

2021



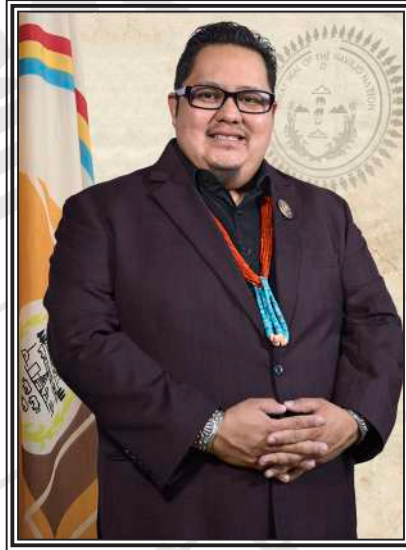
FALL COUNCIL SESSION

GHAAGI'

SPEAKER'S REPORT

24TH Navajo Nation Council
Seth Damon, *Speaker*

24TH NAVAJO NATION COUNCIL



Seth Damon, Speaker



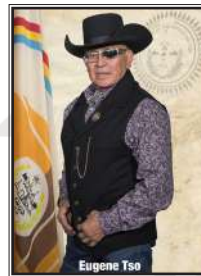
Eusebia Charles-Newton



Otto Tso



Vince R. James



Eugene Tso



Edmund Yazzie



Rickie Nez



Thomas Walker, Jr.



Kee Allen Begay, Jr.



Herman M. Daniels



Mark Freeland



Wilson C. Stewart, Jr.



Jamie Henlo



Raymond Smith, Jr.



Elmer P. Begay



Nathaniel Brower



Angler Kanazbah Crotty



Leroy Yellowhair



Daniel E. Tso



Carl R. Slater



Paul Begay



Perrell Halona



Charaine Tso



Elson J. Wauneka



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WELCOME

The Governing Body of the People

Yá'at'ééh shik'éí dóó shidinéé. Welcome relatives and friends to the 2021 Navajo Nation Council Fall Session in beautiful Window Rock, Arizona. This sacred Council Chamber is where our legislative decisions impact the Navajo people at a local level. On behalf of my colleagues, welcome to the capitol of the largest sovereign nation in the United States.

I want to extend my gratitude towards Navajo Nation President Jonathan Nez, Vice President Myron Lizer, Chief Justice JoAnn Jayne, our chapter leaders, state and federal officials, our legislative staff, any visiting dignitaries, and our Diné citizens for joining us.

Every quarter the Navajo Nation Council convenes in the People's House to discuss and plan for the future of our great nation. We invite everyone to wear the colors of each day to bring awareness to the issues impacting families around Diné Bikéyah.

Since the Summer Session, we have done our duty to listen to people and to effectively advocate for them at the local, state, and federal level. We continue to work alongside our veterans, youth, elders, and our families for the best solutions to the issues that affect us.

As we honor our traditional way of life, let us remember the last year and the blessings bestowed upon us. Our people continue to journey through many challenges and traumas, but it is the teachings of our elders that guide us forward with Hozhó.

Through the establishment of the Navajo Nation Fiscal Recovery Fund and the Expenditure Authorization Process, the Legislative and Executive Branch are able to allocate the \$2.08 billion American Rescue Plan Act funding for various departments, divisions, and programs to benefit Navajo families. By holding one another accountable, K'é brings us together to do this hard work for the people we represent.

With the coming of cooler winds and the harvesting of our crops, our next job is to help our grandmas and grandpas, our families prepare for winter as Níhímá Nahasdzáán blankets herself for the season. We are living through historic times when a virus has changed our lives and shifted our journey onto a new path. This is part of the larger story of Diné existence and together, we will prevail as our ancestors have.

On behalf of the 24th Navajo Nation Council, thank you for being here today. As the naat'áaniis from our communities, let K'é be the catalyst to bring us together. May we all walk in beauty into the new year.

Ahe'hee'

Seth Damon, *Speaker*
24TH Navajo Nation Council



TRAIL RIDE SUMMER SESSION



TRAIL RIDE















REPORTS LEGISLATIVE



Establishment of To' Niltóli Task Force

After the expiration of the former Quadrilateral Task Force in September of 2020, the To' Niltóli Task Force was certified by the Navajo Nation Council in August and had their first meeting in September. The group seeks to address issues concerning the Glen Canyon Dam Recreation Area and the interpretation of Public Law 85-868 - a federal resolution that exchanged Navajo aboriginal lands for McCracken Mesa.

The task force ensures the issues within this area are thoroughly examined and addressed for the betterment of the Navajo Nation's economic development opportunities, recreation and tourism industry. Delegate Paul Begay was elected as Chairperson, and Mr. Leonard Tsosie as Vice Chairman representing the Office of the President and Vice President. Other representatives from the western agency include Honorable Vice-Chair Thomas Walker, Delegate Herman Daniels, Jr., and Delegate Otto Tso.

We look forward to the hard work ahead as we protect our resources and the land. I am excited for this endeavor and have full confidence in our leadership. The To' Niltóli Task Force has had three meetings to date and will continue to represent the best interests of our families in the western agency.



Pre-bid groundbreaking for Chichiltah Water Supply Wells Project

In collaboration with the Navajo Nation Water Management Branch and other departments and divisions, Souder Miller presented a pre-bid meeting for ground breaking today on the initiative for water wells and water access to over 130 homes within the Chichiltah, New Mexico community.

"With the wonderful rain we have been blessed with these last few days, we are filled with excitement, and we extend our deep appreciation for the continued support and strong leadership from our Council Delegate, Speaker Seth Damon, who has been a part of this initiative since 2018," stated Roselyn John, (Chichiltah Chapter Community Services Coordinator). *"We are now finally in the construction phase, and being an elder in this community it is a miracle for us in Chichiltah to see that the future generations will have the basic water needs for our livelihood."*

The project work description which is now wholly owned and operated by the Navajo Nation will include drilling, testing, and construction of municipal water supply well field. Depending on bidding for the project there will also be discrete-interval zone sampling of at least 1,500 feet deep pilot well assessment. With follow up in completion with fencing, site plumbing, electric power, and waterlines extended, there will be a new central chlorination building and a water storage tank facility to serve the communities who have long awaited water access and basic water infrastructure.

Honorable Thomas Walker, Jr. Requests \$25,000 for Chapter Emergency Funds

In August, the Office of the Speaker working with the Division of Community Development (DCD) continue to work with legislation sponsor, Council Delegate Thomas Walker, Jr., to provide a one-time non-reoccurring \$25,000 chapter emergency funding



allocation from the Unreserved, Undesignated, Fund Balance (UUF B) for all 110 chapters across the Navajo Nation.

"This allocation came at the urgent request of our families in rural areas dealing with severe road damage, flooding and weather-related issues. This legislation will assist our chapters and providing much needed services to our communities. Previously, President Jonathan Nez vetoed similar legislation this year to provide emergency assistance to our chapter governments. My hope is that this time around emergency funds is given to the communities that need it to prepare for the winter months ahead." – Council Delegate Thomas Walker, Jr.

Honorable Eugene Tso Advocates for Relinquishment of BIA Administrative Lands Back to the Navajo Nation

In late September, Hon. Eugene Tso and the Office of the Speaker met with the BIA Navajo Area Director, Greg Mehoja, to discuss an ongoing initiative that Hon. Tso has been advocating for year after year. On

Speaker Byrd and Ron Dougherty of the Cherokee Nation with members of the Navajo Nation Council during the Summer Session.

behalf of the Chinle Chapter district, Hon. Tso has requested the relinquishment of at least 61 acres of BIA Administrative Lands back to the Navajo Nation. Information needs to be provided with legal descriptions and a site visit will be required to determine the total acreage for land withdrawal.

