diné Residents to discussed issues we believe should be addressed in fostering a good relations with the City of Winslow (“City”). On April 27, 2016, the Office received confirmation that Ronald Wakabayashi, Western Regional Director within the Community Relations Service, in the United States Department of Justice will be meeting with the Navajo Nation, the communities of Dilkon and Teesto, Winslow Diné Residents, and the City with the intent of fostering good relations between the Navajo Nation and City.

On May 5, 2016, the Office and Community Relations Service representative meet with the City to discuss three issues – establishing a task force to assess law enforcement, incorporating Navajo citizen participation, and fostering cultural fitting measures – with the intent of coming to an agreement or understanding that will foster a good relations between the Navajo Nation and City. The Commission found it was in the best interest of the Navajo Nation and Navajo citizens to approve and support the conciliation issues that addresses establishing a task force to assess law enforcement, incorporating Navajo citizen participation, and fostering cultural fitting measures with the City to advance and respect the protection and preservation of Navajo human rights.

2. NNHRCMAY-09-16: Opposing the Renewal of Twenty-Four (24) Liquor Licenses in [the] City of Winslow and Recommending that the City Council Oppose the Renewal of the Same Liquor Licenses

There are twenty (25) liquor licenses in operation in the City and twenty-four (24) of those liquor licenses are subject to renewal by May 13, 2016. Unless there is substantiated allegation for each of liquor license holders (i.e. businesses) violating Arizona liquor laws, these liquor licenses will

be automatically renewed. As the clearinghouse on race discrimination, the Commission believes that the extraordinary number of liquor licenses in the City is not intended to serve the 9,600 residents and citizens that are transients on the highways. The high number of liquor cleanses in the City is intended to attract Navajo and Hopi consumers living on the Navajo and Hopi nations that purchase goods and services in Winslow.

The Commission found it was in the best interest of the Navajo Nation and Navajo citizens to oppose the renewal of the twenty-four (24) liquor licenses, which is scheduled to expire on May 31, 2016 and recommend the City make a committed effort to also oppose the renewal of the same liquor licenses.

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 third quarter of Fiscal Year ("FY") 2016. The 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 third quarter and one special meeting. The meetings were announced on KTNN, in the Navajo Times, on social media, and on the Navajo Nation's government and Commission's website. Thirteen 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 three Navajo Consumer Credit Seminars and Round Table ("Credit Seminar"). The first Credit Seminar was held on January 28th at the Gallup Community Center with forty-eight participants and the second Credit Seminar was held on March 23rd at the Crownpoint Technical University with twelve participants. Both seminars were held in the second quarter. The third Credit Seminar was held in April 2016 at Leupp Chapter. Presenters included Dama Brown, *Federal Trade Commission*, Faith McLoone, *Arizona Attorney General*, Verokia Fabian, *Arizona Attorney*, Joel Cruz-Esparza, *New Mexico Attorney*, and Virginia Moore, *Department of Interior Office of the Special Trustee for American Indians (OST)*. Unfortunately, the third Credit Seminar had zero participants.

Part of the Plan of Operation is to "educate the public about human rights" and on June 15th, the Office was requested by the Ojo Encino, Torreon and Counselor Chapters ("Tri-Chapters") for assistance on developing a process and procedure when they interface with the United States Bureau of Land Management ("BLM"). The request for assistance meeting took place at Ojo Encino Chapter. The Office presented on Free, Prior and Informed Consent ("FPIC") as it relates to federal government requirement to consult with indigenous peoples. The Tri-Chapters raise strong concerns regarding the disturbance of lands and sacred places. While BLM welcomed recommendations from the Tri-Chapters, they cannot deviate from the requirements of consultation with the Navajo Nation even though the Tri-Chapters desire the ability to approve any BLM projects in advance of the ground work starting. An extensive presentation on FPIC was provided in the presence of BLM representatives. It was clear that the BLM representatives agree with FPIC but they cannot unilaterally implement it without the approval of the United States President and/or Congress.

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 third 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 local, state, national and international entities. This includes connection and networking with border town organizations that help and serve Navajos and Native Americans who live in urban areas.

The City of Winslow

On November 1, 2013, the Commission, on behalf of the Navajo Nation, entered into a Memorandum of Understanding ("Understanding") with the City of Winslow with the purpose of achieving better race relations. The City and Commission understand that in order to achieve better race relations, both parties recognize that racism and discrimination occur by Navajos and non-Navajos, and is a sensitive matter. On December 12th, the Commission conducted a four hour Navajo Culture for Law Enforcement Officers training to the Winslow Police and Fire Departments. On April 14, 2015, the City Council passed Resolution No. 1694 recommending that the Arizona State Legislature amend the state liquor laws to expand the role of local government in the license approval process by the Arizona State Liquor Board. These efforts made by the City are due to the Understanding.

On March 28, 2016, the Office was notified of tragic incident that occurred on Easter Sunday regarding the fatal shooting of a young Navajo woman on by a non-Navajo Winslow Police Officer. The Office started taking all the necessary steps to address and investigate the tragedy by interfacing with the local, state, and federal governments. On April 14th, the Office held a teleconference call with the United States Department of Justice Civil Rights Division ("Civil Rights Division") to discuss the tragic incident and what standard is needed in order of the Civil Rights Division to conduct an independent investigation at the request of the Navajo Nation President, Navajo Nation Council, and Arizona State Representative Hale.

Unfortunately, the Civil Rights Division informed the Office they cannot conduct an independent investigation until the Arizona Department of Public Safety ("DPS") completes its investigation on the use of excessive force by the Winslow Police Officer that lead to the death of the young Navajo woman, which takes sixty days, and after Navajo County Attorney's Office determines if criminal prosecution is warranted, which has no timeframe. However, the Civil Rights Division did explain they do not have to wait for DPS to complete their investigation or have Navajo County Attorney's Office determine if criminal prosecution is warranted in order for them to examine Winslow Police Department pattern or practice.

The Civil Rights Division has employed this process, "pattern or practice" investigation, in communities across the nation to reform serious patterns and practices of excessive force, biased policing and other unconstitutional practices by law enforcement. The Civil Rights Division may look, depending on what information prompted the investigation, at whether the police department has engaged in a pattern or practice of stops, searches, or arrests that violate the Fourth Amendment; use of excessive force;

discriminatory policing; violation of the constitutional rights of criminal suspects; or violation of First Amendment rights. If the investigation reveals patterns or practices of unlawful policing, the Civil Rights Division will seek to work with the police department, with input from community, to effectively and sustainably remedy any unlawful practices. The reform process initiated by a "pattern or practice" investigation can enable law enforcement agencies to remedy identified problems; repair mistrust between the community and the police; and bring about policing that is lawful, effective, and responsive to community needs. It can also help police officers, both by ensuring that they have the policies and training they need to police safely and by helping to foster the community confidence they rely on in performing their duties.