Division of Community Development is developing a master plan in accordance with their processes for this initiative. Currently, all parties are communicating collaboratively to ensure the transfer of lands takes place before the Winter Council Session. I extend my appreciation to my colleague for taking this initiative on and seeing it through to the end.

RDC Approves NTUA Board Members

Through legislation sponsored by RDC Vice Chairman, Thomas Walker, Jr., five appointments for the Navajo Tribal Utility Board were voted on and approved during

a regular RDC meeting in September 2021. Robert Russell, Wynette Arviso, William Claggett, Bob Dietz II, and Raymond J. Holgate were appointed to the board for a term of 3 years. With all positions filled, I am confident that the management board will fulfill its responsibilities of carrying out the management and operations of the NTUA enterprise.

The newly appointed management board emphasized the need to be proactive to discover new opportunities. By working together, the board members will achieve their goals and address ongoing issues for the Navajo people. *"As a share-holder rep for NTUA, I can attest that the working group with board meetings have always been productive and influential,"* said Hon. Mark Freeland. *"I am always intrigued and hopeful for this group."*

Honorable Amber Kanazbah Crotty Initiates Legislation for the Navajo Gallup-Water Supply Project Connection Plans

Hon. Amber Kanazbah Crotty has recently requested funding from the Sihasin Funds to the Department of Water Resources in the amount of \$68,025,000 for the purpose of providing water line connections from the NGWSP San Juan Lateral. This initiative will provide water connections to over 20 chapters and communities along the route from the San Juan River to south of Gallup, NM; this includes connections to Northern and Eastern Agencies. The proposed connections will service the following areas:

- Sanostee Phase I
- Rock Ridge/Mitten Rock Phase II
- Newcomb Phase I
- Two Grey Hills Phase II
- Sheep Springs Phase I
- Narbona Pass Phase II
- Naschitti
- Tohatchi
- Mexican Springs Phase II
- Rock Springs/Tsayatoh
- Standing Rock
- Tóhajiilee - Albuquerque Project

With the potential federal allocation for water projects for Indian Country, we hope to see that our people receive the basic infrastructure that they need in order to continue fighting the COVID-19 pandemic. We need to ensure that our people are taken care of and this initiative will provide that and more. I thank Honorable Crotty for her continued advocacy for Northern Agency and the Navajo people.



Resources and Development Committee members Mark Freeland, Wilson C. Stewart, Jr., Herman M. Daniels, Rick Nez, and Kee Allen Begay, Jr. at Tsegi, near Kayenta, AZ, meeting with permit holders on their successful restoration project.

Tri-Party Agreement for Land and Livestock Management within Eastern Agency

The Resources and Development Committee (RDC) met on in September to discuss a Tri-Party Agreement and Memorandum of Understanding (MOU) with the Eastern Navajo Land Board, Division of Natural Resources – Agriculture Department, Bureau of Indian Affairs, and the Bureau of Land Management (BLM). The existing agreement comprises of dual responsibilities of each entity within the eastern agency of the Navajo Nation.

“The current MOU works for us all. There has been a lot of effort and time put into its development. The biggest issue we have is following through with the agreement and having consistent meetings every year in August to discuss and provide updates to the Navajo people.” – Mr. Jeff Tafoya, Bureau of Land Management.

The agreement states that each agency and the Navajo Nation are to address the sustainability of resources, land management and land range improvements. As part of ongoing discussions, it was agreed that it will take more collaboration. The RDC requested modification notes, maps and any amendment recommendations to effectively update the current MOU.

“The Bureau of Indian Affairs and the

Bureau of Land Management are trustees to the Navajo Nation. We will utilize the resources at hand and advocate for an audit of the escrow funds and all administrative fees processed. It needs to be more efficient and profitable.” – Anthony Begay, Eastern Navajo Land Board

The Eastern Navajo Land Board noted that there needs to be further insight and assistance on the issues of trespassing, oil and gas development, unauthorized tree cutting, and the feral horse problem. Other issues prudent to the current agreement is the lack of civil and criminal jurisdiction, and land consolidation.

The BIA has the responsibility to issue grazing permits on tribal trust lands, allotted lands, and administer grazing capacity

analyses and monitor compliance for NEPA. This also includes approvals for conservation plans that all grazing permit holders need to have in order to have a livestock permit.

The RDC hosted a work session to finalize amendments and to introduce legislation to update the tri-party agreements and MOU by working with the Eastern Land Board, BIA, and BLM.

“This is a monumental occasion to have the Bureau of Indian Affairs, Bureau of Land Management and the Eastern Agency Land Board working together with the RDC to make this happen. Our livestock, the land, and our natural resources must be maintained and protected.” – Chair Rick Nez

Navajo Nation Veteran's Organization

Working with our legislative staff, we facilitated meetings between the Executive Branch, Navajo Veterans Advisory Council, the Veteran's Administration (NNVA) and newly-elected agency council members to discuss veteran allocations from the 2022 Comprehensive Budget, the veteran housing program, and the transition of leadership at the agency level.

Council Delegates hosted a veteran's budget meeting that was held on August 9, 2021, where a request was made to Veteran's Administration Executive Director, Mr. James Zwierlein, to provide budget forms that reflected supporting resolutions from the eastern, northern and central veterans' agencies.

Resolutions requested that funding return to the Chapter Veteran's Organizations (CVO) rather than the proposed one business unit per agency concept, where all veteran's funding would be distributed to agency offices. Madam Chair Amber Kanazbah Crotty requested an amendment for the aforementioned agencies so that the budget allocation would go directly to each CVO.

Director Zwierlein indicated that the CVOs did not express their concerns before the resolution was drafted and that the Veterans Administration was satisfied with the way the budgets were prepared. This would cause a delay if both the 50/50 formula and the second proposed formula were utilized.

Madame Chair Amber Kanazbah Crotty shared that the wishes of the Chapter Veteran's Organizations should be considered rather than ignored since they provide an invaluable service to our Navajo warriors. There needs to be more collaboration and open lines of communication between all parties represented.

On September 24, I joined our fellow colleagues Madam Chair Eugenia Charles-Newton, Madam Chair Amber Kanazbah Crotty, Vice Chair Carl Slater, Vice Chair Otto Tso, and Vice Chair Raymond Smith, Jr, joined a gathering of veterans and their families to discuss their grievances and the shortfalls of direct services offered by the NNVA. Our veterans and surviving spouses shared their frustration with the lack of support provided by tribal, state, and federal agencies and requested greater accountability. President Jonathan Nez joined our veterans towards the end of that day.

A preliminary meeting was hosted by our legislative staff with the Veteran's Agency Council on September 27, as a result of this veteran's march to Window Rock. Proposed amendments from the NNVA have not been updated since August and budget forms reflecting changes were not submitted as of date. Budget issues, concerns over the Veteran's Trust Fund, the 50/50 formula, policy changes, the NNVA plan of operation, and the legitimacy of recently elected officials were additional concerns shared.

Following a meeting with my staff, the veteran's organization members met with the Office of the President & Vice President. These issues were once again presented to

the Executive Branch and President Jonathan Nez for further consideration. There was a shared commitment that all stakeholders be provided the opportunity to be heard and appropriate action be taken.

The FY2022 Comprehensive Budget that provided full funding for our veterans was signed into law through Resolution CS-49-21, was approved by the Navajo Nation Council by a vote of 18 in favor and 3 opposed on September 10. This budget went into effect on October 1.

In order to expediate and address the veteran's needs, the Legislative Branch is committed to working alongside all veterans' groups and to introduce legislation that would support their objectives.