On April 27th, the Office received confirmation that Ronald Wakabayashi, Western Regional Director within the Community Relations Service, in the United States Department of Justice will be meeting with the Navajo Nation, the communities of Dilkon and Teesto, Winslow Diné Residents, and the City with the intent of fostering good relations between the City and Navajo Nation. On May 5th, the Office and Community Relations Service representative meet with the City to discuss race relations issues with the intent of coming to an agreement or understanding that will foster a good relations between the City and Navajo Nation. During the meeting, the City agreed to visit the communities of Dilkon and Teesto to introduce themselves and provide an update regarding the fatal shooting of the young Navajo woman and the non-Navajo Winslow Police Officer in question.

At the Dilkon and Teesto's Chapter meeting, City Manager Stephen Pauken and Chief of Police Stephen Garnett informed the communities that the DPS investigation was completed Friday evening on June 10th. The investigation was supposed to be handed over to Navajo County Attorney's Office for their review and possible criminal charges; however the investigation will be handed over Maricopa County Attorney's Office. Navajo County Attorney's Office feels the investigation needs to be impartial. According to the City Manager, Maricopa County Attorney's Office should be done examining the investigation before the end of June and will make the determination if criminal charges are warranted.

In addition, the City asked the Mesa Police Department to start an independent investigation to examine Officer Austin Shipley, the non-Navajo Winslow Police Officer in question, fitness to continue being a police officer. Winslow Police Department handed over all of Officer Shipley personnel information to Mesa Police Department. This independent investigation is on-going and running concurrent with the Maricopa County Attorney's Office work. It was also indicated that Officer Shipley is on Administrative Leave and has not return to duty while both the Maricopa County Attorney's Office and Mesa Police Department work are on-going. While there was said information Officer Shipley was back on duty, that said information was incorrect.

Furthermore, there was also said information that protestors of the Winslow Police Department was able to get the Chief of Police to step down after the fatal shooting. Again, that said information is incorrect. Chief Garnett enrolled in the Public Safety Retirement Pension's DROP program in August of 2011, which means that he effectively retired on that date with a commitment to serve for five more years. Therefore, Chief Garnett distinguished service to the City will end in August 2016. At that point, the City will hire an interim Chief of Police who will not be interested in the permanent position for nine months while the City employ the services of a consultant who will examine the city operation in its entirety. Upon completion of this examination, the City will then engage in the competitive recruitment

of a new Chief of Police. The information the City Manager and Chief of Police provided was greatly appreciated. It not only clarified misperception that nothing is being done, but got the community up to speed on the current events being taken. Navajo Times was present at Dilkon and Teesto's Chapter meeting, who reported on the visit by the City Manager and Chief of Police.

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. As a result, the Commission is a complaining party in the matter of *Navajo Nation Human Rights Commission et al v. San Juan County et al*, case number 2:2016-cv-00154, and the redistricting case *Navajo Nation v. San Juan County*, case number 2:2012-cv-00039. The Office continues to participate in and provide assistance to both law suits. The Office accompanied the American Civil Liberties Union of Utah to conduct interviews with Navajo voters in San Juan County who reside the Navajo Nation. This was part of the follow-up with plaintiffs on the mail-in election. On the redistricting case, the Office visited several census blocks that were developed and bifurcated by San Juan County Utah on their redistricting plan. There are places where no one lives yet were allocated certain number of residents.

Indian Law Conference – Federal Bar Association

The Office occasionally is invited to participate in law and policy conferences to present on indigenous human rights. The Federal Bar Association requested the Office to present at its Indian Law Conference on future of the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"). While the United States supports UNDRIP, it has been difficult for the United States government to learn about UNDRIP and implement UNDRIP. For example, the Office is working with Tri-Chapters to advance UNDRIP when working with BLM. At the Indian Law Conference, the Office's presentation concentrated on the indigenous human rights standard of Free, Prior and Informed Consent. The current United States government standard is consultation, which is consider ineffective. FPIC requires that before any final decision is made that will impact the indigenous peoples, the federal government must seek the consent of the indigenous peoples before implementation is to take place.

Organization of American States Declaration on Rights of Indigenous Peoples

For several years, the Navajo Nation participated in the Working Group to draft the American Declaration on the Rights of Indigenous Peoples ("Working Group"). Participants of the Working Group include the Navajo Nation Council and the Office. The Organization of American States ("OAS") established the Working Group to negotiate the draft American Declaration on the Rights of Indigenous Peoples ("American Declaration"). The Office and Council Delegate Dwight Witherspoon participated in the final negotiation sessions which lasted three days from May 17th to 19th in Washington, D.C. Several articles and paragraphs within the American Declaration were left unaddressed because various OAS nation-states requested to consult with their government administrations. On May 19th, the Working Group approved the draft American Declaration. On June 15th, the OAS General Assembly adopted the American Declaration. The American Declaration is an international western hemisphere

human rights standards which would be respected by OAS member states. Several indigenous nations from North, Central and South America along with non-governmental organizations attend the session.

Human Rights Investigator and Investigation

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

In April, the Office conducted a witness interview with parents and staff of Gallup McKinley County School concerning an allegation of derogatory comments made by the Thoreau High School Head Basketball Coach and conducted a teleconference call with the Federal Trade Center regarding a border town automobile dealer and their business practice. In May, the Investigator attended the sentencing hearing in Bernalillo County regarding a complaint filed by client NNHRC-10-118. In June, the Office conducted a teleconference call with the Civil Rights Division and Federal Trade Commission on issues related to the Office's active cases. In addition, the Investigator provided a report to the Navajo Nation Human Rights Commissioners during its regular meeting on the findings regarding the concerns raised by Navajo parents whose children are enrolled in the Gallup McKinley County School in Crownpoint and Thoreau, New Mexico.

It should be noted that for each new complaint and active case, the Investigator identified and researched the issue(s) and policies, obtains facts and evidence to substantiate the allegation of racial and/or human rights violation, and networks with tribal, county, state and federal agencies for some form of resolution.

Intake and Complaints

From April 1st through June 30th, the Office received thirteen 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 eleven 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

In the third quarter, the Office participated in three training sessions conducted by Justin Tsosie, National Labor Relations Act member on Unions, by the Navajo Nation Department on Justice on Navajo Law and Police Procedures in Flagstaff, Arizona at the Flagstaff Police Department, and by Joel Cruz-Esparza, *Attorney*, on consumer laws and rights for the State of New Mexico. The trainings are

part of the Office's effort to better understand ways and means to educate and protect Navajos from acts of race discrimination and/or human rights violations.

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 fourth 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 and continue building a rapport with various local, county, state and federal government agencies.

The Office will continue to monitor and assist the attorneys who filed the lawsuit in *Navajo Nation Human Rights Commission et al v. San Juan County et al* and *Navajo Nation v. San Juan County* by providing needed information, and keep the plaintiffs updated as they are stakeholders in the lawsuit. The Office will continue to investigate the complaints raised by Navajo parents whose children are enrolled in the McKinley County School District in Crownpoint and Thoreau, New Mexico.

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
PROGRAM PERFORMANCE CRITERIA**

FY 2016

Page 2 of 9

PART I. PROGRAM INFORMATION:									
Business Unit No.:	101029	Program Name/Title:		Navajo Nation Human Rights Commission					
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:									
Pursuant to 2 N.N.C § 920 and § 921, the Navajo Nation Human Rights Commission is established within the Legislative Branch to operate as a clearinghouse entity to administratively address discriminatory actions against citizens of th Navajo Nation, and to interface with human rights organizations.									
PART III. PROGRAM PERFORMANCE CRITERIA:									
1. Program Performance Area:	Educate Navajo citizens on their human rights	1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal Statement:	Conduct Public Education on San Juan County Utah Voting Rights Issue	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
2. Program Performance Area:	Educate Navajo citizens on their human rights	150	205						
Goal Statement:	Meet with Federal and State agencies to refine consumer credit education material	4	1						
3. Program Performance Area:	Educate Navajo citizens on their human rights								
Goal Statement:	Conduct Four Navajo Consumer Credit Seminars			1	2	2	1	1	1
4. Program Performance Area:	Educate Navajo citizens on their human rights								
Goal Statement:	Conduct Public Education on Naahdleeii (LGBTQ)	50	0	50	0	50	0	50	50
5. Program Performance Area:	Assist with investigating written complaints filed by Navajo Citizens								
Goal Statement:	Assemble a pool of potential plaintiffs	5	0	5	39				
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
Program Manager: LEONARD GORMAN, Executive Director /Date		Division Director/Branch Chief's Printed Name and Signature / Date							

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

FY 2016

PART I. PROGRAM INFORMATION:		Navajo Nation Human Rights Commission											
Business Unit No.:	101029	Program Name/Title:											
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:													
PART III. PROGRAM PERFORMANCE CRITERIA:													
1. Program Performance Area:		1st QTR		2nd QTR		3rd QTR		4th QTR					
Assist with investigating written complaints filed by Navajo Citizens		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
Goal Statement:													
Work one-on-one with Navajo clients whose complaints are opened for investigations		8	14	8	18	8	13	8	8				
2. Program Performance Area:													
Conduct public hearings													
Goal Statement:													
Assess employment issues in three border towns - Gallup, Flagstaff and Farmington		1	1	1	1	1	0	1	1				
3. Program Performance Area:													
Interface with other entities													
Goal Statement:													
Collect data on Navajo people's impacts on bord town economies		2	4	2	2	4	2						
4. Program Performance Area:													
Conduct public hearings													
Program Performance Area:													
Transcribe public hearing minutes and write hearing reports				1	1	2	1	1	1				
5. Program Performance Area:													
Interface with other entities													
Goal Statement:													
Present before the Inter-American Commission on Human Rights		1	1										
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.													
Program Manager: LEONARD GORMAN, Executive Director /Date										Division Director/Branch Chiefs Printed Name and Signature / Date			



THE NAVAJO NATION
ELECTION ADMINISTRATION

Strength and Dignity Through Voting



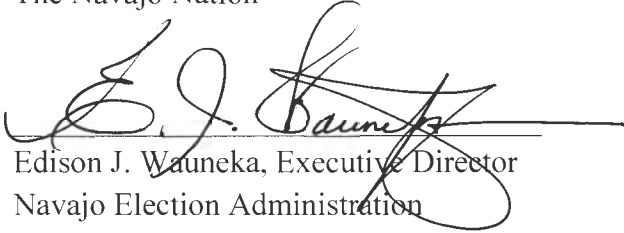
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MEMORANDUM

DATE: July 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 3rd Quarter

Attached is a copy of the Fiscal Year 2016 3rd Quarterly Report for the Navajo Board of Election Supervisors and the Navajo Election Administration. This report covers the period of April, May and June, 2016.

XC: NBOES
NEA files
OMB



Navajo Board of Election Supervisors
Navajo Election Administration
Navajo Nation Legislative Branch
Fiscal Year 2016 – Third 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 3rd Quarter

- Election Board members conducted six regular meetings and one work session
- Election Board approved five resolutions during their regular meetings
- Election Administration finished candidate filing period for 2016 Chapter Election
- Election Administration working with Navajo County to combine poll workers
- Election Administration working on questions and concerns from February 23 Arizona Presidential Preference Election
- Established sub-office for Cibola County Voting Rights Coordinator in Ramah, NM
- Prepare for 2016 State Elections with Arizona and New Mexico counties
- Assisting Counties and States with interpretation and translation of ballot questions/election materials
- Conducted special election to fill the vacant District 14 Navajo Nation Council position
- Recommended three amendments to the Navajo Nation Council to Title 11 – Navajo Nation Election Code

Section Two: Goals for 3rd Quarter

- 2016 Navajo Nation Chapter Primary 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
- Conduct voter registration drives at all Navajo Nation Fairs
- Continue working on next phase of Voter Registration Database for Navajo Nation Elections
- Increase and maintain Annual Funding
- Enforcement of Policies
- Secure Office Buildings/Equipment

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 Need New Voting Equipment

Contact Information

Edison J. Wauneka, Executive Director

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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 Third Quarter of Fiscal Year 2016

1. Navajo Board of Election Supervisors Meetings

The Navajo Board of Election Supervisors has two (2) regular meetings a month. The meetings are held on the second and fourth Thursday of each month. The meetings are conducted at the Navajo Nation Quality Inn Business Complex Conference Room 107. The Election Board at times changes the meeting location and date of the meetings. The Election Board also have special meetings and work sessions when it becomes necessary. Agendas for the meetings are available two days prior to the meetings at the Navajo Election Administration Window Rock Office. The meetings are advertised in the local media and are opened to the general public.