NNVA Director Zweirlein, Hon. Pernell Halona, Hon. Raymond Smith, Jr., Chief of Staff Sherylene Yazzie, NN Washington Office Director Santee Lewis, Hon. Nathaniel Brown, Hon. Kee Allen Begay, Jr. and Marlena Forster at the Code Talkers Hall in Virginia for a special flag raising ceremony.



Radiation Exposure Compensation Act Committee

RECA committee accomplished much over the last quarter. With the assistance of the Department of Justice, Department of Health, and Madam Chair Amber Kanazbah-Crotty, the committee compiled the proposed amendments to the Radiation Exposure Compensation Act which is scheduled to sunset on July 2022.

One significant accomplishment was the introduction of identical bills for the RECA Amendments Act of 2021 for the House (H.R. 5338) and Senate (S. 2798) on September 22, 2021. Representative Teresa Leger Fernández (D-NM) and Senators Ben Ray Luján (D-NM) and Mike Crapo (R-ID) introduced these identical RECA amendments.

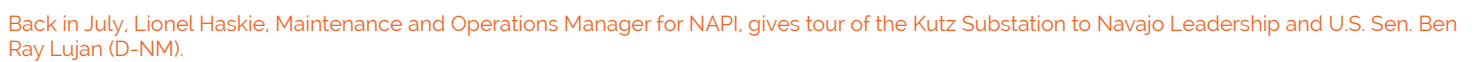
Some key provisions to the amendment included extending the Trust Fund from July 10, 2022 to approximately 2040 (19 years), adding renal cancer and any chronic renal disease as a covered disease, establishing a \$9 million grant-based epidemiological study on the impact of uranium milling and mining on non-occupationally exposed individuals

(like family members), and allowing for combined work histories, expanded use of affidavits, and addition of core drillers as covered occupations.

There are 19 cosponsors to the House bill and 10 cosponsors in the Senate. Working together, the Navajo Nation Washington Office, Representative Leger Fernandez, Senators Lujan and Crapo, and Mr. Gregory Smith continue to strengthen support by coordinating calls and meeting various advocacy groups.

These amendments ensure additional categories of covered diseases and eligible individuals so the program protects our Navajo workers affected. We await the opportunity to advance this bill through the 117th Congress.





Health, Education, and Human Services Committee

The Health, Education, and Human Services Committee (HEHSC) maintains its responsibility to follow the Navajo Election Code and approve the School Board Apportionment Plan every four years. Apportionment establishes election precincts for each local community school board containing approximately equal numbers of students attending the school.

The Legislative Branch scheduled public hearings throughout the Navajo Nation to collect oral testimony, written comments, and public input. Due to the COVID-19 pandemic, these hearings were postponed until August.

The hearings commenced on August 23, at Tó Nanees' Dizi' Chapter for Western Agency constituents, August 24, at Chinle Chapter for Central Agency constituents, August 25, at the Central Consolidated School District for Northern Agency constituents, August 26, at Navajo Technical University for Eastern Agency constituents, and concluding on August 27, at the Fort Defiance Chapter for Fort Defiance agency constituents.

The general public provided oral testimony, written comments while others emailed their opinions. 198 Navajo citizens attended one of the public hearings while 160 emailed comments have been received to date. Of the 198 in attendance, 74 individuals expressed their opposition to the School Board Apportionment Plan 6, while 5 individuals expressed their support of Plan 6. 119 individuals didn't express support or opposition of Plan 6. Of the total 160 emailed comments received, 158 individuals expressed opposition of Plan 6, while one individual shared support.

The 60-day comment period will end on October 23 and emailed written comments can be received through this date at schoolboard@navajo-nsn.gov

The HEHSC continues to advocate and provide oversight for the entities and organizations that represent our children, elders, veterans, and the educational institutions around the Navajo Nation.

Navajo-Hopi Land Commission

The Navajo-Hopi Land Commission (NHLC) continues to advocate for the families from Navajo partitioned land, Hopi partitioned land and former Bennet Freeze area residents. There are plans for the introduction of a housing policy and to seek additional funding to provide homes for these individuals to include second and third generation relocatee children who aren't eligible for any benefits due to the qualification time and home-site lease restrictions.

NHLC is attempting to obtain \$15 million in funding that was allocated to the Office of Navajo and Hopi Indian Relocation (ONHIR) budget, which could be utilized by the commission if needed. Furthermore, the commission is in favor of and has advocated for the appointment of an

officer or commissioner within the U.S. Department of Treasury to oversee any issues impacting tribal governments.

NHLC Director Robert Black is determined to obtain additional funding from federal, state, county and tribal entities for a housing assistance program. The commission continues to host meetings and work sessions with chapters and Executive Branch divisions and programs as well.

The Hopi Tribe recently rescinded its drought declaration that impacted Navajo grazing permit holders by reducing their animal unit numbers. The commission continues to monitor its properties and the Rehabilitation Trust Fund. Work to address the concerns of our families residing on partition lands and the Bennet Freeze area will continue.

Save the Peaks Summit

The Legislative Branch worked alongside Chairman Daniel Tso, Vice Chair Thomas Walker, Jr., Western Agency Council Delegates, the Hualapai Nation, the Hopi Tribe, the Apache Nations, and the Executive Branch to participate in the Indigenous Sacred Peaks Virtual Leadership Summit on September 21. This gathering was organized by the Navajo Nation Human Rights Commission (NNHRC) and the Indigenous Circle of Flagstaff organization.

We met to address the expired Memorandum of Agreement (MOA) between the 14 Indigenous Nations in Arizona, the U.S. Forest Service, and the Arizona Snowbowl. The previous MOA expired on February 19, 2015, and additional requests to expand and increase capacity for Arizona Snowbowl is ongoing.

The Navajo Nation, again, shared the historical and cultural significance of Dook'óosk'íid on behalf of all tribal nations. We are committed to working with the 14 other tribes to protect the land, water, and our sacred sites for the Navajo people. It is important that tribal consultation be respected and be the guiding principle for future conversations regarding our sacred sites and natural resources.

This summit was the beginning of strategic work sessions that will ensure full representation of all tribes are included in the development of the next MOA. We will maintain the strength in our partnership moving forward. The protection of the San Francisco Peaks, Oak Flat, Chaco Canyon National Historical Park, and the Grand Canyon National Park are important to the Navajo Nation.



Navajo Nation leadership participate in roundtable discussion with Department of Interior's Bryan Newland in Crownpoint, NM.

Ongoing discussions on the 105(1) Lease Program to construct Public Safety Facilities across the Navajo Nation

1. A memorandum dated for July, was sent to the Bureau of Indian Affairs and the Office of Justice Services requesting for the programs to participate and provide technical assistance for Law & Order Committee (LOC) meetings. The introductory stage of filing a 501(I)-lease agreement has begun and will be included in the Operations and Maintenance (OM) listing for services.
2. In August, LOC members joined a teleconference meeting with the Red Lake Nation to review the 105(I) Lease for the Criminal Justice Complex. Mr. Carlyle Begay, Federal-State Government Affairs Advisor, requested this meeting as part of ongoing research to review tribal nations that obtained a 105(I)-lease.

“Our Navajo leadership wanted an opportunity to learn from Red Lake Nation’s work through the 105(I)-negotiation process with Interior Department, which can help guide us to seek similar funding processes to construct public safety facilities on the Navajo Nation. The Red Lake Nation was one of the first few tribes to fully executive a 105(I) agreement with the DOI for the operation and maintenance of its criminal justice complex,”

– Carlyle Begay

3. At the end of October, Madam Chair Eugenia Charles-Newton and LOC members will travel to Washington, D.C., to meet with congressional representatives. They plan to advocate for the 105(I) Lease and the potential use of ARPA funds for infrastructure construction of public safety and justice facilities. LOC priorities will be also presented to federal officials with the Biden Administration on behalf of the Navajo people.