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

1. NBOES Regular Meeting	April 14, 2016
2. NBOES Regular Meeting	April 28, 2016
3. NBOES Work Session	May 2, 2016
4. NBOES Regular Meeting	May 10, 2016
5. NBOES Regular Meeting	May 26, 2016
6. NBOES Regular Meeting	June 9, 2016
7. NBOES Regular Meeting	June 30, 2016

2. 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>
BOESMY-005-16	05-10-16	Authorizing a Referendum for Casamero Lake Chapter on the question of whether the chapter meeting quorum requirement should be lowered from 25 chapter registered voters to 15
BOESMY-006-16	05-10-16	Requesting the Navajo Nation Resources and Development Committee to Seek or Allocate Funding Expeditiously to Develop and Construct a New Office Building for the Navajo Election Administration Independent from other Entities

BOEJN-007-16	06-09-16	Authorizing a referendum for Cameron Chapter on the question of whether the chapter meeting quorum requirement should be lowered from 25 chapter registered voters to 15
BOEJN-008-16	06-09-16	Extending Filing Period for Certain Elective Positions in the 2016 Navajo Nation Chapter Primary Election
BOESJN-009-16	06-09-16	Authorizing a referendum for Smith Lake Chapter on the question of whether the chapter meeting quorum requirement should be lowered from 25 chapter registered voters to 15
BOESJN-010-16	06-30-16	Authorizing a referendum for Tohatchi Chapter on the question of whether the chapter meeting quorum requirement should be lowered from 25 chapter registered voters to 17

3. 2016 Chapter Election

The 2016 Chapter Election opened with candidate filing on March 3, 2016. Candidates have been filing at the six (6) Navajo Election Administration locations throughout the Navajo Nation. Candidates were allowed to file at any of the Election Administration locations regardless of the position they were filing for. Candidate filing was closed on June 2, 2016 at 5:00 pm. The Election Administration was set up at the Navajo Nation Museum on the filing deadline date to accommodate the candidates who wished to file for the 2016 Navajo Nation Chapter Election. There are 746 positions available for the 2016 Chapter Election. By the deadline date of June 2, 2016, 536 positions were filed for and 210 positions were not filed for. The Election Board extended the filing deadline to Friday, July 1, 2016 for the positions not filed for. The Election Administration does not receive funds for special elections thus filling all of the available positions during this election cycle are important. Some of the vacant positions are agency wide at-large positions covering two (2) or more agencies. These positions require a special election at all chapters to be represented by the elected position. Running special elections especially at-large positions becomes expensive for the Election Administration and the Election Board.

4. County and State Elections

Navajo County Meeting

The Navajo Election Administration has been meeting with the Navajo County Recorder Administration to coordinate our efforts to combine the duties of the

poll workers on (Primary and General) Election Day. The Navajo Nation and the State of Arizona conduct the Primary Election on the same day and often times, both entities share the same polling location. With all the poll workers and election equipment from the counties and Navajo Nation, the polling location becomes crowded and unorganized causing voters to be misinformed and confused. Another meeting is scheduled for July 5, 2016 with the Navajo County Recorder and Administration. At this meeting, the Presidential Preference Election trial mock election held in February, 2016 will be reviewed and further discussions will be made to expand the concept of combining poll worker duties on same day elections within Navajo County. Other counties will be invited to share the concept and share any ideas to improve the concept. If the concept works for Navajo County and the Navajo Nation, it will be introduced to the other Navajo Nation affiliated counties for consideration.

Arizona State Presidential Preference Election Questions

During the Arizona Presidential Preference Election on February 26, 2016, many Navajo Nation voters were not properly informed of the Presidential Preference Election. Many voters assumed the Presidential Preference Election was also happening in New Mexico and Utah. In Arizona, some voters complained that they were not given proper instructions at the polling locations. Many voters called the Navajo Election Administration on this day asking question like voter registration status, polling locations and voting hours. The Navajo Election Administration is working on the Primary and General Election for all three states to make sure the voters are properly informed. The counties and state election officials will be informed about the concerns of The Navajo Nation.

Cibola County VRC Meetings

Cibola County Clerk's Office has a monthly meeting with their Voting Rights Coordinators (VRC). The VRCs represent the Navajo, Acoma and Laguna tribes. At these meetings, the VRCs are provided election updates within the County and State. The Navajo Election Administration represents and supports the Navajo VRC from the Ramah Navajo Chapter community, Ms. Effie Martine. During the last meeting, the VRCs and Navajo Election Administration were provided a report of the Primary Election in Cibola County. Primary Election results and statistics were provided at this meeting. The Navajo Election Administration will be assisting the counties with translation and interpretation of election materials for the upcoming Arizona Primary Election and the General Election.

Bernalillo County VRC Training

The Bernalillo County Clerk's Office conducted two training sessions for the Voting Rights Coordinators within Bernalillo County. Bernalillo County election jurisdiction includes Tohajiilee Chapter and several Pueblo Tribes. The sessions included the Navajo Coordinators, Asian, Spanish and Pueblo Coordinators. Explained were information for the Primary Election and how to properly approach and assist the minority voters in the county. Sample election materials were shared with the participants at this meeting. Further meetings will be

conducted for the General Election. Ms. Shirlee Smith is the Voting Rights Coordinator for Bernalillo County.

NMSOS NAEIPVRC position

The NEA has been meeting with the appointed New Mexico Secretary of State regarding the vacant state level Voting Rights Coordinator position. This position was created through a lawsuit against the State of New Mexico and has always been occupied by qualified individuals but has been vacant since 2012. Former Secretary of State Dianne Duran did not fill this position although the Navajo Election Administration has approached her with this concern. The Navajo Election Administration is seeking to fill this position for the Navajo Nation and place the position back within the Navajo Nation boundaries. The correspondence with the Secretary of State seems promising but the position remains vacant. The Navajo Election Administration will be presenting this concern to the New Mexico State Indian Affairs Committee at their next meeting. The Election Administration is seeking the support of the Navajo Nation Council, the Office of the Speaker and the Navajo Nation President with this matter.