American Rescue Plan Act Project Funding Request for the Judicial Branch and Division of Public Safety

1. In July, Madame Chair Eugenia Charles-Newton met with Chief Justice JoAnn Jayne and Public Safety Division Director, Jesse Delmar, to discuss a project funding request from American Rescue Plan Act (APRA) funds.
2. In 2019, legislation was created requesting funds for the Shiprock Judicial Complex and for other public safety facilities to be included for potential construction. During a NABI committee meeting in January 2020, several projects were identified with budgets and estimated costs to construct twelve (12) facilities across the Navajo Nation. This would include buildings for the Window Rock & Shiprock Police Departments, with new sub-stations in communities like Dilkon, Kayenta, Pinon, Alamo, Aneth, Lechee, or Tohatchi.

Navajo Nation Fire Department & the Future

Fire Chief, Mr. Larry Chee, for the Department of Fire & Rescue provided a program update to the Law and Order Committee (LOC) that there are currently 27 staff employed – the chief, a fire captain, information technician, 8 fire lieutenants who oversee eight fire districts, 11 firefighters, and 5 new recruits. Each fire station covers the entire Navajo Nation with the exception of counties, townships, and surrounding cities.

Since 1995, the Navajo Nation Fire Department (NNFD) has operated on volunteer time within a small organization. In 2018, the NNFD received an increased budget from roughly \$500,000 a year to over \$8,000,000. The Fire Chief compiles and submits the Quarter Program Performance Assessment Scores (QPPAS) for each station.

A memorandum of understanding between the Kayenta Township, Twin Arrows, Ute Mountain Tribe, Hopi Tribe, San Juan County, Gallup Fire Department, Puerco Valley, Chinle National Park Services, McKinley County, Coconino County, and the Ganado Fire Department are in a negotiation phase as these regional entities work together for the Navajo people.

The fire districts continue to recruit at regional career fairs, at local high schools, for DPM career presentations, and through personal outreach to community members. Public safety and first-responders are difficult to recruit nationally and the COVID-19 pandemic has limited efforts by fire departments to expand.

Report from Department of Justice on the US Court decision on Navajo Nation Jurisdiction regarding Non-Natives.

1. A DOJ report was provided to the LOC on the U.S. v. Cooley court case that questioned rather a police officer for a Native American tribe can detain and search a non-tribe member within reservation land on suspicion of violating a state or federal law.
2. In March, Cooley was charged with weapons and drug offenses in violation of federal law. He moved to suppress the evidence on the grounds that the tribal police officer was acting outside the scope of his jurisdiction when he seized Cooley - in violation of the Indian Civil Rights Act of 1968.
3. A local district court granted Cooley's motion and the U.S. Court of Appeals for the Ninth Circuit affirmed that a tribal officer lacked jurisdiction to detain a non-Native person, without first making any attempt to determine whether the person was Native American.
4. This case was presented to the U.S. Supreme Court which decided that a tribal police officer has the authority to detain temporarily and to search a non-tribal member traveling on a public right-of-way running through a reservation for potential violations of state or federal law. Justice Stephen Breyer authored the unanimous opinion of the Court.
5. This court decision is important as we continue to protect the sovereignty of the Navajo Nation and the jurisdiction of our law enforcement officers.

FY2022 COMPREHENSIVE BUDGET APPROVED

Despite the challenges of last year's budget session, the Navajo Nation Council was able to package and approve the comprehensive budget for fiscal year 2022. On September 27, the comprehensive budget was signed into law by President Jonathan Nez.

The nation is currently operating with a budget less than earlier years in the past. During this pandemic, we learned to become resourceful on how we plan for projects and spend the people's money. Our workforce capacity is below normal numbers before COVID-19. It is imperative that our tribal employees and the Navajo workforce feel safe to return to a clean work environment.

Even during this pandemic, we are working to build back the revenue streams for the nation. The top priority is to maintain local chapter operations that provide critical services within the communities we represent. We must keep a positive outlook during the rebuilding of the Navajo economy.

The budget also provides support funding for our Senior Citizen centers and to purchase vehicles to transport our elders. We send our appreciation to our Division of Aging and Long-Term Care Support (DALTCS) staff who continue to take care of and provide for the safety of our grandmas and grandpas.

The tourism industry and support for our Navajo artisans is a priority. Revenue losses coupled with the impact of the pandemic have taken a negative toll on our tourism industry. The Navajo Nation will create strong partnerships with local cities, county governments, and statewide tourism offices in Utah, Arizona, New Mexico, and Colorado so we are named a top U.S. destination again.

I am also pleased to report that this budget included a Diné Bizaad Scholarship Fund to award college students who are retaining our sacred language. The incentive set for \$5,000 to be provided to four (4) students that pass the Navajo language proficiency test. This program is one step forward as our people reclaim and protect the Diné language for future generations.

The closure of the Peabody Coal Mine and the Navajo Generating Station had detrimental effects upon our families and the communities that relied on this steady source of income for decades. The Council hears the concerns of the business people, tribal enterprises, and our outside partners of how this pandemic has hurt the Navajo economy. We are determined to overcome this.

HEALTH COMMAND OPERATIONS CENTER

The Legislative Branch continues to stand resilient with the Navajo people as we overcome the COVID-19 pandemic. This virus and its variants are still among us, so we must remain vigilant with our preventive practices. With the Delta variant on a rise, more of our Navajo people are getting the COVID-19 vaccination with the accompanying booster shot. When more of our people are protected against this virus, our nation joins the rest of the world to a return of some normalcy.

The Navajo Nation is currently back in the orange status to ensure our communities are safe. In the 3rd Quarter, approximately 118,766 people have received their vaccinations, and at the end of August, 123,941 people had received their full vaccinations.

The HCOC portal (<https://www.ndoh.navajo-nsn.gov/COVID-19>) is where citizens can report any potential exposure to COVID-19 and local health facilities can get involved. The command operations center works tirelessly to ensure our chapters and surrounding communities are getting the supplies and PPE they need.

We send our sincere appreciation to our frontline workers, the command center staff, the Navajo Department of Health (NNDH) and Dr. Jill Jim, the regional Indian Health Service (IHS) staff and Mrs. Roselyn Tso, the Navajo epidemiology team, our 638 partners, and all our public health officials for their steady leadership to protect the Navajo people.

Our Navajo people must continue to

adhere to CDC recommendations, wear a face mask, practice social distancing, and sanitize commonly used areas.

Arizona, New Mexico, Colorado, and Utah continue daily operations, but our tribal nation is cautious of future exposure and the spread of the virus. We are at 50% of maximum occupancy for most businesses, lodging and hotels including campgrounds and RV parks. Gathering are limited to 15 or fewer people for social gatherings, traditional ceremonies, church services, and youth programs.

The Navajo Nation is open for business. Our tribal parks remain open and our local tour operators continue to enforce safety guidelines despite the struggle they have had this year. This economic recovery is not going to happen overnight - it is a steady progress that we will go through together.



NAVAJO ROADS & TRANSPORTATION UPDATE

Prior to the pandemic, for decades the Navajo Nation worked to construct our roadways utilizing county, state, and federal funds. We are working together to improve inaccessible earth roads, un-managed bridges, and deteriorating paved roads. In the past two and a half years, our legislative staff has been working closely with the Council to introduce legislation to mold the transportation plan to meet the needs of our chapters. Despite efforts to take parts of the previously introduced Transportation Bonding Program and to submit for approval, the Council pushes forward the search for a plan that best benefits the nation.