5. Special Elections

With the removal of Navajo Nation Council Delegate Mel R. Begay, a special election has been scheduled for the vacant position. Filing for the position was opened and thirteen (13) individuals applied for the position. The special election was held on Tuesday, June 28, 2016 at the 5 chapters that are covered by the position. The chapters include Bahastl'a'a', Coyote Canyon, Mexican Springs, Tohatchi and Naschitti Chapters. Attached are the unofficial special election results.

6. Election Code Amendments

The Navajo Board of Election Supervisors conducted a work session at the McKinley County Metro Dispatch Center on May 2, 2016. At this work session, the Election Board made additional recommendations to the amendments. The amendments include changing the 90 days candidate filing period to 14 days. This will shorten the election time line considerably and allow the Election Administration additional time to work on preparation for the election. Other amendments are increasing the stipend of the Election Board, amending the qualification of elected officials, amending the campaign expense laws and reapportionment of the Navajo Nation Council. The Election Code amendments item is placed on the Election Board meeting agenda at every meeting as a report item.

7. Referendum Elections

The Election Board and Administration has been conducting local referendum elections for chapters throughout the Navajo Nation. The referendums are for changing the chapter form of government to an alternative form of government and other referendums are for changing the chapter meeting quorum from 25 registered voters to either 17 or 15 members to conduct its duly called business.

The proposed quorum numbers are based on the number of registered voters within the chapter. The Navajo Election Administration provides the laws and technical assistance to the chapters and voters regarding referendum elections.

8. Independent Attorney

Currently, the Election Board and Administration utilizes the services of Office of Legislative Counsel (OLC) for legal services. At times, the Election Board and Administration have to contract with outside attorneys through and by the direction of OLC. The outside attorney process hinders the grievance and hearing process for the Board and Administration. The Election Board is in the process of obtaining an independent Attorney for the Board and Administration. The process status is in the late stages with the Job Vacancy Announcement (JVA) in the final stages of completion. The JVA will be sent to Personnel Department and the position will be advertised through the Navajo Nation Job Vacancy Listing. Following the advertisement and filing for the position, the Election Board will set up interviews for the position and proceed to hire an attorney for the Board. Office of Legislative Counsel will be supervising the Attorney and provide technical assistance in the transition of the position.

9. 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 such as colleges and universities. The NEA provides voter registration to individuals who call or email requests for such services. 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 128,185 voters 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 reporting period, the Election Administration conducted major voter and information drives at the Gathering of Nations Pow Wow in Albuquerque, New Mexico. 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.

10. Navajo Nation Voter Registration Database (VRDB)

The Voter Registration Database was built by *Auburn Seewolf LLC* through a contract with *Automated Election Services, Inc. (AES)* from Rio Rancho, New Mexico. The VRDB is a program that maintains and controls all of the voter registration, voter registrar and voting history of the Navajo Nation voters. This system was implemented after the old VAX became obsolete and non-supported by the Navajo Nation DIT. The problems include the software shutting down after certain commands are selected such as printing reports. This problem is due to the software built on the Microsoft *Windows XP* operating system. Since the initiation of the program, the computer operating systems have advanced to *Windows 7, 8* and now *Windows 10*. The software as built is incompatible with the newer operating systems. Corrections are being made to accommodate the changes. Another problem is reloading the VRDB software on new systems purchased by the Election Administration. The license for the software has expired for the software but DIT is assisting the Election Administration with mirroring the software and reinstalling on new systems. A permanent solution is needed because updates are not allowed on the "mirrored" systems. The Election Administration is working with Seewolf, AES and DIT to repair the problems for the Navajo Nation VRDB. The Navajo Election Administration and the *Department of Information Technology* are working on another addition to the database to control the election conducted by the Election Administration. This database will control the filing for candidacy, the candidate photos, composing the election information for ballots, ballot printing, and programming of data for the elections, generating election results reporting and providing this information to the general public. The database should be completed by the 2018 Navajo Nation Presidential/Navajo Nation Council Election.

11. 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. The Central Election Office in Window Rock has land set aside for the construction of a new office building but is lacking funding for construction. The Election Administration is on the *Capital Improvement Project* funding list for a new office building. The Election Board and Administration receive periodic reports from CIP on the status of the Office Building request.

3. 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.

7. 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.

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
3. Navajo Nation Voter Registration Summary Report
4. District 14 Special Election Unofficial Results

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

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

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

FY 2016

Page 2 of 3

PART I. PROGRAM INFORMATION:		Business Unit No.: <u>101021</u>		Program Name/Title: <u>Election Administration Office</u>	
PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:					
2 NNC Sec 875: To implement and carryout provisions of the election code and conduct elections.					
PART III. PROGRAM PERFORMANCE CRITERIA:					
1. Program Performance Area: <u>Election</u>					
Goal Statement: <u>To attain voter turnout for primary election and special elections</u>					
2. Program Performance Area: <u>Assist local officials</u>					
Goal Statement: <u>Provide information to chapter officials, delegates and other officials</u>					
3. Program Performance Area: <u>Maintain data base</u>					
Goal Statement: <u>To register voters, data entry, data management, change voter data and provide informaiton</u>					
4. Program Performance Area: <u>Statistical reporting</u>					
Goal Statement: <u>Reports to NN Council, Standing committees, Oversight committees and chapters</u>					
5. Program Performance Area: <u>Assist NBOES</u>					
Goal Statement: <u>Administrative support, reports, resolutions, rules & regulations, code amendments, emails, etc.</u>					
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	

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
218	250	437	90	219	2,534	29,760	
90	110	91	110	91	110	1,684	
2,000	1,199	2,001	2,202	3,001	3,551	1,336	
139	121	140	110	140	120	222	
17	18	14	6	14	14	18	

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									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
		6	1	1	1	1	1	110	
2. Program Performance Area:									
Refer resolutions and legislations									
Goal Statement:									
Develop, present and support resolutions, code amendments, rules & regulations by teamwork with delegates									
		3	4	2	6	1	1	1	1
3. Program Performance Area:									
Election related issues									
Goal Statement:									
Tend to grievances, recalls, recounts, initiatives, referendum(a) with the general public and officials									
		4	1	5	5	5	4	10	
4. Program Performance Area:									
Assit local governances									
Goal Statement:									
Receive reports, respond to requests, presentations and take appropriate actions per the code for the public/offic									
		5	5	3	3	3	7	3	
5. Program Performance Area:									
Coordinate with NEA									
Goal Statement:									
Receive reports, plans, discussions, directives and communicate with the delegates									
		35	48	35	30	35	30	38	
PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.									
Edison J. Wauneka, Executive Director /Date									
Hon. LoRenso 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		931
013	FOREST LAKE		561
014	PINON		1,952
015	TACHEE/BLUE GAP		924
106	BLACK MESA		608
107	WHIPPOORWILL		1,054
	Total Voters in District 04:	6,030	
District 10			
032	CHINLE		4,334
033	MANY FARMS		1,469
034	NAZLINI		949
035	TSELANI/COTTONWOOD		1,327
100	TSE CHIZHI		885
	Total Voters in District 10:	8,964	
District 11			
036	LUKACHUKAI		1,273
037	ROUND ROCK		903
038	TSAILE/WHEATFIELDS		1,338
	Total Voters in District 11:	3,514	
Total Voters in Chinle:		18,508	