Honorable Delegate Kee Allen Begay Jr., is making arrangements to return to Washington D.C. to further advocate for the

basic transportation needs of our chapters with the Biden Administration and congressional representatives. Navajo roadways are major arterial routes to keep commerce moving forward and often become impassable during inclement weather conditions. This is a growing problem that affects school bus routes and the proper response of emergency personnel.

Over the years, Honorable Delegate Vince James and Delegate Elmer Begay have collaborated to have highway N15, from Indian Wells to Ganado and Burnside Junction, repaved and brought up to safety standards. Open range regions across the Navajo Nation need to be maintained for the safety of commuters and our livestock. N15 has seen a large increase in daily usage

over the past few years as businesses open like the Lowes grocery store and laundromat in Burnside, Arizona.

The Infrastructure Bill and the Build Back Better Act nears the end of the month deadline in Congress. The Navajo Nation awaits the vote for these two bills that would provide funding for our infrastructure projects. The American Rescue Plan Act (ARPA) does not include transportation or highway needs & improvements as part of its expenditure. We will continue to work with our county, state, and federal partners to maintain our roads, improve our bridges, and keep the nation open for businesses, our communities, and schools.

PROGRAM SUMMARIES





ACCOMPLISHMENTS**Program/Chapter Audits/Investigations**

1. Black Mesa Chapter Internal Audit
2. Chichiltah Chapter Special Review
3. Rough Rock Chapter Special Review
4. Upper Fruitland Chapter Internal Audit
5. Nageezi Chapter Internal Audit

Follow-up on Corrective Action Plan (CAP) Implementation – 5 Reports

1. Smith Lake Chapter CAP follow-up review
2. Sanostee Chapter 3rd CAP follow-up review
3. Office of the Controller/FMIS Address Book CAP follow-up review
4. Office of the Controller/Duplicate Payment CAP follow-up review
5. Navajo Board of Education CAP follow-up review

Other – 1 Report

1. Available Chapter Fund Balances as of June 30, 2021

Issues/Recommendations

Continue to recruit applicants to fill three (3) vacant positions.

Submission of MIP backups by some Navajo Nation Chapters are taking too long and some chapters are utilizing different software vendors that is impacting our ability to restore their financial data for reporting purposes.

Continue to assist the Administrative Service Centers on Chapter matters.

Resume efforts to amend plan of operation and incorporate plan developed to address FY 2021 legislative concerns.

Goals for 1st Quarter in FY 2022

1. Navajo Rehabilitation Trust Fund Special Review
2. Klagnetoh Chapter Internal Audit
3. Chapter Debit/Credit Card Special Review
4. CARES Act Special Duty/Hazard Pay Special Review
5. Performance Audits of Navajo Nation Veterans Administration and Office of the Controller
6. CAP follow-up reviews: Mariano Lake Chapter and Navajo
7. Department of Workforce Development
8. Available Fund Balances for 110 Chapters as of Sept. 30, 2021
9. Outsource more chapter audits and performance audits of Navajo Nation departments/programs; will need to issue various request for proposals to utilize consulting budget



Council Delegate Eugene Tso and Arizona State Representative, Aaron Liberman, talk outside the Navajo Nation Council Chambers.

NAVAJO ELECTION ADMINISTRATION

Rosita A. Kelly, *Executive Director*
(928) 871-7263

rositakelly@navajo-nsn.gov

Accomplishments

All Navajo Election Administration (NEA) offices abiding by the current reintegration plan. (75% working in the workplace)

The Navajo Board of Election Supervisors (NBOES) conducted seven (7) meetings via telecommunicaions due to the ongoing COVID-19 pandemic and Navajo Nation Health Orders.

Thirteen (13) resolutions were approved by the NBOES during their regular meetings.

The Navajo Election Administraion (NEA) planned and oversaw four special elections for local governments that had vacancies.

Rosita A. Kelly was hired on as the Executive Director with the NEA.

Required documents were given to Department of Personnel Management (DPM) for advertisement of vacant positions.

Submitted additional documents to DPM for a possible in-house promotion for the Voter Registration Specialist position in Chinle Agency.

Recall initiatives and inquires at the agency offices are being sought.

There are 118,400 registered Navajo Voters within the 5 agencies.

Chinle Agency	15,989
Eastern Agency	28,930
Ft. Defiance Agency	28,730
Northern Agency	23,623
Western Agency	21,128

TOTAL VOTERS	118,400
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As of October 1, 2021

Goals for 1st Quarter in FY 2022

Continue to plan for a possible special election for school board.

Continue working with DPM to fill vacant positions at the central and agency offices.

Continue working with DPM to reclassify positions: Office Assistants to Office Specialists and possibly changing the Voter Machine Technician to an Information Systems Technician.

The NEA needs to establish a Fund Management Plan for the revenue generated from open filing to have funds revert back to operations for the NEA within the annual budget.

Issues/Recommendations

Continue with office equipment upgrades (computers and new database) via supplemental funding from the Navajo Nation.

Office is currently short staffed as the central office is lacking four (4) staff members and one individual is resigning soon. We will only have three (3) staff members in the central office if we do not receive any referrals for the positions that will be advertised. Two positions at two (2) agency offices are vacant as well.

Winter is fast approaching and staff at agency offices are expressing concerns over dilapidated building that they work out of. We have started inquiries about getting assistance from Capital Project Management Department in this endeavor.

HUMAN RIGHTS

ACCOMPLISHMENTS

1

The Commission conducted its monthly meetings as specified in its Plan of Operation. A total of six resolutions were passed by the Commission which are as follows:

NNHRCAUG-08-21

Recommending the Fiscal Year 2022 Navajo Nation Human Rights Commission Operating Budget

NNHRCAUG-09-21

Rescheduling the Navajo Nation Human Rights Commission Regular Meeting from Friday, September 3, 2021 10:00 a.m. to September 10, 2021, 10:00 a.m.

NNHRCAUG-10-21

Requesting the Independent Redistricting Commission of the State of Utah Hold at Least One Public Hearing in the Utah Portion of the Navajo Nation and Provide Navajo Language Interpretation Services

NNHRCSEPT-11-21

Supporting the "John R. Lewis Voting Rights Advancement Act of 2021"

NNHRCSEPT-12-21

Supporting the Frank Harrison, Elizabeth Peratrovich and Miguel Trujillo Native American Voting Rights Act of 2021"

NNHRCSEPT-13-21

Supporting the San Juan County New Mexico New Precinct Boundaries and Recommending San Juan County Commission Adopt the Exhibit "A" Precinct Boundaries.

2

Significant attention was made to the protection of the San Francisco Peaks as it relates to a sacred site to fourteen indigenous nations in Arizona and in New Mexico. Navajo Nation leadership from both the Executive and Legislative branch of government assisted with bringing Indigenous nations together to discuss the possible formation of a coalition of indigenous nations to monitor, advise and spearhead decisions that affect sacred sites on and near the Navajo Nation. Additionally, Indigenous leaders recognized the United Nations Declaration on the Rights of Indigenous Peoples as the mechanism from which each sovereign nation will aspire to achieve in its dialogue with State agencies/entities that maintain a controlling presence over sacred sites/places. The interest with Indigenous nations is to develop a new Memorandum of Agreement that solidifies the interest, protection, preservation and perpetual use of sacred sites/places for Ceremonial and traditional lifeway practices.

3

The Office continues to receive complaints and opens investigations on complaints that satisfy the standard of racial discrimination, unfair treatment or deliberate indifference toward Navajo citizens. Seventeen new complaints were received this reporting period. Ten complaints were closed. Four significant areas of monitoring continue with the Federal Trade Commission, AAMCO, Consumer Financial Protection Bureau and the Arizona Attorney General's Office. These 4 entities all intertwine on issues of automobile purchases or repair. Bordertown nursing home cases remain a concern as no potential legal recourse has been affirmed or denied by the Navajo Nation Department of Justice.

4

Commissioner Steven Darden received a fellowship award from the First Nations Organization to continue field research in the area of traditional Navajo perspectives toward death. This fellowship will allow the Commission to expand its current findings on the Navajo lifecycle and examine further the economic, social and political impacts on current practices concerning death and burial. Central to this research is Navajo traditional teachings toward death and shifts that have transpired since colonization.

COMMISSION

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Leonard Gorman, *Executive Director*

5

Media and Public relations interactions continue this reporting period. Radio and newspaper ads were published concerning Commission meetings, Redistricting meetings, Consumer mobile home purchases and zoom live events regarding the Redistricting activities on the Navajo Nation. Additionally, the Office co-hosted a Hate Crime Seminar for Albuquerque Law Enforcement personnel with the assistance of the staff from the Lawyers Committee for Civil Rights Under Law.

6

The Commission conducted a two-day work session at the end of June 2021 on examining historical and current policing activities in border towns. The intent of this work session was to pinpoint significant law enforcement activities that shape the topic for which the planned public hearing would present. This work session was necessary. The Commission formulate two significant areas that will serve as the bases for the hearings that will be conducted in fiscal year 2022. These topics are; The examination of a recent New Mexico law entitled, The New Mexico Civil Rights Act that concerns "qualified immunity" as it applies to Law Enforcement and 2. The acquisition of the Commission on Law Enforcement Accreditation, (CLEA) for Navajo Law Enforcement with the added emphasis of Navajo Human Rights.

7

The Commission and staff worked on Redistricting activities for the States of New Mexico, Arizona and Utah. This worked involved collaboration, coordination and communication with various stakeholders of each state, that include indigenous nations, county governments, state and local elected officials, partisan organizations and Navajo citizens who provided invaluable information toward the design and development of preliminary redistricting maps that meet the principles in the Voters Rights Act. The dialogue toward the finalization of Redistricting maps is expected to end in mid-December 2021.

8

Two additional staff persons were hired this reporting period. Chrissy Largo, assumed the vacated Policy Analyst position under temporary employment status in mid-July. Ms. Bobbie Baldwin was hired and assumed a permanent position with the office on September 29, 2021 as a Policy Analyst. The Commission is indebted to these employees who excelled in their work duties to ensure no service delivery was delayed.

Goals for 1st Quarter in FY 2022

For this reporting cycle all performance measures exceeded projected goals with the exception of 2 performances measures. The Public Hearing criteria was difficult to implement due to a number of challenges beyond the Commission's control largely impacted the execution of this goal. COVID-19 and the closure of offices and businesses prevented any meaningful discussion or gathering of information. Goal statement four also was not met. Again, many of the business organizations have not fully recovered from COVID and financial analysis are

slowly evolving. The full Commission will revisit this goal in the Fiscal year 2022 to complete this performance measure.

Issues/Recommendations

The Commission anticipates the seating of two new Commission members to fulfill the two vacant positions of the five-member commission. With the Commission fully seated, year two of the Four-year Strategy Plan will commence more affectively. Moreover, the Commission's four program objectives will continue as outlined in the Plan of Operation.

NAVAJO UTAH COMMISSION

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Executive Director
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Goals for 1st Quarter in FY 2022

Submit a funding application to the Utah Navajo Revitalization Fund (NRF) Board seeking \$260,000 in FY2022 Non-chapter appropriations for a new Aneth Chapter facility project.

Conduct a work session with the Navajo Nation Water Rights Commission and the Utah chapters regarding water infrastructure projects and potential funding support from the Utah Water Rights Settlement Act.

Work with the San Juan County Commission, NN Human Rights Commission, and Utah chapters in seeking 2021 redistricting of San Juan County in the best interest of the Navajo Nation.

Assist the seven Utah chapters with project management for capital projects appropriated by ARPA and other matching appropriations.

Issues/Recommendations

All seven of the Utah chapters have vacant chapter administrator positions at the end of FY2021 due to resignations and retirements. This is occurring during a time when the chapter administrator position is of great importance due to the ongoing health pandemic. Chapters need capable administrators to address a variety of existing challenges at the local level. Planning, preparation, and implementation efforts are needed to take advantage of new resources and opportunities made available by the American Rescue Plan Act (ARPA). Three of the seven Utah chapters are LGA certified. It is the hope of the local chapters that needed administrators are rehired in a timely manner to minimize service interruption. The Navajo Utah Commission extends appreciation and gratitude to the Utah chapter administrators who devoted many years to their respective communities.

Accomplishments

The Navajo Utah Commission prioritized and summarized Utah Navajo Legislative issues for presentation and dialogue with Utah Gov. Spencer J. Cox on August 5th during the 2021 Utah Native American Summit.

The Navajo Utah Commission secured \$18,800 in Utah Navajo Revitalization Fund to supplement the Oljato Chapter OWHLF housing project and submitted a second funding application seeking \$21,800 from the Utah Navajo Trust Fund to address a budgetary shortfall for the Naatsis'Aan Chapter OWHLF housing project.

The Navajo Utah Commission expended 95% (\$278,470) of a \$292,600 grant from the Utah OWHLF grant contract to construct seven single family housing units for the 7 low income families from the Utah chapters.

The Navajo Utah Commission and the NN Human Rights Commission were successful in obtaining approval from the Utah Independent Redistricting Commission (UIRC) to conduct one of their regional public hearings on the Navajo Nation at the Mexican Water Chapter on September 29, 2021 in regard to redistricting for Utah Congressional districts, house and senate districts, and state school board districts.



Council Delegates Mark Freeland and Nathaniel Brown meet with Utah Gov. Spencer J. Cox at the Utah State Capitol to voice concerns of the Navajo-Utah citizens.



Council Delegate Raymond Smith, Jr. and BIA Navajo Area Director, Gregory Mehoja, attend Tse Si Ani's ribbon cutting ceremony for the newly constructed bridge in Lupton, Arizona.

ETHICS AND RULES OFFICE

Manuel Rico
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Accomplishments

There were six hearings before the Office of Hearings and Appeals (OHA) this quarter. Two were new ethics complaints and four were for orders to show cause.

A motion for order to show cause and motion for dismissal/closure have been filed with OHA. Hearings should be scheduled soon.

Efforts are still being made to locate and contact individuals that have outstanding restitution with the Nation. There has been some success in obtaining restitution from some Respondents that have never made payments before. This last quarter was the highest amount of restitution Ethics and Rules Office (ERO) has collected for FY2021.

Intakes continue to be received and reviewed for possible investigation. Each Investigator has a number of investigations they are working on.

The office continues to answer questions regarding the ERO process either by phone or email.

The majority of ERO staff completed the 10-hour NOSHA training in August.

Goals for 1st Quarter in FY 2022

1. Recruit and hire for vacant Presenting Officer position.
2. Continue to enforce restitution judgments by sending letters demanding payment, filing motions for order to show cause and/or garnishment proceedings.
3. Recommence working and collaborating with the Division of Community Development, Administrative Services Centers, Navajo Nation Department of Justice, Navajo Elections Administration, and Office of Government Development in providing consultations for local governments (110 chapters).
4. Continue providing the Ethics in Government Law/Standards of Conduct training for Chapters, School Boards, and other Navajo Nation Departments, including monthly training for newly hired employees with the Navajo Nation Staff Development and Training Center.
5. Work cooperatively with other Navajo Nation departments, the Public Integrity Task Force, FBI, Office of Inspector General and Internal Revenue Service on various task forces and workgroups that concern the public trust to more effectively hold individuals accountable for violations of the Ethics in Government Law.
6. Continue to take Ethics intakes on elected and appointed officials and employees of the Navajo Nation and complete Ethics Clearances for candidacies, business loans, veteran's loans and the Navajo Nation Office of Background Investigations.
7. File ethics complaints, Orders to Show Cause and eligible cases for garnishment pursuant to 2 N.N.C. § 3800 et seq. in the Window Rock District Court.