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Eastern Agency

Precinct	Chapter	Voter Count
District 15		
053	BECENTI	739
054	LAKE VALLEY	401
055	LITTLEWATER	716
056	NAHODISHGISH	476
057	PUEBLO PINTADO	503
058	STANDING ROCK	673
059	TORREON	1,170
060	WHITEHORSE LAKE	542
061	WHITEROCK	353
064	CASAMERO LAKE	579
097	CROWNPOINT	1,246
Total Voters in District 15:		7,398
District 16		
062	BACA/PREWITT	1,085
063	BAAHAALI	830
065	CHICHILTAH	1,290
066	CHURCHROCK	2,020
067	IYANBITO	806
068	MANUELITO	819
069	MARIANO LAKE	864
070	PINEDALE	1,222
071	RED ROCK	1,473
072	ROCK SPRINGS	1,418
073	SMITH LAKE	677
074	THOREAU	1,381
075	TSAYATOH	923
Total Voters in District 16:		14,808
District 19		
091	HUERFANO	1,638
092	NAGEEZI	1,035
093	OJO ENCINO	601
102	COUNSELOR	621
Total Voters in District 19:		3,895
District 21		
095	TOHAJIILEE	967
Total Voters in District 21:		967
District 22		
096	ALAMO	1,153
Total Voters in District 22:		1,153
District 23		
094	RAMAH	1,257
Total Voters in District 23:		1,257
Total Voters in Eastern:		29,478

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Fort Defiance Agency

Precinct	Chapter	Voter Count	
District 07			
019	DILCON		1,190
020	INDIAN WELLS		886
021	JEDDITO		888
022	TEESTO		883
023	WHITECONE		934
098	LOW MOUNTAIN		808
	Total Voters in District 07:	5,589	
District 14			
048	COYOTE CANYON		1,057
049	MEXICAN SPRINGS		863
050	NASCHITTI		1,301
051	TOHATCHI		1,259
052	BAHASTL A A		1,500
	Total Voters in District 14:	5,980	
District 17			
076	CORNFIELDS		867
077	GANADO		1,250
078	GREASEWOOD		855
079	KINLICHEE		1,529
080	KLGETOH		869
081	STEAMBOAT		1,244
082	WIDE RUINS		866
	Total Voters in District 17:	7,480	
District 18			
083	CRYSTAL		828
084	FORT DEFIANCE		3,151
085	HOUCK		1,231
086	OAK SPRINGS		707
087	RED LAKE		781
088	ST. MICHAELS		2,413
089	SAWMILL		1,129
090	LUPTON		763
105	NAHATA DZIL		1,018
	Total Voters in District 18:	12,021	
Total Voters in Fort Defiance:		31,070	

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Northern Agency

Precinct	Chapter	Voter Count
District 09		
028	MEXICAN WATER	793
029	ROCK POINT	1,272
030	TO LIKAN	931
031	TEECNOSPOS	1,059
099	RED MESA	1,359
Total Voters in District 09:		5,414
District 12		
039	ANETH	1,686
040	TOADLENA/TWO GREY HILLS	1,000
041	RED VALLEY	1,154
042	TSE ALNAOZL II	1,637
043	SHEEPSPRINGS	735
044	SHIPROCK	5,367
101	BECLABITO	627
103	TSE DAA KAAAN	1,312
104	GADII AHI	657
108	COVE	627
109	NEWCOMB	650
Total Voters in District 12:		15,452
District 13		
045	TIISTOH SIKAAD	588
046	NENAHNEZAD	1,660
047	UPPER FRUITLAND	1,902
110	SAN JUAN	599
Total Voters in District 13:		4,749
Total Voters in Northern:		25,615

The Navajo Nation Election System
 Summary Report
 Total Registered Voters for
 Western Agency

Precinct	Chapter	Voter Count	
District 01			
001	COPPERMINE		745
002	KAIBIITO		1,141
003	LECHEE		969
004	TONALEA		1,671
	Total Voters in District 01:	4,526	
District 02			
005	TSAH BII KIN		894
006	NAVAJO MOUNTAIN		690
007	SHONTO		1,349
	Total Voters in District 02:	2,933	
District 03			
008	BODAWAY/GAP		1,358
009	CAMERON		899
010	COALMINE CANYON		872
011	TO-NANEES-DIZI		3,742
	Total Voters in District 03:	6,871	
District 05			
016	BIRDSPRINGS		754
017	LEUPP		1,417
018	TOLANI LAKE		668
	Total Voters in District 05:	2,839	
District 08			
024	CHILCHINBETO		908
025	DENNEHOTSO		1,130
026	KAYENTA		2,624
027	OLJATO		1,683
	Total Voters in District 08:	6,345	
Total Voters in Western:		23,514	
Total Voters:		128,185	

Candidate	Bahastl'a'a'	Coyote Canyon	Mexican Springs	Naschitti	Tohatchi	Total Votes
						Cast for Candidate
Elvis Bitsilly	13	7	4	7	44	75
Edison A. Begay, Jr.	13	19	7	12	27	78
Ansley L. Curley	18	48	33	9	20	128
Tom Ranger	4	15	3	4	2	28
Theresa Becenti-Aguilar	136	215	90	36	87	564
Bob Begaye	14	4	36	9	8	71
Anthony K. Howard	94	14	18	4	11	141
Brent A. Detsoi	82	6	13	2	16	119
Harrison Plummer	17	49	13	4	20	103
Nathan Notah	42	24	42	89	147	344
Willis Nez	6	5	6	57	18	92
Karen E. Bedonie	9	7	19	16	9	60
Steven Begay	122	75	66	275	193	731
Total	570	488	350	524	602	2534



EASTERN NAVAJO LAND COMMISSION

Leonard Tsosie, Chairperson
Seth A. Damon, Vice-Chairperson
Norman M. Begay, Member
Jonathan Perry, Member