Issues/Recommendations

Biggest issue that continues is the inability to fill the vacant Presenting Officer position. Even after reclassifying the position in 2020 to raise the salary, DPM has only referred one applicant but that individual was not qualified. ERO may have to consider another reclassification to increase the salary again to entice more individuals to apply. Other than increasing the salary not sure what else can be done to fill the position.

Issue that has come up the last two quarters concerns the main ERO building. Although a claim loss was submitted to Risk Management in March 2021 a response was not received until September 2021. Facilities Maintenance is actually the one that identified what the issue is and it appears the building is shifting and will need to be re-leveled to keep it from getting worse. ERO will work with Risk Management to have insurance cover any repairs but if not, ERO will have to identify funds to address the issue.

Accomplishments

Efficient use of allocated funds, Navajo Nation Labor Commission (NNLC) held (20) hearings by teleconference or Zoom with counsels or record and parties.

NNLC and program timely processed (2) appealed NNLC cases to Navajo Nation Supreme Court.

NNLC program timely processed (15) formally filed complaint by mail, fax, and email.

NNLC timely adjudicated/settlement conferences (20) NPEA cases.

NNLC and program timely closed and issued (10) continuance orders by teleconference due to closure.

NNLC and program timely issued and mailed (250) subpoenas and notice of hearings and NNLC Rules by certified mail, first class, facsimile and email to counsels of record or parties.

NNLC will continue to adjudicate (108) pending NPEA cases.

NNLC program made (8) audio copies at parties' request.

Amended NNLC Rules of Procedure effective April 19, 2021.



Council Delegate Charlaime Tso with Utah Lt. Gov. Deidre Henderson at the Annual Native American Summit at Utah Valley University in Orem, Utah.

LABOR COMMISSION

Goals for 1st Quarter in FY 2022

NN Presidential and HEHS appointment of NNLC membership per CJY-42-16. Continue to refer candidate(s) to appointing authority.

Efficient use of allocated funds and timely processed appealed NNLC cases(s).

NNLC and program will timely adjudicate NPEA cases by teleconf and authorized in person hearing(s) from July 8, 2021.

NNLC and program will timely process formally filed NPEA complaint(s) and/or petition(s).

NNLC and program will timely issue and close out NPEA cases.

NNLC and program will continue review and amend NNLC Ruled of Procedure.

NNLC and program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law.

Closure of NNLC cases heard by current sitting NNLC members.

Anslem Bitsoi, Executive Director
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art_bitsoi@yahoo.com

Issues/Recommendations

NNLC lacks one (1) NNC Health, Education and Human Services Committee duly appointment and (1) Navajo Nation Presidential appointment. Vacancy been advertised.

NNLC will continue to expedite office renovation and funding per COVID-19 guidance.

Additional sanitation supplies re: COVID 19 issues will be necessary.

Continuing closure of NN due to COVID-19

NNLC and office updating NNLC Plan of Operation.

Confirmation on compliance with Federal American Disability Act during first quarter.

EASTERN NAVAJO LAND COMMISSION

Larry Rodgers, *Executive Director*

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lasar98@yahoo.com

Accomplishments

The Commission has held two telephone conference calls with Congressional staffers on the proposed NELI federal legislation. The first call was to provide the content of the Legislative proposal an initial education on the initiative. The second call in August was to provide updates and discuss some final refinements. An updated informational booklet was reprinted first part of September and is available for distribution. Additional information materials including a one-page summary, section by section summaries, and a set of FAQs have been developed.

The Navajo Land Buy-Back Program Rounds I & II Results Report – The statistical data showing allotment interests sales data, with interpretive thematic maps illustrating degree of allotment ownership sales is being finalized. The documentation combines the 2016 and 2019 sales data into booklet source as the 2nd Edition which will be published in the early of the next quarter.

The Commission is looking into support purchases of commercial lands in Thoreau a having viable Navajo Nation economic development potential. Meetings have been held with Eastern Navajo RBDO for further evaluations. The Thoreau Chapter has requested the purchases with resolution.



Council Delegate Jamie Henio at the Rhino Health groundbreaking ceremony in Church Rock, NM.

TOP PRIORITIES

1. **NELI Project**
2. **Navajo Land Buy-Back Program Results**
3. **Thoreau Private Land Tracts**
4. **New ranch land purchase**

Goals for 1st Quarter in FY 2022

Complete preparation of the 2nd Edition of the Navajo LBBP Report.

Continue to work with Navajo Division of Natural Resources regarding the Commission-approved and proposed Ranch purchases.

Arrange additional meetings with congressional staffers to get federal NELI legislation drafted and introduced by December.

Accomplishments

CNGD-0701-21

An action to modify the Commission on Navajo Government Development (NGD) resolution CNGD-0401-21: an action to create a Commission on NGD sub-committee on Navajo Comprehensive Government Reform to work in conjunction with the Office of NGD as part an all-inclusive Navajo Government Reform project, with a provision to include other Commission members to serve on the sub-committee regular or special meetings.

CNGD-702-21

An action to accept the working draft "Diyin Nohookaa Dine'e' Bi Beehazaanii Bi'tsi silei" from commissioner Harrison Tsosie as contribution to the Commission on NGD for the purpose of serving as a draft working document to accomplish the Navajo Government Reform project.

CNGD-0703-21

An action to accept the resignation of commissioner Harrison Tsosie, Judicial Branch Representative to the Commission on NGD.

CNGD-0801-21

An action to approve and authorize the Office of the Speaker to investigate personnel matters of the Office of NGD and placing the current executive director on executive leave with pay effective immediately no less than ten (10) business days.

CNGD-0802-21

An action to replace a sub-committee member on the Commission on Navajo Government Development to work on Navajo Comprehensive Government Reform in conjunction with the Office of NGD as part of an all-inclusive Navajo Government Reform Project.

CNGD-0803-21

An action to approve and authorize the Office of the Speaker and the appointed appropriate neutral party to continue investigation on the Executive Director's Personnel matters with an extension of ten (10) business days Administrative Leave with pay.

CNGD-0901-21

An action to terminate the employment of Edward Dee as Executive Director of the Office of NGD.

NAVAJO GOVERNMENT DEVELOPMENT

DeWayne Crank, Policy Analyst (Delegated)
(928) 871-6378

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Goals for 1st Quarter in FY 2022

The Commission intends to offer support to the following legislation that will be before sub-committee and Navajo Nation Council: An action relating to the Resources and Development, Budget and Finance, and Naabik'iyáti Committees, and to the Navajo Nation Council; Appropriating \$529,850.00 in Sihasin Funds to the Commission on Navajo Government Development for the Nahata' Hogan and Leadership Building; Approving the Nahata' Hogan and Leadership Building Expenditure Plan pursuant to 12.N.N.C. \$2501 - \$2508.

The Office of Government Development will give a report to the 24th Navajo Nation Council's Resources and Development Committee and the Naabik'iyáti Committee regarding the Commission's recommended "government reform" referendum measures that resulted from the Navajo Community and Navajo College Students Outreach from July to the first week of September.

ONGD is currently working with the Commission's sub-committee to produce a document that will be presented to the public and the public will have the opportunity to comment and make additional recommendations on for possible referendum vote by the Navajo People.

ONGD will work very closely with the Office of Legislative Counsel in the careful submission of the Commission's proposed recommended "government reform" referendum measures to the 24th Navajo Nation Council and the Navajo Board of Election Supervisors for legislation considerations.

ONGD is open back up to 75% and 1-2 staff are working remotely due to COVID-19 emergency orders by legislative branch guidelines and memos.

ONGD will release a white paper - *A Case for Understanding Navajo Nation Sustainability Practices & Guidelines in 2021: COVID-19 Pandemic Presents Unique Opportunities*. This white paper will be presented to the Resources and Development Committee and the Naabik'iyáti Committee.

Issues/Recommendations

The Office and Commission are working diligently to produce a document to present to Navajo Nation Council and the Navajo people in regards to government reform. ONGD will have a few office closures so our full staff can assist with the Community Outreach events scheduled for July, August and September.

The ONGD intends to train both policy analysts in Robert's Rules of Order as a foremost Navajo Nation entity to assist boards, commissions, committees and other governmental bodies in parliamentary procedure.

OFFICE OF LEGISLATIVE SERVICES

Manuel Rico, *Executive Director*
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mrico@navajo-nsn.gov

Accomplishments

OLS processed 99 Legislations this quarter as well as closing out 60 resolutions.

OLS personnel participated in 106 council/standing meetings and work sessions during this quarter.

OLS Legislative Staff continue to utilize the hybrid meeting method that includes telecommunication and in-person meetings with minor technical assistance from the Office of the Speaker.

OLS Expended approximately 90% of the FY2021 Budget for department.

Within the fourth quarter, staff continued to work in the office with a majority of the meetings held via teleconference. Office occupancy is at 100% with support staff in the office at 5 days a week.

Filled Legislative Advisor I position within the Office of Legislative Services. Assigned Mr. Rodney Tahe as new Resources and Development Committee Advisor.

OLS assisted five (5) college students with temporary employment during the 4th quarter. Students were provided presentations on the functions of the Legislative Branch.

FY 2022 Department Budget was submitted and approved with no amendments.

Goals for 1st Quarter in FY 2022

- Increase training opportunities for staff.
 - Professional Development
 - Budget Process Training
 - Annual and Semi-annual training
- Continue to effectively coordinate all meetings, including subcommittee meetings (i.e. Title II, NIIP, Dine Bizaad NABI Subcommittee).
- Utilize Legislative Tracking - DiBB Meeting Request Module.
- Implement Legislative Tracking - DiBB backup storage for personnel.
- Implement DiBB Timekeeping Module- Establish, Trial phase and full implementation.
- Begin planning stages of Legislative Tracking - Archive Project.
- Fill Vacant Positions:
 - Senior Program & Projects Specialist (Interviews Completed)
 - Administrative Assistant (Candidate Selected)
 - Director of Ethics and Rules Office. Position to be vacant after Oct. 15, 2021.
- Legislatively assist the Navajo Nation Council and the Office of the speaker with the allocation of the fiscal recovery funds (FRF-ARPA)
- Establish internal policies and procedures to address mandatory vaccinations as required by Navajo Nation Council resolution CAU-48-21.
- Begin discussions and planning for the 25th Navajo Nation Council transition.

Issues/Recommendations

- Issue: OLS is currently short staffed at the Legislative Advisor position due to the retirement of Ms. Shammie Begay. Ms. Begay had been working for the Navajo Nation for over 30 years.
- Recommendation: Fill position immediately to ensure work and service provided is effective and efficient.



Council Delegate Carl Slater during the signing ceremony of Resolution CJY-41-21 on August 2, 2021.

OFFICE OF LEGISLATIVE COUNSEL

Dana Bobroff, *Chief Legislative Counsel*

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Goals for 1st Quarter in FY 2022

- Continue to advise and assist the Navajo Nation Council, Standing Committees and sub-committees. Attend all meetings, advising on all procedural and substantive questions.
- Continued efforts to identify and resolve inefficiencies within OLC that constrain productivity due to the pandemic working environment. Despite the challenges to us, our staff continue to provide essential services remotely through calls, telephonic/Zoom, fax or email.
- Continued efforts to assist clients in identifying and resolving inefficiencies that adversely affect OLC efforts to provide services. OLC prioritized the American Rescue Plan Act of 2021 and attended daily work sessions that were conducted to determine the priorities of the Navajo Nation and to streamline the expenditure process.
- Continue to attend all Office of the Speaker's meetings to keep abreast of all pertinent information received to ensure that OLC is kept updated and proactive concerning legislative needs, projects, and priorities.
- Continue advocating for more attorney staff as the increase in meetings and legislation requests has drastically increased while OLC staffing declined due to the early retirement offering. The office must keep up the demands for services.

Issues/Recommendations

OLC had 3 staff members take early retirement. To be fully staffed, OLC should have 10 attorneys, a paralegal, and 3 administrative staff. OLC legal staff is currently limited to 4 (CLC, a Principal Attorney, an Attorney, a Principal Tribal Advocate, and two administrative staff). OLC is actively pursuing additional legal staff, however, OLC is challenged with competing with Department of Justice for new staff. Until new staff is procured, OLC will not be attending the report section of committee meetings. OLC will instead devote that time to legislation drafting. Legislation drafting would also be expedited if legislation request included all supporting documents.

Accomplishments

During this fourth quarter, Office of Legislative Counsel (OLC) continued to develop and carry out legislative initiatives aimed at strengthening the Navajo Nation's response to COVID-19 pandemic, including the development of laws, regulations and policies to better meet the needs of the Navajo people and three branches of the Navajo Nation Government.

OLC also provided legislative legal services at all Navajo Nation Council and Standing Committee regular and special meetings, leadership meetings and work sessions. Despite the challenges to us, our staff continues to provide essential services even during the pandemic. During this time the legislative service requests increased substantially for COVID-19 related legislations.

- The drafting and finalization of the ARPA Fiscal Recovery Funds (FRF) establishment legislation, including amendments at all committees and Council.
- The drafting and finalization of the Budget and Finance Committee legislation adopting FRF application and review process.
- The drafting of all committee and Council FY 2022 Comprehensive Budget legislations and amendments at all committees and Council.
- The drafting and finalization of the mandatory COVID-19 vaccination for government employees legislation.
- The drafting and finalization of over 170 legislation requests and contract reviews.
- The Chief Legislative Counsel recognizes the work and dedication of OLC staff who have continue to serve the public throughout the pandemic. Legal staff virtually attended teleconference committee and leadership meetings on a daily basis, including numerous meetings that ran long into the evening.
- OLC upholds its responsibilities to the public by maintaining mandatory training requirements for attorneys and advocates under their professional responsibility rules.



Naabik'iyáti'

Seth Damon - Chair
- All Council Delegates -

Law & Order

Eugenia Charles-Newton - Chair
Otto Tso - Vice Chair
Vince R. James
Eugene Tso
Edmund Yazzie

Resources & Development

Rickie Nez - Chair
Thomas Walker, Jr. - Vice Chair
Kee Allen Begay, Jr.
Herman M. Daniels
Mark Freeland
Wilson C. Stewart, Jr.

Budget & Finance

Jamie Henio - Chair
Raymond Smith, Jr. - Vice Chair
Elmer P. Begay
Nathaniel Brown
Amber Kanazbah Crotty
Jimmy Yellowhair

Health, Education, & Human Services

Daniel E. Tso - Chair
Carl Slater - Vice Chair
Paul Begay
Pernell Halona
Charlaine Tso
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**NAVAJO NATION
OFFICE OF THE SPEAKER**

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