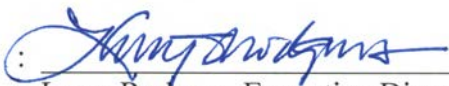
Danny Simpson, Member
Edmund Yazzie, Member

Larry Rodgers, Executive Director

JUL 6 '16 AM 11:24

MEMORANDUM



Date : July 05, 2016
To : LoRenzo Bates, Speaker
OFFICE OF THE SPEAKER
Navajo Nation Legislative Branch
From : 
Larry Rodgers, Executive Director
Eastern Navajo Land Commission
Subject : FY 2016 *Third* Quarterly Report

Attached is the *Third* Quarterly Report of Fiscal Year 2016 for the Eastern Navajo Land Commission (ENLC), covering activities from April 1st to June 30th. The report includes both the Commission and the Office work activities with attachments of OMB Forms 2.

xc: Members, ENLC
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ORGANIZATION & COMMISSION PURPOSES – FY 2016

Commissioners:

Leonard Tsosie, Chairperson
Seth Damon, Vice-Chairperson
Norman M. Begay, Member
Jonathan Perry, Member
Danny Simpson, Member
Edmund Yazzie, Member

EASTERN NAVAJO LAND COMMISSION

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I. Purposes of the Eastern Navajo Land Commission

The purposes of the Commission include (simplified, otherwise see 2 NNC § 861 *et seq.*):

- 1) Advocating and initiating land acquisition towards the Eastern Navajo consolidation plan;
- 2) Providing technical support to Navajo Nation in securing administrative and regulatory jurisdiction;
- 3) Advocating rights of individual occupants on BLM and State lands;
- 4) Assisting in implementing NNC-enacted land acquisition and consolidation activities in Eastern Navajo;
- 5) Coordinating planning/mitigating impact of energy development in Eastern Navajo;
- 6) Coordinating Navajo Nation land-related work with Federal, State, local authorities;
- 7) Identifying certain lands, i.e., private, beneficial to Navajo Nation and engaging talks for acquisition;
- 8) Providing recommendations to the Navajo Nation Council concerning expenditures of the Navajo Land Acquisition Fund in respect to Eastern Navajo;
- 9) Planning and initiating legislative strategies regarding beneficial Navajo Nation, Federal, and New Mexico legislation cooperatively with appropriate Navajo Nation Council standing committees;
- 10) Taking steps in securing reservation boundary legislation inclusive of checkerboard area for recognition as Navajo Indian Reservation; and
- 11) Obtaining formal protection of Navajo cultural, religious or historic sites near the Eastern Navajo Agency.

THE *THIRD* QUARTERLY REPORT – FY 2016

II. Summary of Accomplishments during the reported Quarter

1. Commission Meetings:

The Commission convened three regular meetings and no special meeting during the quarter.

2. Staffing and Consultation:

Four staff members continued their work activities during this quarter, however the GIS Tech took a month's leave. The Frye Law Firm continued work under contract with the ENLC. A special contract with POWERS attorney group in Washington, DC is awaiting work on the NELI/NIIP federal legislative project. The NELI/NIIP Project has been dormant pending further action on FWAD land division which is now pending for federal legislation.

3. Project Activities:

NELI+NIIP Project: This NELI/NIIP project is still on hold now dependent on the outcome of the FWAD Land Division with federal legislation. The Commission is on standby to meet with Congress members and staff regarding this project.

Fort Wingate Army Depot: During the previous quarter the Speaker under a Naabi Committee directive concluded final negotiations with the Zuni Governor in correcting prior mapping errors noted through two testimonies in Washington, DC by both Speakers Naize and Bates at different times. The renegotiation of the map also included an exchange that used the access road as a new boundary for definitive purposes while Zuni picked up an extra part of Parcel 10A and Navajo gained full area east of the access road. The new legislation used the map negotiated in Washington, DC between the two tribes on July 08, 2013. The Naabi Committee during that same quarter approved the revised portion of the changes. This quarter, the measure has been considered by Congressmen Pearce (Rep - NM) and Young (Rep - AK) for legislation. Navajo Nation submitted concern that Tri-State, a utility company, would get to use their existing ROW perpetually without consideration of negotiating with the tribes in the future. This being done through legislation could be viewed as new precedence which would not favor Tribes in similar circumstances. The Fort Wingate federal legislation was to piggy-back on the new Defense spending bill.

Navajo Resident Occupancy on BLM Lands: With a new District Manager in the Farmington BLM Office, the Commission intends to re-new work relations with BLM and start talk over the occupancy of federal lands by Navajo residents. About 23 known cases are under consideration. During the past discussions, the new federal township surveys have shifted boundaries which may have some changing effects on the residential locations, at least those close to the boundaries of shifting either on or off.

Lake Valley Southern Grazing Extension: With a new Rancher, no more movement has been made on this project, although the initiative rests with the Lake Valley Chapter. The previous Rancher has moved on to work with energy-related land matters between companies and land owners. The proposed transfer of certain leased grazing lands to Navajo communities may not be offered any more.

ROW Issues in Eastern Navajo: No more meetings have been held with Continental Divide Electric Cooperative (CDEC) and Jemez Mountain Electric regarding comprehensive treatment of ROWs throughout ENA.

The Navajo Nation follows the federal 25 CFR 169 for ROW matter. New regulations have been issued by the federal government and is nowhere near what was recommended by the ENLC.

Navajo Land Buy-Back Program: This project has consumed a good deal of time of the Commission as well as staff coordinating the Program between the NavajoBBP operation and the Federal Land Buy-Back Program. Administratively, ENLC was successful in obtaining additional funding of \$470,050 for the NavajoBBP operation from July 1st through September 30th to maintain employment of 15 staff and continuation of outreach activities. To date, the Navajo educational outreach presentations have been made to about 12,500 people with around 390 meetings. Media outreach through newspapers and radio where heavily increased during the quarter, including radio talk shows at KGAK and KTNN. The Navajo Broadcast services have assisted with scores of 10-minute informational spots on their syndicated network of radio stations.

Dated June 01, 2016 5,500 letters of offer were sent to allotment land interest owners of Alamo, Ramah, Tohajiilee, Arizona, and Utah. As of June 24th approximately 777 landowners have sold their interests at a value of \$10 million, representing about 7% of all interest. While offers for these five areas continue onto July 16th. Another 20,000 plus landowners of allotments in the main ENA will be sent offers dated July 01, 2016. The positive acceptance rate will need to clear 40% in order to fully utilize the \$102 million allocated for the Navajo Nation area.

4. Conferences/Workshops and Other Events:

Commission Planning Session: The Commission held a workshop in Durango, CO on April 8th and 9th to discuss land offers to Chapters, ranch land offers to the Navajo Nation, and strategic land sales opportunities. In addition to the reviews of these offers, the Commission analyzed the new legislation that contemplated overhauling the Land Acquisition policy. The new policy attempts to clean the slate and provides a great deal of authority to the Executive Director of Natural Resources. Quite obvious was the elimination of the 1988 Tribal Law on Navajo Land Consolidation, which has great inferences and implications to the “checkerboard” of Eastern Navajo. An alternative legislation was thoroughly discussed and later the Commission passed a supporting resolution of a “compromised” bill, which was introduced by Delegate Tsosie at the turn of the quarter to the Naabi Committee.

Commission Government-to-Government Meetings with Federal Buy-Back Program: One more Government-to-Government (G2G) meeting was held this quarter to review the final mass appraisal model and minerals assessment prior to release of offers late in the quarter. The dialogue also included a definitive schedule program outreach events from June 1st to August 22nd. The Commission also received notification that it’s input into the “structures” on allotments were fully resolved and that all interest holders

whether they have a residential lease or not would be considered for offers based on the resolution of the Commission and RDC legislation by Delegate Damon to satisfy the federal requirement on the treatment of leases when allotment lands are converted to tribal trust. The G2G talks have been beneficial to the program where certain issues have been resolved or created for better understanding among coordinating parties.

5. Statistical Research and GIS Mapping:

The Land Statistical Technician continued to attend various meetings and perform specific tasks for the commission as well as the Navajo Buy-Back Program. For the month of April, The Statistical Technician attended the two-day workshop in Durango, Colorado. The ENLC staff and commissioners were in attendance as well as other staff from the BIA, the Navajo Land Department, and the Office of the Controller. The Statistical Technician assisted all in attendance with technical assistance throughout the two-day session. Also for the month of April, the statistical technician provided training to the BBP staff on mapping hardware and software. The BBP staff was given the assignment of providing maps to allottees who wish to know where their individual lands are located, e.g. It was up to the statistical technician to provide training on how to use the software that was provided to the commission by the Federal Land Buy-Back Program staff.

For the month of May, the statistical technician provided one-on-one training to specific BBP staff members on how to use excel spreadsheets and produce maps for participants in the Buy-Back Program. The statistical technician met with staff in Window Rock, as well as in Gallup to help individual BBP staff members on how to generate maps. Also, for the month of May, the statistical technician started generating maps for allottees to better understand the locations of their allotments. The ENLC GIS Technician being on medical leave, transferred to the statistical technician assignment to continue generating maps, using ARC GIS software for individual allottees. The GIS Technician had already a list of allottees, and the statistical technician picked up where the GIS Tech left off.

For the month of June, the statistical technician continued to generate maps for allottees for the Buy-Back Program. The statistical technician, still using ARC GIS software has generated a total of 152 maps for 53 individuals in Arizona, and New Mexico, including allotments in Canoncito, Alamo, Ramah, and the Eastern Agency. It is also the statistical technician's duty to maintain computers, as well as software, and hardware for the BBP staff at all locations, therefore the statistical technician has been assisting BBP staff with their computers so as to not disrupt workflow for the program.

The statistical technician will continue to generate maps for individuals who are requesting for them. Also, the statistical technician will continue to provide technical support where it is needed.

With the offers now in the works, the ENLC staff's assistance in producing maps according the plan in the Cooperative Agreement would have been met. As offers are made, the packets include maps generated by the Federal LBBP and clients no longer need maps in advance of the offers to under their allotment locations. The next

quarterly report to the federal USDOJ will have final mapping statistics provided by ENLC and NavajoBBP staff. The difference in all these maps is that more detail and references were provided in maps produced by ENLC's GIS mapping work. The ENLC prepares quarterly performance reports to the Federal LBBP on NavajoBBP work activities and the OOC in Window Rock provides quarterly financial reports to the same federal agency.

ArcGIS Map Request -Mapping Projects this Quarter:

ArcView GIS digitizing: The GIS Technician works on maps for the office on major land issues, analyzing information by locations, land status overlaps, land size dimensions, etc. Often, certain maps require manual digitizing from hardcopies to create new maps. Creating maps using ArcGIS: ENLC can create maps and provide GIS data in different map layouts and formats for Eastern Navajo Agency entities, local officials, or coordinating entities. While most maps can be produced into poster size format, requesting clients are often provided 8 x 11 printable maps save in PDF format.

The first two months of the quarter for the GIS Tech has been to produce allotment maps for potential landowners who may sell their ownership interests. These clients either walk in or referred by the OST or the NavajoBBP offices. During the quarter, the GIS Tech assisted 80 individual clients producing a total of 150 maps for them. GIS Tech was on leave the third month of the quarter, placing the map-making effort with the Land Statistics Technician note above.

Eastern Navajo Land Commission GIS Mapping

ArcView GIS digitizing: Manual digitizing using hardcopies to create new maps is the most time consuming to do.

Creating maps using ArcGIS software: ENLC can create maps and provide GIS data in different map layouts and formats for Eastern Navajo Agency local communities and or as per client request (8X11 printable maps or wall maps)

ArcGIS Map Request:

Six (6) Wall Maps for Leupp CIS

Created 150 maps for 80 BBP Clients

Other Projects:

Windmills (on hold)

6. Other Meetings:

Administrative Meetings: Most administrative meetings were for the Navajo BBP, Fort Wingate BCT meeting, and budget preparations meetings. No meetings have been set up for Program Directors during this last quarter.

III. Performance Measure Worksheet(s)

OMB Forms 2 for the Commission (101027) and Office (101028) are *attached*.

IV. Concerns/Recommendations

The Office of the Commission generated \$184,000 in IDC monies for the Navajo Nation from the Navajo Land BBP. The Office would like to have an allocation from the IDC for FY 17 not only to cover the shortfall due to reduce tribal revenues but to look into new projects.

V. Planned Activities in the Next Quarter

Meetings/Events:

Regular Commission Mtg (CP)
NN Council Summer Session (WR)
Tours of Two Ranches (NE Mt Taylor)
Regular Commission Mtg (CP)
Regular Commission Mtg (CP)

Date(s):

July 22
July 18-22
July 23
Aug 19
Sept 16